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CONTENTS

COVID-19 TRENDS AMONG SELECT U.S. PUREPLAY REFINERS 2
PIPELINE EASEMENT WARS: LANDOWNERS STRIKE BACK 4
ENERGY LAW THEN & NOW: A MULTIGENERATIONAL DISCUSSION - PART IV .. 5
U.S. ROUND UP 6
YOUNG ENERGY PROFESSIONAL HIGHLIGHT 7
THE NATIONAL YEP DAY OF SERVICE: A CONVERSATION WITH YEP LEADERSHIP 8

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COVID-19 Trends Among Select U.S. Pureplay Refiners

Jude A. Dworaczyk, Baker Botts L.L.P.

Introduction.

2020 was supposed to be a great year for many U.S. based pureplay refiners as a strong economy was expected to drive robust refining margins and the new IMO-2020 rules for cleaner maritime emissions were expected to benefit those with more complex refining capacity. Unfortunately, COVID-19 dramatically changed the global landscape and government shutdowns and other restrictions on individual movement resulted in a precipitous drop in demand for refined petroleum products. This brought with it a decline in refining utilization and crack spreads. While demand, utilization and margins have begun to improve, there has not been a full recovery to pre-pandemic levels, particularly with respect to jet fuel given that individuals around the globe remain wary of air travel. This article, which is based solely on publicly available information, discusses certain trends and responses seen among select U.S. pureplay refiners (as opposed to more integrated companies like ExxonMobil, Chevron and Shell) from late February 2020 to mid-November 2020. While many uncertainties remain, particularly with a new presidential administration taking office and control of the U.S. Senate still unknown, COVID-19 has accelerated certain trends discussed in this article that are likely to continue far past 2020.

Need for Liquidity.

As government shutdowns and quarantines began to take hold in mid-March 2020 and it became apparent that COVID-19 was going to begin dramatically affecting our way of life, many U.S. pureplay refiners, even those in a strong financial condition, rushed to shore up their balance sheets and secure liquidity to hunker down for the potentially long-lasting negative effects of COVID-19.

Debt

A popular method used to shore up liquidity was through short-term borrowings. By the end of April 2020, Marathon Petroleum Corporation ("Marathon"), Phillips 66 and Valero Energy Corporation ("Valero") had each put in place new short-term 364-day revolving credit facilities to supplement their existing credit facilities. Many also tapped the capital markets, taking advantage of historically low interest rates to raise short-term debt at attractive rates. In April 2020 alone: (i) Marathon issued $2.5 billion of senior notes in a public offering, with short-term tranches maturing in 2023 and 2025; (ii) Valero issued $1.5 billion of senior notes in a public offering, with short-term tranches maturing in 2023 and 2025; and (iii) Phillips 66 issued $1 billion of senior notes in a public offering, with short-term tranches maturing in 2023 and 2025. As it became clear that the pandemic would last longer than expected, (i) Phillips 66 re-entered the public debt markets, issuing (A) another $1.0 billion in debt in June 2020 that included a re-opener of its recently issued senior notes maturing in 2025 and an additional tranche maturing in 2030 and (B) another $1.75 billion in debt in November 2020 that included a tranche of LIBOR based floating rate notes maturing in 2024, and two additional short-term tranches with maturities in 2024 and 2026; (ii) in September 2020 Valero issued an additional $2.5 billion in debt in a public offering of senior notes that included a re-opener of its recently issued senior notes maturing in 2025, a tranche of LIBOR based floating rate notes maturing in 2023, and two additional tranches with maturities in 2025 and 2027; and (iii) in September 2020 HollyFrontier Corporation ("Holly") issued $750 million in debt in a public offering of senior notes, with tranches maturing in 2023 and 2030, that each contain coupon step-up provisions such that the interest rate Holly owes on the notes will increase in the event its credit ratings drop to a certain level.

Once the pandemic begins to subside and refining economics begin to improve, there may be an increase in liability management transactions to deal with much of the short-term debt these companies took on to ride out the storm.

