



## Laura E. Beverage

Counsel

### Denver Office

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## Laura E. Beverage practices in the Firm's Workplace Safety and Health practice group out of the Firm's office in Denver, Colorado.

Laura has been a part of the Firm since graduating from West Virginia University College of Law in 1980, where she was elected to the Order of Barristers and was vice president of Phi Delta Phi legal fraternity. She has dedicated her professional life to Jackson Kelly and her clients. In 1993, Laura traded the Mountain State for the Rocky Mountains, moving from West Virginia to Colorado to establish Jackson Kelly's Denver office. She served as the Denver Office Manager for fourteen years.

Laura represents general industry, construction, and mining clients in compliance issues, policy, legislative, regulatory matters, civil and criminal enforcement issues, accident investigation, and whistleblower claims at both the state and federal levels. She also has experience with petitions for modification cases in coal and metal/nonmetal mining areas. Laura is a consummate problem solver and prefers to learn about her clients firsthand. She has visited multiple mine sites that use different mining methods, both underground and surface, to better understand the equipment used by miners and the mining sequence. She is familiar with complex mineral processing (gold, copper, molybdenum, silver, palladium, coal, lead, and zinc) which can be a driver of technological improvement. To provide effective legal counsel, she finds it invaluable to understand the business firsthand and their employees. She knows effective solutions for compliance and that better business performance starts with integral knowledge of the business and culture at a site.

Laura assists clients in making the best choices from both a legal and practical business perspective. Her work involves counseling clients on various matters including enforcement, litigation, and appeals to the U.S. Courts of Appeal. She has extensive experience involving issues arising under the Occupational Safety and Health Act, the Federal Mine Safety and Health Act, and other state and federal safety and health statute. Laura also has served as lead counsel in numerous accident inquiries, often spending days or weeks on site interacting with enforcement personnel, miner representatives and the mine operator. This requires coordination, communication, and organization skills which Laura has honed over 40 years in the practice of law

She also takes full advantage of Colorado's rugged setting, as she enjoys biking, hiking, skiing, and fly fishing.

## Awards

- 2021 Recipient of the St. Barbara's Day Award
- Named in *Who's Who Legal: Mining 2021*
- *The Best Lawyers in America*® - Natural Resource Law "Lawyer of the Year" Colorado (2021)
- *The Best Lawyers in America*® - Mining Law, "Lawyer of the Year" Colorado (2020)
- *The Best Lawyers in America*® – Energy Law, "Lawyer of the Year" Colorado (2018)
- *The Best Lawyers in America*® – *Business Edition*, "Women in Law" (2017)

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- *The Best Lawyers in America*® – Energy Law, Mining Law and Natural Resources Law (2003-2022)
- Received highest possible rating in both Legal Ability and Ethical Standards, Martindale-Hubbell AV Preeminent (2017-current)
- *Colorado Super Lawyers*® – Energy & Natural Resources Law (2007, 2008, 2010-2017)
- Top Women in Energy, *Denver Business Journal* (2015)
- *The Best Lawyers in America*® – Mining Law, “Lawyer of the Year” Colorado (2014-2015)
- Women Leaders in the Law, *The American Lawyer Magazine* (Jan. 2013)
- *Super Lawyers*® *Business Edition* – Construction, Real Estate & Environmental Section for Energy & Natural Resources (2013)

Each AV Preeminent badge

## Notable Legal Experience

### Industrial, Construction & Mining Compliance:

- Guided clients through various compliance issues, including policy, legislative and regulatory matters, and civil and criminal enforcement issues, accident investigation and whistleblower claims on both state and federal levels
- Has drafted comments on federal rulemaking and policy on mine safety and health issues
- Has provided advice and counsel on state and federal safety and health legislation

### Extensive Experience Navigating:

- Federal Mine Safety and Health Act
- Occupational Safety and Health Act
- Safe Explosives Act
- Surface Transportation Assistance Act
- Various state and federal safety and health statutes

### Accident Investigation & Litigation:

- Served as lead counsel in serious and catastrophic accident investigations including the Sago Explosion in West Virginia and the Quecreek inundation in Pennsylvania
- Served on lead defense counsel committee in common issues hearing is respiratory dust fraud (“AWC”) case
- Has litigated numerous enforcement and whistleblower cases before the Federal Mine Safety and Health Review Commission Administrative Law Judges
- Has represented mining operators before the Federal Mine Safety and Health Review Commission
- Has successfully represented mining operators in petition for modification cases before the Department of Labor

