

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



Institute for
ENERGY LAW



5th Law of Shale Plays Conference



5th Law of Shale Plays Conference

September 4 - 5, 2014

Omni Hotel
Pittsburgh, Pennsylvania

Register Now! cailaw.org/iel

Register before August 22 to receive a discount.

Highlights

- Hosted Luncheon Featuring a Conversation with **Rudy Giuliani**
- Responding to Anti-Development Voices
- Hot Issues in Leasing
- Challenging “Sue and Settle” Restrictions on Resource Development
- Environmental, Regulatory and Litigation Updates
- Shale Development and Energy Independence

MCLE credit will be available

Members of supporting organizations may register at a discounted rate



IEL is an Institute of
**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

ABA
AMERICAN BAR ASSOCIATION
Section of Litigation

Conference Co-Chairs

Kevin Cunningham
Vice President and General Counsel, Cabot Oil & Gas Corporation, Houston, Texas

Barclay Nicholson
Norton Rose Fulbright
Houston, Texas

Russell Schetroma
Steptoe & Johnson PLLC
Meadville, Pennsylvania

ABOUT THE INSTITUTE FOR ENERGY LAW (IEL)

Part 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 several educational conferences and seminars each year, publishes papers, periodicals and *The Oil and Gas Reporter*, and provides an important forum in which contemporary issues affecting the energy industries can be discussed.

ABOUT THE ENERGY AND MINERAL LAW FOUNDATION (EMLF)

EMLF is a national nonprofit educational organization which fosters the study of the laws and regulations related to natural resource development and energy use. The Foundation is an Accredited Provider of Mandatory Continuing Legal Education programs, AAPL and other professional recertification credits, and provides opportunities for professional development through committee participation, program planning, public speaking and publishing of original work.

Canvas Bag Sponsor



WEDNESDAY, SEPTEMBER 3

6:00 WELCOME RECEPTION

Hosted by the IEL Young Energy Professionals Practice Committee and the IEL Oil & Gas Practice Committee

Sponsored by



THURSDAY, SEPTEMBER 4

8:00 REGISTRATION

8:45 WELCOME, OVERVIEW AND INTRODUCTIONS

- **Kevin Cunningham**, Vice President and General Counsel, Cabot Oil & Gas Corporation, Houston, Texas
- **Barclay Nicholson**, Norton Rose Fulbright, Houston, Texas
- **Russell L. Schetroma**, Steptoe & Johnson PLLC, Meadville, Pennsylvania

9:10 RESPONDING TO ANTI-DEVELOPMENT VOICES

The shale boom has transformed America's future in many different ways, but the practicalities of production of hydrocarbons from shale encounter opposition from NGOs, the public, and government at local and, in some cases, state level. Is this just a matter of poor industry PR? Are there genuine concerns which industry is not addressing properly? Our speaker will explore how industry should respond to an evolving anti-development sentiment.

- **Mark K. Boling**, President – VP Development Solutions, Southwestern Energy Company, Houston, Texas

10:00 ENERGY INDEPENDENCE - PUTTING SHALE INTO CONTEXT

Our speaker will present a forward-looking energy economic analysis, putting shale development into context as part of a much larger economic picture for the U.S. and the world.

- **A. Marc Passy**, Leading Strategy Analyst, Statoil North America, Inc., Houston, Texas

10:45 BREAK

11:00 THIS YEAR'S HOT ISSUES IN LEASING

Shale leases continue to develop as the experience of lessors, lessees and landmen grows. Our panel will discuss the currently most contentious and difficult issues in leases.

MODERATOR

- **Barclay Nicholson**, Norton Rose Fulbright, Houston, Texas

PANELISTS

- **Kevin L. Colosimo**, Bureson LLP, Canonsburg, Pennsylvania
- **Timothy M. Miller**, Robinson & McElwee PLLC, Charleston, West Virginia
- **Barry Osborne**, VP - Land, Southern Marcellus Shale, Range Resources, Fort Worth, Texas
- **William G. Williams**, Krugliak Wilkins Griffiths & Dougherty Co., Canton, Ohio

12:00 HOSTED LUNCHEON

North American Shale and Emerging Fundamentals in Global Oil and Gas Markets

- **Kenneth B Medlock III, PhD**
James A. Baker III and Susan G. Baker fellow in Energy and Resources Economics, and Senior Director, Center for Energy Studies, James A. Baker III Institute for Public Policy, Rice University, Houston, Texas

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NORTON ROSE FULBRIGHT



1:30 ENVIRONMENTAL UPDATE

This session will cover the most recent developments in the application of state and federal environmental laws to onshore oil and gas production, including EPA action, and the increasing concerns about water use.

- **Jason Hutt**, Bracewell & Giuliani LLP, Washington, DC

2:30 CHALLENGING “SUE AND SETTLE” RESTRICTIONS ON RESOURCE DEVELOPMENT

In a series of decisions in the Western District of Pennsylvania and the Third Circuit, Minard Run Oil Co. and the Pennsylvania Independent Oil and Gas Association (PIOGA) demonstrated industry’s ability to challenge “sue and settle” agreements in which federal agencies may

unduly accommodate plaintiffs who oppose development, and to challenge NEPA and other regulatory delays. Using the Minard Oil litigation as a case study, our speakers will demonstrate the importance of prompt industry intervention in ENGO suits, the circumstances in which “sue and settle” agreements can be challenged, and how you can get a preliminary injunction, and even permanent relief, allowing development to proceed.

