

Institute for
ENERGY LAW

The Energy Law Advisor

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Industry News

New Editor for Energy Law Advisor

The first issue of the IEL's new email newsletter, *Energy Law Advisor*, appeared in September 2007, under the managing editorship of Brit Brown of Beirne Maynard and Parsons of Houston, Texas. Brit's practice at Beirne Maynard focuses on commercial and tort-related disputes in the energy and automotive industries, but despite this busy practice and his ascension to the heights of managing partner at the firm, Brit found time to develop the idea of an IEL newsletter over a nearly seven year period from its inception to the popular bi-monthly publication IEL members receive today. Brit's contribution to the success of *Energy Law Advisor* over a long period of time cannot be overstated, with his careful procurement and editing of articles and other content, as well as his gently keeping the newsletter on course during many changes of IEL leadership and staff support. The IEL is enormously grateful to Brit and to Forrest Wynn, his assistant editor for some years, also from Beirne Maynard.

Like all things IEL, no one is allowed to stay in the same position forever, and as part of February's general change in IEL leadership, Brit passed the *Energy Law Advisor* baton to Harry Sullivan, senior counsel at Conoco Phillips. Harry is well known as an international lawyer and negotiator, and as an excellent teacher of oil and gas law both at IEL and other conferences, and as adjunct faculty at S.M.U.'s Dedman School of Law and at

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Submissions

Industry News
Email [Brit Brown](#) and [Lilly Hogarth](#).

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

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South Texas College of Law. Harry chairs the IEL's Academic Outreach Committee. Harry plans to continue the development of the newsletter from where Brit left off, always with a view to increasing its value to IEL members.



Harry W. Sullivan, Jr.
Senior Counsel
ConocoPhillips



Brit Brown
Managing Partner
Beirne, Maynard & Parsons, L.L.P.



In This Issue

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Volume 1, No.1 -- September 2007

Welcome From The Editorial Board

Welcome to the inaugural issue of IEL's new newsletter, The Energy Law Advisor (ELA). Published quarterly, the ELA will be distributed via email to all members. Because the Institute for Energy Law brings together some of the best minds from every area of the energy industry, the ELA is a wonderful vehicle for both tapping their understanding of the key legal issues facing the industry and for reaching the people who need the information. Each issue will include brief discussions of industry news, including editorials, discussion and analysis of legal and industry events. Each issue will also include a Members in the News section and provide a Calendar of Events showing upcoming IEL activities. Concurrent with this first issue, the IEL is also launching its Online Forum, which will enable members to discuss online issues relevant to the industry. Please refer to the Members in the News section for instructions for logging into the Forum. We invite all members to participate in the Forum and also to offer news or submissions for future newsletters. We also invite your commentary and feedback about the newsletter any time.

Industry News

Energy Bills Increase Renewable Energy Mandates and Tax Oil Companies
Submitted by [Mark R. Robeck](#), Baker Botts, L.L.P.

On September 4, 2007, the Senate received the House of Representatives' version of sweeping new energy legislation in a pair of companion bills. The bills raise taxes on oil companies and emphasize the use of renewable energy through new mandates on existing energy companies and incentives for the development of "green" energy sources.

[Get the full story.](#)

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How Will the EPA React to Massachusetts v. Environmental Protection Agency?
Submitted by [Benjamin A. Escobar](#), Beirne, Maynard, & Parson L.L.P.

On April 2, 2007, the U.S. Supreme Court, in *Massachusetts v. Environmental Protection Agency*, ruled that the EPA has the authority to regulate greenhouse gases. The decision, in part, was based on finding that greenhouse gases ("GHG") are pollutants under the Clean Air Act.

[Get the full story.](#)

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Renewable Portfolio Standards Among the New England States: How About Some Good Old-Fashioned Yankee Regionalism?

By: Keith Richard, New England School of Law

As announced on February 4, 2014, the Institute for Energy Law's

(IEL) 2014 **Hartrick Scholar** is **Keith Richard**, a third year law student at the New England School of Law in Boston, Massachusetts. His paper is entitled *Renewable Portfolio Standards Among the New England States: How About Some Good Old-Fashioned Yankee Regionalism?* The *Energy Law Advisor* is pleased to publish Mr. Richard's paper in three parts, the first of which is included in this month's issue. [Read more...](#)

Pricing Arbitrations: It's a Gas, Gas, Gas

By: Melanie Willems and Robert Blackett of Andrews Kurth

This article looks at the theory underlying price variation clauses in gas sales transactions, and how to approach a question about the meaning of an individual clause. [Read more...](#)

Energy Transfer Partners, L.P. v. Enterprise Products Partners, L.P., No. 11-12667 (298th Dist. Ct., Dallas County, Tex.) (Unpublished), applying Texas law

By: Joshua L. Fuchs, Jones Day and Kevin Dent, Gregory Wagner, Karl Jun of Baker Botts

