



Institute for
ENERGY LAW

The Energy Law Advisor

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Industry News

Renewable Portfolio Standards Among the New England States: How About Some Good Old-Fashioned Yankee Regionalism?

By: Keith Richard, New England School of Law

As announced on February 4, 2014, the Institute for Energy Law's (IEL) 2014 **Hartrick Scholar** is **Keith Richard**, a third year law student at the New England School of Law in Boston, Massachusetts. His paper is entitled *Renewable Portfolio Standards Among the New England States: How About Some Good Old-Fashioned Yankee Regionalism?* The Energy Law Advisor is pleased to publish Mr. Richard's paper in three parts, the final part of which is included in this month's issue. [Read more...](#)

In the Classroom: Drafting a Better Preferential Right to Purchase Clause

By: Professor David E. Pierce, Norman R. Pozez Chair in Business and Transactional Law, Director Washburn Oil and Gas Law Center, Washburn Law School

Professor David Pierce helps us remember what Law School was like with this Article based on one of the drafting exercises the students in his Advanced Oil and Gas Law course completed this past semester involving the notoriously litigious Preferential Right

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Submissions

Industry News
Email [Harry Sullivan](#) and
[Lilly Hogarth](#).

Member Announcements
Email [Lilly Hogarth](#). Please
submit photo with
announcement if possible.

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to Purchase Clause in the Operating Agreement. Don't worry, you will not be graded on this exercise, except possibly through litigation in the future. [Read more...](#)

Merger Enforcement Actions Below the HSR Threshold - Top Ten Tips in Non-Reportable Transactions

By: Steve Levitsky and Paolo Morante, DLA Piper LLP (US)

This Article looks at a recent high-profile merger that was way below the Hart-Scott-Rodino reporting threshold, but was challenged anyway: it ended in full divestiture two years after the merger. The case demonstrates that no merger is immune from agency challenge, even if it is small and already closed. [Read more...](#)

Updated Timeline for the Mexican Energy Reform

By: Carlos Moran, Cogan & Partners L.L.P.

As everyone in the oil and gas industry knows, there are major changes happening in Mexico, as the country restructures its oil and gas sector and opens up to foreign investment in the oil and gas sector. The changes thus far have been truly remarkable. This Article examines some recent developments. [Read more...](#)

Third Circuit Holds that Shut-In Royalty Provision of Lease Bars Suit Where Non-Producing Wells were Shut-In

By: Jeremy Mercer and Michael Gaetani, Norton Rose Fulbright

This Article examines the recent holding in the case of *Messner v. SWEPI LP*, No. 13-3813, slip op. (3d Cir. July 17, 2014) involving the shut-in royalty clause. [Read more...](#)

LNG in Chile: The 10th Anniversary of Chile's Natural Gas Crisis and the Continued Operation of LNG Terminals

By: Roberto Sepúlveda, Cogan & Partners L.L.P.

This Article examines the state of the LNG industry in Chile ten years on from its natural gas crisis. [Read more...](#)

IEL News

IEL's Fourth Oilfield Services Law Conference on October 9

The IEL will be presenting its [4th Oilfield Services Law Conference](#) in Houston's JW Marriott Hotel on Thursday, October 9. This year's conference co-chairs are Michael Bennett of Baker Botts and Kevin Blodgett of Rockwater Energy Solutions, and they have recruited an outstanding faculty to discuss matters of interest to in-house and private practice counsel working in the oilfield services space.

Highlights will include a review of transactional trends in oilfield services, avoiding liability under the Fair Labor Standards Act, a discussion of important contract issues, another look at hydraulic fracturing regulation, dealing with sanctions, and the problems of e-discovery. Mark Stubbe, Senior Vice President at Cheniere Energy in Houston, will give a lunchtime talk on LNG export. You can find more details and register at cailaw.org/iel.

The IEL's Oilfield Services Practice Committee, led by Alex Cestero and Michael Bennett, has a growing membership of lawyers practicing in this field. As well as being closely involved with the annual conference, the committee organizes short CLE sessions (usually over breakfast) a few times a year, and is an ideal group for oilfield services lawyers to network with their peers. Please contact Alex or Mike for more details, or Alan Dunlop at the IEL.

Members in the News



Mark Folladori Retired from Mayer Brown

Marc Folladori recently retired from Mayer Brown, after practicing law for 40 years. He joined Mayer Brown in 2006, and served as Co-Leader of the firm's Global Energy Industry Group from 2007 to his retirement. His practice focused on mergers and acquisitions and corporate and securities matters, representing energy companies and firms engaged in energy investment and finance. Marc served as outside corporate counsel for a number of publicly held corporations, and provided US counsel to foreign companies doing business in the US, particularly in energy industry matters.

In addition to the numerous legal and civic organizations he served, Marc served and continues to serve as an advisory board member for the Institute of Energy Law. He continues to write and speak on SEC disclosure and reporting issues, particularly those affecting energy companies.

The IEL gratefully recognizes one new **Supporting Member**:

- **Navigant Economics** with the following representatives elected to the IEL Advisory Board: **Bob Boxon, Todd Lester, Mark O'Rear & Robert Lang** as YEP Representative

Please help us welcome IEL's newest **Associate Members** and

representatives on the Advisory Board:

- **Marc Folladori** (Houston)
- **Marc Schwartz** (Hill Schwartz Spilker Keller LLC, Houston)
- **Aimee W. Hebert** (Kelly Hart & Pitre, New Orleans)
- **Mohamed Noor Kapdi** (Dentons, Cape Town)

Our newest **Young Energy Professional Members** are:

- **Andrew Longbons** (Lewis Glasser Casey & Rollins, PLLC, Morganstown)
- **Andree McPherson** (MarkWest Energy Partners, L.P., Arvada)
- **Daniels Nuesiri** (Lawknights Solicitors, Lagos)
- **Tade Oyewunmi** (Centre for Climate Change, Energy and Environmental Law, Joensuu)

Calendar of Events

[International Oil & Gas Law, Contracts and Negotiations - Part I](#)

Houston, TX
Sep 22 - 26,
2014

[7th Annual YEP General Counsel Forum](#)

Houston, TX
Sep 23, 2014

[International Oil & Gas Law, Contracts and Negotiations - Part II](#)

Houston, TX
Sep 29 - Oct 3,
2014

[4th Oilfield Services Law Conference](#)

Houston, TX
Oct 9, 2014

[Oil & Gas Law Short Course](#)

Houston, TX
Oct 20-24, 2014

[13th Annual Energy Litigation Conference](#)

Houston, TX
Nov 6, 2014



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