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Institute for Energy Law (IEL) of The Center for American and International Law
and the Energy and Mineral Law Foundation (EMLF)



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ENERGY LAW



6th Law of Shale Plays Conference



6th Law of Shale Plays Conference

September 10 - 11, 2015

Omni William Penn Hotel
Pittsburgh, Pennsylvania

Register Now! cailaw.org/iel

Register before August 18 to receive a discount.

Highlights

- The Outlook for Energy: A View to 2040
- Seismicity and Unconventional Oil and Gas Activity
- Regional Update - Hot and Anticipated Litigation in the Shale Plays
- Federal Air Regulation & Its Impact on Upstream and Midstream Operations
- And Much More!

MCLE credit will be available

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Conference Co-Chairs

Sharon O. Flanery
 Steptoe & Johnson PLLC
 Charleston, West Virginia

Erin W. McDowell
 Range Resources –
 Appalachia, LLC
 Canonsburg, Pennsylvania

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THE RESOLUTION EXPERTS



WEDNESDAY, SEPTEMBER 9

6:00 SPONSORED WELCOME RECEPTION
 Hosted by the IEL Young Energy Professionals Practice Committee
 The Rialto Suite and Rooftop, Hotel Monaco
 620 William Penn Place, Pittsburgh

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THURSDAY, SEPTEMBER 10

7:45 REGISTRATION AND CONTINENTAL BREAKFAST

8:45 WELCOME, OVERVIEW AND INTRODUCTIONS

CONFERENCE CO-CHAIRS

- **Sharon O. Flanery**, Steptoe & Johnson PLLC, Charleston, West Virginia
- **Erin W. McDowell**, Range Resources – Appalachia, LLC, Canonsburg, Pennsylvania

9:00 THE OUTLOOK FOR ENERGY: A VIEW TO 2040

- **E. Nicholas (Nick) Jones**, Energy Advisor – Corporate Strategic Planning, Exxon Mobil Corporation, Irving, Texas

9:45 PRIVATE AND PUBLIC CAPITAL RAISES AND EXIT TRANSACTIONS IN TODAY'S SHALE PLAYS

The session will include a discussion of private capital raises, including debt and other equity or equity-like arrangements, including interests in oil and gas assets (joint ventures or otherwise), production payments, etc., as well as public capital raise options, including public debt, corporate IPOs, the Up C structure, and MLPs.

- **Greg Matlock**, EY, Houston, Texas
- **Stephen T. Olson**, Jones Day, Houston, Texas

10:45 BREAK

11:00 LITIGATION UPDATE – HOT TOPICS AND FUTURE DISPUTES

The oil and gas industry's rapid growth over the past decade has required courts across the United States to consistently address novel legal issues impacting oil and gas development. This panel of seasoned trial

attorneys will present and discuss important judicial developments in oil and gas law from jurisdictions spanning all shale basins, including current litigation trends, state v. local preemption, preservation and abandonment of mineral rights, and other important topics.

MODERATOR

- **Kevin L. Colosimo**, Burleson LLP, Canonsburg, Pennsylvania

PANELISTS

- **Donald D. Jackson**, Haynes and Boone, LLP, Houston, Texas
- **Timothy M. Miller**, Babst Calland, Charleston, West Virginia
- **R. Jeffrey Pollock**, McDonald Hopkins LLC, Cleveland, Ohio
- **Paul K. Stockman**, McGuireWoods LLP, Pittsburgh, Pennsylvania

12:15 HOSTED LUNCHEON

1:00 HOSTED LUNCHEON PRESENTATION (30 minutes)

Energy Production 2015-2020 – What Do The Next Five Years Hold?

The first half of the current decade has seen incredible changes and swings in the energy sectors - booming shale plays, crashing prices, displacement of coal, and increasing government regulation. The second half of the decade will see the winding down of the Obama regulatory agenda, a transition to a new Administration, and the continued evolution of the domestic energy mix. Former Wyoming Governor Dave Freudenthal

will share his views and answer audience questions on what may lie ahead on policy, regulatory, and business trends for the energy sectors, particularly for upstream and midstream operations in both the eastern and western US.

— **Dave Freudenthal**, Former Governor of Wyoming, Crowell & Moring LLP, Cheyenne, Wyoming

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1:45 BREAK

2:00 MIDSTREAM AND MARKETING CHALLENGES IN A REDUCED PRICE ENVIRONMENT

A general overview of the current state of the industry in Appalachia, a review of infrastructure and a discussion on future demand.

— **Matt Curry**, Director of Business Development, Range Resources Corporation, Canonsburg, Pennsylvania

2:30 FERC AND MIDSTREAM UPDATE

A general overview of FERC developments and other legal developments impacting FERC-regulated natural gas pipelines and midstream gas gathering pipeline operations.

— **Kurt L. Krieger**, Steptoe & Johnson PLLC, Charleston, West Virginia

3:15 BREAK

3:30 RECENT DEVELOPMENTS IN ROYALTY LITIGATION IN THE SHALE PLAYS

A look at court decisions and pending cases addressing the payment of royalties to lessors and issues involved in calculating damages in royalty disputes.

— **Kevin C. Abbott**, Reed Smith LLP, Pittsburgh, Pennsylvania

— **Nicolle R. Snyder Bagnell**, Reed Smith LLP, Pittsburgh, Pennsylvania

4:30 SEISMIC ACTIVITY AND UNCONVENTIONAL OIL AND GAS ACTIVITY

There have been a number of recent articles relating unconventional oil and gas activity to man-made, or induced, seismic events. This session will explore the current state of the research and the latest lawsuits on the subject. We will also discuss a number of pending or recently passed regulatory responses to the topic.