## Work History

- Jackson Kelly PLLC (1980-Present) (1987-2016 Equity Member) (2017 to Present Counsel)

## Practices

- Workplace Safety & Health
- Construction Law

## Industries

- Construction
- Energy
- Manufacturing
- Mining

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## Education

- West Virginia University College of Law (J.D., 1980)
  - National Order of the Barristers
  - Moot Court Board (Member)
  - International Moot Court Team (Member)
  - Phi Delta Phi Scholarship Award (Recipient)
- West Virginia University (B.S. in Business Administration, 1977)

## Admissions

- Colorado (1994)
- West Virginia (1980)
- U.S. Court of Appeals, D.C. Circuit (1996)
- U.S. Court of Appeals, Tenth Circuit (1993)
- U.S. Court of Appeals, Sixth Circuit (1985)
- U.S. Court of Appeals, Fourth Circuit (1981)
- U.S. District Court, Southern District of West Virginia (1983)

## Professional Organizations

- Colorado Bar Association
- Denver Bar Association (Member)
- West Virginia Bar Association (Inactive Member)
- Colorado Mining Association (Board Member, Past Board Chairman 2008, Vice Chairman of Health & Safety)
- Energy and Mineral Law Foundation (Chairman Annual Institute 1993; Board of Trustees)
- Rocky Mountain Mineral Law Foundation (Member)
- National Stone, Sand & Gravel Association (Council of Counsels)
- National Mining Association (Coal and Metal/Nonmetal Safety and Health Committees)
- Colorado Stone, Sand & Gravel Association (Joint Safety and Health Committee)
- Colorado Ready Mixed Concrete Association (Joint Safety and Health Committee)
- American Exploration and Mining Association (Board of Trustees)
- American Society of Safety Professionals (Member)
- Past President of Kanawha County Bar Association (1992)

## Speaking Engagements & Publications

### Speaker:

- Moderator, "COVID 19 and Mining: Where are we and where do we go from here?," American Bar Association Section of Labor and Employment Law, Occupational Safety and Health Law Committee 2022 Midwinter Meeting, Sarasota, Florida (March 8-11, 2022)
- Co-speaker with **Karen L. Johnston**, "What Does MSHA Have in Store Under the New Administration?," 2021 American Exploration and Mining Association Annual Meeting, Sparks, Nevada (Dec. 9, 2021)
- 2019 Colorado Ready Mixed Concrete Association and Colorado Stone Sand & Gravel Association Conference: "Technology in Safety" (Nov. 2019)
- New Mexico Mine Health and Safety Conference: "Update on Mine Act Agent Liability" (May 2019)
- Women's Energy Network: "Ethics for Lawyers and Accountants" (March 2019) (Panelist)
- North Dakota Safety Council Annual Meeting: "Crisis Management" "OSH Professional Liability" (Feb. 2019)

