



Institute for
ENERGY LAW



2018
11/8

17th Annual Energy Litigation Conference

JW MARRIOTT GALLERIA
HOUSTON, TEXAS, USA

**Lifetime Achievement in Energy
Litigation Award honoring Jack
Lewis (Chevron Upstream)**

MCLE Credit will be available



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Highlights:

- Juror Decision-Making in Oil and Gas Litigation: A View from the Box
- The Royalty Class Action Trial - Lessons Learned
- The Changing Face of Climate Litigation
- In House Counsel Panel – Litigation Managers
- Hot Topics in Energy Litigation in Oklahoma and the Permian

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SCHEDULE

11/8

17th Annual Energy Litigation Conference

Conference Co-Chairs

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BP America Inc.
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INTERFACE
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7:30 Registration

8:20 Welcome, Overview and Introductions

8:30 Energy Litigation Update 2018 (.75 hr)

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

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

9:15 Juror Decision-Making in Oil and Gas Litigation: A View from the Box (.75 hr)

How do today's jurors decide liability and damages? What drives jurors to punish? What do jurors actually think of oil and gas companies? Are there particular "types" of jurors who are difficult for oil and gas companies to persuade? This presentation is designed to answer practical questions about today's jurors - the issues they care about, the strategies that persuade them — to help litigators and inside counsel accurately assess case risk and effectively prepare for trial.

- **Dan Jacks, Ph.D.**, EDGE Litigation Consulting, LLC, Kingwood, Texas
- **Mark S. Sobus, J.D., Ph.D.**, EDGE Litigation Consulting, LLC, Kingwood, Texas

10:00 Break >

Morning Break
Sponsor:



10:30 The Royalty Class Action Trial—Lessons Learned (1 hr)

A discussion of the strategic considerations at play when facing a virtually unprecedented trial of a royalty class action from both an in-house and courtroom perspective.

- **Chris Lacy**, Assistant General Counsel and Assistant Secretary, Southwestern Energy Company, Houston, Texas
- **Robert D. Woods**, Yetter Coleman LLP, Houston, Texas
- **R. Paul Yetter**, Yetter Coleman LLP, Houston, Texas

11:30 Drilling into Litigation Finance: Common Questions and Ethical Issues Attorneys Should Understand about this Emerging Resource (.5 hr)

This presentation provides an overview of the ethical and practical questions that frequently arise when lawyers and their clients consider litigation finance. Among other things, it will familiarize lawyers with the issues they need to understand before engaging in discussions with a commercial litigation funder. The presentation will answer common questions from attorneys and their clients, including how to maintain privilege in communications with a litigation funder and avoid potential ethical pitfalls.

- **Eric Chenoweth**, Investment Manager, Legal Counsel, Bentham IMF, Houston, Texas

Faculty Dinner Sponsor:



SCHEDULE

12:00 Lunch – Lifetime Achievement in Energy Litigation Award Presentation and Speech (0 hr)



Honoring

Jack Lewis

Managing Counsel, Litigation
Chevron Upstream

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1:15 Break >

1:30 In House Counsel Panel – Litigation Managers (1 hr)

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: **Matthew T. Regan**, Kirkland & Ellis LLP, Chicago, Illinois

Panelists:

- **Reid G. Gettys**, Managing Counsel - Litigation, Exxon Mobil Corporation, Spring, Texas
- **Tara Kelly**, Counsel – Litigation, BP America, Houston, Texas
- **Amira Love**, Deputy Managing Counsel, Upstream Litigation Management Unit, Chevron, Houston, Texas

2:30 Hot Topics in Energy Litigation in Oklahoma and the Permian (1 hr)

This session will look at important, unique or novel energy litigation in Oklahoma and the Permian Basin and their potential application in other parts of the country.

- **John A. “Jad” Davis**, Davis, Gerald & Cremer, P.C., Midland, Texas
- **John J. Griffin Jr.**, Crowe & Dunlevy, Oklahoma City, Oklahoma

3:15 Break >

SCHEDULE

3:30 The Changing Face of Climate Litigation (1 hr)

Local governments across the country have begun a new wave of climate litigation against energy companies. Coupled with “public trust” suits and even some environmental citizen suits alleging climate harms, these climate tort cases have spurred a growing debate over whether and how the courts should address climate matters. This session will explore these cases and the legal issues that they pose.

- **J. Scott Janoe**, Baker Botts L.L.P., Houston, Texas

4:30 From Complaint to Closing, Ethical Issues from the Ely v. Cabot Case (Ethics) (1 hr ethics)

Ethical considerations arise throughout all aspects of a litigation, from the filing of a complaint to closing arguments. During this session, we will address some of the myriad ethical issues that arose during the highly-publicized litigation involving residents in Dimock, Pennsylvania against Cabot Oil & Gas, which has been ongoing since November 2009, and how those issues were addressed by the Court or impacted the litigation.

- **Amy L. Barrette**, Buchanan Ingersoll & Rooney PC, Pittsburgh, Pennsylvania
- **Jeremy A. Mercer**, Porter Wright Morris & Arthur LLP, Pittsburgh, Pennsylvania

5:30 Adjourn >

5:30-6:30 Networking Reception

Sponsored by: **Baker McKenzie.**

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NEW ENERGY LITIGATION 101 CONFERENCE - NOVEMBER 7

600 TRAVIS STREET, 25TH FLOOR • HOUSTON, TEXAS

Conference Co-Chairs: Louis E. Layrisson, III (Baker Botts, L.L.P., Houston) and Laura M. Robertson (ConocoPhillips Company, Houston)

A new full-day conference designed for newer (0-7 year) attorneys and those looking to begin representing clients in energy litigation matters, in particular oil and gas matters. This program complements the 17th Annual Energy Litigation Conference the next day, which focuses on issues geared to all attorneys. The program only costs \$150 for members and \$190 for non-members. A special discount is available for individuals attending both energy litigation conferences.

Topics Include:

- Traditional Oil & Gas Litigation Dockets: What’s Going On?
- What an Energy Litigator Needs to Know About the Science and Technology of the Industry
- Oil & Gas Agreements: The Building Blocks for Energy Litigators
- Understanding the Ins and Outs of Environmental Litigation Related to the Energy Industry
- Best Practices in Arbitration
- Effective Advocacy in an Energy Trial

For more information and to register visit cailaw.org/iel.

REGISTRATION

17th Annual Energy Litigation Conference November 8, 2018 JW Marriott Galleria • 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 10/19/18	Received after 10/19/18
Regular registration fee	<input type="checkbox"/> \$435	<input type="checkbox"/> \$495
IEL Advisory Board Member	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
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Materials Only - <i>Not Attending</i>	<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.

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 19, 2018. Email kjohnson@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 online 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 1.888.236.2427 and advise them they are attending the "IEL – Energy Litigation" to receive a reduced room rate of \$199 ++ per night. The last day to obtain this special rate is October 16, 2018.

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.

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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: For this conference, IEL will directly apply (if requested) for course accreditation in the following states: California, Louisiana, 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.

The program is approved by the State Bar of Texas for 7 hours, including 1 hour of ethics. Course ID Number: 174027248. Approved credit hours will vary by jurisdiction and are subject to each jurisdiction's approval and credit rounding rules.

3 WAYS TO REGISTER

Payment must accompany registration.

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ENERGY LAW

17th Annual Energy Litigation Conference
Institute for Energy Law
The Center for American and International Law
5201 Democracy Drive
Plano, TX USA 75024

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