Symposium: “All of the Above”


February 1, 2013

Schedule of Events and Panelist Biographies

Wind Energy Panel – 10:15 AM
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Coal Policy Session – 1:20 PM
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Oil and Gas Panel – 2:00 PM
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Schedule of Events: Friday, February 1, 2013

10:00am  Symposium Opening  
1 Denny Circle, Lexington, VA

10:15am  Wind Energy Panel  
Mr. Wright J. Frank  
Prof. Jonathan Miles  
Ms. Carol Wampler  
Moderator: Prof. Jill Fraley

11:00am  Concluding Speaker  
Ms. Becky Norton Dunlop

11:15am  Wind Energy Question and Answer

11:45pm  Lunch Served

1:15pm  Symposium Reconvenes

1:20pm  Coal Policy Session  
Mr. Davitt McAteer

1:40pm  Coal Question and Answer

2:00pm  Oil and Gas Panel  
Ms. Lisa Ceglia  
Prof. Joshua Fershee  
Mr. Surya Gunasekara  
Moderator: Prof. Sarah Wiant

2:45pm  Concluding Speaker  
Mr. Brigham McCown

3:00pm  Oil and Gas Question and Answer

3:30pm  Dean Nora Demleitner’s Closing

For its generous co-sponsorship, JECE thanks

[Image] The Federalist Society for Law and Public Policy Studies
Wind Energy Panel

Moderator: Professor Jill Fraley
Washington and Lee University School of Law

Biography
A graduate of Yale University, completing dual programs in History and Religious Studies (1999), with her J.D. from Duke University School of Law (2002), her LL.M. from Yale Law School (2008), and J.S.D. from Yale Law School (2011), Professor Fraley is a legal historian who focuses her research on property and environmental issues. She practiced law for more than six years, working primarily in toxic torts and premises liability.

Professor Fraley has taught at the University of Kentucky, the University of Kentucky Law School and Yale Law School. She currently teaches property, environmental law, law & geography and legal history. Her recent writings focus on the legal history of Appalachia, property, cartography and the development of territorial jurisdiction. Professor Fraley often represents abused and neglected children in Appalachia. In her spare time, she is a multi-media artist who creates textiles and publishes photographs of Appalachian landscapes.

Professor Jonathan Miles
James Madison University

Biography
Dr. Jonathan Miles is a professor in the Department of Integrated Science and Technology (ISAT) at James Madison University and directs the Virginia Center for Wind Energy (VCWE) at JMU. The Center is staffed full time and supports the efforts of the Virginia Wind Energy Collaborative, the Virginia Coastal Energy Research Consortium, the Virginia State-Based Anemometer Loan Program, and other state- and federally-funded wind RD&D efforts. Dr. Miles also serves as International Masters Program Coordinator for the ISAT department and leads the international master’s degree program in Sustainable Environmental Resources Management.

Dr. Miles served on an IPA assignment between 2007 and 2009 at the U.S. Department of Energy (DOE) where he supported the DOE’s Wind Powering America (WPA) program with emphasis on mid-Atlantic and southeastern states and the Wind for Schools program. He earned his Bachelor of Arts degree majoring in physics from Clark University and his Ph.D. in mechanical engineering from the University of Massachusetts at Amherst.
Mr. Wright Jay Frank
Bureau of Ocean Energy Management

Biography

Mr. Frank works in the policy group of the Office Renewable Energy Programs at the Bureau of Ocean Energy Management (BOEM). In this capacity, he develops diverse program issues, including lease sales notices and process, auction design, fee structures, economic issues, company qualifications, transmission, lease forms, adjudication, antitrust, bonding and financial assurance. He has served as the project coordinator for the Cape Wind Energy Project and the Atlantic Wind Connection proposal.

Before joining the BOEM, Mr. Frank was an electric regulation attorney at Troutman Sanders, LLP in Washington D.C., where his practice focused on Federal power regulation, regional transmission organizations, climate change policy, and transmission. Mr. Frank has also studied languages and linguistics, and served two years as a Peace Corps volunteer in Morocco.

Mr. Frank has published several articles. The most recent appeared in the June 2010 special issue of Oceanography Magazine on Marine Renewable Energy, entitled, The Role of the Minerals Management Service In Offshore Renewable Energy Development.

Ms. Carol Wampler
VIRGINIAforever

Biography

Ms. Wampler holds degrees from the College of William & Mary (Phi Beta Kappa), Old Dominion University, and University of Virginia School of Law. Before attending law school, Ms. Wampler was a teacher, college instructor, consultant, textbook author and editor, and community volunteer. After receiving her law degree, she served a judicial clerkship in Norfolk’s federal district court and then practiced environmental and administrative law with the Richmond law firm of Christian, Barton. For ten years, she was Vice President and General Counsel of the Virginia Manufacturers Association, representing the state’s major industries on environmental and tax issues. Since 2009, she has headed the Department of Environmental Quality’s renewable energy program.

