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ENERGY LAW

The Energy Law Advisor

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Industry News

Earthquake Litigation Spikes Following Recent Oklahoma Quakes

By: Daniel M. McClure, Barclay Richard Nicholson, Lauren Brogdon and Emery Gullickson Richards, Norton Rose Fulbright US LLP

Earthquakes used to be a rare phenomenon in Texas and Oklahoma. Recent years have seen an uptick in such events and has raised concerns from landowners, residents and oil companies regarding induced seismology in the oil patch. [Read more...](#)

The Empire State Strikes Back: The Challenges Facing Mineral Owners & Producers Seeking to Profit in New York State

By: Brett M. Podkanowicz, Oil & Gas Attorney

As the title suggests this Article examines some of the challenges faced by mineral owners and producers in New York including the ban on high-volume hydraulic fracturing (HVHF), or fracking as we say in the oil patch. [Read more...](#)

Is Grid Defection Legal in California?

By: Molly L. Zohn, Klinedinst PC

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Submissions

Industry News
Email [Harry Sullivan](#) and
[Vickie Adams](#).

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

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Ever want to 'go off the grid'? This Article examines the legality of using solar-plus-battery installations in single family dwellings in California. [Read more...](#)

The First 90 Days of the Amended Federal Rules of Civil Procedure

By: Brendan P. Doherty, Gieger, Laborde & Laperouse LLP

This Article examines the Amended Federal Rules of Civil Procedure which went into effect on December 1, 2015. Chief Justice Roberts has stated that the amendments "may not look like a big deal at first glance, but they are." [Read more...](#)

Case Commentary: Chevron v. Ecuador, The Saga Continues

By: Floriane Lavaud and Laura Sinisterra, Debevoise & Plimpton LLP

A note on the latest chapter in this legal/arbitral saga. [Read more...](#)

IEL News

New IEL Leadership

The Heartiest Congratulations to IEL's New Executive Committee Members:

Michael B. Bennett - Oilfield Services Practice Committee Chair



Mike Bennett's practice focuses on complex business disputes, primarily for clients in the oil and gas, oil and gas services, petrochemical and pharmaceutical industries. He has significant experience in a broad range of disputes and investigations faced by companies in these industries, including disputes under joint operating agreements, joint venture agreements, service and supply agreements, and foreign agency agreements, as well as disputes involving employee retirement and welfare benefit plans, including ERISA governed and non-ERISA-governed international plans. Mr. Bennett has handled several disputes involving investments by private equity firms and overseas investors in the oil and gas industry.

In addition, Mr. Bennett has experience in internal and governmental agency investigations of energy sector clients

concerning alleged accounting fraud, embezzlement and FCPA violations, ERISA violations and related civil litigation. Mr. Bennett has also defended energy, chemical and pharmaceutical companies in environmental mass tort and products liability cases.

Mr. Bennett has substantial experience in the area of complex ERISA and employee benefits litigation, including the defense of termination of employer-sponsored benefit plans and defense of self-funded employer plans against claims by medical providers. Mr. Bennett participated actively in the successful defense in discovery, trial, and appeal of two presidential election contests, Harry Jacobs, et al. v. Seminole County Canvassing Board, et al. and Ronald Taylor, et al. v. Martin County Canvassing Board, et al., as counsel for President George W. Bush and Vice President Richard Cheney.

Mr. Bennett has tried numerous cases to jury verdicts and has represented clients before state and federal courts and various arbitration tribunals.

Following graduation from law school, Mr. Bennett served as a law clerk to the Honorable Sidney A. Fitzwater of the United States District Court for the Northern District of Texas.

Brian A. Bradshaw - International Practice Committee Chair

Brian A. Bradshaw is a partner in the Business and Finance Practice and co-chair of the Latin America Team. He has experience in a range of energy and infrastructure transactions and focuses his practice on the development of energy and infrastructure projects (emphasis on oil and gas, LNG, and power projects), acquisitions and divestitures, and domestic and international finance. He has experience with structuring, negotiating, and documenting the full range of project, M&A, and commercial financing documentation for domestic and international projects, including LNG liquefaction and regasification projects, FPSO and off-shore developments, refineries, cross-border pipelines, and power plants. Brian served as Chair of the Oil and Gas Law Committee of the IBA and currently as board member of AIPN.