Dividends/Share-Repurchases

To further strengthen their liquidity and shore up their balance sheets, many U.S. pureplay refiners also took actions with respect to their share repurchase programs. While Valero, Marathon, Phillips 66 and Holly have all thus far been able to maintain their dividend at pre-pandemic levels, Marathon, Valero and Phillips 66 each also suspended their share repurchase programs at the beginning of the pandemic, noting that they would continue to closely monitor the landscape.

Operational Cut-Backs.

As it became clear that COVID-19 was going to significantly reduce demand for oil and gas for much of 2020, U.S. pureplay refiners began to react by right-sizing their utilization and production levels to be more in line with demand. Public disclosure in April 2020 indicated that many had reduced the amount of crude oil and other feedstock processed and temporarily idled certain production units and entire plants. Additionally, many also announced reductions in their capital budgets and plans to either defer or cancel certain projects and capital expenditures. It will be interesting to obverse the long-term ramifications of such deferrals and cancellations for subsequent costs (particularly maintenance, turnaround and regulatory compliance costs) and growth. Many of these refiners have since increased utilization and production levels and have restarted previously idled production units and plants. This is a trend that may be accelerated by recent positive vaccine news, although the current rise in COVID-19 cases will also present a challenge for the winter season.

Magnanimity in the Face of Challenge.

Despite the unprecedented challenges presented by COVID-19 and the acute impact thereof on the oil and gas industry, the continued focus by many of the U.S. pureplay refiners on the health and safety of the communities where they operate (in addition to the increased safety measures taken to protect the health of their frontline employees, who remained on the job despite the pandemic in order to provide our country with the fuel and products essential to our way of life) should not go without mention. For instance, when the nation was facing a shortage in hand sanitizer at the beginning of the pandemic, Valero began producing hand sanitizer at one of its mid-western ethanol plants. Valero also contributed more than $3 million for COVID-19 relief in the first part of 2020 alone. In April of 2020, Marathon donated $1 million to American Red Cross Disaster Relief, as well as over 575,000 N95 respirator masks to health care facilities. Phillips 66 also announced that it would be donating $3 million to COVID-19 relief efforts, with $500,000 of that going to the Houston foodbank. The ability of these refiners to step up to support their communities in the face of such dramatic economic and operational difficulties is truly laudable.

Push to Renewables.

Depressed oil and gas consumption also accelerated a shift by U.S. pureplay refiners into renewables, particularly renewable diesel, which is made from recycled animal fats, used cooking oil and inedible corn. Of the refiners, Valero has long been at the forefront of the renewables market and is now the world's second largest renewable diesel producer and the world's second largest corn ethanol producer. Valero also recently signaled its commitment to this market by announcing that 40% of its overall growth CapEx for 2021 is expected to be allocated to expanding its renewable diesel business. Phillips 66 announced this year that it would convert its San Francisco area refinery to largely produce renewable diesel. Earlier this year Holly announced its continued commitment to producing renewable fuel, that it would continue with the construction of a renewable diesel unit at its Artesia refinery, and that it expects to invest between $650-$750 million in its renewables business. Marathon also said this summer that it plans to turn a previously shuttered refinery in California into a renewable diesel plant.

As the public and governments increasingly push for lower carbon emissions and more restrictions on traditional gasoline powered vehicles, government renewable fuel mandates and low carbon tax credits are expected to become more prevalent, and demand for renewable diesel is expected to increase. Additionally, studies by the Argonne National Laboratory and the Southwest Research Institute have found that a vehicle running on renewable diesel emits over 40% less carbon dioxide than a typical electric vehicle, a percentage that increases when examining heavier duty and longer haul vehicles, as electric vehicles are currently not well suited for such purposes. Given this data, as well as the fact that renewable diesel is fully compatible with most engines used today and is more suitable to our existing energy infrastructure system than electric vehicles, although the relative long-term demand for these fuel sources is hard to predict, renewable diesel is likely to be much more competitive than is currently suggested by media attention and public perception.

Conclusion.