Ms. Wampler has been chairman of the Virginia State Water Control Board, commissioner on the Ohio River Valley Water Sanitation Commission (ORSANCO), and founding board member of the New River Land Trust. She currently serves on the executive board of Virginiaforever, a statewide coalition that advocates for increased funding for land and water resources, and the advisory committee of the Capital Region Land Conservancy.
Concluding Speaker: Ms. Becky Norton Dunlop
The Heritage Foundation

Biography

Ms. Dunlop is the Vice President for External Relations at the Heritage Foundation. She joined Heritage in 1998 and oversees four program areas – Coalition Relations, Lectures and Seminars, Young Leaders Program and Strategic Outreach – that are focused on spreading conservative ideas in a host of outside forums. She previously served inside the White House, at the Department of Justice and at the Department of the Interior as a senior official in the Reagan administration from 1981-1989. She ran her own strategic management and communications consulting firm, Century Communications, and also served from 1994-98 as secretary of natural resources in Virginia under Gov. George Allen.

Ms. Dunlop also served in the administration of President George W. Bush. In 2002, Bush appointed her to a part-time post as chairwoman of the Federal Services Impasse Panel, which resolves disputes between agencies and labor unions. Dunlop is one of the few “free-market environmentalists” to have headed a state agency and put ideas into action. Her book, Clearing the Air (Alexis de Tocqueville Institute, 2000), chronicles some of her experiences in advancing those principles. A graduate of Miami University in Ohio, she resides in Arlington, Va., with her husband, George S. Dunlop. The Dunlops are members of Oakland Baptist Church in Alexandria.

Ms. Dunlop’s concluding speech was sponsored by the Federalist Society.
**Coal Policy Session**

**Mr. Davitt McAteer**

*Biography*

Mr. McAteer served as Assistant Secretary of Labor for Mine Safety and Health from 1994 to 2000, and as Acting Solicitor of Labor from 1996 to 1997. Mr. McAteer is acknowledged worldwide as a leading authority in mine safety. He has authored pioneering work on the subject and served as a consultant and expert investigator for unions, governments and industries from South Africa to China to Eastern Europe. This experience includes leading the Governor of West Virginia’s independent investigations into the historic Upper Big Branch, Sago, and Aracoma Mine Disasters.

A native of Fairmont, W.Va., Mr. McAteer graduated from Wheeling Jesuit College in 1966 and West Virginia University College of Law in 1970. His involvement with mine safety and health began in law school, when he developed and directed a study of the West Virginia coal industry. The findings of this study, published as Coal Mine Health and Safety: The Case of West Virginia, led directly to the nation’s first comprehensive general coal mine health and safety act in 1969 and indirectly to the election of reform candidates to lead the United Mine Workers of America in 1972. Following law school, Mr. McAteer developed the mine safety program for Ralph Nader’s Center for the Study of Responsive Law and worked to improve conditions in U.S. mines and monitor the enforcement of federal law. When a reform movement won control of the United Mine Workers of America in 1972, he became solicitor of safety for the union where he helped revitalize the union’s safety and health program and improved the training of rank-and-file safety inspectors.

Mr. McAteer joined the Center for Law and Social Policy in Washington, D.C., in 1976 and was instrumental in developing a broadened mine health and safety law and a new federal strip mining control law. In 1984, he founded the Occupational Safety and Health Law Center (OSHLC), a public-interest law firm based in Shepherdstown, West Virginia, that engaged in education, training and policy analysis of issues involving workplace safety and health. McAteer served as OSHLC executive director until 1993 when he was nominated by President Clinton to serve as Assistant Secretary of Labor for Mine Safety and Health. In that capacity, he directed the Mine Safety and Health Administration in the U.S. Department of Labor, which regulates health and safety conditions at American coal, metal, and non-metal mines and mining-related facilities, including slurry impoundments. When he was elevated to serve as Acting Solicitor of Labor, he directed and managed the Department of Labor’s legal division, having responsibility for the Department’s 550 lawyers and for developing the legal positions on all matters related to the Department.

After leaving the Department of Labor, McAteer served in senior executive positions at Wheeling Jesuit University where he was responsible for federally-sponsored programs, and led numerous university initiatives.
**Oil and Gas Panel**

**Moderator: Professor Sarah Wiant**  
*Washington and Lee University School of Law*

**Biography**

Professor Wiant has an extensive history with the Washington and Lee University School of Law. She first joined the community as an Assistant Law Librarian in 1972. At the same time, she became a member of the first class of women and completed her degree in 1978. After finishing her J.D., she became the Director of the Law Library and an Assistant Professor of Law. She moved to Associate Professor of Law in 1984, while maintaining her role as Director of the Library. She has held her position of a full Professor of Law since 1993. Professor Wiant stepped down from her position as Director in 2010, and has continued to teach full-time.

