



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW



7th Annual
Energy Litigation
CONFERENCE

Co-sponsored by
*Institute for Energy Law and
Institute for Litigation Studies
of The Center for American
and International Law
and
Section of Environment,
Energy and Resources
of The American Bar Association*

October 28, 2008
HILTON POST OAK HOTEL
HOUSTON, TEXAS



Hosted Luncheon

Special Achievement in Energy Litigation Award

Honoring

J. GREGORY COPELAND

Baker Botts L.L.P.

- ▶ The Changing Face of Energy Litigation
- ▶ “Eco Justice” Suits
- ▶ Carbon Capture and Storage
- ▶ Litigation Issues in Biofuels Projects
- ▶ Oilsands and Aboriginal Rights
- ▶ From Katrina to Kivalina: Climate Change Litigation
- ▶ Federal Climate Change Legislation
- ▶ Changing Legal Trends in Texas Supreme Court
- ▶ The Government Auditor as False Claims Act Relator

6.50 hours of MCLE credit available including .5 hours of ethics.

CONFERENCE CO-CHAIRS

Carla Powers Herron
Group Counsel – Litigation
The Shell Group
Houston, Texas

J. Lanier Yeates
Managing Partner,
Houston Office
Gordon, Arata, McCollam,
Duplantis & Eagan LLP
Houston, Texas

7TH ANNUAL

ENERGY LITIGATION CONFERENCE

Program

8:15 REGISTRATION

8:45 WELCOME - CONFERENCE CO-CHAIRS

Carla Powers Herron
Group Counsel – Litigation
The Shell Group
Houston, Texas

J. Lanier Yeates
Managing Partner, Houston Office
Gordon, Arata, McCollam, Duplantis & Eagan LLP
Houston, Texas

9:00 THE CHANGING FACE OF ENERGY LITIGATION

This session will discuss how dramatic increases in crude oil and natural gas prices, and recent developments in the law, affect energy company litigation portfolios and what the future holds for the energy litigation landscape in an era of maturing domestic energy supplies, reduced access to resources, high product prices and continued focus on environmental accountability.

Jack Balagia, Jr.
Assistant General Counsel, Litigation
ExxonMobil Corporation
Houston, Texas

9:30 KATRINA TO KIVALINA: CLIMATE CHANGE LITIGATION

Dissatisfied with Congress's action - or lack thereof - to address global warming, tort suits have been filed against U.S. industry to hold those companies liable for the greenhouse gas emissions resulting from their normal business operations. This session provides an overview of these cases, including the theories under which they have been brought and how courts have been resolving them.

Allison D. Wood
Hunton & Williams LLP
Washington, D.C.

10:00 WHALES, POLAR BEARS AND BEYOND: NGO LAWSUITS

Leasing and exploration in the Arctic is multifaceted and complex, in general. The proliferation of NGO litigation contesting such activities adds to these complexities. A closer look into the issues and management of these lawsuits.

Kimberly Phillips
Shell Oil Company
Houston, Texas

10:30 BREAK

10:45 CARBON CAPTURE AND STORAGE: JUST HOT AIR?

Virtually everyone involved in the climate change debate seems to believe that carbon capture and storage (CCS) will be widely used to reduce greenhouse gas emissions. Today, however, there is not a single commercial-scale CCS operation anywhere in the U.S., and local environmental groups are opposing the few demonstration projects that have been proposed. This session will explore the key legal issues that need to be addressed before CCS can become a reality and the role that litigation will play in shaping the future of CCS.

Jeffrey R. Holmstead
Bracewell & Giuliani LLP
Washington, D.C.

I liked best the “..relevance of topics; well-paired; quality of speakers: diversity of views expressed by panelists; carry-over and elaboration of topics from session to session ...”

- 2007 Participant



11:15 WE'RE CONGRESS AND WE'RE HERE TO HELP WITH THE GLORIOUS MESS

The session will discuss the potential for federal climate change legislation. It will also look at the current legal framework for climate change issues in the absence of federal legislation and the types of climate change-based challenges being filed to halt the building of new facilities and to attempt to force federal regulation of greenhouse gas emissions.

Edward C. Lewis

*Fulbright & Jaworski L.L.P.
Houston, Texas*

11:45 ABORIGINAL RIGHTS AND CANADIAN OILSANDS DEVELOPMENT

In 1982, the Canadian Constitution was amended to guarantee the protection of Aboriginal and Treaty rights. This presentation provides an overview of the nature and extent of those rights, and discusses how they may affect development of one of North America's most important sources of incremental energy supply - the Canadian oilsands.

Richard A. Neufeld

*Fraser Milner Casgrain LLP
Calgary Alberta, Canada*

12:15 HOSTED LUNCHEON

Special Achievement in Energy Litigation Award

Honoring

J. Gregory Copeland

*Baker Botts L.L.P.
Houston, Texas*

The Institute for Energy Law gratefully acknowledges

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for their generous sponsorship support.

