



Institute for
ENERGY LAW

The Energy Law Advisor

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Volume 13, No. 2 - April 2019

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Industry News

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Member Announcements

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Please submit photo with
announcement if possible.

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We are excited to add the following firms and individuals to our membership roster! Please join us in welcoming them!

Sustaining:

- **McKool Smith**, Houston, TX with Justin Tschoepe, Lauren Varnado and William Wood as Advisory Board Representatives

Supporting:

- **Baker & Hostetler LLP**, with Rachel Hooper, Erika Lindberg, Lana Muranovic, and Ashley Whittington as Advisory Board Representatives
- **DLA Piper US LLP**, with Robert Gruendel, Jibin Luke, Christina Ponig Maccio, and Glenn Reitman as Advisory Board Representatives
- **Womble Bond Dickinson**, with Anthony Guerino, Joseph Tirone and Jeffrey Whittle as Advisory Board Representatives.

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- **Garreth DeVoe**, Galloway Johnson Tompkins Burr & Smith, Houston, TX
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- **Kenyon Weaver**, U.S. Dept. of Commerce, Washington D.C.

Law Schools:

- **Baylor University Law School**, Waco, TX with Angela Cruseturner as Advisory Board Representative
- **Pace University - Elisabeth Haub School of Law**, White Plains, NY with Karl Rábago as Advisory Board Representative

Members in the News



Womble Bond Dickinson has added to its new Houston office a veteran local energy/environmental litigation partner, **Tony Guerino**. Guerino brings more than 20 years of experience in energy and environmental litigation involving oil exploration and production disputes.



Trial lawyer and IEL Leadership Class member, **Bryon A. Rice**, previously with Beck Redden LLP, is now a Shareholder in Hicks Davis Wynn PC. Bryon will continue to handle a variety of litigation matters, including commercial disputes, business and partnership disputes, and personal injury defense matters in energy and energy related industries.



McKool Smith, one of the nation's leading trial firms, has announced that veteran trial lawyer **William D. ("Willie") Wood** has joined the firm as a Principal in its Houston office. Willie is one of the nation's most prominent energy trial lawyers and represents both plaintiffs and defendants in complex business disputes and arbitration matters throughout the United States and internationally with an emphasis in Mexico, and throughout Latin America.



Justin Tschoepe has joined McKool Smith as a Principal in its Houston office. Together with Willie Wood and Lauren Varnado, Justin will be launching the firm's energy litigation practice.



Steven Messer and **Robert Woods**, associates with Yetter Coleman LLP, are recognized as 2019 "Texas Rising Stars" by Thomson Reuters' *Super Lawyers* in business litigation and energy & natural resources, respectively. Each year, no more than 2.5 percent of lawyers under 40 in the state are selected to receive this honor.



If you have an article or a member news item for a future issue of this publication, or any questions regarding IEL's publications, please contact IEL's Associate Director, [Vickie Adams](#).

Did you know? IEL is on [Twitter](#), [LinkedIn](#) and [Facebook](#) posting pictures and program updates. Connect with us today!

IEL News

Below are a few events hosted by our Practice Committees. We will continue to update members regarding new events as they arise.

Want to make sure you're on a particular committee? Email iel@cailaw.org and we will ensure you're on that committee's roster.

- **Alternative & Renewable Energy** – The Alternative & Renewable Energy Committee will have calls on July 22 and October 21 at 11:00 am Central. More information regarding the calls will be sent to the committee members in the future.
- **International** – More information regarding committee meetings will be sent to committee members in the coming months.
- **Litigation & Dispute Resolution** – IEL will soon make available to members a new webinar on fundamental technical issues at play in groundwater contamination litigation. John Connor, President of GSI Environmental Inc., is joined by his colleagues David Adamson, and Lisa Molofsky, along with moderator Megan Nishikawa of King & Spalding LLP. GSI Environmental Inc. is an engineering and science consulting firm. Dr. Connor specializes in environmental site investigation among other issues. Ms. Molofsky is a professional geologist specializing in sources of variability in groundwater modeling. And Dr. Adamson is a principal engineer specializing in subsurface contamination, including chemical “fate” and transport.

The webinar covers each of these areas along with basic fundamentals of hydrogeology and groundwater modeling. Topics include the formation and migration of contaminant plumes in groundwater, chemical transformation in groundwater, the methods and limitations of groundwater modeling, groundwater remediation, and key “watchouts” when reviewing work by opposing counsel's hydrogeologist.

The next calls for the Litigation & Dispute Resolution Committee will take place August 15 and October 17 at 11:00 am Central. More information will be sent out to committee members closer to the dates of the calls.

