

Presented by



Institute for
ENERGY LAW

Supported by



Section of
Litigation

15th Annual Energy Litigation Conference



15th Annual Energy Litigation Conference

November 3, 2016

Hilton Houston Post Oak • Houston, Texas

Lifetime Achievement in Energy Litigation Award

Daniel M. McClure

Norton Rose Fulbright US LLP

Houston, Texas

Highlights

- All Fracking is Local: The Clash Between Local Governments and Industry Over Operations
- Environmental Regulatory Challenges for Oil and Gas Operators
- Crossing State Lines - The Ethics of Multi-Jurisdictional Practice

MCLE credit will be available.

Register before October 13 to receive a discount.

Register Now! cailaw.org/iel



IEL is an Institute of

THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

15th Annual Energy Litigation Conference

SCHEDULE

November 3

Conference Co-Chairs

Reid G. Gettys
Exxon Mobil Corporation
Houston, Texas

JoAnn Lee
Exxon Mobil Corporation
Houston, Texas

Stan Perry
Reed Smith LLP
Houston, Texas

Wi Fi Sponsor

**Locke
Lord^{LLP}**

Breakfast Sponsor

orrick

Canvas Bag Sponsors

Exponent[®]

**Hogan
Lovells**



THE RESOLUTION EXPERTS[®]

Faculty Dinner Sponsor

KRG
The Kenrich Group LLC

7:30 REGISTRATION AND CONTINENTAL BREAKFAST

8:20 WELCOME, OVERVIEW AND INTRODUCTIONS

8:30 ENERGY LITIGATION UPDATE 2016

A review of recent lawsuits and case outcomes of special interest to energy litigators.

— **Mark D. Christiansen**, McAfee & Taft, Oklahoma City, Oklahoma

9:15 TRYING OIL & GAS NUISANCE CASES AMID THE HYSTERIA OVER “FRACKING”

The presenters will discuss jury cases they tried for operators in the Barnett (Mazzone) and the Marcellus (Dillard). They will discuss the legal theories that went to the jury, practical burdens of proof (having to prove the negative in groundwater contamination cases), recent tactics employed by plaintiffs’ counsel generally and to avoid *Daubert* specifically, how to harness natural occurring substances to defend operators, cross-examining technical experts to make points a jury can understand, whether “empty chair” defenses work in cases that start with multiple defendants, the subjective nature of nuisance damages, and other trial issues.

— **Stephen C. Dillard**, Norton Rose Fulbright US LLP, Houston, Texas

— **Michael J. Mazzone**, Haynes and Boone, LLP, Houston, Texas

10:15 BREAK

10:30 ALL FRACKING IS LOCAL: THE CLASH BETWEEN LOCAL GOVERNMENTS AND INDUSTRY OVER OPERATIONS

The rise of unconventional exploration and its movement into urban areas have sometimes led to conflicts with local governments and residents, arising from express bans on drilling and fracking or even ordinary zoning ordinances. Two experienced litigators discuss the present legal and social landscape.

— **Phillip D. Barber**, Phillip D. Barber, P.C., Denver, Colorado

— **Matt Jones**, Liskow & Lewis, Lafayette, Louisiana

11:15 WHAT’S ON YOUR DESK AND HOW CAN WE HELP?

This panel will discuss the current trends and hot issues facing in-house counsel in the oil and gas industry and how outside counsel can help them.

MODERATOR:

— **Lamont Jefferson**, Jefferson Cano, San Antonio, Texas

PANELISTS:

- **Marsha L. Montgomery**, BP America Inc., Houston, Texas
- **Thomas Neal Nobles**, Exxon Mobil Corporation, Houston, Texas
- **Laura M. Robertson**, ConocoPhillips Company, Houston, Texas

12:15 HOSTED LUNCHEON

Lifetime Achievement in Energy Litigation Award



Honoring
Daniel M. McClure
Norton Rose Fulbright US LLP
Houston, Texas

Sponsored by



1:30 BREAK

1:45 VIEW FROM THE BENCH

This panel of judges and an arbitrator will share its perspective on trends in energy litigation and the management and prosecution of energy based proceedings.

MODERATOR:

- **Jonathan Baughman**, McGinnis Lochridge & Kilgore LLP, Houston, Texas

PANELISTS:

- **The Hon. S. Maurice Hicks, Jr.**, United States District Judge for the Western District of Louisiana, Shreveport, Louisiana
- **The Hon. Donna S. Rayes**, 81st District Court, Jourdanton, Texas
- **The Hon. Mark Whittington (Ret.)**, JAMS, Dallas, Texas

2:45 AVOIDING LITIGATION: CRASH COURSE IN OIL CAPITAL – LESSONS LEARNED AND RELEARNED

A discussion of lessons from the current financial distress among independent oil and gas producers and their capital providers in the historical context of prior industry downturns and prior lessons learned, and forgotten.