Once economic activity approaches pre-pandemic levels, demand, utilization and margins should revert to more normal levels and the U.S. pureplay refiners with more complex capacity are likely to emerge healthier than the competition. Those who continued to invest in maintenance and growth capital expenditures as much as

possible during the pandemic are also likely to be better positioned for future refinery turnarounds and the likelihood of increased regulation under a Biden administration. The push into renewables during COVID-19, particularly renewable diesel, is also a trend that is likely to continue and this is a resource that may be getting more attention in the coming years. Overall, while the market begins to focus more on climate change, the fact of the matter is that myriad products used in day-to-day life beyond gasoline, jet fuel and diesel (such as plastics, cleaning products, asphalt, fertilizers, insecticides, synthetic rubber, many medicines, cosmetics and makeup, just to name a few) are made with refined petroleum products.

While the pandemic has been painful for the U.S. pureplay refiners, there may be a long-term silver lining in that it accelerated the focus by many of these companies on the strategic importance of renewables, an arguably inevitable shift that such refiners may have otherwise delayed in making to the detriment of the company and its stakeholders. With an auspicious pivot into renewables, together with the fact that our system will still depend on fossil fuels in some manner for decades to come, refiners are likely to thrive as they continue to adapt and respond to the current challenges.

Pipeline Easement Wars: Landowners Strike Back

Jesse Nation, Branscomb Law

Your next pipeline project just got more expensive thanks to *Hlavinka v. HSC Pipeline P'ship, LLC*, 605 S.W.3d 819, 833 (Tex. App.—Houston [1st Dist.] 2020). *Hlavinka* is the latest recorded battle won by Texas landowners at the expense of pipeline companies.

Post-*Hlavinka* landowners are more likely to argue pipeline companies with the power of eminent domain should pay them more money because the company's route crosses the landowner's "pipeline corridor" and other pipeline companies without the power of eminent domain paid more to receive a similar easement. A pipeline corridor is a "well-defined" part of a property, the "highest and best use" of which is for pipeline development by existing pipelines and future pipelines across the land. See *Exxon Pipeline Co. v. Zwahr*, 88 S.W.3d 623, 628 (Tex. 2002); *Bauer v. Lavaca-Navidad River Auth.*, 704 S.W.2d 109-12 112.n2 (Tex. App.—Corpus Christi 1985) (holding a specific tract of land burdened by multiple pipelines and other rights-of-way can be a pipeline corridor). If a landowner proves the taken land is part of a pipeline corridor, the pipeline company must pay the market value of the taken land within the pipeline corridor without reference to land outside of the pipeline corridor that could bring down the taken land's value. The land outside of the pipeline corridor generally has a lower value because the land has a different highest and best use (*i.e.*, ranching or farming).

Once a pipeline corridor is established, evidence of recent sales of similar pipeline easements should be considered comparable sales to value the landowner's taken land within the pipeline corridor. *Bauer*, 704 S.W.2d at 111–13 (holding comparable sales may come from neighboring tracts of land). Landowners have successfully used this pipeline corridor theory to value their land when they proved the corridor existed before their land was taken and the landowner used similar easement transactions to value the taken land. *Id.* (holding a landowner could rely on the pipeline corridor theory when the landowner negotiated three prior pipeline easements and other rights-of-way in a certain 432-foot strip of property and had "plans to encourage additional sales" of pipeline easements within the strip). Conversely, landowners have failed to use the theory correctly when the landowner relied on the pipeline company's project to create their corridor and assign value to the taken land. *Zwahr*, 88 S.W.3d at 630 (holding a landowner cannot determine the value of their taken land based on the value the land has to the pipeline company).

Now you may be thinking, pipeline companies with the power of eminent domain should have always paid for taken land at the prices pipeline companies without the power of eminent domain had to pay because landowners are entitled to the fair "market value of their land at the time of the taking." *Hlavinka*, 605 S.W.3d at 836. In theory, you are right because fair market value is "the price the property will bring when offered for sale by one who desires to sell, but is not obliged to sell, and is bought by one who desires to buy, but is under no necessity of buying." *Id.* In practice, this legal fiction does not hold up for transactions between landowners and pipeline companies with the power of eminent domain because if a landowner does not want to sell their property either on principle or at a certain price, a pipeline company with the power of eminent domain will condemn the land to take possession of it (without an easement agreement) and may seek the lowest price their legal team and real estate appraisers think they could justify during a condemnation proceeding. Although pipeline companies see this story much differently, it does not take a legal scholar or sociologist to understand that some Texan landowners may be interested in fighting pipeline companies back.

