

Energy & Mineral Law Foundation  
Special Institute on Mine Safety & Health Law  
March 21-22, 2018

### **Speakers' Biographies – by session**

**9:15 – 9:45 a.m.      *Update from MSHA/SOL leadership***

**Kate S. O'Scannlain, Solicitor of Labor, U.S. Department of Labor**

**David G. Zatezalo  
U.S. Department of Labor  
Mine Safety and Health Administration**

President Donald J. Trump nominated David G. Zatezalo to be the 9th Assistant Secretary for Mine Safety and Health. He was sworn in on November 30, 2017.

Assistant Secretary Zatezalo is a native of West Virginia and has spent a lifetime working in mining. He began his career as a union miner and since then has held positions at a number of companies as shift foreman, engineering superintendent, mine manager, vice president of operations and chief executive officer. Assistant Secretary Zatezalo has worked in mining all across the U.S. and internationally in Australia.

Assistant Secretary Zatezalo has a degree in mining engineering from West Virginia University and is a registered professional engineer in Ohio and West Virginia. He also has an MBA from Ohio University. He is the past chairman of the Kentucky Coal Association and the Ohio Coal Association. He's also been a member of the Mine Rescue Veterans of the Pittsburgh District.

**9:45 – 11:00 a.m.      *Current MSHA 105(c) Issues***

**Jonathan R. Ellis, Moderator  
Steptoe & Johnson PLLC**

Jonathan Ellis focuses his practice in the areas of civil litigation, mine safety law, and occupational safety and health law. He regularly defends energy companies in civil litigation against claims of wrongful death, deliberate intent, personal injury, wrongful termination, and breach of contract. Additionally, Jonathan counsels companies on safety compliance issues, represents them during accident investigations, and defends them against violations issued by various regulatory agencies such as MSHA and OSHA. Jonathan is the leader of the firm's MSHA Team and Mine Emergency Response Team.

Jonathan is a member of the West Virginia Coal Association, the Kentucky Coal Association, the Energy & Mineral Law Foundation, and the National Mining Association. Jonathan is a graduate of the Washington and Lee University School of Law.

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**Andrea J. Appel**  
**U.S. Dept. of Labor**  
**Office of the Solicitor**

Andrea Appel is a Regional Civil Rights Counsel with the United States Department of Labor, Office of the Solicitor. In this capacity Ms. Appel manages the discrimination and whistleblower programs in the Philadelphia Regional Office. Since 1995, Ms. Appel has litigated DOL cases under the Occupational Safety and Health Act, the Fair Labor Standards Act, the Family Medical Leave Act, the Mine Safety and Health Act, the Employee Retirement Income Security Act, Executive Order 11246 and Title VII before Federal District Courts, Administrative Courts, the Equal Employment Opportunity Commission and the Merit Systems Protection Board. During her tenure, Ms. Appel has received numerous Exceptional Achievement Awards from the Secretary of Labor. Ms. Appel received her J.D. from the Temple University School of Law and an Honors Bachelor of Arts in Psychology from the University of Delaware. Ms. Appel was invited to serve on the Third Circuit Task Force on Equal Treatment in the Courts and was an Adjunct Professor for many years at both the University of Delaware and the Widener School of Law. She is a co-author of ALI-ABA's *Handbook of Jury Research*, among other publications, and regularly provides training in several substantive areas.

Andrea J. Appel, Regional Counsel for Civil Rights, USDOL, Office of the Solicitor, The Curtis Center, Suite 630E, 170 S. Independence Mail West, Philadelphia, PA 19106; 215.861.5125; [appel.andrea@dol.gov](mailto:appel.andrea@dol.gov)

**Erik Dullea**  
**Husch Blackwell LLP**

A member of Husch Blackwell's Technology, Manufacturing & Transportation team, Erik focuses on administrative/regulatory law, with an emphasis on heavily regulated industries and government contractors. He represents mine operators in MSHA enforcement actions, energy and industrial companies in OSHA enforcement actions, and advises airlines and their pilots challenging FAA and DOT enforcement actions. Erik advises government contractors on transactional matters, bid protests and civil litigation. He holds an active security clearance and has 20 years of experience in the aviation industry as both a Navy pilot and a commercial pilot. Erik is a co-chair of Husch Blackwell's Unmanned Aircraft Systems practice group.

Erik is well-known for his representation of mine operators during MSHA enforcement actions, challenging the legal and factual bases of the allegations and eliminating or dramatically reducing the gravity of the violations and the associated penalties. He counsels mine operators during fatality investigations, special investigations targeting individual mine managers and responses to MSHA's attempts to place the operators on its Pattern of Violations enforcement program. Erik has represented various chemical, energy and manufacturing companies in response to OSHA investigations following workplace accidents, incidents and whistleblower cases.

Erik received his J.D. from the University of Denver Sturm College of Law and his B.A. from Cornell University.

