



Kenneth E. Tawney

Of Counsel

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Kenneth E. Tawney is Of Counsel in the Energy industry group, focusing primarily on oil and gas and commercial litigation. He practices out of the Firm's office in Charleston, West Virginia.

Ken focuses on serving clients in the natural gas industry. He can do so better than most because he knows the industry from the inside, thanks to his long tenure as in-house counsel for a natural gas transmission company. He represented the company in rate and tariff proceedings before the Federal Energy Regulatory Commission (FERC), including open-access transportation restructuring proceedings. He also handled the sale of several millions of dollars' worth of pipeline assets. Adding to this experience, he has continued to represent and counsel industry clients at every level, including production companies, gathering companies, intrastate pipelines, interstate pipelines, and distribution companies, on a variety of issues since entering private practice. He has continued to represent clients in numerous oil and gas transactions and commercial litigation involving contract disputes and landowner issues.

While Ken's clients may be drawn in by his experience and stellar reputation, they stay clients because of Ken himself – his quick smile and big personality set him apart. When Ken has a complicated issue in front of him, he likes nothing better than to consider all aspects of the project and plot the best course to accomplish his clients' goals. He loves getting to know his clients and working with them to solve problems, whether he's negotiating and preparing contracts or litigating a dispute.

In addition to oil and gas clients, Ken has defended banks, lending institutions, and other commercial clients on a variety of issues, including class action claims, lender liability, and breach of contract claims.

When Ken isn't at the office, you might run into him enjoying the great outdoors – he's an avid hunter and fisherman – or chasing around his grandkids.

Awards

- Ranked in *Chambers USA, America's Leading Lawyers for Business* in the area of Energy & Natural Resources Law in West Virginia (2021)
- *The Best Lawyers in America*® for Energy Law and Oil and Gas Law (2007-2023)
- West Virginia *Super Lawyers*® for Energy & Natural Resources Law (2013-2022)
- Listed in the Construction, Real Estate & Environmental Section of *Super Lawyers*® Business Edition for Energy & Natural Resources (2013-2015)
- Ranked in *Chambers USA: America's Leading Lawyers for Business* in the area of Natural Resources Law in West Virginia (2013-2020)
- Named among the 2013 Who's Who in Energy by Pittsburgh Business Times
- Named in West Virginia *Super Lawyers*® (2012)

- Selected for inclusion in Pittsburgh Business Times' "Who's Who in Energy" list (2011)
- Who's Who in Practicing Attorneys (1990)
- Columbia Gas Transmission Corporation, Chairman's Award (1990)
- Jerry West Scholarship recipient

Notable Legal Experience

Oil & Gas Transactional Work

- Represents and advises producers, pipelines, local distributors, and lenders in:
 - Due diligence investigations
 - Mineral title reviews
 - Transactional matters, including purchase and sale of oil and gas producing properties, leases, pipelines and other assets
- Negotiates and prepares contracts, such as:
 - Asset management agreements
 - Gas transportation agreements
 - Gas processing agreements
 - Plant operating agreements
 - Oil and gas leases, assignments and related agreements
 - Joint venture agreements
 - Operating agreements
 - Land use agreements

Oil & Gas Litigation Work

- Represented clients in disputes involving:
 - Gas purchase contracts
 - Drilling contracts
 - Farm-out agreements
 - Oil and gas leases
 - Gas processing agreements
 - Meter error disputes
 - Royalty issues
 - Title issues

Oil & Gas Regulatory Work

- Advises on federal regulation of the natural gas industry by Federal Energy Regulatory Commission
- Advises on pipeline safety regulation by U.S. Department of Transportation
- Represents clients before the West Virginia Oil & Gas Conservation Commission and West Virginia Office of Oil and Gas

Other Oil & Gas Experience

- Represented companies in numerous rate and tariff proceedings before FERC, including the open-access transportation restructuring proceedings under FERC Order Nos. 436 and 636
- Negotiated and prepared contracts for the sale of pipeline assets
- Negotiated and prosecuted over 150 condemnation cases, including a case of first impression establishing the right to condemn for underground storage under the federal Natural Gas Act

