



Institute for  
**ENERGY LAW**



2019  
**11/14**

## **18th Annual Energy Litigation Conference**

HOUSTON CITYPLACE MARRIOTT  
AT SPRINGWOODS VILLAGE  
SPRING, TEXAS, USA

**Lifetime Achievement in Energy  
Litigation Award Honoring JoAnn  
Lee (Exxon Mobil Corporation)**



*IEL is an Institute of*

**THE CENTER FOR AMERICAN  
AND INTERNATIONAL LAW**

### **Highlights:**

- Litigation Risk and Exposure from Extreme Climate Events
- Perspectives on Trying Energy Cases in 2019 and Beyond
- In-House Counsel Panel – Litigation Managers
- Best Practices and Pitfalls All Energy Companies Should Know When Litigating Theft of Trade Secret Cases
- Collecting Judgments in Energy Litigation

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MCLE Credit will be available

## SCHEDULE

11/14

# 18th Annual Energy Litigation Conference

## Conference Co-Chairs

**Jonathan Baughman**  
McGinnis Lochridge  
Houston, Texas

**Kelli Jones**  
Managing Counsel  
ConocoPhillips Company  
Houston, Texas

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### 7:45 Registration

Breakfast Sponsor:  **WOMBLE  
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### 8:20 Welcome, Overview and Introductions

### 8:30 Energy Litigation Update 2019 (.75 hr)

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

- **Mark D. Christiansen**, Edinger Leonard & Blakley, PLLC, Oklahoma City, Oklahoma

### 9:15 Anatomy of a Landmark Case: *ETP v. Enterprise Products* (.75 hr)

The presenters will provide their firsthand trial and appellate perspectives on this pipeline joint venture dispute, from the trial court to the Texas Supreme Court.

- **Jeff M. Golub**, Beck Redden LLP, Houston, Texas
- **David M. Gunn**, Beck Redden LLP, Houston, Texas

### 10:00 Break >

### 10:30 Litigation Risk and Exposure from Extreme Climate Events (1 hr)

Extreme weather events have led to real legal exposure and will continue to do so. This presentation is prospective, in that it discusses how to anticipate and prepare for these events. It is also retrospective, in that it discusses responses after these events, including how to defend, mitigate, and transfer litigation risk. The discussion covers the major types of extreme weather events and many locations around the globe.

- **Mary Rose Alexander**, Latham & Watkins LLP, Chicago, Illinois
- **Thomas J. Heiden**, Latham & Watkins LLP, Chicago, Illinois
- **Harri K. Kytomaa, Ph.D., P.E., CFEI**, Group Vice President & Principal Engineer, Thermal Sciences, Exponent, Natick, Massachusetts
- **Matt Stein**, Vice President Business Development, Jupiter Intelligence, San Mateo, California

### 11:30 Perspectives on Trying Energy Cases in 2019 and Beyond: Opinions from a Former Judge, a Trial Lawyer and Jury/Trial Consultant (.75 hr)

This session will provide a unique perspective from a distinguished panel on the changing environment that energy lawyers find themselves in when trying complex energy disputes in 2019 and beyond. Whether trying a case before a jury or a judge, listen to the insights of a seasoned trial judge, trial lawyer and jury/trial consultant offer their perspectives given changing demographics, social media, electronics, politics, and the increased use of hydraulic fracturing across the United States.

- **Jesse Pierce**, Pierce & O'Neill, LLP, Houston, Texas
- **Shelley C. Spiecker, Ph.D.**, Senior Litigation Consultant, Persuasion Strategies, Denver, Colorado
- **Randy Wilson**, Susman Godfrey L.L.P., Houston, Texas

## SCHEDULE

### 12:15 Lunch – Lifetime Achievement in Energy Litigation Award Presentation and Speech (0 hr)



*Honoring*

**JoAnn Lee**  
Associate General Counsel  
Exxon Mobil Corporation  
Spring, Texas

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### 1:30 Break >

### 1:45 In-House Counsel Panel – Litigation Managers (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: **Amy Pharr Hefley**, Baker Botts L.L.P., Houston, Texas

Panelists:

- **Jason Bergeron**, Senior Counsel – Litigation, Exxon Mobil Corporation, Baton Rouge, Louisiana
- **Jason Buchman**, General Counsel & Chief Compliance Officer, Stratum Reservoir, Houston, Texas
- **Tonja D. De Sloover**, Deputy General Counsel & Head of Litigation, Energy Transfer LP, Houston, Texas
- **Julie S. Stanger**, Senior Counsel, Litigation Management Unit, Chevron Upstream, Houston, Texas

### 2:45 Best Practices and Pitfalls All Energy Companies Should Know When Litigating Theft of Trade Secret Cases (.5 hr)

The filing of trade secret misappropriation cases is climbing in both federal and state court. With the protections available under the DTSA and TUTSA, energy companies are actively litigating under these statutes to safeguard their trade secrets and police unfair competition. Critical to the outcome of these cases is the measures taken to secure the confidentiality of trade secrets in advance of litigation. With the energy industry being heavily driven by data, new technology, global communications, and the movement of key talent, the hiring and departure of employees represent key gateways for incorporating trade secret protections. Active consulting, service and transactional trends in the industry likewise enhance the need for utilizing measures to protect the ownership and existence of trade secrets in advance of negotiations or due diligence. Trade secret misappropriation cases have been won and lost based on the business measures in place or lack thereof – highlighting the critical importance of implementing best practices to safeguard trade secrets and being aware of pitfalls that can lead to the loss of trade secret status.