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**Suzanne F. Dunne**  
**MSHA Counsel**  
**USDOL, Office of the Solicitor**

Suzanne is the Counsel for Mine Safety and Health in the Chicago Regional Solicitor's Office. As Counsel for Mine Safety and Health, she oversees all of the MSHA and Black Lung litigation for the Department of Labor in a five-state region: Illinois, Indiana, Michigan, Wisconsin, and Minnesota. Before becoming counsel she served as a Trial Attorney, prosecuting complex cases arising under OSHA, MSHA, FLSA and ERISA. She has served as a Special Assistant U.S. Attorney in the prosecution of Department of Labor criminal cases. She also serves as a senior adviser on matters pertaining to OSHA civil and criminal cases. She graduated from the Baylor University School of Law in 1997 and began her career with the Solicitor's Office in the Dallas Regional Solicitor's Office in 1997.

Suzanne Dunne, MSHA Counsel, USDOL, Office of the Solicitor, Federal Office Building, 230 South Dearborn St., Room 844, Chicago, IL 60604; 312.886.5260; [dunne.suzanne@dol.gov](mailto:dunne.suzanne@dol.gov)

**Mark E. Heath**  
**Spilman Thomas & Battle, PLLC**

Mark E. Heath is a member of Spilman Thomas & Battle, PLLC, in the Charleston, West Virginia office. He Co-Chairs the firm's OSHA and MSHA practice group and concentrates his practice in safety issues, litigation and labor and employment law. His work involves both federal and state court actions, as well as administrative cases before federal and state agencies. Mr. Heath represents employers on matters pertaining to the Mine Safety and Health Administration, the Occupational Safety and Health Administration, and state safety agencies with respect to interpretations of regulatory requirements, significant citations and orders, accident investigations, special investigations, and employment discrimination issues related to safety. Mr. Heath regularly tries cases before Federal Mine Safety and Health Review Commission ALJs and before state mine safety boards in Kentucky and West Virginia. He also litigates commercial claims in civil courts and in arbitration.

He is listed in *The Best Lawyers in America*, 19th to 24th editions, in Energy Law and recognized by *Chambers USA: America's Leading Lawyers for Business* for Labor & Employment and Energy Law.

He serves on the safety committees of the Kentucky and West Virginia Coal Associations. Mr. Heath is also a Trustee of the Energy and Mineral Law Foundation and has served as Secretary, Treasurer and a member of the Executive Committee for the Foundation. He has been a frequent speaker at EMLF programs on Mine Safety Law, Annual Institutes and the fall Mineral Law Conference. He is also active in the American Bar Association, Occupational Safety and Health Law Committee, Section of Labor and Employment Law, and has moderated panel discussions and spoken at Midwinter Meetings. He currently serves as the Employer Co-Chair for the Pro Bono and Community Outreach Committee for the Section of Labor and Employment Law and is a member of the Section's 2016 Leadership Development Class.

From 1987 to 1989, Mr. Heath was a Captain with the United States Army Judge Advocate General's Corps, practicing in the areas of criminal justice, administrative law and labor and

employment law. Mr. Heath graduated from the University of Kentucky College of Law (J.D. 1986). He did his undergraduate work at Western Kentucky University (B.A. *cum laude*, 1983).

Mr. Heath is a member of the bars of Kentucky and West Virginia. He is admitted to practice before the Supreme Courts of West Virginia and Kentucky, various U.S. District Courts, as well as the United States Courts of Appeals for the Fourth and Sixth Circuits, and the U.S. Supreme Court.

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**11:15 a.m – -12:30 p.m.      *Litigation Roundtable***

**John Rainwater, Moderator**  
**Associate Regional Solicitor**  
**USDOL, Office of the Solicitor**

John Rainwater has been Associate Regional Solicitor in Denver, Colorado for the U.S. Department of Labor since 2008. John was active in the creation and leadership of the MSHA Litigation Backlog Project. The Denver office represents the Department in all major program areas, including an extensive MSHA practice.

John Rainwater, Associate Regional Solicitor, U.S. Department of Labor, Cesar E. Chavez Memorial Building, 1244 Speer Blvd, Suite 515, Denver, Colorado 80204; 303.844.1388; [rainwater.john@dol.gov](mailto:rainwater.john@dol.gov)

**Jason S. Grover**  
**USDOL, Office of the Solicitor**

Jason Grover has been Counsel for Trial Litigation for the Mine Safety and Health Division of the Solicitor's Office, U.S. Department of Labor since 2011. Prior to that, Jason served as a judge advocate with the U.S. Navy.

Jason Grover, USDOL, Office of the Solicitor, 201 12th St. S, Suite 401, Arlington, VA, 22202-5452; 202.693.9344; [grover.jason@dol.gov](mailto:grover.jason@dol.gov)

**Margaret S. Lopez**  
**Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

Margo Lopez is the Managing Shareholder of the Washington, D.C. office of Ogletree, Deakins where she specializes in mine safety and health law. She represents companies nationwide in all segments of the mining industry in cases contesting enforcement actions under the Mine Act and has argued precedential mine safety cases before U.S. Courts of Appeals. She also advises companies concerning regulatory compliance and provides training on safety and health law. She handles legal representation in complex accident investigations, special investigations and safety discrimination cases. Margo Lopez is a frequent speaker and author on mine safety topics and is a co-author of the *Occupational Safety and Health Law Handbook* published by Bernan Press.