1:30 SENIOR LEGAL OFFICERS PANEL: A LOOK INTO THE FUTURE FROM THREE BUSINESS PERSPECTIVES

This interactive session with three senior legal officers will focus on litigation issues they consider in strategic planning and financial reporting. Representing companies with different business focuses, varying geographical scope, and one global company headquartered outside the U.S., each brings a unique perspective.

Thomas M. McNamara, Moderator

*Johnson, Gray & McNamara
Lafayette, Louisiana*

Sylvia Kerrigan

*Assistant General Counsel
Litigation, HR and Environmental
Marathon Oil Company
Houston, Texas*

Kevin M. McDonald

*Senior Vice President and General Counsel
Cooper Industries, Inc.
Houston, Texas*

James J. Neath

*Assistant General Counsel
BP America Inc.
Warrenville, Illinois*

2:45 **PROFESSIONALISM AND ETHICS**

This session will address the duties of professionalism and ethics in a litigation context. Statutes governing professionalism and ethics, federal and state civil procedure rules implicating professionalism, and case law addressing consequences of unprofessional or unethical behavior will be discussed.

Gerry F. Slattery, Jr.

*Schully, Roberts, Slattery & Marino
New Orleans, Louisiana*

3:15 **BREAK**

3:30 **TALES FROM THE TRENCHES: COMMON LITIGATION ISSUES IN BIOFUELS PROJECTS**

While the domestic biofuels market has grown dramatically, many of the industry's leading participants are struggling to remain solvent. This presentation will look at some of the common disputes that have arisen as a result of the worsening financial condition of the industry as a whole. In particular, the presentation will address construction disputes, lender liability, and pressures to terminate existing marketing arrangements.

Todd E. Alexander

*Chadbourne & Parke LLP
New York, New York*

4:00 **THE GOVERNMENT AUDITOR AS RELATOR UNDER THE FALSE CLAIMS ACT: DOCTOR JEKYLL ONE DAY, MR. HYDE THE NEXT**

The federal False Claims Act allows private parties to assert fraud claims on behalf of the United States Government and share in the Government's recovery. On numerous occasions, federal employees—including government auditors specifically tasked with the job of uncovering fraud—have pursued False Claims Act cases for their own benefit based on information learned on the job. These types of cases raise obvious public policy concerns, and this presentation examines whether, and under what circumstances, courts have allowed such actions to proceed, and the future of such lawsuits.

Marie R. Yeates

*Administrative Partner, Houston
and Co-head, Appellate Practice Group
Vinson & Elkins L.L.P.
Houston, Texas*

4:30 **CHANGING LEGAL TRENDS AND TEXAS SUPREME COURT UPDATE**

Does Old School Law still apply in the 21st Century? New technologies, higher energy prices, and increased interest in renewable energy sources are forcing practitioners to confront age-old problems in new and untested contexts. A look at recent decisions and pending issues.

Justice Rick Strange

*Eleventh Court of Appeals
Eastland, Texas*

5:15 **ADJOURN**

5:15 **NETWORKING RECEPTION**

The Institute for Energy Law gratefully acknowledges

Beck, Redden & Secret L.L.P.

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Gordon, Arata, McCollam, Duplantis & Eagan LLP

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8:30am-5:00pm CST

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 7, 2008. Email cburkel@cailaw.org. After these dates, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in the course registration fee. However, rooms (in limited number) have been reserved at the Hilton Houston Post Oak, 2001 Post Oak Blvd., Houston, TX 77056. Registrants should call 713-961-9300 or 1-800-HILTONS and advise them that you are attending the Energy Litigation Program to receive a reduced room rate of \$179.00 per night plus 17% occupancy tax. The last day to obtain this special rate is October 10, 2008.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

MCLE CREDIT: This program has been approved by the State Bar of Texas for 6.50 hours, including .5 hours of ethics. Course ID Number: 900049905. Sign-in sheets and/or certificates of attendance will be available for ALL states.

REGISTRATION

7TH ANNUAL ENERGY LITIGATION CONFERENCE October 28, 2008

Hilton Post Oak Hotel • Houston, Texas

Registration includes the program, course materials on CD as well as in the traditional binder, the hosted luncheon and the reception for program registrants and faculty.

Check applicable box:	Received by Oct. 7	Received after Oct. 7
Regular registration fee	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
IEL Members:		
Advisory Board Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
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To learn more about the Institute for Energy Law or the Section of Environment, Energy and Resources of The American Bar Association, please visit the IEL website at www.cailaw.org/iel and the ABA-SEER website at www.abanet.org/enviro/.



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THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

7th Annual
Energy Litigation
C O N F E R E N C E

"The topic areas covered everything that keeps me awake at night as an in-house Energy lawyer. The speakers are the pre-eminent attorneys on these topics"

- 2007 Participant

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