Before *Hlavinka*, some landowners were gun-shy on pulling out the pipeline corridor theory to bring in pipeline transactions as comparable sales to determine their taken

land's fair market value. The landowners had two concerns: 1) would a court allow a landowner to use pipeline transactions with pipeline companies without the power of eminent domain as comparable sales to value a pipeline transaction with a company with the power of eminent domain; and 2) they also thought the few high-value transactions with pipeline companies without the power of eminent domain would be overshadowed by the numerous low-value pipeline transactions with pipeline companies having the power of eminent domain.

The Texas First Court of Appeals sided with landowners on both concerns in *Hlavinka*. The Court held pipeline transactions between a landowner and pipeline company with the power of eminent domain are not comparable sales because they are not voluntary sales. *Hlavinka*, 605 S.W.3d at 840–41. The Court reasoned transactions between a landowner and a pipeline company with the power of eminent domain are not voluntary sales because they are "forced" sales. *See id.* (reasoning forced sales are not probative of what a willing seller would sell their taken land for because a seller is forced to accept the transaction). On the other hand, sales between landowners and pipeline companies without the power of eminent domain can be comparable sales because the sale is voluntary. *Id.*

At a minimum, *Hlavinka* suggests: 1) landowners could use past high-value transactions with pipeline companies without the power of eminent domain to value their future pipeline corridor transactions with pipeline companies having the power of eminent domain; and 2) past transactions with pipeline companies having the power of eminent domain cannot be used to argue the value paid by pipeline companies without the power of eminent domain are high outliers in the pipeline corridor.

Hlavinka may further suggest landowners have had enough of being tossed around by pipeline companies having the power of eminent domain. As the *Hlavinka* Court stated, the "judiciary has a fundamental obligation to facilitate a landowner's right to meaningfully contest the exercise of eminent domain" by a pipeline company. *Id.* at 833. Here, the landowners did use the judiciary to contest the pipeline company's exercise of eminent domain. The landowners successfully argued the pipeline company did not have enough facts to prove its taking was for a public use. *Id.* at 835 (holding a pipeline company does not prove its taking was for a public use when the company has a Railroad Commission permit and is shipping product through a pipeline it controls to one customer who is the sole end user of the product).

But wait, there may be more! The landowners have asked the Texas Supreme Court to review the case because the court of appeals may have committed reversible error in holding that § 2.105 of the Texas Business Organizations Code independently creates the right of eminent domain apart from the provisions of the Texas Natural Resources Code.

In the future, *Hlavinka* may be remembered as the case that made other landowners feel comfortable challenging pipeline companies in the courts. The Hlavinka family proved landowners can win big if they feel comfortable fighting pipeline companies in Texas courts. Only time will tell us if *Hlavinka* opened the door for future landowner-driven litigation with pipeline companies. In the meantime, companies may just have to expect that their next pipeline project will be more expensive.

Energy Law Then & Now: A Multigenerational Discussion – Part IV

In Patrick H. Martin's storied career in oil and gas law, he has been a law professor, author and editor of essential legal publications, and the chief oil regulator in Louisiana. In this multi-part interview, Patrick is interviewed by his son Drew Martin, an oil and gas attorney in Louisiana and a member of IEL's 2019-2020 Leadership Class.

This series concludes with Part IV, where Martin discusses his involvement with IEL.

The readers of this publication would be interested in your association with the IEL. When did that begin?

I accepted an offer to go teach in January 1975. It came out of the blue from my former associate dean at Duke Law School, who had become Dean of the Tulsa Law School. Within a few weeks of joining the Tulsa faculty, I began my association with the Oil and Gas Institute, the former name of Institute for Energy Law, and it has been a most fruitful association. In September 1975, Ed Cage of Sun Oil Company called me and invited me to do a paper on implied covenants at the February 1976 Annual Institute. Foolishly I said sure, I can handle it. I called up a company called Matthew Bender and they kindly provided me with a set of books called Williams and Meyers on Oil and Gas Law. I soon realized that if I spent my time talking about Charlie Meyers in my talk and sounded authoritative, no one would realize I was improvising. I made my first acquaintance then with Armine Ernst, who edited my paper for publication. From the two papers I wrote on energy topics in my last year in law school, I was familiar with the publication of the papers from the annual institute; those papers were an important part of my research.