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**Jason M. Nutzman**  
**Dinsmore & Shohl LLP**

Jason Nutzman is a Partner and member of the Labor & Employment Department and Mine Safety & Health Practice Group. Jason represents both coal and metal/non-metal clients before the Federal Mine Safety and Health Review Commission in accident investigations, special investigations, and discrimination investigations conducted by the Department of Labor with respect to the Mine Safety and Health Act. In his practice, Jason works with human resource managers and in-house counsel providing employment advice and litigation support to employers. Jason also provides employment counseling to employers from the beginning of the employment relationship through termination and employment advice covering all types of discrimination and wrongful discharge, FMLA, ADA, ADEA and FLSA issues, and non-compete agreements. Jason is also experienced in representing clients regarding labor issues, including dealing with unions during a labor campaign and assisting management with a unionized workforce.

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**MaryBeth Zamer**  
**USDOL, Office of the Solicitor**

MaryBeth Zamer currently serves as the MSHA counsel in the Nashville Solicitor's Office at DOL, working with MSHA Coal Districts 7 and 10 and the Southeast M/NM District. She has worked in the areas of labor and employment throughout her legal career. She is a former law clerk for the Honorable Joseph S. Casula.

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**1:30 a.m. – 2:30 p.m.            Use of Privilege**

**Daniel W. Wolff, Moderator**  
**Crowell & Moring LLP**

Dan Wolff is a trial and appellate litigator in Crowell & Moring's Washington, D.C. office, where he chairs the firm's Administrative Law & Regulatory Practice. Dan's practice includes all manner of federal mine safety and health enforcement defense and compliance counseling, as well as litigation arising under the Administrative Procedure Act across a broad spectrum of regulated industries and practice areas.

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**Willa B. Perlmutter**  
**Stoel Rives LLP**

Willa Perlmutter has more than 30 years of experience as a litigator, focusing for the

last 20 on defending mine operators across all sectors of the industry in administrative enforcement proceedings brought by the Mine Safety and Health Administration (MSHA) for alleged violations of the Mine Act. In addition, she regularly counsels clients on a broad range of issues that affect their mining operations, from personnel policies and actions to compliance with a broad range of federal statutes. Willa regularly defends companies and individuals facing investigations and formal legal proceedings for alleged safety and health violations under both the Federal Mine Safety and Health Act of 1977 and the Occupational Safety and Health Act of 1970, whether those arise out of a catastrophic event, such as an accident, or in the course of a regular inspection by MSHA or Occupational Safety and Health Administration (OSHA). She has successfully defended a number of mining companies in whistleblower cases brought under the Mine Act.

From Alaska to California and all points east—above ground and beneath—Willa is accustomed to working effectively and efficiently with in-house counsel and business representatives of mining companies at both the corporate and plant level.

Even with an affinity for litigation, Willa recognizes that clients may be best served by a direct approach to regulators and legislators. Her experience on Capitol Hill and in the federal government provides a solid foundation for seasoned advocacy. She maintains positive and constructive relationships with policymakers and operational staff at MSHA, OSHA and the National Institute of Occupational Safety and Health (NIOSH), as well as with the administrative law judges and staff at the Federal Mine Safety and Health Review Commission.

Prior to joining Stoel Rives, Willa served as counsel at Crowell & Moring LLP and at Patton Boggs, LLC in Washington, D.C. Prior to that she was an attorney-adviser for the U.S. Department of the Interior and supervising attorney in the Juneau office of Alaska Legal Services Corporation.

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**Winfield Wilson**  
**U.S. Department of Labor, Office of the Solicitor**

Winfield Wilson is an attorney and policy analyst specializing in environmental, natural resources, and labor issues. Wilson also teaches at American University as an adjunct faculty, including courses in environmental law at the Washington College of Law and public administration at the School of Public Affairs. Wilson holds advanced degrees from American University, including a master's of public policy from the School of Public Affairs and a J.D., cum laude from the Washington College of Law, and a bachelor's degree in Geological Sciences from Brown University. In law school, Wilson was a proud recipient of an EMLF scholarship. He has worked as a geologist, environmental consultant, and currently is a trial attorney with the U.S. Department of Labor's Office of the Solicitor, enforcing health and safety laws in the mining industry. Wilson has published in Sustainable Development Law & Policy and presented research at conferences including the American Society of Public Administration, Association for Public Policy Analysis and Management, Work in a Warming World, and International Conference on Sustainable Development.

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**2:30 – 3:30 p.m.**

***Limits on MSHA Jurisdiction***

**Donna Pryor, Moderator**  
**Husch Blackwell LLP**

A member of Husch Blackwell's Energy & Natural Resources group, Donna focuses on commercial and administrative litigation related to mine safety and occupational safety and health. She also assists clients in crisis management and strategic communications related to workplace health and safety issues. Donna has extensive experience working with clients involved in the production of precious metals, aggregates, cement, industrial minerals, coal, salt, potash, phosphate, granite, limestone, and oil and gas.