- **Oil & Gas** - Quarterly calls for the Oil & Gas Committee are May 16, August 15, and November 15 at Noon Central. If you are part of this committee and would like to join the call, more information will be sent out closer to the date of each call.
- **Oilfield Services** – The next call for the Oilfield Services Practice Committee is being planned. More information will be sent to committee members in the coming months.
- **Young Energy Professionals** – The Young Energy Professionals Committee met in person on April 10 at the 3rd National Young Energy Professionals' Law Conference. The committee will be having additional calls in the future regarding particular projects and subcommittees.

IEL's strategic planning committees also meet quarterly to discuss the progress of the committees and how each committee can better serve our membership.

Upcoming Programs

- [The Current Oil & Gas Landscape in Argentina: Considerations for 2019](#) - Live 60 minute Webinar - May 8 at 10:30 am Central
- [6th Mergers & Acquisitions in Energy Conference](#) - May 21 in Houston
- [Offshore Energy Law Conference](#) - May 22 in Houston
- [19th Institute for Natural Resources Law Teachers](#) - May 29-31 in Missoula, Montana
- [10th Law of Shale Plays Conference](#) - September 4-5 in Pittsburgh
- Check out our online [Programs Calendar](#) for more upcoming events!

Have you heard the buzz about our Leadership Program and you're wondering what it's all about? Check out the [Leadership Class page on our website](#) for a full description of the program. Applications for the 2nd class are due May 31.

Is your CLE deadline quickly approaching and you're running a little short on time? Check out our on-demand webinars [I Drink Your Milkshake; Wind Farm Wakes and the Law](#), [Oil and Gas Litigation: Persuading Millennials \(and Other Cohorts\) in Light of Fake News and Alt Facts](#) and [Predevelopment Issues in the Renewable Space](#)! Texas MCLE Credit is available.



Milestone Achieving IEL Oil & Gas Law Conference

The Institute for Energy Law's 70th Annual Oil and Gas Law Conference had a fantastic year with huge milestones! The 2019 Conference was the **70th** Annual Oil and Gas Law Conference and it featured the **50th** annual John Rogers Award. In addition, this longest-running oil and gas law CLE conference in the country had an impressive turnout with 460 in attendance!

The February 21-22, 2019 program held in Houston attracted energy law practitioners and other energy professionals from 21 states and 5 foreign countries. Conference Co-Chairs Kimberly Phillips and Mark Robeck designed a stellar educational program featuring diversity in the topics and the speakers. The two-day program offered a total of 21 presentations on subjects pertaining to [multiple energy practice areas](#).

The women and men making the presentations shared their expertise as well as their different perspectives based on their varied experience and roles in the energy business, in government, as energy law professors and as energy law practitioners in in-house law departments and law firms.

Not surprisingly, this Conference attracted a similarly diverse audience. Attendees included energy law practitioners of varying experience levels active in different energy-related practice areas. Also, the audience reflected representation of a variety of workplaces including different sizes of law firms and in-house law departments. Again this year, distinguished energy law professors were in attendance as were a number of law students from several different law schools.

The impressive level of interest in the Conference topics was apparent in the content of the numerous questions submitted electronically by attendees during the presentations. It was clear attendees enjoyed using technology to get real-time answers and commentary from the speakers.

As is customary, this year's event provided multiple social and networking opportunities to renew connections with colleagues and get acquainted with other attendees. This year's event received the support of many generous sponsors and attendees had the convenient opportunity to visit sponsor exhibits to network and gain information of interest to energy law practitioners and

other energy professionals. The diverse community of colleagues at the Conference provided valuable opportunities for attendees to learn through their interactions and to strengthen professional relationships.

Extra networking opportunities, informative presentations and more good food were available at the Conference's special events --- the John Rogers Award Dinner honoring John Hess, CEO of Hess Corporation, and the Deans of Oil and Gas Practice Lecture and Luncheon featuring David F. Asmus, Sidley Austin LLP. The transcript of David Asmus' Lecture, "Ten Cases That Surprised the Oil & Gas Industry", is available on the IEL [website](#). In addition, on the eve of the Conference, the popular and always enjoyable Advisory Board Dinner provided an opportunity for [IEL Advisory Board members](#) to gather with colleagues following the afternoon's information-packed Annual Advisory Board Meeting and Practice Committee Meetings.



New Location – Same Great Conference – National Young Energy Professionals' Law Conference Hits 3

In its first two years of existence, the Institute for Energy Law's National Young Energy Professionals' Law Conference grew into the premier conference for young energy professionals while enjoying the sights and sounds of the Big Easy. For its third year, the conference hit a new stride in a new location and environment, San Antonio, Texas.

This conference allows young energy professionals—classified as under 40 years of age, but we don't card—to network with similarly situated in-house, law firm, and other professionals in a much more relaxed setting while having a day and a half of substantive law and professional development programming.

