

Presented by

INSTITUTE FOR ENERGY LAW



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

and co-sponsored by



Section of Environment,
Energy, and Resources



Section of
Litigation

ENERGY LITIGATION COMMITTEE



11th Annual Energy Litigation Conference

November 15, 2012

Hilton Post Oak Hotel • Houston, Texas

Lifetime Achievement in Energy Litigation Award

Honoring

David J. Beck

Beck, Redden & Secrest, L.L.P.
Houston, Texas

Highlights

- Trying complex energy cases
- Lease termination litigation
- Predictive coding
- Generation X juries
- Trying an Alien Tort Statute lawsuit

5.75 hours of MCLE credit available. Register today!

CONFERENCE CO-CHAIRS

Russell D. Howell
*Managing Counsel,
Upstream Litigation
ConocoPhillips
Houston, Texas*

Mark D. Christiansen
*Shareholder
Crowe & Dunlevy
Oklahoma City, Oklahoma*

*"Very, very high quality, very
interesting; great topics"*

- 2011 Participant

11th ANNUAL ENERGY LITIGATION CONFERENCE

Schedule

8:00 REGISTRATION AND CONTINENTAL BREAKFAST

8:45 WELCOME AND INTRODUCTION TO THE CONFERENCE

Russell D. Howell, Managing Counsel, Upstream Litigation, ConocoPhillips, Houston, Texas
Mark D. Christiansen, Shareholder, Crowe & Dunlevy, Oklahoma City, Oklahoma

9:00 TREATY-BASED CONSENT TO ARBITRATION - THE "TREATY SHOPPING" DEBATE

A sovereign state's consent to arbitration is often contained in a treaty between it and another state. In a number of recent investor/state arbitrations, the state has vehemently objected to its consent to international jurisdiction being based on the country of incorporation of an intermediate holding company in the investor's group, with which the state happens to have a Bilateral Investment Treaty (BIT). Is the concern of the state legitimate? What other considerations about jurisdiction should the practitioner have in mind in BIT arbitration?

Thomas (T.L.) Cubbage III, Covington & Burling LLP, Washington, D.C.

9:40 TRYING COMPLEX ENERGY CASES

Many industry cases involve really complex contracts governing really complex transactions. Our panel of veteran trial lawyers will discuss their techniques for simplifying the complexities for a jury and how best to extract and explain the critical issues.

John A. "Jad" Davis, Davis, Gerald & Cremer, Midland, Texas

Michael V. Powell, Locke Lord, LLP, Dallas, Texas

The Honorable Randy W. Wilson, Judge of the 157th District Court, Houston, Texas

10:40 BREAK

10:55 CURRENT ISSUES IN OIL AND GAS LEASE TERMINATION LITIGATION

Lease termination. Two words lessees never want to hear, yet courts hear often. Explore lessons learned from recent lease termination litigation, including judicial interpretation of key terms like "producing in paying quantities," "completion," and "operations" in the context of today's advanced drilling techniques.

Craig L. Stahl, Andrews Kurth LLP, The Woodlands, Texas

11:40 "PREDICTIVE CODING": WHAT IS IT, HOW DOES IT WORK, AND WHY SHOULD YOU USE IT?

The legal world is abuzz about "predictive coding" as the solution to the high cost and heavy burden created by electronic discovery. Predictive coding promises to help lawyers manage document-intensive litigation and is slowly gaining acceptance in the courts. This session will cover such topics as: What is predictive coding? How does it work? How do we know it is accurate and reliable? And, also, how it can help you to reduce costs and improve the quality of your document review process.

Maura R. Grossman, Wachtell, Lipton, Rosen & Katz, New York, New York

12:15 HOSTED LUNCHEON

LIFETIME ACHIEVEMENT IN ENERGY LITIGATION AWARD

Honoring

David J. Beck

Beck, Redden & Secrest L.L.P.
Houston, Texas

Sponsored by



2:00 THE ALIEN TORT STATUTE: TRYING AN ATS LAWSUIT TO VERDICT, AND PENDING ISSUES BEFORE THE SUPREME COURT REGARDING THE SCOPE OF THE STATUTE

Lead outside counsel for Chevron and Bridgestone will discuss the widely-publicized Nigeria and Liberia cases to provide insights on preparing and trying an ATS case and on the key issues pending before the Supreme Court involving the scope and application of the ATS.

Robert A. Mittelstaedt, *Jones Day, San Francisco, California*

Katie J. Colopy, *Jones Day, Houston, Texas*

Michael L. Rice, *Jones Day, Houston, Texas*

3:00 YOUNG PEOPLE NOWADAYS...

Presenting a case to a jury of tech-savvy generation X-ers requires a different approach on the part of the trial lawyer from the one which has worked for him or her in the past. Our panel will discuss changes in juries over the last 25 years or so, focusing on both their perceptions of the industry as well as the ways in which they prefer to receive information.