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**Patrick Wayne Dennison**  
**Jackson Kelly, PLLC**

Patrick Wayne Dennison is member of Jackson Kelly's Workplace Safety group with a practice focusing primarily on the representation of companies challenging enforcement by the Mine Safety and Health and the Occupational Safety and Health Administrations. His experience includes defending companies in proceedings before administrative law judges and in matters ranging from pre-trial discovery through appeals to the United States Courts of Appeals. Mr. Dennison counsels clients in a variety of industries and provides training for safety and health and labor and employment related matters. Mr. Dennison has also represented clients during investigations of serious and fatal accidents and has provided counsel to operators and miners facing civil and criminal liability.

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**Brad J. Mantel**  
**USDOL, Office of the Solicitor**

Brad Mantel is the Counsel for Standards and Legal Advice in the Office of the Solicitor's Division of Mine Safety and Health at the U.S. Department of Labor. He and his team advise the Mine Safety and Health Administration (MSHA) on the development of standards and regulations under the Mine Act to ensure safe working conditions for miners. He has served at DOL since 2005.

Earlier in his DOL career, he worked as a Special Assistant in the Office of Policy, where he advised on policy and regulatory development, and in the Office of Legal Counsel, where he handled a broad legislative portfolio, including appropriations, employment and training, fair labor standards, immigration, international labor affairs, worker safety and health, and administrative law.

Mr. Mantel has a J.D. from the University of Toledo College of Law, and a B.A. from Ohio University, where he majored in political science. He grew up in Columbus, Ohio, and is an avid Ohio State Buckeyes fan.

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**Stephen Turow**  
**USDOL, Office of the Solicitor**

Steve joined the Solicitor's Office in 1990 and has worked as a trial, appellate, and regulatory attorney for the Chicago Regional Solicitor's Office, the Mine Safety and Health Division, and the Occupational Safety and Health Division.

Prior to joining the Department of Labor, Steve worked for three years as a litigator in private practice in Chicago, Illinois, and clerked for Chief Judge Harold A. Baker of the United States District Court for the Central District of Illinois. He graduated from the University of Wisconsin and received his JD from the University of Illinois.

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**3:45 – 5:00 p.m**                      **Administrative Law Judge Panel**

**Lucy Chiu, Moderator**  
**USDOL, Office of the Solicitor**

After 18 years of litigation practice, Lucy Chiu became the Accident Coordinator for the Mine Safety Health Division, Solicitor of Labor. As the Accident Coordinator she works closely with MSHA and Regional Solicitors' Offices in reviewing fatal accidents. As a Senior Trial Attorney in the Division, she also maintains her own caseload of enforcement cases. From 2007 to 2016, Ms. Chiu was a Trial Attorney for the Associate Regional (Philadelphia/Arlington Region) Solicitor's Office representing a wide-range of U.S. DOL agencies in litigation and trials, including an active Mine Act docket. Prior to joining U.S. DOL, Ms. Chiu was a litigator in private practices from 1998 to 2007. She received her law degree from the University of Notre Dame in Indiana and her undergraduate degree from Tufts' University.

Lucy Chiu, Mine Safety Health Division - Office of the Solicitor, U.S. Department of Labor,  
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**Karen L. Johnston**  
**Jackson Kelly PLLC**

As a Member of Jackson Kelly PLLC, resident in the Denver office, Karen handles all aspects of the defense of safety and health cases involving both MSHA-regulated and OSHA-regulated facilities as part of the firm's nationwide workplace safety and health practice group.

Karen counsels mine operators and general industry employers with respect to prevention and avoidance of liability under the Federal Mine Safety and Health Act and



the Occupational Safety and Health Act, as well as the Safe Explosives Act. She also handles all aspects of the defense of enforcement actions arising under those statutes, including both administrative and civil litigation, representing employers and individuals.

In addition to providing legal advice and counsel to all sectors of the mining industry, Karen conducts seminars and training sessions on enforcement and discrimination topics under various state and federal safety and health statutes.

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**The Honorable Thomas Patrick McCarthy  
Federal Mine Safety and Health Review Commission**

Thomas Patrick McCarthy is an Administrative Law Judge (ALJ) with the Federal Mine Safety and Health Review Commission (FMSHRC) in Washington DC. Since May 2016, Judge McCarthy has also been an Administrative Law Judge on loan to the U.S. Department of Justice, Executive Office of Immigration Review. From February 2008 until May 2010, Judge McCarthy served as Supervisory Administrative Law Judge (SALJ) with the United States Department of Health and Human Services, Office of Medicare Hearings and Appeals (OMHA) in Miami, Florida.

Before his judicial appointment, Judge McCarthy enjoyed an extensive, 23-year career with the National Labor Relations Board (NLRB) in Washington, DC and Baltimore, MD, and served in private practice practicing labor and employment law. Judge McCarthy is Chairman of the Working Group to revise the 1993 Model Adjudication Rules for the Administrative Conference of the United States (ACUS). He served as past president of the Federal Administrative Law Judges Conference (FALJC), and past president of the Prettyman-Leventhal American Inn of Court on Administrative Law.