- **Michelle Pector**, Morgan, Lewis & Bockius LLP, Houston, Texas

# SCHEDULE

## 3:15 Break >

### 3:30 Collecting Judgments in Energy Litigation (.75 hr)

Once you have invested the resources in winning a money judgment against your opponent or counterparty, you have a strong incentive to actually turn that into a monetary recovery, if possible. Unfortunately, trial-level litigators who might secure the judgment in the first place may not have the enthusiasm or expertise for post-judgment collection. D. Brent Wells has collected judgments for major energy exploration and production companies, traders that buy and sell energy products such as natural gas, and oilfield service companies that deliver labor and materials on credit. In this presentation Brent will rundown legal options, remedies, and strategies for collecting your energy-related judgment, including asset discovery, judgment liens, execution, garnishment, and turnover. By knowing the tools in the post-judgment arsenal, you may have a better chance of hitting paydirt!

- **D. Brent Wells**, Wells & Cuellar, P.C., Houston, Texas

### 4:15 Ethical Issues in Energy Law (Ethics) (1 hr ethics)

A frank discussion of how to avoid ethical traps, malpractice claims, and even grievances before the State Bar or a disciplinary agency. The session will include a review of the attorney discipline system and recent caselaw that will be useful to both in-house attorneys and outside practitioners.

- **Allison S. Miller**, Beck Redden LLP, Houston, Texas
- **Kate Skagerberg**, Beck Redden LLP, Houston, Texas

## 5:15 Adjourn >

### 5:15-6:15 Networking Reception >

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## YOUNG LITIGATOR OIL & GAS CONFERENCE - NOVEMBER 13, 2019

1200 LAKE PLAZA DRIVE • SPRING, TEXAS

**Conference Co-Chairs:** Katherine Smith Baker (Bradley Murchison Kelly & Shea LLC, Shreveport) and Brittany B. Salup (Chevron Upstream, Covington)

Building off of the outstanding success of last year's inaugural young litigators program, the Institute for Energy Law presents another must-attend oil and gas program for young litigators. This conference is designed for newer attorneys with zero to ten years of practice experience, as well as those new to representing clients in energy litigation matters. The program only costs \$195 for members and \$260 for non-members. A special discount is available for individuals attending both energy litigation conferences.

#### Topics Include:

- In the Courtroom: Making the Presentation to Win
- From Acquisition to Production: A Litigator's Role
- What an Energy Litigator Needs to Know About the Science and Technology of the Industry
- Oil and Gas Litigation Dockets: Royalties, Leases, JOA/JV/MSAs, Fracking/Environmental
- Advice from In-House and Law Firm Litigators on Managing Energy Litigation

For more information and to register visit [cailaw.org/iel](http://cailaw.org/iel).

# REGISTRATION

## 18th Annual Energy Litigation Conference November 14, 2019 Houston CityPlace Marriott at Springwoods Village Spring, 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 10/21/19	Received after 10/21/19
Regular registration fee	<input type="checkbox"/> \$435	<input type="checkbox"/> \$495
IEL Advisory Board Member	<input type="checkbox"/> \$345	<input type="checkbox"/> \$395
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Materials Only - <i>Not Attending</i>	<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.

**REGISTRATION ROSTER:** Your name & contact information will be included on the Registration Roster, unless you indicate otherwise below.

- Include only my name & employer/company's name on the roster.
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## GENERAL INFORMATION

**CANCELLATION POLICY:** Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by October 21, 2019. Email [kjohnson@cailaw.org](mailto:kjohnson@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 online course materials.

**HOUSING:** The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Houston CityPlace Marriott at Springwoods Village, 1200 Lake Plaza Dr, Spring, TX 77389. Registrants should call 1 (800) 228-9290 or (281) 350-4000. If asked, the code for the block is IEL. So long as rooms remain available in the block, the reduced room rate of \$189, plus taxes and fees, will be available. The last day to obtain this special rate is October 21, 2019.

**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.

**PRIVACY POLICY:** We do not sell or rent information to any outside parties. By providing your information, you will receive postal and electronic communications from the Institute for Energy Law (IEL) of The Center for American and International Law (CAIL) in accordance with CAIL's Privacy Policy. At any point, you can opt-out or unsubscribe by selecting either link at the bottom of each email or call us at 972.244.3400.

**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:** 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.

This program is approved by the State Bar of Texas for a total of 6.5 hours, including 1 hour of ethics. Course ID Number: 174060472. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules.

## 3 WAYS TO REGISTER

Payment must accompany registration.

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8:30am-5:00pm CT



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**18th Annual Energy Litigation Conference**  
Institute for Energy Law  
The Center for American and International Law  
5201 Democracy Drive  
Plano, TX USA 75024

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