

LAW WEEK COLORADO

Energy Practice Snapshot

Energy and natural resources practice contracts for some sectors, but grows for others

BY JULIA CARDI
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When Andy Spielman entered the private energy and natural resources practice in Colorado 21 years ago after leaving federal service work in Washington, D.C., a high-level policy official warned him against it. The state was full of environmental lawyers who shifted to energy practice because they no longer had enough work in environmental law, she said. Spielman said he doesn't agree with the advice, but he has realized the important takeaway from the official's words was to know his clients' industry well, because that's what they look for. Now, more than two decades later, Spielman would give that advice to new attorneys entering energy and natural resources practice.

"Clients want advisors of all ilk to know first their industry, and second their business," said Spielman, co-partner-in-charge at WilmerHale's Denver office and the firm's global chair of its energy and natural resources practice. "Show your clients that you're committed to assisting them with their success," he said.

Rapid shifts characterizing the nation's energy and natural resources sector in recent years, such as the contraction of oil and gas contrasted with the rise of other sections such as renewables, have meant a ripple effect on attorneys who specialize in the sector. Spielman and other experts acknowledge the challenges presented by energy's cyclical nature, but say Colorado is still brimming with opportunities for both new and experienced attorneys in the sector.

"(The energy and natural resources practice) in Colorado has forever been the star of the nation," said Spielman. "I think we just have tremendous talents in Colorado."

Spielman said Houston is often thought of as the center of energy and natural resources law practice in the U.S. because large, well known energy companies and firms have headquar-

ters there, but he believes Colorado has more diverse law practice in the sector.

"We take the all-of-the-above energy approach," he said. He explained the firm's energy-focused clients span the industry, from those in oil and gas to renewables such as wind and solar, and innovative energy technologies. "What we really like to do is be a part of our clients' success in a very strategic way."

Crystal McDonough, a solo practitioner in energy and natural resources law who is a founding member of the Energy Bar Association's Rocky Mountain chapter, said she believes small and large practices likely approach energy and natural resources law differently.

McDonough said she believes attorneys at small firms in particular can be useful to clients by being mindful of costs. "Clients are looking for options to help cut costs and help keep costs manageable, so that the work can still move forward."

McDonough agreed the renewable energy sectors have created entirely new practice opportunities for attorneys. Spielman said WilmerHale's clients tend to come to the firm for counsel on issues related to long-term project development, such as public land leasing, obtaining permits and crisis management, and investment in such projects helps mitigate the effects of cyclical shifts in the energy and natural resources industry.

"The history of oil and gas nationwide, these are cyclical markets," he said.

Spielman said many of WilmerHale's Denver attorneys have previously worked in a range of high-level public-sector positions, such as Secretary of the Interior and the state attorney general's office. He has served as associate director of the Environmental Protection Agency's policy office and has chaired the Colorado Oil and Gas Conservation Commission. Spielman said he believes public-sector backgrounds in energy and natural resources benefit WilmerHale's clients because the knowledge gives the firm a strategic grasp of relevant issues such as trends in energy and natu-

ral resources and changes in industry regulation, expertise that is especially important given its crowded nature.

Despite opportunities that help mitigate the energy and resources sector's natural volatility, Spielman said he does not mean to diminish concern over stagnation of some sectors of the industry and its subsequent impact on those who work in and around it.

"The cyclical nature of the oil and gas industry in particular has very real consequences for people's lives, the way they make their living, et cetera," he said. "So I would never minimize the very real impact that the economics of the oil and gas industry have on the economics of people's lives."

McDonough said getting as involved as she could in Colorado's energy and natural resources practice

Kevin Lynch, an assistant professor at the University of Denver Sturm College of Law who has been involved with the school's Environmental Law Clinic for nine years, said participating students are currently focused on several issues in the oil and gas sector, and other focuses also include public lands, wildlife and endangered species and coal-fired power plants. He said the field's ever-changing nature drew him in.

"Just because of the dynamic nature of it," Lynch said. "And there's always a lot of new, interesting (legal) innovations that really enable different uses of natural resources."

He added the clinic aims to prepare students to adapt to that kind of rapidly changing work environment, rather than to convince them to enter a specific field.

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-Andy Spielman, energy and natural resources attorney

community helped her find her way as a solo practitioner. Her advice to new attorneys entering the practice, whether solo or as part of a firm, is to do the same.

"Network, get out there, meet people in your industry and in your field, because you never know where that will lead you," she said. "I have a thriving energy and natural resources practice that I love. I get to practice before the Public Utilities Commission in Colorado (and in Wyoming), I represent oil and gas clients in transactional issues. I love my practice." Other issues McDonough practices in include energy development, land use and environmental topics.

"I'll go to my grave thinking Denver is the hub of exceptional energy and natural resource practices and practitioners," Spielman said. "I think that assumption, 20 years later, has been validated for this reason: We're not only involved in some of the most exciting and high-quality legal issues in the energy space in Colorado, but we're getting asked to counsel and play that role coast-to-coast."

"I think the opportunities are all there," McDonough said. "In fact, we probably have more opportunities. ... While you might see a downturn in one type of practice area, you'll see an uptick in a new practice area." •

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