Judge McCarthy holds a Masters of Law in Labor and Employment Law from Georgetown University Law School and a Juris Doctorate from the State University of New York at Buffalo, where he served as Publications Editor for the Buffalo Law Review. Judge McCarthy graduated *magna cum laude* with a Bachelor of Science degree in Industrial Relations from LeMoyne College in Syracuse, New York.

[None of the remarks made by Judge McCarthy at this conference reflect of the views of the Federal Mine Safety and Health Review Commission, its Office of Administrative Law Judges, or the United States Government.]

The Honorable Thomas Patrick McCarthy, FMSHRC, 1331 Pennsylvania Avenue, NW, Suite 520N, Washington, DC 20004; 202.434.9950; [tmccarthy@fmshrc.gov](mailto:tmccarthy@fmshrc.gov)

**The Honorable Margaret Miller  
Federal Mine Safety and Health Review Commission**

Margaret Miller is an Administrative Law Judge with the Federal Mine Safety and Health Review Commission in Denver, Colorado. Judge Miller is a graduate of the University of Colorado School of Law and has practiced labor and employment law, emphasizing worker safety and health, for more than 30 years. She has been with the Commission since May 2009.

The Honorable Margaret Miller, Administrative Law Judge, FMSHRC, 721 19th St., Suite 443, Denver, CO 80202; 303.844.1616; [mmiller@fmshrc.gov](mailto:mmiller@fmshrc.gov)

**The Honorable William B. Moran  
Federal Mine Safety and Health Review Commission**

Judge Moran is an administrative law judge with the Federal Mine Safety and Health Review Commission, a position he has served in since May 2010. Prior to that he was an administrative law judge with the United States Environmental Protection Agency. Appointed with EPA in June 1997, he has presided in environmental cases under the Clean Air Act, the Clean Water Act, FIFRA, RCRA, TSCA and EPCRA. During the years from 1997 to the present, Judge Moran has also presided in litigation involving the IRS, the Patent and Trademark Office, the Department of Agriculture, the OFHEO, and the Bureau of Alcohol, Tobacco & Firearms. His career as a federal administrative law judge began in 1994 with the Social Security Administration.

Judge Moran has a JD degree from Suffolk University Law School, Boston, MA and an L.L.M in Labor Law from Georgetown University Law Center, Washington, D.C.

In his spare time, he enjoys running. He has competed in and completed 11 Boston Marathons as a time qualified runner and has run in more than 30 marathons in the United States, none with the ignominious "DNF" tag. In addition he does Alpine skiing and SCUBA diving. He also enjoys writing fiction, an activity that does not refer to his administrative decisions.

The Honorable William B. Moran, Federal Administrative Law Judge, 1331 Pennsylvania Ave. N.W., Suite 520N, Washington, D.C. 20004-1710; 202.434.9933; [wmoran@fmshrc.gov](mailto:wmoran@fmshrc.gov)

**The Honorable David Paul Simonton  
Federal Mine Safety and Health Review Commission**

Judge Simonton has served as an Administrative Law Judge with the Federal Mine Safety and Health Review Commission in Denver, Colorado since 2012. From 2010 to 2012 he served as an Administrative Judge with the Merit Systems Protection Board in Denver after spending a year in his first ALJ appointment with the Social Security Administration in Mobile, Alabama. Prior to his appointment as an ALJ, Judge Simonton held numerous positions with the Equal Employment Opportunity Commission in Denver, including Administrative Judge and Alternative Dispute Resolution Manager. As a trained mediator he has successfully mediated hundreds of employment law cases over the course of his career.

Judge Simonton has a JD from the University of Wyoming and a BA in political science from the Colorado College in Colorado Springs. With seven children, he and his wife of 33 years spend most of their time working on the virtue of patience.

The Honorable David Simonton, Administrative Law Judge, FMSHRC, 721 19th Street, Suite 443, Denver, CO 80202; 303.844.1619; [dsimonton@fmshrc.gov](mailto:dsimonton@fmshrc.gov)

**Thursday, March 22, 2018**

**9:00 – 10:15 a.m.**

***Topics in Constitutional Law***

**Arthur M. Wolfson, Moderator**  
**Jackson Kelly PLLC**

Arthur Wolfson is an attorney in the Occupational Safety & Health practice group in the Pittsburgh, PA office of Jackson Kelly PLLC. He represents mining and industrial clients in their compliance with federal and state occupational safety and health laws and regulations. Mr. Wolfson frequently litigates enforcement actions before administrative tribunals and Courts of Appeal. He has participated in accident investigations and conducted internal investigations on behalf of clients. A substantial portion of Mr. Wolfson's practice is devoted to preventative measures, including compliance counseling and training. Prior to joining Jackson Kelly, Mr. Wolfson worked for the U.S. Department of Labor.