- **R. Timothy McCrum**, Crowell & Moring LLP, Washington, DC
- **Craig L. Mayer**, Vice President, Government Affairs, Pennsylvania General Energy Company L.L.C., Warren, Pennsylvania

3:15 BREAK

3:30 GENERAL COUNSEL PANEL

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

MODERATOR

- **Barclay Nicholson**, Norton Rose Fulbright, Houston, Texas

PANELISTS

- **John Ale**, Vice President and General Counsel, Southwestern Energy Company, Houston, Texas
- **Dennis Cameron**, Senior Vice President and General Counsel, WPX Energy Inc., Tulsa, Oklahoma
- **Kevin Cunningham**, Vice President and General Counsel, Cabot Oil & Gas Corporation, Houston, Texas
- **William D. Marsh**, Vice President and General Counsel, Baker Hughes Incorporated, Houston, Texas

4:45 NETWORKING RECEPTION

Hosted by the Institute for Energy Law and the Energy and Mineral Law Foundation

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NAVIGANT

Vinson & Elkins LLP

FRIDAY, SEPTEMBER 5

9:00 REGULATORY UPDATE PANEL

This panel will discuss key developments in the federal, state and local regulation of oil and gas development. What forthcoming regulation is expected?

MODERATOR

— **Keith Hall**, Assistant Professor of Law and Director, Louisiana Mineral Law Institute, LSU Law Center, Baton Rouge, Louisiana

PANELISTS

- **John R. Jacus**, Davis, Graham, & Stubbs LLP, Denver, Colorado
- **Janet L. McQuaid**, Norton Rose Fulbright, Canonsburg, Pennsylvania
- **Lowell M. Rothschild**, Bracewell & Giuliani LLP, Washington, DC
- **Daniel W. Wolff**, Crowell & Moring LLP, Washington, DC

9:45 LITIGATION UPDATE PANEL

This panel presentation will discuss the latest litigation impacting shale plays throughout the United States. What are the emerging litigation risks associated with shale plays?

MODERATOR

— **Jeff King**, Winstead PC, Fort Worth, Texas

PANELISTS

- **Mark Christiansen**, McAfee & Taft, Oklahoma City, Oklahoma
- **David Fine**, K&L Gates, LLP, Harrisburg, Pennsylvania
- **W. Henry Lawrence**, Steptoe & Johnson PLLC, Bridgeport, West Virginia
- **Jesse R. Pierce**, Pierce & O'Neill, LLP, Houston, Texas
- **Roy A. Powell**, Jones Day, Pittsburgh, Pennsylvania

10:45 BREAK

11:00 RISING COMMERCIAL AND REGULATORY ISSUES IN SHIPPER CONTRACTS FOR OIL AND GAS TRANSPORTATION ON NEW INFRASTRUCTURE

- Issues that arise in negotiating service agreements for new pipeline projects in the midst of the current increase in infrastructure development.
 - The priorities of shippers contrasted with those of pipeline owners.
 - Shipper incentives in transportation agreements, and the limits of such incentives under the Natural Gas Act and Interstate Commerce Act.
 - Other regulatory issues that arise from and intersect with the commercial issues in pipeline development, including with respect to shipper transportation agreements.
 - Issues specific to pipeline development and transportation service agreements for projects built to serve LNG export facilities.
- **George D. Fatula**, Bracewell & Giuliani LLP, Washington, DC

12:00 HOSTED LUNCHEON

A Conversation with Rudy Giuliani *Shale Development and Energy Security*

Featuring **Rudy Giuliani**
in conversation with **Scott Segal**

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1:30 ETHICS SESSION: DEALING WITH PARTIES WHO OWN DIFFERENT INTERESTS IN THE SAME LAND AND MINERALS

Our speaker will discuss the ethical issues such as conflict of interest, privilege, joint defense and others arising for a lawyer dealing with various parties (such as lessors, lessees, joint interest owners, operators, royalty owners, etc.) who own different interests in the same land and minerals.

— **Michael Calhoon**, Baker Botts, Washington, DC

2:30 ADJOURN

REGISTRATION

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September 4 - 5, 2014

Omni Hotel • Pittsburgh, Pennsylvania

Registration includes the Conference, course materials on USB and online, two luncheons and two receptions.

Check applicable box:	Received by 8/22/14	Received after 8/22/14
Regular registration fee	<input type="checkbox"/> \$590	<input type="checkbox"/> \$650
IEL Advisory Board Member	<input type="checkbox"/> \$440	<input type="checkbox"/> \$490
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Law Student	<input type="checkbox"/> \$125	<input type="checkbox"/> \$125
Materials Only	<input type="checkbox"/> \$175	<input type="checkbox"/> \$175

\$100 - Receive course materials in printed binder (in addition to USB and online). (If not checked limited handouts - powerpoint presentations & rosters - will be distributed)

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PAYMENT INFORMATION

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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 August 22, 2014. 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 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 Plays Law Conference" to receive a reduced rate of \$139 + tax. Reservations may also be made online at cailaw.org/iel. The last day to obtain this special rate is August 11, 2014.

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 is approved by the State Bar of Texas for 11.5 hours, including 1 hour of ethics. Course ID Number: 901297378. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.



5TH LAW OF SHALE PLAYS CONFERENCE
Institute for Energy Law
The Center for American and International Law
5201 Democracy Drive
Plano, TX USA 75024

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