Wiant’s scholarship focuses on Copyright Law, Intellectual Property, Trademarks, Unfair Competition, and Admiralty Maritime Law. She has published extensive work in Copyright Law, including two books: *Libraries and Copyright: A Guide to Copyright Law in the 1990's*, and *Copyright Handbook*. Her numerous book chapters can be found in the series of *Specialized Legal Research*, as well as in *Developments in Copyright Law*, and the *Encyclopedia of Library and Information Science*. She has written articles and columns for publications such as *Virginia Lawyer*, *AALL Spectrum*, and the *National Paralegal Reporter*.

Professor Wiant has led a distinguished career as a Professor of Law for Washington and Lee. Her teaching material has recently shifted from her primary research foci to first-year Torts and Legal Writing, making her one of the first Professors new law students meet and get the chance to work with at Washington and Lee School of Law. Throughout the course of her career, she has taught courses in Copyright, Trademarks, and Admiralty Law, as well as supervised the Judicial Externship Program. Professor Wiant continues to offer the Intellectual Property Practicum as part of the third year practice program.

Professor Wiant has also been very active in the American Association of Law Librarians throughout her career. In addition to being elected to the Board of AALL, she has chaired or served on most committees of the AALL, including being the Chair of the Economic Status Committee, the Annual Program Committee, the Special Committee on the Future of AALL, and the Education Committee. Additionally, Professor Wiant has fulfilled roles for the Association of American Law Schools, American Bar Association, Southeastern American Association of Law Libraries, Special Libraries Association, Virginia Association of Law Libraries, Virginia Special Libraries Association, and the Virginia State Library.
Ms. Lisa Ceglia
American Petroleum Institute

Biography
Ms. Ceglia joined the American Petroleum Institute as a research assistant in 2007, becoming a policy associate in 2010 and manager of federal relations in 2011. She is currently serving as API’s director of federal relations.

Ms. Ceglia received her B.S. from Niagara University in 2002, and completed an MBA at Niagara in 2006. Ms. Ceglia worked as a legislative liaison for the government of Erie County, N.Y., from 2001 until she joined API in 2007.

Professor Joshua Fershee
West Virginia University College of Law

Biography
Professor Fershee joined the faculty at West Virginia University College of Law in fall 2012. His research and scholarship focuses primarily on energy law and corporate law issues. Recent articles have discussed renewable energy programs in the transportation and electricity sectors, climate policy, geothermal energy, and corporate governance. He is also a co-editor of the Business Law Prof Blog and a contributor to the Agricultural Law Blog.

Professor Fershee received his J.D. magna cum laude from Tulane Law School, where he was elected Order of the Coif and editor in chief of the Tulane Law Review. He is also a graduate of Michigan State University, where he received a B.A. in Social Science, with a focus on economics, psychology, and sociology. Before joining WVU, Professor Fershee served as Associate Professor of Law and Associate Dean for Academic Affairs & Research at the University of North Dakota School of Law. Prior to that, he served as a visiting assistant professor of law at Penn State University’s Dickinson School of Law in State College, PA.

Professor Fershee began his legal career with Davis Polk & Wardwell, New York, NY, where he represented clients in corporate and litigation matters including mergers and acquisitions, derivatives transactions, and securities regulation. He then joined the energy practice group at Hogan & Hartson, LLP, Washington, D.C., where he represented energy clients in matters before state and federal regulators, analyzed state and federal legislation, and advised clients on mergers and acquisitions, climate change issues, and renewable portfolio standards.

Before his legal career, Professor Fershee worked for a Washington, D.C.-based trade association comprised of video and computer game companies where he coordinated the media relations program and conducted intellectual property and anti-piracy training sessions for law enforcement officials (e.g., U.S. Customs and FBI), media, and other key audiences. He then served as a public relations professional in the
entertainment technology industry specializing in strategic planning, brand management, and crisis communications with two Los Angeles public relations agencies.

**Mr. Surya Gablin Gunasekara**  
*American Petroleum Institute*

*Biography*

Mr. Gunasekara serves as Counsel in Tax & Accounting Policy Department of the American Petroleum Institute (API). In that capacity, he drafts comments on proposed regulations, monitors legislation, and supports API’s advocacy efforts. Mr. Gunasekara also manages the API policy subcommittees on accounting, international trade, and excise tax.

Prior to joining API, Mr. Gunasekara was Assistant Counsel at the Defense Logistics Agency Energy (DLA Energy), the Department of Defense’s purchasing agency for bulk petroleum products, and other energy commodities such as coal, natural gas, electricity and aerospace fuels.