Mr. Wolfson earned his J.D. from the University of Pittsburgh School of Law. He has a B.A. in history from the College of William & Mary.

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**Noelle Holladay True**  
**Williams, Kilpatrick & True, PLLC**

Noelle Holladay True practices primarily in the areas of workplace safety and health, and business litigation. Ms. True is a member of the Fayette County, Kentucky and American Bar Associations, the Fayette County Women Lawyers Association, the University of Kentucky College of Law Alumni Association, the Energy & Mineral Law Foundation, and the Kentucky Coal Association.

Ms. True is a graduate of the 2016 class of Leadership Kentucky, and is the Immediate Past Chair for the University of Kentucky College of Law Alumni Association. She is the also past Chair for the Southern Hills Early Childhood Program in Lexington, Kentucky. She served for many years as Director and Treasurer for the New Opportunity School for Women in Berea, Kentucky, and is a prior Board Member for the Friends of Raven Run in Lexington, Kentucky. Ms. True was a recipient of the 2004 Lexington Young Professionals Association "Rising Star Award."

She received her B.S. degree with Honors in Finance from Indiana University in 1997, and graduated Order of the Coif in 2000 from the University of Kentucky College of Law. In law school, Ms. True was a member of the Kentucky Law Journal, in which she authored an article entitled "The Limited Fiduciary Duties Owed by Corporate Managers to Preferred Shareholders: A Need for Change." She frequently makes presentations on topics of interest in the area of workplace safety and health at various seminars throughout the country.

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**Mark Savit**  
**Husch Blackwell**

A member of Husch Blackwell's Energy & Natural Resources group, Mark counsels clients in government investigations and regulatory matters and litigates improper enforcement actions and whistleblower cases. He has extensive experience in mining and oil and gas; health, safety and environmental law; industrial disaster response; and regulatory and legislative services.

Mark began his career at the U.S. Department of the Interior, where he headed the special investigation unit of the Mining Enforcement and Safety Administration.

Mark has been listed in The Best Lawyers in America, Employment Law – Management from 2016-2018. He received the President's Citation Award in 2016 and the Daniel C. Jackling Award in 2008 from the Society for Mining, Metallurgy & Exploration. For 2012 -2013, he was awarded the H.L. Boling Award and the Highest Degree of Safety, North America Award from the International Society of Mine Safety Professionals.

Mark received his J.D. from Georgetown University Law Center and his B.A. from the University of Southern California.

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**Timothy Williams**  
**USDOL, Office of the Solicitor**

Timothy S. Williams serves as Counsel for Safety and Health in the Denver office. He oversees the office's MSHA, OSHA and black lung litigation. Tim served as a Senior Trial Attorney for several years prior to becoming Counsel. Working primarily in the MSHA area, he served on the MSHA teams investigating the Sago and Crandall Canyon mine disasters, and tried numerous cases including the Quecreek mine inundation case. He also served as an appellate attorney in the Black Lung Benefits Division. Prior to joining SOL he was in private practice specializing in employment law. Tim is a graduate of the University of Cincinnati College of Law. He was the 2017 recipient of DOL's Bobbye Spears Award for Excellence in Trial Litigation. He is an author of several Chapters in *Litigating Wrongful Discharge Claims*, Tobias, Ed., West Pub. Co.

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**10:30 – 11:30 a.m. Perspectives on Criminal Enforcement Under the Mine Act**

**Dana L. Ferguson**  
**USDOL, Office of the Solicitor**

Dana joined the DOL Solicitor's office in Atlanta in 1997 after several years in private practice, teaching, and working as a mediator. She has tried OSHA and MSHA cases, appeared in USDC in Wage Hour and ERISA matters and analyzed and litigated cases under all DOL enforcement programs. In 2009 Dana transferred to the MSH Division,

following her passion for miner safety and health. She was assigned to the Upper Big Branch investigation team in 2010, and worked with other attorneys to resolve litigation arising out of the Crandall Canyon accident in 2007. She was also a Special Assistant U.S. Attorney for the USDC SDWV case *United States v. Donald Blankenship*. She is also the SOL coordinator for the CLR program. Dana graduated from Queens College in Charlotte NC in 1984 and Mercer University Law School in Macon GA in 1990.

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**Robert Booth Goodwin  
Goodwin & Goodwin**

Booth Goodwin served as the United States Attorney for the Southern District of West Virginia from May 2010 through the end of 2015. He focused his office's efforts on tackling West Virginia's prescription drug and heroin crisis, holding corporate criminals accountable for putting workers at risk and polluting water sources, prosecuting corrupt public officials, protecting children and the elderly, and helping communities rebuild after being ravaged by drugs and violence. During Booth's tenure, he personally prosecuted numerous cases of regional and national interest and oversaw the prosecution of many other such cases. Before becoming United States Attorney, Booth was an Assistant United States Attorney for almost 10 years and was head of the office's Economic Crimes Section.