The following year, Ken Dickerson of ARCO drew me on to the planning committee for the annual institute, and I've been

involved with the organization ever since. I've taken part in short courses, special institutes, the *Oil and Gas Reporter*, as well as the annual institute and a variety of other activities. I've gotten to know many people at the Foundation, among them France McCoy, David Winn, David Elwanger, Mark Smith, Mike Marchand, Cindie Burkel, Pam Hooper, Carol Holgren, Anita Stover and Marissa Kramer, and Jay Ray – all of whom became good friends. It's been a rewarding association on many levels. One of the greatest rewards are the friends I've made through the activities of the group – to call it "networking" is incomplete. These have been both personally and professionally rewarding. It was my teaching in the summer short course that led to my association with Bruce Kramer. I was teaching the conservation portion and mentioned the treatise by Raymond Myers on *Pooling and Unitization* and said Professor Kramer was doing a fine job of keeping it up to date. One of his friends reported this back to him and he called. When he told me he had a deal with Matthew Bender to do a new edition, we undertook a collaboration that is approaching its 30 year anniversary. One of the highlights of my legal career was the honor of serving as the chair of this organization for three years, some twenty years ago.

Pick a favorite memory you'd be willing to share about each of your professional roles over the year: practitioner, educator, regulator, consultant.

I don't think I can separate those into compartments, for they have all blended together. In each of them I've met very competent people who have usually been a pleasure to work with. It is those associations with others that I have most enjoyed over the last 46 years since I became a member of the bar. It was a pleasure to teach bright young students and then meet them again in practice or as a regulator or as an arbitrator or as an expert witness (several of my former students have deposed me in cases). I've had the pleasure of seeing my students become governor, members of Congress, state legislators, state and federal judges, state and federal prosecutors, and law professors, as well as prominent members of the bar in Louisiana, Texas and other states. If I didn't contribute to their success, I've at least felt that I didn't prove a serious impediment.

Pennsylvania! Oklahoma! California! What's new, interesting, or important to watch in your state? Please submit your highlights to *The Energy Dispatch* and help us cover the broadest geographic area possible.

Louisiana. The second episode of IEL's Podcast Series, "Louisiana's Coastal Zone Management Litigation," is now available. After Adam Kowis interviewed Laura Brown this summer, a flurry of activity ensued at the U.S. Fifth Circuit Court of Appeals, beginning with a short opinion remanding the cases. Defendants filed petitions for panel and en banc rehearing; subsequently, the panel who initially affirmed remand ordered an oral argument which was held at the end of October. While the petitions for rehearing remain pending (as of submission for this publication), district courts have refused Plaintiffs' dogged requests to speed the return of other cases in the docket to state court before the Fifth Circuit's decision becomes final. Meanwhile, the U.S. Supreme Court's grant of cert in the *BP P.L.C. v. Mayor and City Council of Baltimore* climate change case could resolve a circuit split on the scope of appellate review of a remand order, implicating jurisdictional issues in the coastal docket.

The Louisiana Supreme Court has granted cert to review an opinion with significant implications in "legacy" cases alleging contamination from historic oil and gas operations. In *State of Louisiana v. Louisiana Land & Exploration*, the Louisiana Third Circuit reversed a jury's determination that no breach of lease obligations occurred given that the jury also concluded that potential "environmental damage"—as defined by regulatory requirements—existed on the property. The finding matters for the docket because in many instances, the most staggering awards in legacy lawsuits have been private damages under contracts—not actual costs of cleaning up property to regulatory standards. By statute, awards for clean-up must fund clean-up, so the money that plaintiffs get to keep (and from which their attorneys, working on a contingent fee basis, are paid a percentage) comes from private tort and contract claims. Given the historical nature of the activities, tort claims are often more vulnerable to prescription (statute of limitations) defenses than contracts. Thus, the Louisiana Supreme Court's review of a ruling with the potential to energize legacy contract claims is one to watch.

