

INSTITUTE FOR
ENERGY LAW



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

“Great speakers and papers. Great to have forum on litigation and not just transactional energy problems.”

- 2005 Participant

PROGRAM HIGHLIGHTS

- ♦ Gasoline Pricing Investigations
- ♦ Punitive Damage Claims - Seeking and Defending
- ♦ Class Action Litigation Update - Impact of CAFA
- ♦ Corporate Executives as Witnesses
- ♦ Antitrust Law - Current Developments in the US and the EU
- ♦ Waiver of Attorney-Client Privilege - Thompson Memo
- ♦ Special luncheon honoring Frank Douglass for special achievement in energy litigation
- ♦ .75 hour of Ethics

Co-sponsored by

The Institute for Energy Law
and

The Institute for Litigation Studies
of The Center for American and
International Law
and



ABA SECTION OF
ENVIRONMENT
ENERGY AND RESOURCES



5th Annual

ENERGY LITIGATION Conference

October 19, 2006

InterContinental Houston Hotel
Houston, Texas

6.0 hours of MCLE Credit and .75 hour of Ethics Register TODAY ... www.cailaw.org



ENERGY LITIGATION

OCTOBER 19, 2006



THE INSTITUTE FOR ENERGY LAW OF THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

The Institute for Energy Law (IEL) is a division of The Center for American and International Law (CAIL), a nonprofit educational organization which since 1947 has served lawyers and law enforcement officials from over 130 countries. The Institute for Energy Law provides advanced education for lawyers and other professionals in the energy industry through educational programs, membership activities and scholarly publications, including the *Oil and Gas Reporter* (since 1952) and the *Proceedings* of the Institute on Oil and Gas Law (since 1949). It counts among its membership many of the world's leading energy companies and attorneys. For more information, visit www.cailaw.org/iel.

THE INSTITUTE FOR LITIGATION STUDIES OF THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

The Institute for Litigation Studies is a division of The Center for American and International Law. Established in 2001, this Institute offers advanced legal education programs and facilitates collegial reflection on litigation-related issues. Much of the work of the Institute is devoted to criminal defense litigation and specifically to capital trial advocacy pursuant to grants from the Texas Court of Criminal Appeals. For more information, visit www.cailaw.org/ils.

AMERICAN BAR ASSOCIATION SECTION OF ENVIRONMENT, ENERGY AND RESOURCES

The American Bar Association is the largest voluntary professional association in the world. With more than 400,000 members the ABA provides law school accreditation, continuing legal education, information about the law, and a wide range of services to help lawyers and judges in their work. The mission of the Section of Environment, Energy, and Resources is to be the national forum for lawyers working in areas affecting the environment, energy, and resources. The Section is committed to providing member and public services to enhance professional skills, development, and dialogue on these subject areas. It represents more than 10,000 members with a wide range of professional interests. The Section keeps its members abreast of development trends, current court decisions, legislative initiatives, and statutes concerning environmental, energy, and resources law. For up-to-date information on environmental, energy and resources law, the Section has a proven history of developing over 500 quality, substantive CLE programs. For more information, visit www.abanet.org/environ.

The Institute for Energy Law and the Institute for Litigation Studies of The Center for American and International Law have joined again this year with the American Bar Association's Section of Environment, Energy and Resources to present their 5th Annual Energy Litigation Conference.

This timely conference will focus on key litigation issues in the energy industry today. The program is designed to bridge the gap that currently exists between general energy law seminars that provide only limited content that is directly relevant to an energy litigation practice

and general litigation seminars that are designed for a broad range of trial attorneys with no special emphasis on an energy litigation practice. The faculty of leading energy trial attorneys and general counsel will address new, emerging litigation trends and will survey the development of historical litigation issues which remain a significant part of the legal landscape today.

We invite you to join us.

PROGRAM CO-CHAIRS

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

Donald B. Craven
Akin Gump Strauss
Hauer & Feld, LLP
Washington, D.C.

WEDNESDAY OCTOBER 19, 2006

8:00 REGISTRATION

8:50 WELCOME AND MORNING SESSION MODERATOR — JACK BALAGIA

9:00 **GASOLINE PRICING INVESTIGATIONS: GOOD LAWS OR GOOD POLITICS**
The panel will discuss laws affecting gasoline pricing behavior, including the recently enacted Federal law on price gouging. The panel will also explore the recent (and frequent) investigations into gasoline prices by the Federal government and states' attorneys general and whether these investigations affected prices or are simply responses to political pressures.

OVERVIEW

John H. Seesel
Associate General Counsel for Energy
Federal Trade Commission
Washington, D.C.

PANELISTS

Marty Loeber
 Vice President, Legal
 Valero Energy Corp.
 San Antonio, Texas

James L. Sweeney
 Professor of Management Science and Engineering
 Terman Engineering Center
 Stanford University
 Stanford, California

Margaret Spencer
 Deputy Attorney General
 Office of the Attorney General of California
 San Francisco, California

10:15

SEEKING AND DEFENDING AGAINST PUNITIVE DAMAGE CLAIMS

The U.S. Supreme Court has agreed to hear next term a case (*Phillip Morris*) in which the Oregon Supreme Court upheld an \$80 million punitive damage award and \$500,000 in compensatory damages. Presumably, the Court may again address the constitutional limitations on punitive damage. This panel will discuss recent developments in punitive damages law and how parties might seek or defend against such claims.

OVERVIEW

Walter Dellinger
 Duke University School of Law
 O'Melveny & Myers LLP
 Washington, D.C.