Happening over April 10-12, in sunny San Antonio, the conference featured unique social events, such as a guided tour of the world-famous Alamo and a cruise up the river along the beautiful San Antonio Riverwalk. The first allowed out-of-state attendees--and at least one in-state attendee who has repeatedly been criticized for never visiting the Alamo—an opportunity to learn about the battle of the Alamo and historical and ongoing activities to preserve the compound. The river cruise allowed attendees to relax with other attendees as they leisurely cruised from downtown to the welcome reception at the new Pearl District, including going through river locks.

One of the best things about this conference is the energy. The attendees come to the conference looking to meet new people, renew friendships, talk shop, talk family, and relax with others who face similar and different professional experiences and challenges. They stay all three hours for the reception or dinner and then continue the conversation at other venues. This year—in a new conference addition—over sixty attendees also participated in a speednetworking session. IEL and its Young Energy Professionals' Committee strive to ensure that the conference and IEL is a welcoming place for all young energy professionals and to make it easy for new attendees to engage with other attendees.

The conference is not simply networking though. It kicked off with Judge Carl J. Barbier offering words of advice and then a well-rounded in-house panel that featured not only the legal perspective, but also the opinions of one in-house attorney who moved to the business side of the industry. The conference featured emerging legal issues, such as a presentation by attorneys from Chevron and ExxonMobil on climate change litigation, and a separate presentation on Trends of LNG. Overall, the conference featured fifteen separate sessions from a diverse faculty on key legal issues being faced in the industry, issues unique to parts of the industry, and guidance on career development.

One highlight of the program was the luncheon presentation, which featured Shell Oil's Lauren Woodard interviewing Ethel J. Johnson of Morgan, Lewis & Bockius. Ms. Johnson provided great guidance for young lawyers about taking responsibility for your own career, using her own personal challenges and mindset she faced or had to change in developing professionally. She also offered insight into issues she has experienced in her employment law practice, including discussing the #metoo movement, her expansion into pharmaceutical/products liability litigation, and differences she sees in how energy companies handle litigation compared to other industries. Attendees described this session and Ms. Johnson as "candid, relevant, inspirational, practical [and] [a]wesome." As one attendee noted, Ms. Johnson offered a perspective that was interesting and authentic that varied from the broader general responses you usually get from attorneys.

In its three years of existence this conference has become a fan favorite and one of—if not the best—conferences for energy industry legal professionals. The mix between networking and getting to know other professionals with similar, and different, perspectives, and the substantive programming is perfect and provides something for everyone.

If you have not attended the conference yet, be sure to keep an eye out for the conference in the spring of 2020. The date and location of the conference will be set in the next few months.

Industry News

IEL will be featuring law student articles in upcoming editions of The Energy Law Advisor. If you are a student or know a student who would like to submit a paper to be considered, please email [Vickie Adams](#). Below is the first article in this new law student series.

IMO 2020: A Ticking Time Bomb for Energy Compliance

Next year, the world's entire fleet of maritime vessels will have to make drastic changes in the fuel that they use, and suppliers of that fuel will have to make sweeping changes as well. With ship owners putting off retrofitting in hopes of regulatory relief, and fuel refiners waiting for ship owners to convert to new fuel blends, the time needed to comply with the changes is quickly evaporating. In 2016, the International Maritime Organization enacted regulations set to take full effect in 2020. Once in place these regulations will lower allowable sulfur content of fuel oil from 3.5% to 0.5%. With only one year left to convert to the new fuel standards, ship owners around the world will have to make major alterations. With limited options available for compliance, all of which are expensive, difficult to execute, and time consuming, the race for compliance is quickly coming to an end. [Read more.](#)

By Raylee Starnes, Candidate for Juris Doctor May 2019, SMU Dedman School of Law

Operator Beware: Your New Mexico Contract May Not Mean What it Says

This article addresses New Mexico-specific doctrines of contract interpretation that operators expanding their activities in the region may not expect, and offers related considerations. [Read more.](#)

By Jon Mureen and Brent Owen, Squire Patton Boggs

Burlington: Texas' Latest Word on Deducting Post-Production Costs From Royalties

Deductions of post-production costs from royalties were again the

issue in *Burlington Resources Oil & Gas Company LP v. Texas Crude Energy, LLC*, No. 17-0266, 2019 WL 983789 (Tex. Mar. 1, 2019). As in *Hyder*, which disallowed such deductions, the royalty provision contained “amount realized” language. *Hyder’s* discussion of such royalty language convinced the Court of Appeals to disallow the deductions. The Supreme Court agreed that the question presented “resembles the question” in *Hyder*, but reversed, allowing the deductions and explaining why “amount realized” language did not control. [Read more](#).

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