

Presented by



Institute for
ENERGY LAW

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16th Annual Energy Litigation Conference



16th Annual Energy Litigation Conference

November 9, 2017

Hilton Houston Post Oak • Houston, Texas

Lifetime Achievement in Energy Litigation Award

John P. Bowman
King & Spalding
Houston, Texas

IEL is an Institute of

**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**



Highlights

- Energy Litigation Update 2017
- Update on Recent Pipeline Litigation and Review of the New Political, Cultural, Legal and Economic Campaigns to Stop Infrastructure Development
- Energy Litigation: An In-House Perspective
- Economic Damages in Energy Litigation: What Every Litigator Needs to Know
- Instructions from the Bench
- Public Perception of Energy Companies: How to Harness the Good and Combat the Bad Litigation

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16th Annual Energy Litigation Conference

SCHEDULE

November 9

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7:30 REGISTRATION

8:20 WELCOME, OVERVIEW AND INTRODUCTIONS

8:30 ENERGY LITIGATION UPDATE 2017 (.75 hr)

A review of recent lawsuits and case outcomes of special interest to energy litigators.

— **Mark D. Christiansen**, McAfee & Taft, Oklahoma City, Oklahoma

9:15 UPDATE ON RECENT PIPELINE LITIGATION (1 hr)

Over the past year, energy development opponents have embarked on an intensified political, cultural, legal and economic campaign to stop infrastructure development. This presentation first will provide an overview of recent pipeline permitting litigation. We then will discuss some of the legal issues raised in the Dakota Access Pipeline litigation and its status before the court. The presentation will conclude with some thoughts on this intensified campaign and share thoughts about the future.

— **Bill Leone**, Norton Rose Fulbright US LLP, New York, New York

— **Bob Comer**, Norton Rose Fulbright US LLP, Denver, Colorado

10:15 BREAK

10:30 ENERGY LITIGATION: AN IN HOUSE PERSPECTIVE (1 hr)

This panel will discuss the current trends and hot issues facing in-house counsel in the oil and gas industry and how outside counsel can help them.

MODERATOR

— **Mark R. Robeck**, Kelley Drye & Warren LLP, Washington, D.C.

PANELISTS

— **Karissa Cottom**, Managing Attorney – Corporate Litigation, The Williams Companies, Inc., Tulsa, Oklahoma

— **Shane Kimzey**, Vice President & Associate General Counsel – Litigation, CenterPoint Energy, Houston, Texas

— **Vanessa Garza**, Senior Counsel, Litigation, Chevron U.S.A., Inc., Houston, Texas

— **Bryan D. Rohm**, Assistant General Counsel, TOTAL E&P USA, Inc., Houston, Texas

11:30 ECONOMIC DAMAGES IN ENERGY LITIGATION: WHAT EVERY LITIGATOR NEEDS TO KNOW (.5 hr)

Winning your case on its legal merits is imperative. But winning your economic damages case quantifies that success or mitigates loss. Learn how to present a credible case on economic damages, keeping in mind your trier of fact. Topics covered will include: (1) overcoming challenges to damage claims, (2) case results that may impact the economic damage analysis on your case, (3) trier of fact - how your venue may change your presentation and (4) common pitfalls in calculating economic damages.

— **Karyl Van Tassel**, Managing Director, Navigant Consulting, Inc., Houston, Texas

12:00 HOSTED LUNCHEON (0 hr)

Lifetime Achievement in Energy Litigation Award and Speech



Honoring

John P. Bowman
King & Spalding
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1:15 BREAK

1:30 INSTRUCTIONS FROM THE BENCH (.75 hr)

This one-on-one session with an experienced federal district court judge will look at trends in federal practice, advice on prosecuting and defending cases in federal court, technological changes and challenges affecting trials, and litigation related to energy proceedings.

INTERVIEWER

— **Kenneth Klemm**, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, New Orleans, Louisiana

INTERVIEWEE

— **The Hon. S. Maurice Hicks, Jr.**, United States District Judge for the Western District of Louisiana, Shreveport, Louisiana

2:15 PUBLIC PERCEPTION OF ENERGY COMPANIES: HOW TO HARNESS THE GOOD AND COMBAT THE BAD IN LITIGATION (1 hr)

A panel of seasoned trial consultants will discuss public perception of companies in the energy industry. The panel will cover strategies to combat the unfavorable perceptions and highlight the good both in trial and the early stages of litigation. The panel also will cover the latest tactics used by plaintiffs in litigation to capitalize on these perceptions.