Donato D. Ramos
 Law Offices of Donato D. Ramos
 Laredo, Texas

PANELISTS

J. Gregory Copeland
 Baker Botts, L.L.P.
 Houston, Texas

Greg Thompson
 Mediator
 Beaumont, Texas

11:15

BREAK

11:30

CLASS ACTION UPDATE: THE IMPACT OF CAFA ON CLASS ACTION LITIGATION

Two years ago, Congress passed and the President signed the Class Action Fairness Act amid much fanfare. Mr. Beisner will discuss whether the Act has had the impact its sponsors and supporters predicted and will update us on how courts have construed and applied the Act.

John Beisner
 O'Melveny & Myers LLP
 Washington, D.C.

12:00

HOSTED LUNCHEON: SPECIAL ACHIEVEMENT IN ENERGY LITIGATION AWARD

Honoring
Frank Douglass
 Scott, Douglass & McConico, L.L.P.
 Dallas, Texas

Co-Sponsored by
Kirkland & Ellis LLP
Fulbright & Jaworski L.L.P.
Hanna and Morton LLP
Scott, Douglass & McConico, L.L.P.



1:10 **AFTERNOON SESSION MODERATOR — DON CRAVEN**

1:15 **CORPORATE EXECUTIVES AS WITNESSES IN THE POST-ENRON ERA**

Numerous corporate CEO's have been forced to testify in court or deposition to defend themselves against criminal indictments or civil lawsuits borne of the Enron-era corporate scandals. This panel will discuss their experiences with corporate CEO's at trial, preparing a CEO for deposition or trial and the protections available against frivolous or harassing subpoenas directed to corporate executives.

OVERVIEW

Kathryn H. Ruemmler
Deputy Director, Enron Task Force
United States Department of Justice
Washington, D.C.

Ronald D. Krist
The Krist Law Firm, P.C.
Houston, Texas

PANELISTS

Joe Jamail
Jamail & Kolius
Houston, Texas

Kenneth Tekell
Tekell, Book, Matthews & Limmer, L.L.P.
Houston, Texas

2:30 **BREAK**

2:45 **CURRENT DEVELOPMENTS IN ANTITRUST LAW IN THE U.S. AND THE EU**

Antitrust enforcement seems to have increased in the European Union and many of those investigations have spawned similar reviews in the U.S. Mr. Vigdor will update the current status of these investigations and antitrust enforcement laws in the U.S. and the EU.

William R. Vigdor
Vinson & Elkins LLP
Washington, D.C.

3:30 **CORPORATE PAYMENT OF ATTORNEYS' FEES AND WAIVER OF ATTORNEY CLIENT PRIVILEGE IN JUSTICE DEPARTMENT INVESTIGATIONS: HAS THE WORM TURNED?**

What affect have recent DOJ investigations had on the protections afforded by the attorney-client privilege in recent years? Does the "Thompson memo" have continuing vitality in light of Judge Kaplan's opinion in the *Stein* case holding that application of certain provisions of the memorandum violated the Due Process Clause of the United States Constitution, as well as the defendants' right to counsel under the Sixth Amendment? This panel will discuss their experiences with and the future of corporate payment of executives' attorneys' fees and the attorney-client privilege in DOJ investigations.

OVERVIEW

Michele A. Roberts
Akin Gump Strauss Hauer & Feld, LLP
Washington, D.C.

Eric H. Holder, Jr.
Covington & Burling LLP
Washington, D.C.

PANELISTS

Rusty Hardin
Rusty Hardin & Associates, P.C.
Houston, Texas

Kathryn H. Ruemmler
Deputy Director, Enron Task Force
United States Department of Justice
Washington, D.C.

4:45 **CLOSING REMARKS AND ADJOURNMENT — DON CRAVEN**

4:45 **HOSTED RECEPTION**

Co-Sponsored by
Bennett Jones LLP
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PAYMENT MUST
ACCOMPANY REGISTRATION

MCLE CREDIT: This course has been approved by the State Bar of Texas for 6.0 hours, including .75 hr. of ethics. Course ID Number: 900007891. Sign-in sheets and/or certificates of attendance will be available for ALL states.

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 6, 2006. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials. Email: cburkel@cailaw.org.

HOUSING: The cost of housing is not included in the tuition. However, rooms (in limited number) have been reserved at The InterContinental Houston Hotel, 2222 West Loop South, Houston, TX 77027 Phone: 713/627-7600 and advise them that you are attending the Energy Litigation Conference. A reduced room rate of \$179 + 17% Occupancy tax is available if you advise the hotel that you are attending this program. The last day to obtain this special rate is 9/27/06.

WEB REGISTRATION

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

Registration Fee	Received by October 6, 2006	Received after October 6, 2006
Non Members	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
IEL Members:		
2006 Advisory Board Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Other Member Employee (supporting & sustaining members only)	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
ABA-SEER Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345

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Bring your laptop!

Wi-fi service is available through the hotel -
\$6.95/hour or \$10.95/24 hours.

Course materials will be available in both electronic and hard copy formats.



ENERGY LITIGATION CONFERENCE
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5201 DEMOCRACY DRIVE
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SEE INSIDE FOR PROGRAM HIGHLIGHTS

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*InterContinental Houston Hotel
Houston, Texas*

*"Timely issues; lively
presenters."*

*"Well done. Informative
presentation ... Very
knowledgeable speaker."*

— 2005 Participants

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Register TODAY ... www.cailaw.org