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ENERGY LAW

The Energy Law Advisor

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Industry News

Implications of the "Arab Spring" for International Investors in the Energy Sector

By: Danielle Morris

The Middle East has recently experienced substantial upheaval, such as the revolutions in Egypt and Libya, the transfer of power in Yemen, and the civil war in Syria. Foreign investors that have entered into energy-related PSAs, service agreements, or concession contracts with the State may accordingly find themselves in the difficult position of having to deal with a revolutionary faction that has taken control of a particular region or declared itself the country's new government.

The implications of the Arab Spring presents a number of questions for investors. After briefly describing the international law principles relevant to determining when a revolutionary movement can be considered the new government and capable of binding the State, this article will turn to practical considerations for a foreign investor with energy interests in the Middle East. [Read more...](#)

Shale Gas in Europe: What US Lawyers Need to Know - Short Report

By: Cécile Musialski

Unconventional gas resources, including shale gas, coalbed methane and tight gas, are known to exist in Europe. It is believed that recoverable resources of shale gas are important, but it remains uncertain exactly how much can be economically recovered.

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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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The topic of Shale gas has been a stirring debate for the last few years. So far, the debate around shale gas has focused on environmental risks, notably those resulting from hydraulic fracturing. Unconventional gas extraction is at its infancy stage in Europe, and at the Member State level, a landscape of stances, policies and regulations have appeared, but these remain incoherent for the most part. It thus remains to be seen how Member States will regulate the shale gas industry in the future.

This article presents an overview of the current EU regulatory landscape and what is generally anticipated from the EU as the unconventional gas sources continue to be explored and developed.

[Read more...](#)

Reeder v. Wood County Energy, LLC, -- S.W.3d --, 2012 WL 3800231 (Tex. 2012)

By: Brendan P. Doherty

This case note provides a brief summary of the Texas Supreme Court's ruling in *Reeder v. Wood County Energy, LLC, -- S.W.3d --, 2012 WL 3800231 (Tex. 2012)*, supplemented on reh'g, *--S.W.3d--, 2013 WL 1277026 (Tex. 3/29/13)*.

The Court resolved an issue dealing with the scope of an exculpatory provision contained in a Joint Operating Agreement (JOA) modeled after the 1989 Model Form Operating Agreement of the American Association of Petroleum Landmen. The case began as an action by a unit operator against certain working interest holders, seeking declaratory and injunctive relief, and alleging exclusive possession of the wellbores, trespass, conversion, and other claims.

The defendant/working interest holders filed counterclaims, asserting, among other things, that the operator breached the JOA in failing to obtain production in paying quantities, misreporting production to the Railroad Commission, and concealing production, giving rise to claims for conversion and violations of the Theft Liability Act. The Court's holdings on the application of standard JOA exculpatory provisions will have an impact on the way such claims are filed and heard. [Read more...](#)

Security Interests in Renewable Energy Credits (Part I)

By: Howard M. Steinberg and Reade Ryan

The renewable energy credit ("REC") market continues to expand as generation from "renewable" energy sources becomes paramount.

Howard Steinberg and Reade Ryan are members of the Finance Group of Shearman & Sterling LLP, and this three-part article addresses the issue of how a security interest can be taken in a renewable energy credit or similar "environmental attribute."

With no known reported cases or legislation on this topic, there is virtually no written expert guidance for buyers, sellers or financiers in this area. [Read more...](#)

Leadership News

Please help us congratulate William R. Buck and James ("J.J.") McAnelly who have recently been appointed as the new Chair and Vice Chair of the Oil & Gas Practice Committee as well as Alex Cestero who has recently been appointed as the new Vice Chair of the Oilfield Services Practice Committee.



William (Bill) R. Buck is General Counsel - Upstream Companies for Exxon Mobil Corporation. Based in Houston, Texas, Bill manages Law support for ExxonMobil's world-wide Upstream (exploration, development, production and related research) Operations. In addition, he practices international, corporate and energy-related transactional law. In his 30+ year career with Mobil Corporation and Exxon Mobil Corporation, Bill has held multiple legal, business and management positions.