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**Philip T. Inglima  
Crowell & Moring LLP**

Phil Inglima is a partner in Crowell & Moring's White Collar & Regulatory Enforcement Group in Washington, DC and Chair of the firm's Management Board. He has litigated a broad range of criminal and civil matters in trial and appellate courts, with an emphasis on criminal frauds and parallel civil and regulatory enforcement proceedings. Phil frequently conducts internal investigations for corporations, with recent efforts focusing on the Foreign Corrupt Practices Act, the Federal False Claims Act, procurement fraud, bribery, false statements, and potential environmental crimes. He has counseled companies in the development and implementation of compliance programs, and has guided clients through regulatory reporting and disclosure processes. He also has particular experience in the defense of corporate and individual targets of mine safety investigations, including when criminal, congressional, inspector general, and agency investigations converge, as they did following fatal mine disasters in Utah and West Virginia in the past decade.

For several years, Phil has been recognized by clients and peers as a leading lawyer in *Chambers USA* in the areas of Litigation and White Collar Crime & Government Investigations.

Prior to joining Crowell & Moring, Phil served two years as a Senior Associate Independent Counsel in the investigation of then-Secretary of the Interior Bruce Babbitt, examining allegations of perjury, bribery, improper influence peddling and campaign

finance fraud. He also has served as an adjunct professor at his alma mater, Georgetown Law Center, teaching a course in Federal White Collar Crime. Phil began his career as law clerk to the Honorable June L. Green of the U.S. District Court for the District of Columbia.

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**Mary Sue Taylor**  
**USDOL, Office of the Solicitor**

Mary Sue is a senior trial attorney in the Nashville, Tennessee, Solicitor's office. She began practice with SOL in 1982 and has tried cases in MSHA, OSHA, Black Lung, Fair Labor Standards Act, Child Labor and various statutes and regulations concerning employment by government contractors. Her practice has focused on MSHA work for the past 15 years. She represented MSHA in a number of cases that set precedent including the only section 108(a)(2) action filed by the Agency for a pattern of violations, injunctions for advance notice and denial of entry under 108(a)(1), and a number of noteworthy decisions under section 105(c). She served on the editorial panel for the most recent revision of the Miners' Rights Book published by MSHA and regularly trains special investigators at the MSHA academy in Beckley W. Va. She currently serves as a special US Attorney for the Western Division of Kentucky and has participated in grand jury proceedings as part of this position. Mary Sue graduated from University of Tennessee College of Law in 1981.

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**11:30 – 12:30 p.m. *Patterns and Flagrants: "I Know Them When I See Them."***

**Adele L. Abrams, Moderator**  
**Law Office of Adele L. Abrams, P.C.**

Adele L. Abrams is an attorney and Certified Mine Safety Professional who is president of the Law Office of Adele L. Abrams P.C., a multi-attorney firm with offices in Beltsville, MD, Denver, CO, and Charleston, WV. The firm represents employers in OSHA and MSHA litigation nationwide. Along with the firm's other safety and health professionals, Adele and her firm colleagues also provide consultation, safety audits and training services to companies in a variety of industries, through the Law Office's consulting division.

Adele is a member of the Maryland, DC and PA Bars; the U.S. District Courts of Maryland, DC, and TN; the U.S. Court of Appeals, DC Circuit 3<sup>rd</sup> Circuit, and 4<sup>th</sup> Circuit; and the United States Supreme Court. She is a graduate of the George Washington University's National Law Center (JD degree), received a Graduate Certificate in Public Relations from American University, and earned her B.S. in Journalism from the University of Maryland, College Park. She serves on the adjunct faculty of the Catholic University of America, where she teaches on employment, labor and occupational safety law.

She is an active member of the National Safety Council, where she was awarded the Distinguished Service to Safety Award (DSSA) in 2017. She also chairs the Business & Industry Division's committee on Regulatory, Standards and Legal Affairs, and was an initial co-chair of the NSC's Women's Caucus. She serves on the NSC Board of Delegates nationally, and is also a member of the Chesapeake Region Safety Council's Executive Committee. She is a professional member of the American Society of Safety Engineers, and is a multiple recipient of the ASSE Safety Professional of the Year Award at the chapter, regional and practice specialty level. She is also an active member of the Energy & Mineral Law Foundation, the National Stone Sand & Gravel Association, and the Industrial Minerals Association- North America. Adele has co-authored several textbooks on occupational and mine safety and health.

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**Mary Kathryn Cobb**  
**USDOL, Office of the Solicitor**

Mary Kathryn Cobb is the Counsel for Mine Safety and Health with the Dallas Regional Solicitor's Office. As Counsel for Mine Safety and Health, she oversees all of the MSHA litigation for the Department of Labor in a five-state region: Texas, Louisiana, Oklahoma, New Mexico and Arkansas. Before becoming counsel she served as a Senior Trial Attorney, prosecuting complex cases arising under OSHA, MSHA, FLSA and ERISA. She also serves as a senior adviser on matters pertaining to ethics and professional responsibility. She graduated from the Southern Methodist University School of Law in 1994 and began her career with the Solicitor's Office in 1995.