– **Bernard “Buddy” F. Clark, Jr.**, Haynes and Boone, LLP, Houston, Texas

3:15 BREAK

3:30 ENVIRONMENTAL REGULATORY CHALLENGES FOR OIL AND GAS OPERATORS

This panel will focus on the myriad of new and ongoing environmental regulatory issues that affect oil and gas operations. The panel will discuss such topics as the EPA’s Methane Rule initiative, air permitting aggregation, fracking rule initiatives, injection well rules to address earthquake hazards, and wastewater discharge standards.

– **Jennifer A. Smokelin**, Reed Smith LLP, Pittsburgh, Pennsylvania

– **Danny G. Worrell**, Katten Muchin Rosenman LLP, Austin, Texas

4:15 CROSSING STATE LINES – THE ETHICS OF MULTI-JURISDICTIONAL PRACTICE

The presentation will consider the ethical rules, practical problems, and practice pointers for those who represent clients with operations in multiple states. Issues for both in-house and outside counsel will be considered, including various practice areas and forums germane to the energy industry such as court litigation, alternative dispute resolution, administrative and regulatory practices, and advice and counsel work.

– **Robert L. Theriot**, Liskow & Lewis, Houston, Texas

5:15 NETWORKING RECEPTION

Sponsored by



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, visit cailaw.org/iel.

ABOUT THE AMERICAN BAR ASSOCIATION (ABA)



The Energy Litigation Committee of the ABA Section of Litigation 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. For more information, visit www.abanet.org/litigation/committees/energy/home.html

REGISTRATION

15th Annual Energy Litigation Conference

November 3, 2016

Hilton Houston Post Oak • Houston, Texas

Registration includes one day Conference, all meals, Networking Reception and the course material provided online, which may be printed or saved by customer. **Printed course material may be obtained for an additional \$75 fee** (check additional option below).

Check applicable box:	Received by 10/13/16	Received after 10/13/16
Regular Registration Fee	<input type="checkbox"/> \$435	<input type="checkbox"/> \$495
IEL Advisory Board Member	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
IEL Supporting or Sustaining Member Employee	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
IEL YEP Member	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
CAIL Member or Member Employee	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
ABA-SOL-ELC Member	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
Government Employee	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
Law Student	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Full-Time Professors	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Materials Only (not attending)	<input type="checkbox"/> \$150	<input type="checkbox"/> \$150

Add **\$75** to receive the course material in a printed binder at the conference. **Otherwise, the material will only be provided to you electronically via email. You are welcome to print the online material yourself.**

Name _____

Badge Name (if different than above) _____

Firm/Company/Organization _____

Address _____

City, State, Postal Code, Country _____

Phone _____ Fax _____

Email _____

PAYMENT INFORMATION

Check enclosed payable to: **The Center for American and International Law**

Credit Card: Mastercard Visa AMEX Discover

Card number _____ Exp date _____

Name on card _____

Billing address (if different than above address) _____

Signature _____

4 WAYS TO REGISTER

ONLINE
credit card only
www.cailaw.org

FAX
credit card only
972.244.3401

MAIL
check or credit card
The Center for American
and International Law
5201 Democracy Drive
Plano, TX USA 75024

PHONE
credit card only
972.244.3404 or 800.409.1090
8:30am-5:00pm CT

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 13, 2016. E-mail cancellation notice to lgaspar@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 Hilton Houston Post Oak, 2001 Post Oak Blvd., Houston, TX 77056. Registrants should call 1.800.245.7299 and advise that they are attending the "Energy Litigation Conference" to receive a reduced room rate of \$199 + taxes per night. Reservations may also be made at cailaw.org/iel. The last day to obtain this special rate is October 16, 2016.

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 a total of 6.75 hours, including 1.0 hour of ethics. Course ID Number: 901359766. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, IEL will directly apply (if requested) for course accreditation in the following states: California, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. IEL conferences are typically accredited by all mandatory CLE states.



Institute for
ENERGY LAW

15TH ANNUAL ENERGY LITIGATION CONFERENCE

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

Nonprofit
Organization
U. S. Postage PAID
Permit No. 3778
Dallas, Texas

PLEASE NOTE: The Center for American and International Law utilizes outside mailing lists. If you receive a duplicate of this announcement, please pass it along to an interested colleague.



IEL is an Institute of

**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**



15th Annual Energy Litigation Conference

November 3, 2016

Hilton Houston Post Oak
Houston, Texas

Register Now! cailaw.org/iel

MCLE credit will be available