

Presented by



Institute for  
**ENERGY LAW**

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# 12th Annual Energy Litigation Conference



## 12th Annual Energy Litigation Conference

November 7, 2013

JW Marriott Hotel • Houston, Texas

### Lifetime Achievement in Energy Litigation Award

**Clyde Lea**

Deputy General Counsel - Litigation & Arbitration  
ConocoPhillips  
Houston, Texas

**Register Now! [calaw.org/iel](http://calaw.org/iel)**

## Highlights

- Developments in class action litigation
- Hot issues in arbitration
- Investigating major incidents
- Judicial panel
- Lawyer misconduct in the headlines
- Marcellus update

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# 12th Annual Energy Litigation Conference

## SCHEDULE

November 7

### Conference Co-Chairs

**Mark D. Christiansen**  
Co-Leader of Energy and  
Oil & Gas Industry Group  
McAfee & Taft  
Oklahoma City, Oklahoma

**Jack Lewis**  
Managing Counsel, Litigation  
Chevron Upstream Law  
Houston, Texas

*"Good, colorful presenters."*

*"Very practical. Best program I  
have ever attended."*

*"Great materials and excellent  
faculty!"*

— 2012 Participants



2012 Energy Litigation Conference

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

8:45 WELCOME AND INTRODUCTION TO THE CONFERENCE

- Mark D. Christiansen, Co-Leader of Energy and Oil & Gas Industry Group, McAfee & Taft, Oklahoma City, Oklahoma
- Jack Lewis, Managing Counsel, Litigation, Chevron Upstream Law, Houston, Texas

8:50 RECENT DEVELOPMENTS IN CLASS ACTION LITIGATION

This presentation will review recent key U.S. Supreme Court decisions and other rulings that have been changing the landscape for class action procedure in the U.S. After reviewing key recent developments, the speakers will discuss the extent to which these decisions appear to signal fundamental and long-term changes in the willingness of courts to certify classes.

- Don Barrett, Barrett Law Group, Lexington, Mississippi
- John H. Beisner, Skadden, Arps, Slate, Meagher & Flom, LLP, Washington, D.C.

9:35 ENERGY LITIGATION UPDATE – COVERING RECENT OIL AND GAS COURT DECISIONS AND LITIGATION

Our speaker will review recent oil and gas decisions and litigation from around the nation.

- Patton G. Lochridge, McGinnis, Lochridge, Kilgore, L.L.P., Austin, Texas

10:35 BREAK

10:50 MARCELLUS UPDATE

The huge ramp up in activity in the Marcellus and Utica shales in the northeast has resulted in a similar increase in legal activity and a dusting off of old precedent in the U.S.'s earliest oil states. This presentation will look at how oil and gas law is evolving in the region.

- Nicolle Snyder Bagnell, Reed Smith, Pittsburgh, Pennsylvania

11:35 HOT ISSUES IN ARBITRATION

Arbitration has long featured in oil and gas contracts as a means of settling disputes, especially internationally. Our speaker will review current important issues in oil and gas arbitration both domestically and internationally.

- R. Doak Bishop, King & Spalding, Houston, Texas

## 12:15 HOSTED LUNCHEON - LIFETIME ACHIEVEMENT IN ENERGY LITIGATION AWARD

— Clyde W. Lea, Deputy General Counsel, Litigation & Arbitration, ConocoPhillips, Houston, Texas

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## 2:00 ETHICS PRESENTATION - RIPPED FROM THE HEADLINES: WHAT THE HEADLINES CAN TEACH US ABOUT LAWYER MISCONDUCT

This presentation will take a look at news stories from around the country involving lawyer misconduct and review the applicable Rules of the Professional Conduct and, in some cases, the Model Code of Judicial Conduct Canons that may apply.

— Dana M. Douglas, Liskow & Lewis, New Orleans, Louisiana

## 3:00 THE VIEW FROM THE BENCH

A panel of judges from around the country will discuss different approaches to energy litigation especially between the “mature” oil and gas states and the “new” oil and gas states.