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**Christopher D. Pence**  
**Hardy Pence PLLC**

Chris Pence is a founding member of Hardy Pence PLLC and practices in its Charleston, West Virginia office. He represents clients in investigations and litigation throughout the United States in a wide range of safety and health matters. He has significant experience defending coal and aggregate operators in accidents and other issues wherein state and federal enforcement agencies exercise jurisdiction. Mr. Pence has practiced extensively before the Federal Mine Safety and Health Review Commission in addition to state and federal courts throughout West Virginia.

Mr. Pence received a J.D. from the West Virginia University College of Law, where he graduated Order of the Coif and was an executive articles editor of the *West Virginia Law Review*. He earned a Bachelor of Arts Degree in Political Science from Marshall University. Mr. Pence is a native of South Charleston, West Virginia.

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**Jeffrey K. Phillips**  
**Steptoe & Johnson PLLC**

Jeff Phillips joined Steptoe & Johnson in 1991. After working in the firm's Charleston, West Virginia, office for 18 years, Jeff moved to Kentucky where he became the managing member of Steptoe's Lexington office. Jeff balances a civil litigation caseload and an MSHA practice. He has tried cases to verdict for 25 years in federal and state courtrooms in West Virginia and Kentucky.

Jeff is a member of Steptoe's MSHA team. The team assists clients with accident investigations, discrimination complaints, contests of enforcement actions, and other interactions with government investigators and inspectors.

After graduating from Point Park University with a business management degree, Jeff attended the University of Pittsburgh earning his Juris Doctor.

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**Edward Waldman**  
**USDOL, Office of the Solicitor**  
**Division of Mine Safety and Health**

Ed is a member of the appellate practice section in the Mine Safety and Health Division of the Solicitor of Labor's Office at the U.S. Department of Labor. He litigates appeals arising under the Federal Mine Safety and Health Act before the Federal Mine Safety and Health Review Commission and the U.S. Courts of Appeals. Prior to joining the Division in 2008, Ed served for two years in the Solicitor's Management and Administrative Legal Services Division, where he litigated FOIA and Privacy Act cases in federal district courts, coordinated the Department of Labor's responses to third-party subpoenas nationwide, and served as Acting Counsel for Appropriations.

From 2002-2006, Ed served as the Counsel for Enforcement in the Solicitor's Black Lung & Longshore Legal Services Division, where his practice focused on debt collection and bankruptcy. For the twelve years preceding that, Ed litigated appeals arising under the Black Lung Benefits Act before the Benefits Review Board and the U.S. Courts of Appeals. Ed also served as an attorney-advisor and subsequently as a Deputy Assistant Chief Counsel at the Benefits Review Board from 1987-1990. Ed began his legal career in 1985 with a small plaintiffs' asbestos litigation firm in New York City, where his practice focused on workers' compensation.

Ed is a member of the Solicitor's Bankruptcy Committee and Diversion & Inclusion Committee. He has a B.A. in English from the State University of New York at Binghamton, and a J.D. from the Boston University School of Law. He is a member of the New York State bar.

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**2:00-4:00 p.m. Commission Oral Argument**

**Cheryl C. Blair-Kijewski  
U.S. Department of Labor  
Office of the Solicitor  
Division of Mine Safety and Health**

Cheryl is a member of the Appellate Practice Section in the Mine Safety and Health Division of the Solicitor of Labor's Office where she litigates appeals arising under the Federal Mine Safety and Health Act and the Miner Act, before the Federal Mine Safety and Health Review Commission, as well as the United States Courts of Appeals. Prior to joining the Division, Cheryl worked in the Black Lung and Longshore Legal Services Division of the Solicitor's Office, where she litigated cases that arose under the Black Lung Benefits Act, before the Benefits Review Board and the United States Courts of Appeals. Cheryl received her Bachelors of Arts Degree in Political Science from Rutgers University in New Jersey and her Juris Doctorate Degree from Georgetown University Law Center in Washington, D.C.

Cheryl C. Blair-Kijewski, Senior Appellate Attorney, U.S. Department of Labor, Office of the Solicitor, Division of Mine Safety and Health, 201 12th Street South, Suite 401, Arlington, VA 22202; 202.693.9327; [blair-kijewski.cheryl@dol.gov](mailto:blair-kijewski.cheryl@dol.gov)

**James P. McHugh  
Hardy Pence PLLC**

James P. McHugh is a native of Charleston, WV and a graduate of Purdue University and the West Virginia University College of Law where he received the Order of the Coif and served as Coal Issue Editor of Law Review. His experience includes over 20 years of experience representing businesses, individuals and labor unions in West Virginia in civil, criminal and administrative cases, including MSHA and OSHA related matters.

Mr. McHugh has honorably served his country in the U.S. Marine Corps and the U.S. Army National Guard and currently serves as a Colonel (Military Police) in the U.S. Army National Guard. He is an Iraq Veteran.

Mr. McHugh served as a Judge Advocate in the U.S. Marine Corps and as a West Virginia Prosecuting Attorney in Jackson County. He is a member of the West Virginia State Bar.

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