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- 2018 National Holmes Safety Association/Holmes Mine Rescue Association Annual Meeting: ‘Crisis Management—Essentials of a Crisis Management Plan and Best Practices’ (June 2018)
- 20th Annual Utah Safety Conference and MSHA Spring Thaw: “Workplace Safety and Health: Update and Overview” (March 2018)
- National Lime Association: “Workplace Violence” (June 2017)
- Colorado Ready Mixed Concrete Association and Colorado Stone, Sand & Gravel Association Annual Meeting: “Workplace Safety and Health: An Overview of Where we have been, Where we may be Heading, and Executive Orders of Interest” (Awards Luncheon Keynote Speaker November 2017)
- National Stone, Sand & Gravel Association 2017 Legal Symposium: “When Drones Attack: The Good, the Bad, and the Mysterious” (March 2017)
- 2016 Colorado Ready Mixed Concrete Association and Colorado Stone, Sand & Gravel Association Annual Conference: “Overview of OSHA/MSHA Enforcement Initiatives, New Cases, and the Regulatory Landscape” (Nov. 2016)
- Rocky Mountain Coal Mining Institute: “When Drones Attack: Implications of Regulatory Inspections and Data Gathering Using Unmanned Aircraft Systems” (June 2016)
- National Lime Association: “When Drones Attack: Implications of Regulatory Inspections and Data Gathering Using Unmanned Aircraft Systems” (June 2016)
- California Construction and Industrial Material Association: “Potential and Real Effects of the Proposed Civil Penalty Rule” (March 2016)
- Industrial Minerals Association-North America (IMA-NA): “Decoding MSHA’s New Workplace Examination PPL” (Oct. 2015)
- SME and Colorado Mining Association Joint Annual Conference & Expo: “Cannabis in Colorado, Workplace Safety and CMA Actions” (Feb. 2015)
- National Stone, Sand & Gravel Association Annual Conference – Safety & Health Committee Meeting: “Overview of MSHA Metal/Nonmetal Enforcement” (2013)
- 2011 SME Annual Meeting & Exhibit and CMA 113th National Western Mining Conference: “MSHA After the Upper Big Branch Disaster” (2011)
- Energy & Mineral Law Foundation (EMLF), Rocky Mountain Mineral Law Foundation, Mine Safety and Health Special Institute: “Mine Crisis Management” (Sept. 2008) (Panelist)
- International Society of Mine Safety Professionals Critical Issues Conference: “MSHA and the U.S. Legislative, Regulatory and Legal Environment: The Perfect Storm” (March 2008)
- National Stone, Sand & Gravel Association – Legal Symposium: “Evidence Collection in Preparation of a Defense” (2008)
- Colorado Mining Association 110th Annual National Western Mining Conference: “Mine Disasters: Managing the Legal, Legislative and Regulatory Fallout” (2007)
- American Society of Mining Engineers: “Internal Investigations and Preventive Safety Audits: You Are What You Document” (2001)
- National Mining Association: “Communication with a Government Agency Represented by Counsel: Where Does the Ethical Boundary Fall?” (Sept. 2000)
- Colorado Mining Association Annual Meeting: “MSHA Update” (2000)
- National Safety Council (Arizona Chapter), Southwest Safety Congress: “MSHA/OSHA Investigation/Litigation Preparation Workshop” (1998)
- Colorado Safety Association: “Case Development and Expert Testimony in Mine Act Cases: Present Effective Expert Testimony” (1998)
- Strategic Research Institute: “Crisis Management Planning” (1996)
- Minesafe Western Australia Mining Conference: “U.S. Safety & Health Regulation” (1996)

**Publications:**

- "The Ongoing Saga of Workplace Exams," *Aggregates Manager* magazine (Aug. 2019)
- "The Pattern of Violation Rule – More Effective Enforcement or Another Regulatory Morass?," co-authored with Michelle Witter, *Aggregates Manager* (March 2013)
- "Mine Safety and Health Administration (MSHA) Respirable Dust Proposed Rules, published in the *Thirty-Second Annual Energy & Mineral Law Institute, Volume II* (2011)
- "The Mine Improvement and New Emergency Response Act of 2006: Improvement or Framework for Controversy," co-authored with Karen L. Johnston, published in the *53rd Annual Rocky Mountain Mineral Law Institute* (2007)
- "A Primer on Federal and State Occupational Safety and Health Laws and Regulations Applicable to Uranium Mining and Milling," co-authored with Karen L. Johnston, published in the *Rocky Mountain Mineral Law Foundation Uranium Exploration and Development Mineral Law Series, Volume 2006, Number 2*
- "Mine Safety and Health Law," co-authored with Karen L. Johnston, published in Part I of *Industrial Minerals and Rocks 7th Edition* (2006)
- "Communication with a Government Agency Represented by Counsel: Where Does the Ethical Boundary Fall?" co-authored with Karen L. Johnston, *25 Energy & Min. L. Inst. Ch. 3* (2005)
- "The U.S. Regulatory Model, Occupational Safety and Health," published in *Mine Safe International Proceedings* (Perth, Western Australia, 1996M)
- "OSHA Compliance in Colorado," National Business Institutes (1994, 1996)
- "Litigation Under the Federal Mine Safety and Health Act Today: A Practical Guide," *American Journal of Trial Advocacy*, Volume 16:2 (Winter 1992)

## Community

- We Don't Waste (Active Supporter)
- Denver Dumb Friends League (Active Supporter)
- Maxx Fund Animal Shelter (Active Supporter)
- Neighborhood Association Block Captain (Supporter and Volunteer)
- Planned Parenthood of the Rocky Mountains (Active Supporter)