### PANEL MODERATOR:

— Mark D. Christiansen, Co-Leader of Energy and Oil & Gas Industry Group, McAfee & Taft, Oklahoma City, Oklahoma

### PANELISTS:

— The Hon. Scott A. Brister, Head of the Appellate Section, Andrews Kurth LLP, Austin, Texas (Former Justice of the Supreme Court of Texas)

— The Hon. Mark R. Hornak, United States District Judge, United States District Court for the Western District of Pennsylvania, Pittsburgh, Pennsylvania

— The Hon. Brian A. Jackson, Chief Judge, United States District Court for the Middle District of Louisiana, Baton Rouge, Louisiana

— Justice James R. Winchester, District No. 5, The Supreme Court of the State of Oklahoma, Oklahoma City, Oklahoma

## 4:00 BREAK

## 4:15 INVESTIGATING MAJOR INCIDENTS – WHAT EVERY LITIGATOR SHOULD KNOW

Managing the response to a major accident requires a prompt, sure-footed response by counsel experienced in these matters. It is not uncommon for multiple federal and state agencies to respond within hours and begin comprehensive investigations and inspections that may last many months, if not years. This presentation discusses the legal challenges encountered in the immediate aftermath of an incident such as a fire, explosion or toxic release and provides practical advice for overcoming them.

— Mark L. Farley, Katten Muchin Rosenman LLP, Houston, Texas

5:00 ADJOURN

5:00 NETWORKING RECEPTION

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## ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)



Institute for  
**ENERGY LAW**

An institute of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents numerous educational conferences and seminars each year, publishes papers, periodicals and the *Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed.

For more information about the IEL, visit [cailaw.org/iel](http://cailaw.org/iel).

## ABOUT THE AMERICAN BAR ASSOCIATION (ABA)



**Section of Environment,  
Energy, and Resources**

The ABA Section of Environment, Energy, and Resources is the premier forum for strategies and information for environmental, energy, and resource professionals. It represents more than 10,000 members with a wide range of professional interests. The Section is committed to providing members with opportunities to enhance professional skills, stay on top of current developments, and continue the dialogue in these substantive areas through its substantive committees, educational programming, and quality publications including books, newsletters, magazines, and digests.

For more information about the Section, visit [www.abanet.org/enviro/](http://www.abanet.org/enviro/).



**Section of  
Litigation**

The Energy Litigation Committee aims to provide its membership with up-to-date litigation-focused information on the production, transportation and marketing of oil, natural gas and electricity, as well as federal regulation of those industries. The Committee reports to members on significant case law, law review articles and seminars, and produces informative programs on topics of interest to the lawyer who litigates energy-related cases.

For more information about the Committee, visit [www.abanet.org/litigation/committees/energy/home.html](http://www.abanet.org/litigation/committees/energy/home.html).

# REGISTRATION

## 12th Annual Energy Litigation Conference

November 7, 2013  
JW Marriott Hotel • Houston, Texas

Registration includes the Conference, course materials on USB and online and all meals.

Check applicable box:	Received by 10/21/13	Received after 10/21/13
Regular registration fee	<input type="checkbox"/> \$435	<input type="checkbox"/> \$495
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Plano, TX USA 75024

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972.244.3400 or 800.409.1090  
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 21, 2013. E-mail cancellation notice to [cburkel@cailaw.org](mailto:cburkel@cailaw.org). 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.

**HOUSING:** The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the JW Marriott Hotel, 5150 Westheimer Road, Houston, TX 77056. Registrants should call 1-800-228-9290 and advise them they are attending the "Energy Litigation Conference" to receive a reduced room rate of \$189 + 17% occupancy tax. The last day to obtain this special rate is October 23, 2013.

**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.

**PRESS POLICY:** All IEL conferences are held under the Chatham House Rule. Participants, including journalists, are free to use any information received, but comments may not be attributed to any speaker identified by name or affiliation.

**MCLE CREDIT:** This program is approved by the State Bar of Texas for 5.75 hours, including 1 hour of ethics. Course ID Number: 901273864. Sign-in sheets and/or certificates of attendance will be available for ALL states.

**SPECIALIZATION CREDIT:** This program is approved by the Texas Board of Legal Specialization for 5.75 hours in the following areas: Administrative Law, Oil, Gas and Mineral Law, Real Estate



Institute for  
**ENERGY LAW**

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Institute for Energy Law  
The Center for American and International Law  
5201 Democracy Drive  
Plano, TX USA 75024

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