On Election Day, 58% of Louisiana voters approved a constitutional amendment adopting an "income" approach

to the assessment of oil and gas wells for ad valorem taxes. Previously, the constitution barred the presence and production of minerals from being included in the methodology used to determine the fair market value of an oil or gas well for the purpose of property assessment.

- Laura Springer Brown, *Liskow & Lewis*

Texas. On October 28, 2020, the United States Bankruptcy Court for the Southern District of Texas delivered a key ruling affecting: (1) purchase and sale agreements for produced gas and severed minerals; and (2) agreements with "exclusive remedy" provisions and liquidated damage clauses. *See Mem. Op., In re: Chesapeake Energy Corp., et al.*, Cause No. 20-33233 (Bankr. S.D. Tex. Oct. 28, 2020). In June 2020, Chesapeake Energy Corporation and related entities ("Chesapeake") filed for Chapter 11 bankruptcy. Thereafter, Chesapeake filed a motion to reject a gas purchase agreement with ETC Texas Pipeline, Ltd. ("ETC"). Under 11 U.S.C. § 365(a), a debtor "may assume or reject any executory contract . . . ." 11 U.S.C. § 365(a). "A contract is executory 'if performance remains due to some extent on both sides.'" *Mission Prod. Holdings, Inc. v. Tempnology, LLC*, 139 S. Ct. 1652, 1658 (U.S. 2019). The agreement was published by the North American Energy Standards Board ("NAESB") and titled "Base Contract for Sale and Purchase of Natural Gas." ETC claimed the NAESB agreement included a covenant "running with the land" and, thus, could not be rejected as an executory contract. Chesapeake countered that: (1) the NAESB agreement did not create a covenant running with the land; and (2) if it contained a covenant running with the land, the agreement's exclusive remedy provision allowed rejection.

In its Memorandum Opinion, the Bankruptcy Court held that a contract could be subject to rejection, even if it contained a covenant running with the land. For example, agreed contract language could make an agreement both executory and a covenant running with the land (i.e. language allowing for termination and damages). The Bankruptcy Court then held that, while the NAESB agreement stated the obligation to sell gas would "run with the land," Chesapeake and ETC did not truly intend to create a real property covenant. In the event of a breach, the "sole and exclusive remedy of the parties" was payment of liquidated damages (rather than enforcing the purchase and sale of gas). Thus, the parties had excluded specific performance and injunctive relief related to real property remedies, instead opting for personal compensatory remedies. Notably, ETC also never obtained interests in Chesapeake's leases and had only agreed to buy produced gas (after it was severed from the mineral estate and became personal property). Ultimately, the Bankruptcy Court granted Chesapeake's motion to reject its midstream contract with ETC—but only after reminding the energy industry: "Simply put, the parties' words matter." In the future, this decision could affect bankruptcies and restructurings around the nation, including the ability to reject certain midstream contracts that allegedly "run with the land" and contracts with exclusive remedy provisions.

- Miles O. Indest, *McGuireWoods LLP*

Young Energy Professional Highlight – Tod Everage, Partner, Kean Miller LLP

Interview by Anna Gryska, Winston & Strawn LLP

An Evolving Practice

Tod began his career in commercial litigation, but now works in the Offshore Energy Maritime Litigation group at Kean Miller in New Orleans. Most of his career has been focused on handling federal litigation in the oilfield, offshore, and maritime spaces, which has fed his love for trial work and provided opportunities to engage in complex and creative brief writing. More recently, though, with the growth and development of his client relationships, he has found his practice evolving into a hybrid as he also advises clients on corporate transactional and offshore regulatory issues.

Connections that Matter

Tod is a lawyer who recognizes the importance of relationships that can be built over a career—both personal and professional—and values those relationships. He counts law school classmates, co-workers, and clients among his closest friends. Unfortunately, the remote work circumstances of 2020 have eliminated what is unsurprisingly his favorite part of the workday: spending time with clients and co-workers. Nevertheless, Tod sees a silver lining and observed that the situation many of us are in "… has really helped re-inject the human element and compassion back into the profession. It is so easy to forget that your opposing counsel or even your clients have a whole other life outside of their jobs that vie for their time and attention. But, when you hear their kids or pets in the background, or you find yourself apologizing when someone in your house interrupts your Zoom conference, you quickly realize that we're all people just trying to get by."