Commercial Litigation

- Defended banks and lending institutions in a variety of cases, including:
 - Class action claims
 - Lender liability
 - Breach of contract claims

Work History

- Jackson Kelly PLLC (2000-Present)
- Columbia Gas Transmission Corporation (1980-2000)
- Kenneth E. Tawney, Private Practice (1979-1980)
- David L. Ziegler Law Offices (1978-1979)

Industries

- Energy
- Oil & Gas

Education

- West Virginia University College of Law (J.D., 1978)
- West Virginia University (B.A., 1975)

Admissions

- West Virginia (1979)
- U.S. Court of Appeals, Fourth Circuit (2012)
- U.S. Court of Appeals, District of Columbia Circuit (1987)
- U.S. Court of Appeals, Third Circuit (1986)
- U.S. District Court, Northern District of West Virginia (1984)
- U.S. Court of Appeals, Sixth Circuit (1984)
- U.S. District Court, Northern District of Ohio (1983)
- West Virginia Supreme Court of Appeals (1978)
- U.S. District Court, Southern District of West Virginia (1978)

Professional Organizations

- West Virginia State Bar Association
- West Virginia Bar Association
- Kanawha County Bar Association
- Energy & Mineral Law Foundation, Oil and Gas Program Chair (2004)
- West Virginia Oil and Natural Gas Association
- West Virginia Independent Oil and Gas Association
- West Virginia Defense Trial Counsel, Chair of Commercial Litigation Committee (2006-2007)

Speaking Engagements & Publications

Speaking Engagements

- "Regulation of Natural Gas Infrastructure," American Association of Professional Landmen (AAPL) 62nd Annual Meeting, Orlando, FL (June 2016)
- "Is There An Implied Right to Pool an Oil and Gas Lease?," West Virginia University Gas Law Conference (Nov. 13, 2015)
- "Recent Developments in Pooling and Unitization in West Virginia," American Association of Professional Landmen (AAPL) and Northern Appalachian Landman's Association (NALA), Canonsburg, PA (Oct. 2015)
- "Overview of Oil and Gas," The West Virginia State Bar Advanced Mediator Training, Flatwoods, West Virginia (July 11, 2012)
- "Update on Marcellus Shale and Its Development," Marcellus to Manufacturing: Ethane Development Conference, Charleston, West Virginia (March 21, 2012)
- "Negotiated Terms and Implied Covenants in Oil and Gas Leases," West Virginia University Marcellus Shale Seminar, Charleston, West Virginia (June 10, 2011)
- "What Every West Virginia Lawyer Should Know About the Marcellus Shale," West Virginia University College of Law, Morgantown, West Virginia (Nov. 12, 2010)
- "Marcellus Shale Legal Issues," Kanawha County Bar Association, Charleston, West Virginia (Nov. 11, 2010)
- "Expanding Pipeline Infrastructure in Newly Developed Gas Fields: An Examination of the Marcellus Shale," Ninth Annual Gas and Power Institute, Houston, Texas (Sept. 23, 2010)
- Law of Unclaimed Property, Bankers Association Conference (May 2007)
- "Brokering of Natural Gas," Houston, Texas (Nov. 1989)
- "Transporter Concerns with Natural Gas Brokering: Perspective of a Major Transporter of Natural Gas," 6th Washington Conference on Direct Purchase of Natural Gas, Washington, DC (May 1988)
- "Transporter Concerns with Natural Gas Brokering," 5th Washington Conference on Direct Purchase of Natural Gas, Washington, DC (Oct. 1987)
- "Pipeline Marketing Initiatives & Strategies," Washington Conference on Direct Purchase of Natural Gas by End Users, Washington, DC (June 1986)

Community

- Elk River Trail Foundation, Inc., Board of Directors and President (2020-Present)
- 25045 - A New Clendenin, Inc., Board of Directors (2018-Present), Chairman (2019-Present)
- Governor's One-Shot, Inc. (associated with Hunters Helping the Hungry), Board of Directors (2015-Present), (Secretary 2019-Present)
- United Way of Central West Virginia, Inc., Board of Directors (2009-2017), Resource Development Advisory Board (2003)
- Elk District Little League, Inc., President (1987)
- Herbert Hoover Boosters Club, Treasurer (1982-1983)