



Section of Environment, Energy, and Resources
Developments in Petroleum Marketing Law
23rd Annual Petroleum Marketing Roundtable
In conjunction with the ABA Forum on Franchising – Austin, TX
Wednesday, October 15, 2008



8:15 a.m. – 8:45 a.m.

Registration

8:45 a.m.

Welcome and Opening Remarks

Amy M. Johnston, Chair, Petroleum Marketing Committee,
Miller, Canfield, Paddock and Stone, P.L.C. Troy, MI

9:00 a.m. - 10:00 a.m.

***The Politics of Petroleum Marketing:
Legislative, Regulatory, and Administrative
Developments***

Developments in Washington and state capitols over the past year that affect petroleum marketing will be examined. This program will assess the activities in Congress, state legislatures, and the Federal Trade Commission and review what has been going on among the state attorneys general.

Francis J. Devlin, University of Houston Law Center,
Houston, TX

10:00 a.m. – 11:00 a.m.

***MTBE Litigation- Update: Settlements and Future
Litigation Issues***

The gasoline additive methyl tertiary butyl ether ("MTBE") has been the subject of consolidated multidistrict litigation for many years. Given the common pipeline and transportation network essential to the efficient distribution of gasoline throughout the United States, the MTBE litigation may transform traditional gasoline spill lawsuits into complex product liability/toxic tort litigation and raises new liability issues for the petroleum industry's evolving gasoline distribution model.

William P. Harrington, Bleakley, Platt & Schmidt, White
Plains, NY

11:00 a.m. – 11:15 a.m.

Break

11:15 a.m. – 12:15 p.m.

***Renewable Fuels/ Splash Blending: Gasohol
Competition Act of 1980 and the PMPA
Amendments***

The mandates in the Energy Independence and Security Act of 2007 for renewable fuels in general and ethanol specifically have plunged the motor fuels landscape into a new era. This part of the program will address issues such as "splash blending," renewable fuels, and the effects of the 2007 PMPA amendments and the Gasohol Competition Act of 1980.

Amy C. Sohl, Associate Counsel, BP North America,
Warrenville, IL

12:15 p.m. – 1:00 p.m.

Lunch

1:00 p.m. - 2:00 p.m.

***Marcoux v. Shell Products -- Constructive
Termination and Nonrenewal***

The decision in *Marcoux v. Shell Products Co.* in the United States Court of Appeals for the First Circuit will be examined with emphasis on claims of constructive termination and constructive nonrenewal.

Paul D. Sanson, Shipman and Goodwin, LP, Hartford, CT

2:00 p.m. - 3:00 p.m.

***PMPA Litigation in 2008: The Year in Review- and
30 year "Trends"***

After 30 years of litigation under the Petroleum Marketing Practices Act (PMPA), the significant legal issues have largely been resolved by the courts. Yet, petroleum marketing continues to be the subject of extensive litigation. This presentation will provide an overview of the 30 year trends under the PMPA and will address and analyze recent cases addressing terminations, market participation and strategies, franchise transfers and related issues.

Steven M. Greenspan, Day Pitney, LLP, Hartford, CT

3:00 p.m. - 3:15 p.m.

Break

3:15 p.m. – 4:15 p.m.

***Tough Assignment: Obligations that Survive the
Assignment of Petroleum Franchise Agreements***

A recent trend in the petroleum industry is for the refiner to sell its retail locations and supply contracts to a jobber. This program will discuss, among other things, PMPA duties, continuing liability as a guarantor of the assignee's performance under state commercial codes, environmental considerations and other obligations that survive these assignments of petroleum franchise agreements

A. Christopher Young, Pepper Hamilton LLP, Philadelphia,
PA

4:15 p.m. – 5:15 p.m.

Hot Topics Presentation

This program will include a roundtable discussion of current legal and regulatory issues regarding petroleum marketing, including issues suggested by program attendees.

Moderator:

Michael G. Lewis, Vice President and General Counsel,
Getty Petroleum Marketing Inc., East Meadow, NY

5:15 p.m.

Closing Remarks

**23rd Annual Petroleum Marketing Roundtable-
Developments in Petroleum Marketing Law**

Registration Form

Return this registration form with your check, credit card, or purchase order to:
ABA Section of Environment, Energy, and Resources, Attn: Petroleum Marketing, 321
N. Clark Street, Chicago, IL 60654. or Fax: (312) 988-5572
Any questions? Call (312) 988-5724

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- I am licensed to practice in the state of New York.
- Do not list my name/contact information in the registration roster distributed to all participants on site at the meeting.

Registration

- Forum Registrants
- Section Member
- Other ABA Members
- General Attendance
- Government, Academics, & Public Interest
- Law Students

Fee \$

- \$275
- \$275
- \$275
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Registration Information

Location and Lodging

The program will be held in conjunction with the 31st Annual Forum on Franchising. Both programs will be held at the Hilton Austin, 500 East 4th Street, Austin, TX. A special room rate, beginning at \$190 single/double is available for meeting attendees on a space available basis until **September 22, 2008**. Please call the hotel directly at (512) 482-8000.

Transportation

The Hilton Austin is only seven miles from Austin Bergstrom International Airport. Taxis are available at a rate of \$25 each way. Shuttle services and rental car companies are located on the airport premises. On-site parking at the Hilton is \$25.00 per night for valet and self-parking is \$15 per night. ABA attendees will receive a 5% discount on parking fees.

Registration

We request that all registrations for the Developments in Petroleum Marketing Law be made in advance by completing the attached form and mailing it with your check (payable to the American Bar Association) or through online registration available at <http://www.abanet.org/environ/programs/petroleum/2008>. All attendees must be registered for this program to participate. The final cutoff date for all registrations is October 3, 2008. Should you miss the deadline and need to register onsite, please call (312) 988-5724 to assure that space is still available.

Registrants who are also interested in learning more about the 31st Annual Forum on Franchising, visit the Forum's website at <http://www.abanet.org/forums/franchising/>.

Registration Fee

Your registration fee will cover program materials, coffee breaks, and lunch. If you plan to attend any of the functions associated with the Annual Forum on Franchising, you must register separately at <http://www.abanet.org/forums/franchising/>.

Cancellation Policy

A full refund of the registration fee less a \$50 administrative fee will be granted for all written requests received by October 3, 2008. No refunds will be granted after October 3, 2008. Substitutions are acceptable. Cancellations may be sent via fax to (312) 988-5572, attn.: Program Registrar. The ABA reserves the right to cancel any program and assumes no responsibility for personal expenses.