Sharon O. Flanery - Vice Chair

Sharon Flanery is a member of Steptoe & Johnson PLLC and is located in its Charleston, West Virginia office, where she leads the Energy and Natural Resources Department and is a member of the



firm's Executive Committee. She concentrates her practice in energy and mineral law with clients that include major oil and gas, coal, coalbed methane, pipeline and hydroelectric companies. As a petroleum engineer with both an operating and legal background in the energy industry, she brings real-world experience to her law practice. Her experience includes acquisitions and divestitures, mineral leases, joint ventures, contract mining agreements, joint operating agreements, and sales and marketing agreements, as well as gathering, transportation, and processing agreements. In addition, she has substantial experience in land and legal due diligence associated with mineral transactions and in the legislative and regulatory arenas.

Ms. Flanery is the recipient of the Best Lawyers Oil & Gas Lawyer of the Year award for 2011 for the Charleston, West Virginia metro area and is recognized by "The Best Lawyers in America®" in the fields of energy, mining, natural resources and oil and gas law. She is also recognized by Chambers USA as a leading lawyer in the natural resources field.

Ms. Flanery is Past President of the Energy and Mineral Law Foundation and is also a member of the Advisory Committees for the West Virginia University College of Engineering and Mineral Resources and its Department of Petroleum Engineering. She is a past-named Outstanding Alumni of the Year for the WVU Mineral and Energy Resources Department, and she was selected as a guest lecturer by the Dean of the WVU College of Engineering and Mineral Resources for the Distinguished Lecture Series.

Prior to joining Steptoe & Johnson, Ms. Flanery served as Vice President of Exploration for Columbia Natural Resources Inc., where she was responsible for the Geoscience, Reservoir Engineering, Gas Supply, Marketing and Land Departments. Before obtaining her law degree, she worked as a reservoir engineer in Appalachia and also at Aramco in Saudi Arabia in the early 1980s.

Ms. Flanery received a Juris Doctor degree from Duquesne University in 1991, where she was a member of the Law Review. She received a Bachelor of Science degree in Petroleum Engineering from West Virginia University in 1978, graduating cum laude. Ms. Flanery is a member of the West Virginia, Pennsylvania, Ohio and District of Columbia bars and holds a

Kenneth R. Vogel – Vice Chair

Dr. Kenneth Robert Vogel is a managing director in the Houston Energy Group in the Economic Consulting Practice of FTI Consulting. He has over 35 years of experience in natural resource law and economics. He serves as an expert witness and economist in matters involving the value of resources and damages related to oil and gas production, mining and renewable energy production. He conducts public policy analysis on matters related to energy and mining and assists clients in determining the availability and value of assets related to energy (including crude oil and natural gas production, coal mining and renewable energy projects) as well as non-energy mining.



His broad experience includes both more than ten years of academic teaching and research and more than fifteen years of public service. While at the U.S. Department of the Interior, Minerals Management Service (“MMS”), he was the first chief of the office of enforcement, where he conducted public policy and economic analyses of minerals royalty regulations, conducted alternative dispute resolutions of royalty disputes and assured enforcement of the statutes, regulations and lease terms related to minerals royalties. Dr. Vogel was either principal or contributing author of the vast majority of federal regulations related to the valuation of minerals, including oil, gas, coal and geothermal steam for the 17 years with MMS. He was an author of most of the federal royalty valuation regulations, as well as regulations dealing with offshore oil and gas exploration and development. He drafted energy legislation as well as briefs to the Federal Energy Regulatory Commission. He was chief negotiator for the settlement of federal and Indian royalty disputes, collecting over one billion dollars. In performing these duties he conducted complex analyses of both large and small data sets.

Dr. Vogel was the representative for the MMS on the Department negotiated rulemaking committee that drafted proposed regulations dealing with Indian Self-Determination. He participated in the setting of offshore boundaries with the states of Alabama and Alaska.

Prior to federal service, Dr. Vogel was Associate Professor of Law and Leonard Cohen Chair in Law and Economics at Loyola Law School in Los Angeles and Assistant Professor of Economics and Adjunct Assistant Professor of Law at the State University of New York at Buffalo. His research interests were in the interplay of

legal rules with economic efficiency with an emphasis on natural resources. He received a Ph.D. in public policy analysis from the University of Pennsylvania in 1977, completing his dissertation (on the effects of statewide property tax rules on school finance) as an Economics Fellow at the Brookings Institution in Washington, D.C.. He also received a J.D. from the University of Pennsylvania Law School and an S.B. from the Massachusetts Institute of Technology.

Ann A. Hawkins - Power & Alternative Energy Practice Committee Chair



Ann A. Hawkins concentrates in the areas of development, financing, acquisition and disposition of energy assets, including electric power projects, oil and gas projects and commodities.

Ms. Hawkins represents developers, financial institutions, investors, power purchasers, fuel purchasers and commodity traders. Ms. Hawkins has extensive experience in structuring transactions and drafting and negotiating commodity purchase agreements, joint venture agreements, asset purchase agreements, operating agreements, service agreements and financing agreements.