MODERATOR

— **Elizabeth Robertson Taber**, King & Spalding, Houston, Texas

PANELISTS

— **Maithilee Pathak, Ph.D., J.D.**, R&D Strategic Solutions, Atlanta, Georgia

— **Karen Kash Redden, M.S.**, WitnessWork, Houston, Texas

— **C. K. "Pete" Rowland, Ph.D.**, Litigation Insights, Inc., Overland Park, Kansas

3:15 BREAK

3:30 FROM NORTH TO SOUTH: A COMPARISON OF KEY OIL AND GAS ISSUES IN APPALACHIA AND TEXAS/LOUISIANA (1 hr)

This presentation compares and contrasts how Appalachian oil and gas states (mainly Pennsylvania and Ohio) address various oil and gas issues with how those same subjects are addressed by the courts of Texas and Louisiana. Topics to be covered will include royalty class actions – both post-production deduction claims and bad faith sales claims – dormant mineral statutes, and the intersection of state and local regulation of oil and gas development.

- Lucas Liben, Reed Smith LLP, Pittsburgh, Pennsylvania
- Aimee W. Hebert, Kelly Hart & Pitre, New Orleans, Louisiana

4:30 SAFEGUARDING CLIENT DATA IN A BREACH-A-DAY WORLD (1 hr ethics)

The headlines are filled with reports of data breaches – including breaches of law firms! Security is a particular concern for attorneys because of their ethical duties of competence in technology and confidentiality. This session will explore recent breaches, current threats, and attorneys’ ethical and legal duties to safeguard information. It will then review measures for compliance with these duties and with increasing client demands for security.

- David G. Ries, Clark Hill PLC, Pittsburgh, PA

5:30 ADJOURN

5:30 - 6:30 NETWORKING RECEPTION

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ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)



Institute for
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An institute of The Center for American and International Law, IEL provides superior educational and professional opportunities for lawyers and other professionals in the energy industry through educational courses, conferences, scholarly publications and membership activities. IEL presents numerous educational conferences and seminars each year, publishes papers and periodicals, and provides an important forum in which contemporary issues affecting the energy industries can be discussed. For more information, visit cailaw.org/iel.

ABOUT THE CENTER FOR AMERICAN AND INTERNATIONAL LAW (CAIL)



THE CENTER FOR AMERICAN
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Founded in 1947, CAIL is a nonprofit educational institution dedicated to improving the quality of justice through continuing education to lawyers and law enforcement officials in the U.S. and throughout the world.

Tens of thousands of lawyers and law enforcement officers from all 50 states and 130 countries have participated in CAIL’s high quality, cutting-edge programs. For more information, visit cailaw.org.

REGISTRATION

16th Annual Energy Litigation Conference

November 9, 2017

Hilton Houston Post Oak • Houston, Texas

Registration includes one day Conference, all meals, Networking Reception 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 10/19/17	Received after 10/19/17
Regular Registration Fee	<input type="checkbox"/> \$435	<input type="checkbox"/> \$495
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Materials Only (not attending)	<input type="checkbox"/> \$150	<input type="checkbox"/> \$150

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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8:30am-5:00pm CT

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 19, 2017. E-mail cancellation notice to lgaspar@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 Hilton Houston Post Oak (2001 Post Oak Boulevard, Houston, TX 77056). Registrants should call 1.800.245.7299 and advise that they are attending the "IEL - 16th Annual Energy Litigation Conference" to receive a reduced rate of \$199 + tax/night for a standard king room. The last day to obtain this special rate is October 20, 2017.

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: This program is approved by the State Bar of Texas for a total of 7 hours, including 1 hour of ethics. Course ID Number: 928008477. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

For this conference, IEL will directly apply (if requested) for course accreditation in the following states: California, Louisiana, Minnesota, New Mexico, Ohio, Oklahoma, Pennsylvania, Texas and Virginia. 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.



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16TH ANNUAL ENERGY LITIGATION CONFERENCE

Institute for Energy Law
The Center for American and International Law
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