



Institute for
ENERGY LAW

The Energy Law Advisor

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Industry News

Dallas Court of Appeals Reverses Partnership Verdict: Preliminary Agreements Precluded Partnership

On July 18, 2017, the Dallas Court of Appeals reversed a \$535 million judgment against Enterprise Products Partners, L.P. (Enterprise), finding that unfulfilled conditions precedent in Enterprise's written agreements with Energy Transfer Partners, L.P. (ETP) precluded the formation of a partnership between the parties. The jury verdict had generated concerns in the business community that parties could unwittingly form a partnership and be subject to the attendant fiduciary duties. The court of appeals' decision signals that the risk of an inadvertent partnership can be minimized through appropriate drafting of preliminary agreements.

[Read more](#)

By Brad Benoit, Stephen Crain and Bryan Dumesnil, Bracewell LLP

Pennsylvania Supreme Court invalidates test for constitutionality of Commonwealth environmental actions and applies private trust law, leaving many unanswered questions

On June 20, 2017, the Pennsylvania Supreme Court in Pennsylvania Environmental Defense Foundation v. Commonwealth, No. 10 MAP 2015, 2017 WL 2645417 (Pa. June

Jay E. Ray
IEL Director
Plano, Texas

Submissions

Industry News

Email [Harry Sullivan](#) and [Vickie Adams](#).

Member Announcements

Email [Vickie Adams](#).

Please submit photo with announcement if possible.

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20, 2017), injected substantial uncertainty into environmental jurisprudence in Pennsylvania for the foreseeable future by invalidating the test used by courts and administrative bodies for the last 44 years to adjudicate the constitutionality of Commonwealth Actions under the Environmental Rights Amendment to the Pennsylvania Constitution. Some concrete takeaways from *PEDF v. Commonwealth* are possible, but future litigation and administrative disputes will determine its reach.

[Read more](#)

By Kevin L. Barley, Frost Brown Todd LLC

Brazil Looks to Reform its Oil and Gas Sector

The article deals with the new Brazilian oil and gas policies and regulations recently enacted and designed to attract investments, with a focus on the new Petrobras' role in the Pre-salt area, the release of a bid round schedule under both concession and production-sharing regimes, and local content new rules. [Read more](#)

By Bruno Triani Belchoir and Leandro Duarte Alves, Mayer Brown

Levee Board Seeks Review of Application of Grable/Gunn jurisdiction with the United States Supreme Court

This article analyzes the recent writ of certiorari filed by the Southeast Louisiana Flood Protection Authority - East with the United States Supreme Court which seeks reversal of the Federal Fifth Circuit Court of Appeals' application of federal question jurisdiction as defined by Grable/Gunn. The suit filed by the Authority has received significant attention since it was filed since it seeks to hold oil and gas and pipeline companies responsible for land loss in Louisiana's coastal zone. [Read more](#)

By Claire Juneau, Kean Miller LLP

IEL News

In Memoriam

It is with sadness and regret that we inform you of the passing of Stephen F. Gates on July 7, 2017.

Steve led the IEL with aplomb and humor as Chair of the Advisory Board from 2010-2012. A member of the Advisory Board and its Executive Committee since 2003 -- first as General Counsel of ConocoPhillips and later as Senior Counsel at Mayer Brown -- Steve also led the Institute's strategic planning in 2009-2010. His contributions to the energy industry and the Institute for Energy Law are greatly appreciated and he will be missed. Steve's obituary may be found [here](#).

Donations in celebration of Steve's life may be made to the Charleston Library Society building program and to the Drayton Hall Visitor Center project. A memorial service will be planned by his family for the fall.



John P. Bowman to Receive IEL's Lifetime Achievement in Energy Litigation Award

[John P. Bowman](#), King & Spalding, has been named the 2017 recipient of the Institute for Energy Law's Lifetime Achievement in Energy Litigation Award. This award is presented each year at the Annual Energy Litigation Conference to an energy litigator whose achievements during the course of his or her career have won the admiration of his or her peers. Mr. Bowman will receive the award at the 16th Annual Energy Litigation Conference on November 9 in Houston, TX.

Dan O. Dinges Named IEL's 2018 John Rogers Award Recipient

[Dan O. Dinges](#), Chairman, President and Chief Executive Officer of Cabot Oil & Gas Corporation has been named the recipient of IEL's John Rogers Award for 2018. The John Rogers Award was established in 1969 in honor of John Rogers of Tulsa, Oklahoma and is presented annually. Each year it is presented to a person associated with the petroleum industry in recognition of extraordinary professional and civic achievement.