D. Patrick Long, *Patton Boggs LLP, Dallas, Texas*

David J. Beck, *Beck, Redden & Secrest L.L.P., Houston, Texas*

Mikal C. Watts, *Watts Guerra Craft LLP, San Antonio, Texas*

Shelley Spiecker, *Persuasion Strategies, Denver, Colorado*

4:00 BREAK

4:15 CURRENT ISSUES IN CONDEMNATION LITIGATION

Increased public opposition and successful challenges to eminent domain actions pose new legal hurdles for condemners and significant issues for electric transmission and pipeline projects. Mr. Lewis will discuss the evolving state of condemnation rights and procedures in jurisdictions critical to the energy industry.

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

5:00 ADJOURN

5:00 NETWORKING RECEPTION

Sponsored by





THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

www.cailaw.org/iel

ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)

The Institute for Energy Law (IEL) provides advanced legal education and exceptional professional opportunities for lawyers and other professionals in the energy industry. Through its programs, publications and membership activities, the Institute offers an important forum on contemporary issues affecting the industry. The Institute's record of achievements has since 1949 been aided by the participation and support of many of the world's leading companies, lawyers, and energy professionals.

As the energy industry evolves, so does the Institute for Energy Law. Please join us and help guide this evolution.

WHY BECOME A MEMBER?

Members are entitled to serve or to appoint one or more persons to serve on the Institute's Advisory Board, depending on the membership level. Advisory Board members are entitled to tuition-free attendance at the *Annual Oil & Gas Law Conference*, and discounted attendance at all other Institute programs. Advisory Board members also receive the Institute's e-newsletter, *The Energy Law Advisor*, discounts on all other Institute publications, and access to the Institute's members-only website and online forums. Advisory Board members also have the opportunity to participate in the work of the Institute's practice committees and a variety of other free professional and social membership activities throughout the year.

FOR MORE INFORMATION

Whatever membership option suits you or your organization best, you will find that the monetary cost of membership in the IEL is far outweighed by the financial, educational and professional benefits received. Please join us.

For more information, please visit the IEL online at www.cailaw.org/iel.

ABOUT THE AMERICAN BAR ASSOCIATION (ABA)

SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES

With more than 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

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 keeps its members abreast of important trends, current court decisions, legislative initiatives, and statutes concerning environmental, natural resources, and energy 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 and numerous publications including books, newsletters, magazines, and digests.

Additionally, the Section is proud of its outreach activities that engage the legal community as well as the public, including programs such as the ABA Award for Excellence in Environmental, Energy, and Resources Stewardship, ABA Diversity Fellowships in Environmental Law, and the ABA-EPA Law Office Climate Challenge.

For more information about the ABA Section of Environment, Energy, and Resources, visit www.abanet.org/environ/.

ENERGY LITIGATION COMMITTEE OF THE 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 ABA Energy Litigation Committee of the Section of Litigation, visit www.abanet.org/litigation/committees/energy/home.html.



AMERICAN BAR ASSOCIATION

Section of Environment,
Energy, and Resources

www.abanet.org/environ/



Section of
Litigation

[www.abanet.org/litigation/
committees/energy/home.html](http://www.abanet.org/litigation/committees/energy/home.html)

FOUR 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
972.244.3400 or
800.409.1090
8:30am-5:00pm Central time

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by November 2, 2012. Email 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 Hilton Post Oak Hotel, 2001 Post Oak Blvd., Houston, TX 77056. Registrants should call (800) 445-8667 and advise them of group code OFS to receive a reduced room rate of \$169 + tax. Reservations may also be made online by visiting http://www.cailaw.org/iel/ELit_12details.html. The last day to obtain this special rate is October 31, 2012.

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, no ethics. Course ID Number: 901252707. 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: Civil Appellate Law, Civil Trial Law and Oil, Gas and Mineral Law

REGISTRATION

11TH ANNUAL ENERGY LITIGATION CONFERENCE

November 15, 2012

Hilton Post Oak Hotel • Houston, Texas

Registration includes the Conference, course materials on CD and online, continental breakfast, the hosted luncheon and networking reception for conference registrants and faculty.

Check applicable box:	Received by 11/2/12	Received after 11/2/12
Regular registration fee	<input type="checkbox"/> \$395	<input type="checkbox"/> \$445
IEL Advisory Board Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
IEL Supporting or Sustaining Member Employee	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
ABA-SEER Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
ABA-SOL-ELC Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
CAIL Member or Member Employee	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Government Employee	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Materials Only	<input type="checkbox"/> \$145	<input type="checkbox"/> \$145

Name _____

Badge Name (if different than above) _____

Title _____

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/CSC# _____/_____

Name on card _____

Billing address (if different than above address) _____

Signature _____



11th 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

Co-sponsored by

ABA
AMERICAN BAR ASSOCIATION
Section of Environment,
Energy, and Resources

ABA
Section of
Litigation

ENERGY LITIGATION COMMITTEE

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.

"Speakers and attendees are experienced litigators"

- 2011 Participant

11th Annual Energy Litigation Conference

November 15, 2012

Hilton Post Oak Hotel • Houston, Texas

REGISTER NOW!
5.75 hours of MCLE available.

www.cailaw.org/iel