He has published extensively on energy and natural security issues in the Public Contract Law Journal, Federal Circuit Bar Journal, Air & Space Law Journal and most recently in the George Washington Journal of Energy and Environmental Law. Mr. Gunasekara holds a J.D. cum laude from the University of Mississippi. Prior to law school, he graduated from the University of Denver with a Masters in Natural Resource and Energy Policy and the University of Colorado at Boulder with a Bachelor’s in Political Science.

**Concluding Speaker: Mr. Brigham McCown**  
*United Transportation Advisors LLC*

*Biography*

Mr. McCown serves as energy transportation infrastructure counsel to both public and private sector clients. Formerly a senior executive during both terms of the George W. Bush administration, Mr. McCown has accumulated over 25 years of executive, legal and operations management experience in areas pertaining to energy, transportation, homeland security and the environment.

He most recently served as the Nation’s energy transportation safety chief, as the first acting administrator / interim chief executive officer and full-time deputy administrator / chief operating officer of the Pipeline and Hazardous Materials Safety Administration (PHMSA) at the U.S. Department of Transportation in Washington, DC. In that role, Mr. McCown was responsible for the
federal government’s oversight of the one million hazardous materials shipments transported in commerce daily across the country by all modes of transportation, including pipeline. During his tenure, he was responsible for coordinating the federal government’s response to the largest oil spill on Alaska’s North Slope, oversaw restoration of critical national energy infrastructure following Hurricanes Katrina and Rita and helped write the pipeline reauthorization law commonly referred to as the PIPES Act.

He previously served as the Federal Motor Carrier Safety Administration’s (FMCSA) first general counsel where he was responsible for direct legal oversight of the trucking, motor coach and moving industries. His work included directly authoring many of the current safety regulations, including those pertaining to hours-of-service, driver qualifications and training and the agency’s compliance review and civil enforcement proceedings. Additionally, Mr. McCown was responsible for implementing the surface provisions of the NAFTA, for representing the agency before legislative and judicial bodies, advised the agency’s administrator on all legal and enforcement policy issues, and defending the agency in all litigation including appearances before the United States Supreme Court in the landmark environmental law case *U.S. Department of Transportation v. Public Citizen*, 124 S.Ct. 2204, 159 L.Ed.2d 60 (2004).

In the private sector Mr. McCown has been a member of both international and national law firms and his background includes extensive litigation expertise defending clients throughout all phases of administrative, trial and appellate proceedings. He is a frequent CLE lecturer and published legal author, a contributor to National Journal and Forbes, and is also regularly quoted by the press in stories concerning energy and transportation policy.

A native of Ohio, Mr. McCown graduated from Miami University with a degree in Diplomacy & Foreign Affairs. A former Naval Aviator, he served on active duty with the U.S. Navy during Operation Desert Storm, Operation Support Democracy (Haiti) and Operation Unified Assistance (SE Asia Tsunami). He recently retired from the Navy Reserve and holds a commission of Rear Admiral (LH) in the United States Maritime Service. Mr. McCown currently practices law in Dallas, Texas and is also on the board of several not-for profit organizations.
Concluding Remarks

Dean Nora Demleitner
Washington and Lee University School of Law

Biography

Dean Demleitner received her J.D. from Yale Law School, her B.A. from Bates College, and an LL.M. with distinction in International and Comparative Law from Georgetown University Law Center. After law school Dean Demleitner clerked for the Hon. Samuel A. Alito, Jr., then a member of the U.S. Court of Appeals for the Third Circuit. She testified in front of the U.S. Senate on behalf of Justice Alito's nomination to the U.S. Supreme Court.

Dean Demleitner teaches and has written widely in the areas of criminal, comparative, and immigration law. Her special expertise is in sentencing and collateral sentencing consequences. At conferences around the country she regularly speaks on sentencing matters, often in a comparative context, and issues pertaining to the state of legal education. Most recently, she reflected on the "Costs of Legal Education" at the SALT (Society of American Law Teachers) annual meeting in Baltimore.

Dean Demleitner has also lectured widely in Europe. She has served as a visiting professor at the University of Michigan Law School, the University of Freiburg, Germany, St. Thomas University School of Law in Miami, and the Sant' Anna Institute of Advanced Research in Pisa, Italy. She has also been a visiting researcher at the Max-Planck-Institute for Foreign and International Criminal Law in Germany, funded by a German Academic Exchange Service grant.

Dean Demleitner is an editor of the Federal Sentencing Reporter, and serves on the executive editorial board of the American Journal of Comparative Law. She is the lead author of Sentencing Law and Policy, a major casebook on sentencing law, published by Aspen Law & Business. Her articles have appeared in the Stanford, Michigan, and Minnesota law reviews, among others. Dean Demleitner is an elected member of the American Law Institute and the International Society of Comparative Law and a Fellow of the American Bar Foundation.