Elizabeth E. Klingensmith – Young Energy Professionals Committee Chair

Liz Klingensmith is a partner at Haynes and Boone, LLP, her experience includes all aspects of litigation: early case assessment, litigation risk analysis, alternative dispute resolution procedures including arbitration and mediation, large-scale discovery including electronic document collection, review and production, motion practice, pre-trial preparation, trial and settlement. She primarily focuses her litigation practice on the energy industry with disputes arising from oil and gas projects.



In addition to her oil and gas experience, Liz has extensive experience litigating large scale commercial disputes that involve claims for breach of contract, fraud, breach of fiduciary duty, post-judgment enforcement, theft of trade secrets, breach of employment agreements, conversion, declaratory judgment and foreclosure, among others, in a wide array of industries that includes transportation, construction, banking, real estate and professional services.

Liz is a frequent speaker on a variety of litigation law topics and authors articles for national audiences on topics related to Oilfield Services, Oil & Gas Litigation and Energy Litigation.

Rick Kuebel - Litigation & Dispute Resolution Practice Committee Chair



Rick Kuebel has extensive experience in oil, gas, and energy related bankruptcies and corporate restructuring solutions. Rick has represented numerous energy companies in business litigation, arbitration matters and regulatory disputes involving oil and gas exploration, development, transportation, refining and marketing. Rick has acted as counsel in numerous commercial disputes arising from offshore exploration projects including Macondo (Deepwater Horizon), Atlantis, Thunder Horse, Petronius, Mad Dog, West Delta and the Cook Inlet. Rick has represented numerous exploration and production companies with respect to regulatory disputes with BOEM, BSEE, and numerous state regulatory agencies.

Rick has represented major energy companies in a number of energy or energy-related industry restructurings and bankruptcies, including Lyondell Basell, SemCrude, Flying J, Enron (North America), Getty Petroleum Marketing, ATP, Black Elk Energy, Dune Energy, EOTT, Panaco, Contour Energy, TDC Energy, Virgin Oil/Offshore, Watson Energy, TransTexas Oil and Gas, Forcenergy, WRT, Alma and Equinox, Rand Energy, NARCO, AP Green, Farmland Industries, PG&E, Babcock and Wilcox, Bethlehem Steel, and Friede Goldman Halter. In addition, he has formed or represented unsecured creditor committees in a number of reorganizations including: Evans Industries, the Fairgrounds, WRT Energy, Jitney Jungle, Delchamps, Forcenergy, Friede Goldman Halter, Orion Refining, Lundy Enterprises, Valentine Paper and WFA (West Feliciana Paper Mill). Rick also provides counseling for distressed transactions, including distressed asset acquisitions and divestitures, joint operations, regulatory implications, and other financial risks. Additionally, he represents creditors in commercial collection litigation, property litigation, enforcement of security rights and bankruptcy litigation.

Members in the News

The IEL is excited to welcome a new **Sustaining Member**:

- **Reed Smith LLP**, Pittsburgh, PA with Kevin C. Abbott,

Nicolle R. Snyder Bagnell, Julie Hardin, Dwight Howes, Gary C. Johnson, Clyde W. Lea, Paul B. Turner, Anna Boureiko, Kerri Cox, Stephan Selinidis and Nicole Soussan as Advisory Board Representatives

The IEL is proud to welcome 2 new **Supporting Members**:

- **DLA Piper US LLP**, Houston, TX with Anthony Newton, Christina Ponig Maccio, Steven Torello and Brett Solberg as their Advisory Board Member Representatives
- **Stikeman Elliott**, Calgary, Alberta, Canada with Chip Johnston, Michael Mestinsek, Bradley Squibb and Kurtis Reed as their Advisory Board Member Representatives

As well as 5 new **Sponsoring Members**:

- **Alex Cestero** (Frank's International N.V., Houston, TX)
- **Mayhall Fondren Blaize**, Baton Rouge, LA with Charles Blaize as their Advisory Board Member Representative
- **Frost Brown Todd LLC**, Pittsburgh, PA with Kevin Colosimo as their Advisory Board Member Representative
- **Meyer, Unkovic & Scott LLP**, Pittsburgh, PA with Ronald L. Hicks, Jr. as their Advisory Board Member Representative
- **Paul Hastings LLP**, Houston, TX with Richard Burleson as their Advisory Board Member Representative

Please help us welcome IEL's newest **Associate Members** and representatives on the Advisory Board