On the Law side, he has acted as counsel in support of domestic and international Upstream Operations, General Counsel of Upstream Operations in Norway, and Assistant General Counsel of Mobil Chemical Company, as well as Assistant Chief Attorney and Chief Attorney of ExxonMobil's world-wide Production Operations.

On the business side, Bill held the positions of Planning Coordination Manager, Strategic Planning Manager, and Upstream SAP Implementation Manager.

Bill assumed his current position, General Counsel – Upstream Companies, in April 2012.

Bill earned his B.Sc. and J.D. from the University of Colorado and is admitted to the bars of Colorado, New York, Louisiana and Texas.

James ("J.J.") McAnelly III is a partner and Chair of the Oil, Gas & Midstream Group of Bracewell & Giuliani LLP in Houston.



James (J.J.) McAnelly represents oil, gas and energy industry clients in a broad range of oil and gas transactions, including the purchase, sale and/or financing of exploration and producing properties, processing plants, production and storage facilities and pipeline systems, as well as day-to-day operational representation. He also assists in the formation of joint ventures and partnerships for the funding, acquisition, operation and development of energy projects. He also has represented private equity investors and lenders to oil and gas exploration and development projects.

Mr. McAnelly's finance practice focuses on the representation of commercial banks, investment banks and hedge funds in energy lending. He also represents lenders in structured finance and off-balance sheet transactions.



Alex Cestero, Vice President, General Counsel, Secretary and Chief Compliance Officer of Lufkin Industries, Inc. has recently been appointed Vice Chair of the IEL Oilfield Services Practice Committee.

At Lufkin, Mr. Cestero is a member of the senior management team and supervises a worldwide team of lawyers and non-lawyer professionals. Prior to Lufkin, Mr. Cestero spent nearly a decade in-house in the international drilling industry, including eight years at Pride International, Inc. serving progressively in various roles, including as Deputy General Counsel - Business Affairs and Assistant Secretary, charged with legal oversight of the worldwide business development transactions, operations, and other commercial matters of the company. Later, Mr. Cestero was involved in the spin-off of Seahawk Drilling, Inc., now part of Hercules Offshore, Inc., from Pride in August 2009 and then served as its Senior Vice President, General Counsel, Chief Compliance Officer and Secretary.

Prior to his in-house career, Mr. Cestero was with Bracewell & Giuliani LLP and Vinson & Elkins LLP.

Originally from Puerto Rico, Mr. Cestero was raised in Miami, Florida, and lives in Lufkin, Texas with his wife and three sons. Mr. Cestero earned his J.D. from Stanford Law School, and his M.B.A. and B.A. degrees from Rice University.

Members in the News

Mark Christiansen, a vice chair of the IEL's advisory board and one of the co-chairs of this year's Energy Litigation Conference in the fall, has joined Oklahoma's largest law firm, McAfee & Taft in Oklahoma City. Mark, a long term supporter of the IEL and also a member of the CAIL board of trustees, was formerly a partner in the firm of Crowe and Dunlevy.



Justin T. Stolte recently rejoined Latham & Watkins after working as a Sr. Commercial Advisor for Apache Corporation. While at Apache, he was responsible for business development, commercial and land activities in the Americas for the New Ventures group. Mr. Stolte rejoins Latham & Watkins as an attorney in the Global Oil & Gas Industry Team, with a focus on a broad range of domestic and international oil and gas transactions and projects.

David H. Sweeney, our Young Energy Professionals Practice Committee Chair has recently joined LUKOIL Overseas Offshore Projects Inc. as Associate General Counsel.



