

Gas Drilling Operations Conference

Hydraulic Fracturing (Fracking)

December 13, 2011 | Cityplace Conference and Event Center, Dallas, TX

Chairs: **Marc Bern**, Napoli Bern Ripka Shkolnik LLP and **Joshua Becker**, Alston & Bird



8:00	Breakfast and Morning Registration	1:15	Case Intake, Discovery Concerns & Damages <ul style="list-style-type: none">• Sizing up a case and a client – what both sides of the table need to look for• Documents you need early on in your case• Document management nightmares – lessons learned from other litigation• Avoiding discovery crossfire between state vs. federal & judicial vs. legislative requests• Litigation against regulators and natural resource trustee• Understanding the resources and scope of claims early to get the necessary experts Hope Freiwald , Dechert LLP, Philadelphia Corey Zurbuch , Of Counsel at Frasca, Joiner, Goodman & Greenstein William Jackson , Jackson Gilmour & Dobbs P.C.
8:30	Welcome & Opening Remarks “Hydraulic Fracturing – or Fracking” Litigation <ul style="list-style-type: none">• When & where did the litigation begin?• Where has the litigation migrated to?• Key decisions & settlements• Favorable jurisdictions & why• What is happening in Texas, Arkansas, Colorado & Louisiana• Also looking at Pennsylvania, New York, and West Virginia• Looking to the future states: California and Colorado• Similarities to other litigations and lessons learned Marc Bern , Napoli Bern Ripka LLP Joshua Becker , Alston & Bird		
8:45	Understanding Fracking – The Process and Governmental Roles <ul style="list-style-type: none">• How does a gas well get drilled?• Vertical and horizontal drilling – Why?• Fracking fluids, including commonly used chemicals• Roles of government: EPA, Energy and Interior Departments, and state regulators• Regulatory environment: Federal and state laws• Current government regulations and environmental best practices• Texas’ new disclosure requirement: Its genesis, implementation and impact to date• The role of the Texas Railroad Commission• State variations on monitoring and enforcing drilling operations and environmental controls John Imse, RG , Principal, Environ International Adam Orford , Marten Law, PLLC David Weinberg , Executive Director, Texas League of Conservation Voters	2:15	Examining a Fracking Contamination Case or Injury <ul style="list-style-type: none">• What a typical injury or contamination case looks like• Legal theories alleged – negligence, nuisance, etc.• Strategies for building your case or defense• Case structures• Deciding when and if there is an opportunity for resolution• Potential liability to working interest owners in mineral leases where fracking is being done Beverlee Silva , Alston & Bird LLP (Moderator) Allen Stewart , Allen Stewart P.C. Jennifer Quinn-Barabanov , Steptoe & Johnson LLP Richard Faulk , Gardere Wynne Sewell LLP Tim Holton , Deal, Cooper, & Holton Lawyers, PLLC
10:00	Shale Gas Plays and Related Land Valuations: The Hotbeds <ul style="list-style-type: none">• Where are the hottest shale gas plays to date?• Geological distinctions between the hottest areas• Modeling estimates on the total potential gas, by area and nationwide• Industry impacts on America’s energy sector? Has there been one? (nuclear vs. coal vs. shale gas)• Impacts on land values• How the subsurface impacts the surface Keith Hall , Stone Pigman Walther Wittmann L.L.C. Barclay Nicholson , Fulbright & Jaworski, L.L.P.	3:15	Afternoon Break
10:45	Morning Break	3:30	“A Day in the Life”: Mock Session Illustrating What Can Go Right and Wrong for Landowners, Drillers and Brokers <ul style="list-style-type: none">• Initial lease negotiations to well abandonment and beyond• What happens when the unfortunate happens.....• Analyzing incident causation and preventions• How insurance brokers, landowners, and drillers interact to resolve claims Philip Watters, P.E. , Rimkus Consulting, Inc. Kieran Purcell, P.E. , Rimkus Consulting, Inc. John Orr, CPCU , Rimkus Consulting, Inc.
11:00	Health and Environmental Risks – Pre-Drilling, Completion to Remediation Risk Assessment Overview <ul style="list-style-type: none">• Air quality permitting issues• Incidence of well problems, loss events, and gas migration• Groundwater impacts and remediation• EPA study scope & timeframe• Release incidents & responses - case studies Gary Brown, PE , RT Environmental Services Inc. John Schell, Ph.D. , Exponent, Inc.	4:30	Coverage Implications from Fracking <ul style="list-style-type: none">• Third-party liability insurance recovery for energy companies facing allegations of fracking-related liability• First-party property and business interruption insurance coverage for energy companies engaging in fracking• Potential applicable exclusions• Defining an occurrence• Specialized insurance policies applicable to companies engaged in hydraulic fracturing activities” John Nevius , Anderson Kill & Olick, P.C. Stephen Pate , Fulbright & Jaworski L.L.P.
12:00	Networking Lunch	5:30	Adjourn & Reception

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