Advice to Young Lawyers

"There will be many times you will be unsure of yourself

and your abilities. You will find yourself in uncomfortable situations. You may think that the path to success is daunting, that your goals are too far away, or that there are simply too few hours in a day to reach them. Accept that this is just part of journey, and you will get past it. If you do nothing else, be reliable, be professional, have a great attitude, and produce stellar work product – people will want to work with you. Take advantage of those opportunities to work with new people, as they will expose you to new work, new clients, and new avenues for growth. If you keep doing great work, your reputation will grow and you will be referable to other partners and clients. This is not just a job; it is your career. No matter had badly you want to, you cannot sprint toward your goals. Rather, focus on building up many small successes over time; they will eventually turn into big and rewarding ones. Before you know it, you'll be out there spotting the younger lawyers who used to be you, looking uncomfortable, and making those same mistakes you made not so long ago. Then when you're ready; be a mentor to someone else. That is how we all ensure the future of this profession continues to grow and progress into something we can all be proud of."

Spare Time?

Tod admits that responding to the needs of clients can leave little time to pursue hobbies. However, without a commute over the last few months, he's had some extra time to be a self-proclaimed "COVID-cliché" and find relaxation by running and doing puzzles. He's also looking forward to being able to get back to his other favorite pastimes like traveling and hiking with his wife and daughters.

The National YEP Day of Service: a Conversation with YEP Leadership

Interview by Laura Brown (Liskow & Lewis) with Joseph Ope (Exxon Mobil Corporation) and Tod Everage (Kean Miller LLP)

Laura: Joe, as Chair of the YEP Practice Committee, you've wanted from the beginning of your term to emphasize community service. COVID-19 has been a hurdle to, well, everything, but you've still spearheaded the planning for a future National YEP Day of Service. What can you tell us about it?

Joe: National YEP Day of Service was conceived by the YEP leadership as a way to connect YEP members in different parts of the United States through service. The idea is that on a designated day, YEP members would come together in their respective cities to be of service to their community. We recognize that the needs of each YEP member community differ and so we would leave it up to the YEP members in each community to determine the service project that they feel would be most impactful. The service projects would be open to non-YEP members, and we also see this as a way of introducing our members to their neighbors.

Tod: When we had our first call with our YEP members about this plan, I was not surprised by how many great ideas were thrown out, from pro bono legal services, community beautification, and beach clean ups. Different communities have different needs and I look forward to what we can do.

Laura: I like that you plan to leave it up to the YEPs. An attorney at a clinic once said to me, "Anyone can hand out soup." His point was that, while all volunteerism is good, attorneys have special skills which they should use in their volunteerism because not everyone can do that. I don't agree or disagree with that; I've had rewarding experiences with legal volunteerism, but I don't want to understate how meaningful physical work can be. It will be a lot for YEPs to think about in terms of execution—how we maximize impact and the socializing aspect, while being consistent with health protocols.

Joe: At the end of the service day, we plan to have National YEP virtual social hour where YEP members across the country who participated in the day of service can interact and share their experiences. Another idea is that when we do finally get around to having an in person National YEP Conference, we would like to reserve a few hours at the end of the conference for a group service project in the host city.

Laura: That's a great idea, Joe. Tod, as Vice Chair of the YEPs, how do you think service intersects with the energy industry or advances the YEP mission?

Tod: I think that it is underreported or underappreciated how much the energy industry gives back in terms of volunteerism, services, grants, sponsorships, and conservation efforts both at a corporate and individual level. So, Joe's idea to incorporate community service as part of the ongoing YEP mission is a great one and fits right in line with what we know to be true about our industry and the people who work in it. Our YEP members are thoughtful, resourceful, and enthusiastic, so I am excited to see how we can use our platform to connect our members to service opportunities around the country.

Laura: Thank you both for your leadership. I look forward to hearing more about this initiative next year

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