The IEL gratefully recognizes the following Membership Upgrades:

- **Baker & McKenzie** upgraded their membership from Supporting to Sustaining, with the following representatives elected to the IEL Advisory Board: *Graham Blair, Michael Byrd, Brendan Cook, Louis Davis*
- **Steptoe & Johnson PLLC** upgraded their membership from Sponsoring to Sustaining, with the following representatives elected to the IEL Advisory Board: *Sharon Flanery, Andrew Graham, Kurt Krieger, Russell Schetroma, George Snell, Erin Anderson, Philip Vasquez, Diana Prulhiere*
- **Baker, Donelson, Bearman, Caldwell & Berkowitz, PC** upgraded their membership from the Associate Membership of Ken Klemm to a Supporting Membership for our Institute. Their IEL Advisory Board representatives are: *Ken Klemm, Mark Mathews, Brad Chambers, Betty Richmond*

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

- **Mark Dobbs** (Concorde Resource Corp., Eufalula)
- **Brendan P. Doherty** (Gieger, Laborde & Laperouse, L.L.C., Houston)
- **Pat Long Weaver** (Stubbeman, McRae, Sealy Laughlin & Browder, Midland)

The IEL also welcomes the **University of North Dakota School of Law** represented by *Christine R. Fritze* on our Advisory Board and our newest Young Energy Professional Members:

- **Collins Acheampong** (University of Dundee, Dundee)
- **Dana Absatovna** (San Francisco)
- **Paul Jacob Ayad** (Schiff Hardin LLP, Chicago)
- **Tyler B. Goldthwaite** (Stephens & Myers, LLP, Dallas)
- **Kyla Gunter** (Gunter Land Services, Fort Worth)
- **Nicholas Hunley** (ConocoPhillips, Katy)
- **Michelle R. Ivshin** (Copeland, Cook, Taylor & Bush, Ridgeland)
- **Chalain Jordan** (Access MidstreamPartners, L.P., Massillon)
- **Desiree K. Killen** (ExxonMobil Exploration Company, Houston)
- **Carrie A. Lee** (Boardwalk Pipeline Partners, LP, Houston)
- **Viren Mascarenhas** (Freshfields Bruckhaus Deringer US LLP, New York)
- **Adrian Milton** (Latham & Watkins LLP, Houston)
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- **Daniel H. Furdie** (Jones Walker Vaehner Foreverhoffer & Denegre LLP, Houston)
- **Joshua Robles** (Snellgrove, Langley, Culpepper Williams and Mullally, Jonesboro)
- **Spencer Schoonenberg** (Mayhall & Blaize, L.L.C., Baton Rouge)
- **James Skinner** (Smith Rose Finley, San Angelo)
- **Greg Sussman** (Chicago)
- **Trevor E.D. Young** (Bertolino, L.L.P., Austin)

Calendar of Events

**Risk Allocation
in Offshore
Contracts**

Webinar
June 25, 2013

**International Oil
& Gas,
Contracts &
Negotiations -
Part I**

Houston, TX
Sep 23 - 27,
2013

**6th Annual YEP
General
Counsel Forum**

Houston, TX
Sep 24, 2013

**International Oil
& Gas,
Contracts &
Negotiations -
Part II**

Houston, TX
Sep 30 - Oct 4,
2013

**3rd Oilfield
Services Law
Conference**

Houston, TX
Oct 7, 2013

**Oil & Gas Law
Short Course**

Westminster,
CO
Oct 21 - 25,
2013

**12th Annual
Energy
Litigation
Conference**

Houston, TX
Nov 7, 2013

**2nd Midstream
Oil & Gas Law
Conference**

Houston, TX
Nov 22, 2013

**4th IEL-SEERIL
Oil & Gas Law
Conference**

London, UK
Dec 4 - 6, 2013

**Save the Dates!
2014 IEL Conferences**

January 23-24 - Power & Alternative Energy Law Conference
February 18-20 - 65th Oil & Gas Law Conference
March 27-28 - IEL-ANADE Conference
June 5-6 - 5th Law of Shale Plays Conference
September 23 - 7th YEP General Counsel Forum
October 6 - 4th Oilfield Services Law Conference
November 6 - 13th Annual Energy Litigation Conference
December 4 - 3rd Midstream Oil & Gas Law Conference



THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

Institute for Energy Law
of The Center for American and International Law
5201 Democracy Drive | Plano, Texas USA 75024-3561
+1.972.244.3400 | +1.972.244.3401 (fax)

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