— **Barclay Nicholson**, Norton Rose Fulbright LLP, Houston, Texas

5:00 SPONSORED NETWORKING RECEPTION

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FRIDAY, SEPTEMBER 11

7:45 CONTINENTAL BREAKFAST

8:30 GENERAL COUNSEL PANEL

This panel of senior industry lawyers will address the concerns of general counsel in operating and developing shale plays given the current price and industry challenges.

MODERATOR

— **Erin W. McDowell**, Range Resources – Appalachia, LLC, Canonsburg Pennsylvania

PANELISTS

— **C. Corwin Bromley**, MarkWest Energy Partners, L.P., Denver, Colorado

— **Larry D. Cannon**, FTS International, Fort Worth, Texas

— **David P. Poole**, Range Resources Corporation, Fort Worth, Texas

9:45 **SHALE PAY: MANAGING THE INCREASED RISK OF WAGE ISSUES IN THE SHALE PLAYS**

Class action lawsuits and Department of Labor investigations concerning overtime pay, day rates, and classification of contractors in the oil and gas sector have cost companies millions of dollars in recent years, and the risk is only increasing. Newly developed theories of liability and a “targeted initiative” by the Department of Labor into the sector have led to increased exposure in the oil and gas industry, which the Department of Labor describes as “one of the most fissured” industries in the country. Now, the Department of Labor has proposed new regulations that will double the compensation due to exempt employees and require companies to automatically increase and update salary and compensation levels. Learn how to apply preventative measures to avoid mistakes that have allowed wage class actions to become one of the most frequently filed and fastest growing areas of litigation.

— **Megan Batchelor**, Gardere Wynne Sewell LLP, Houston, Texas

10:15 **BREAK**

10:30 **SOMETHING IN THE AIR – FEDERAL ENVIRONMENTAL REGULATION & ITS IMPACT ON UPSTREAM AND MIDSTREAM OPERATIONS**

The Obama Administration is poised to issue multiple and far-reaching new regulations governing air emissions that will have critical impacts on upstream and midstream operations. This presentation will provide an overview of three regulatory actions anticipated to be released in the months preceding the Shale Plays conference: (1) EPA’s novel 111(b) proposal for regulation of oil and gas sector methane emissions, along with Control Techniques Guidelines for reducing existing source VOC emissions; (2) EPA’s Clean Power Plan, which may carry significant natural gas demand impacts and other implications for the industry; and (3) EPA’s planned new rulemaking on air aggregation/single source determination, which may impose new permitting demands upon widespread sources of air emissions.

— **Kirsten L. Nathanson**, Crowell & Moring LLP, Washington, D.C.

11:15 **ENVIRONMENTAL ISSUES IN THE SHALE PLAYS**

This panel of environmental attorneys will provide an overview of the fast moving status of environmental statutory, regulatory, and case law as it applies to the Shale Plays across the country. Topics for discussion will include seismicity, noise, waste and water management, endangered species, midstream development litigation trends, etc.

- **Kathy G. Beckett**, Steptoe & Johnson PLLC, Charleston, West Virginia
- **Margaret Anne Hill**, Blank Rome LLP, Philadelphia, Pennsylvania
- **Larry W. Nettles**, Vinson & Elkins LLP, Houston, Texas
- **Kristin L. Watt**, Vorys, Sater, Seymour and Pease LLP, Columbus, Ohio
- **R. Timothy Weston**, K&L Gates LLP, Harrisburg, Pennsylvania

12:15 **SPONSORED NETWORKING LUNCHEON**

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1:30 **THE ETHICS OF DOWNSIZING: A LAWYER’S PROFESSIONAL OBLIGATIONS IN A REDUCTION-IN-FORCE**

The collapse of oil prices since last summer have led to significant reductions-in-force by producers and service companies, and the host of employment law issues that come with them have become a fact of life in the industry.

Apart from the myriad concerns, complications and laws that impact the way a reduction in force can and should be conducted, lawyers must be aware of hidden ethical considerations as they guide their internal and external clients through a RIF. This presentation will identify and examine these and other concerns.

— **John Mattiace**, Kelley Drye & Warren LLP, New York, New York

2:30 **ADJOURN**

REGISTRATION

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Registration includes the two day conference, two luncheons, two receptions and the course material provided online, which may be printed or saved by customer. **Printed course material may be obtained for an additional \$75 fee** (check additional option below).

Check applicable box:	Received by 8/18/15	Received after 8/18/15
Regular registration fee	<input type="checkbox"/> \$675	<input type="checkbox"/> \$725
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Materials Only (Not attending)	<input type="checkbox"/> \$175	<input type="checkbox"/> \$175

Add **\$75** to receive the course material in a printed binder at the conference. **Otherwise, the material will only be provided to you electronically via email. You are welcome to print the online material yourself.**

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GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by August 18, 2015. E-mail cancellation notice to lqaspar@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 Omni William Penn Hotel, 530 William Penn Place, Pittsburgh, PA 15219. Registrants should call 1.800.843.6664 and advise that they are attending the "Shale Play Laws Conference" to receive a reduced rate of \$145 + tax/night. Reservations may also be made online at cailaw.org/iel. The last day to obtain this special rate is August 19, 2015.

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: IEL as registrar for this conference will directly apply for course accreditation in the following states: IL, IN, KY, MO, NM, OH, OK, PA, TN, TX, VA and WV. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. IEL conferences are typically accredited by all mandatory CLE states.

This program consists of approximately 10.75 hours of continuing education, including up to 1 hour of ethics. Approved credit hours will vary by jurisdiction and are subject to each jurisdiction's approval and credit rounding rules.

The program is approved by the State Bar of Texas for 10.75 hours, including 1 hour of ethics. Course ID Number: 901322991. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.



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Institute for Energy Law
The Center for American and International Law
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