- **Dan Arthur** (The Brattle Group, Inc., Cambridge, MA)
- **Melanie Barnes** (Melanie H Barnes Attorney PLLC, Austin, TX)
- **Kevin P. Brophy** (Kayne Anderson Energy Funds, Houston, TX)
- **Andrew L. Carter** (Axiom Law, Houston, TX)
- **Rachel Giesber Clingman** (BHP Billiton Petroleum, Houston, TX)
- **Nancy J. Corbet** (EG LNG Operations, S.A., Malabo, Equatorial Guinea)
- **Dorothy Daboval** (Dentons US LLP, Houston, TX)
- **Mark Elvig** (Core Laboratories, Houston, TX)
- **Jonathan Feiler** (Arosa Capital Management, New York, NY)
- **J. Richard Gallagher** (Law Offices of J. Richard Gallagher, Dallas, TX)
- **John Gennaro** (Bellaire, TX)
- **Geoffrey Holub** (Stikeman Elliott, Calgary, Alberta, Canada)
- **David Martin** (Houston, TX)
- **Timothy B. McGranor** (Vorys, Sater, Seymour and Pease LLP, Columbus, OH)
- **Rick Mullins** (Peregrine Group, LLC, Dallas, TX)
- **Ronald L. Oran, Jr.** (Strasburger & Price LLP, Houston, TX)

- **John Peiserich** (PPGMR Law, PLLC, Little Rock, AR)
- **Brett Podkanowicz** (Midland, TX)
- **Jeffery Ray** (The Ray Law Firm, PLLC, Saint Cloud, FL)
- **Miquel Roca** (BDL Legal, The Woodlands, TX)
- **Alejandro Rojas Vera** (Nader, Hayaux & Goebel, Mexico D.F., Mexico)
- **Marc Sage** (EMAW Inc., Houston, TX)
- **James Searby** (FTI Consulting, Inc., Washington, DC)
- **Jose Sifuentes** (Nader, Hayaux & Goebel, Mexico D.F., Mexico)
- **Kathrine M. Silver** (Jackson Walker L.L.P., Houston, TX)
- **Johanna Spellman** (Latham & Watkins LLP, Chicago, IL)
- **Oscar Vazquez** (Nader, Hayaux & Goebel, Mexico D.F., Mexico)
- **Charlton Wimberly** (Breitburn Energy Partners LP, Houston, TX)
- **Rudolph Woerndle** (Rudolph A Woerndle PC, Midland, TX)
- **Heather Wolf** (Houston, TX)
- **Robert Woods** (YetterColeman LLP, Houston, TX)

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

- **Matt Blaschke** (King & Spalding LLP, San Francisco, CA)
- **Matthew Brooks** (KPMG LLP, Dallas, TX)
- **Ashley Bruman** (Covey Park Energy LLC, Dallas, TX)
- **Jacob Darby** (Carber Holdings, Inc., Houston, TX)
- **Andrew Elkhoury** (Norton Rose Fulbright US LLP, Houston, TX)
- **Rhonnie Embres** (Corpus Christi, TX)
- **Meg Gibson** (Beatty & Wozniak, P.C., Avon, CO)
- **Samuel Mixon Hodges** (Houston, TX)
- **Damian Irizarry** (Guzman Energy LLC, Denver, CO)
- **Bradford Laperouse** (Houston, TX)
- **Collin Lensing** (Beckmen Law, Grapevine, TX)
- **Jamie Miller** (King & Spalding LLP, Houston, TX)
- **Lenin Navarro Moreno** (Navarro Abogados, Quito Ecuador)
- **Barbara Strnad** (Dickie, McCamey & Chilcote, P.C., Pittsburgh, PA)
- **Ameila Xu** (Paul Hastings LLP, Houston, TX)

Calendar of Events

[3rd Appalachia YEP General Counsel Fourm](#)

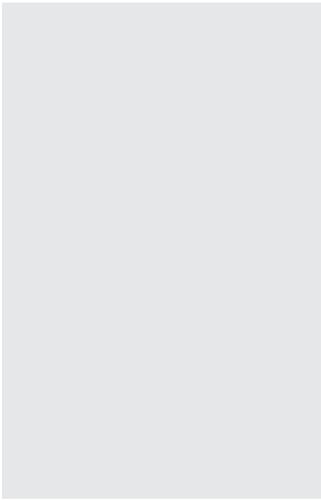
Pittsburgh, PA
May 19, 2016

[7th Law of Shale Plays Conference](#)

Pittsburgh, PA
Sep 7-8, 2016

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

Houston, TX
Sep 26-30,



2016

**9th Annual YEP
General
Counsel Forum**

Houston, TX
Sep 27, 2016

**International
Oil & Gas Law,
Contracts and
Negotiations -
Part II**

Houston, TX
Oct 3-7, 2016

**6th Oilfield
Services Law
Conference**

Houston, TX
Oct 11, 2016



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