ELA is including two case summaries on *Energy Transfer Partners, L.P. v. Enterprise Products Partners, L.P.*, No. 11-12667 (298th Dist. Ct., Dallas County, Tex.). The Texas jury in this case held, despite express contractual disclaimers, that a partnership had been created and that damages in the amount of \$319 million were due for a breach of fiduciary duties. [Read more...](#)

Members in the News

The IEL gratefully recognizes a new **Supporting Member**:

- **Winston & Strawn LLP** with the following representatives elected to the IEL Advisory Board: **Rocio Mendoza, Alex Niebruegge, J. Denmon Sigler, Craig Vogelsang**

Furthermore, we are pleased to announce the IEL has acquired 3 more **Sponsoring Members**:

- **Fletcher, Farley, Shipman & Salinas, LLP** with the following representative elected to the IEL Advisory Board: **Douglas Fletcher**
- **Ikiebe & Company** with the following representative elected to the IEL Advisory Board: **Joy Ijeoma**
- **Texas International Terminals Ltd.**, with the following representative elected to the IEL Advisory Board: **Scott Mixon**

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

Todd Drucker (JAMS, Inc., New York)

- **Steven J. Watkins** (McGinnis Lochridge, Houston)
- **Chadwick J. Bothe** (Law Office of Chadwick J. Bothe, Sugar Land)
- **Kathleen Paisley** (Ambos Law, Brussels)
- **Brandy Manning** (Burleson LLP, Midland)
- **Susan Lindberg** (Eni US Operating Co. Inc., Houston)
- **Patrick Okonjo** (Okonjo, Odiawa & Ebie, Lagos)
- **Elisabeth E. Muckala** (Hall, Estill, Hardwick, Gable, Golden & Nelson, PC Oklahoma City)
- **Jonathan Worthington** (Gray Reed & McGraw, P.C., Houston)
- **Chin H. Yu** (Hein & Associates, Houston)
- **Tobiah Utter** (Hein & Associates, Houston)
- **Brett Cupit** (Apache Corporation, Houston)
- **Gaia T. Mosher** (Apache Corporation, Houston)
- **Andrew Friedberg** (Apache Corporation, Houston)
- **Andrew M. Taylor** (Apache Corporation, Houston)
- **Mike P. Cash** (Liskow & Lewis, Houston)
- **Mark Whittington** (JAMS, Inc., Dallas)
- **Bradley L. DeLuca** (Johnson DeLuca Kurisky & Gould, Houston)
- **Brigid Ashcraft** (Johnson DeLuca Kurisky & Gould, Houston)
- **Andreas Achleitner** (EquityMetrix, LLC, Dallas)

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

- **William Radler** (Petrofac Inc., Houston)
- **Teymur Aliyev** (State Oil Company of Azerbaijan Republic, Baku)
- **Benjamin E. Foster** (Rutgers University School of Law , Camden Collingswood)
- **Emma Mata** (Seyfarth Shaw LLP, Houston)
- **C. Brendan Cummings** (Enesco plc, Houston)
- **Chalain Jordan** (Access Midstream Partners, L.P., Massillon)

The IEL is also proud to include in our Membership 2 more **Law Schools**:

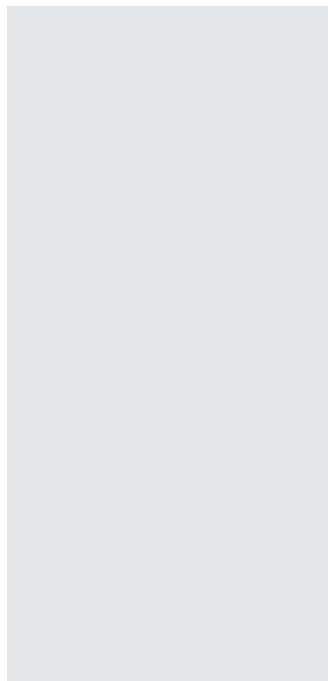
- **University of Dundee**, with the following representative elected to the IEL Advisory Board: **Peter Cameron**
- **University of Kansas School of Law**, with the following representative elected to the IEL Advisory Board: **Uma Outka**

Calendar of Events

[Current Land and Lease](#)

[YEP Breakfast Seminar:](#)

[Mergers & Acquisitions /](#)



Disputes in Shale Plays

**Live Webinar
May 15, 2014**

Anatomy of a Project

**Houston, TX
May 22, 2014**

Acquisitions & Disposals Conference

**Houston, TX
May 28 - 29,
2014**

Appalachia YEP General Counsel Forum

**Southpointe,
PA
June 19, 2014**

Netherland Sewell School

**Houston, TX
July 24, 2014**

5th Law of Shales Plays Conference

**Pittsburgh, PA
Sep 4-5, 2014**



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