The award presentation and speech will take place during the John Rogers Award Dinner on February 15, 2018. The John Rogers Award Dinner and Presentation is part of the 69th Annual Oil & Gas Law Conference, which will take place February 15-16, 2018, in Houston, TX.



Professor David E. Pierce to Give 2018 Deans of Oil & Gas Practice Lecture

Every year, the Institute for Energy Law selects a distinguished legal practitioner or academic to present the Deans of Oil and Gas Lecture at the Annual Oil & Gas Law Conference. The Deans Lecture is an opportunity for reflection and comment on a career in oil and gas law. [Professor David E. Pierce](#), Norman R. Pozez Chair in Business and

Transactional Law at Washburn University School of Law in Topeka, KS will present the 2018 Deans of Oil & Gas Practice Lecture on February 16, 2018 during the 69th Annual Oil & Gas Law Conference. Professor Pierce's lecture is entitled American Oil and Gas Law: A Critique.

Bellane Meltzer Toren Earned ICD.D Designation

In July 2017, **Bellanne (“Belle”) Meltzer Toren** joined over 3,800 directors who have earned the ICD.D designation from the Institute of Corporate Directors (“ICD”). Belle Toren graduated the Director Education Program in May 2017. The Program was offered by the ICD in collaboration with Rotman School of Management at the University of Toronto and Haskayne School of Business at the University of Calgary. “The ICD.D designation stands for ‘Institute of Corporate Directors, Director’ and is granted to individuals who have completed the ICD-Rotman Directors Education Program, have successfully passed the examination process, have committed to a minimum of 14 hours of ongoing governance education annually and are current members in good standing with the Institute of Corporate Directors.”



<https://www.icd.ca/Courses/ICD-D-Designation/Use-of-the-ICD-D-Designation.aspx>

Members in the News

IEL is excited to add several new members to our roster! We hope you will reach out to and welcome our new Advisory Board Members and Young Energy Professionals and encourage them to get involved with our organization.

Supporting Member:

- **Blank Rome LLP** with Margaret Hill, Liz Klingensmith, Jeremy Mercer and Frank Tamulonis as Advisory Board Members.

Sponsoring Member:

- **Muse, Stancil & Co.** with Ajey Chandra as the Advisory Board Member.

Associate Members:

- **Kenneth W. Grant** (Compass Lexecon, Boston, MA)
- **Eduardo Marquez Certucha** (Sidley Austin LLP, Houston,

TX)

- **Alicia McKnight** (Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA)
- **Steven Messer** (Yetter Coleman LLP, Houston, TX)
- **Luis Miranda** (Miranda Law Firm, Houston, TX)

Young Energy Professional Members:

- **Susan E. Adams** (Locke Lord LLP, Dallas, TX)
- **Laila Cavalcanti Loss** (Expro, Rio de Janeiro)
- **Ian Haley** (Range Resources – Appalachia, LLC, Washington, PA)
- **Erica Hough** (Munich Re Trading LLC, Spring TX)
- **Richard Lee Fuqua, III** (Anadarko Petroleum Corporation, Midland, TX)
- **Gibson T. Laborde** (Exxon Mobil Corporation, Spring, TX)
- **Ruy Mireles** (Ruy Mireles Law Firm, PLLC, Mission, TX)
- **Jesse S. New** (Brunini, Grantham, Grower & Hewes, PLLC, Jackson, MS)
- **Elizabeth Nicki Hewell** (Bricker & Eckler, Columbus, OH)
- **Joseph Ope** (Exxon Mobil Corporation, Spring, TX)
- **Laura Springer Brown** (Liskow & Lewis, New Orleans, LA)
- **Court VanTassell** (Liskow & Lewis, Lafayette, LA)

Calendar of Events

8th Law of Shale Plays Conference

Pittsburgh, PA
Sept 6-7, 2017

10th Annual YEP General Counsel Forum

Houston, TX
Sept 28, 2017

7th Oilfield Services Law Conference

Houston, TX
Oct 12, 2017

3rd Rockies YEP General Counsel Forum

Denver, CO
Oct 19, 2017

16th Annual Energy Litigation Conference

Houston, TX
Nov 9, 2017

5th Midstream Oil & Gas Law Conference

Houston, TX
Dec 7, 2017



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