

Mine Safety and Health

PRACTICE GROUP

- Representing Companies in MSHA Accident Investigations
- Helping Management Avoid Personal Civil or Criminal Charges
- Assisting With Quarterly and Semi-Annual MSHA Inspections
- Defending Against Formal Complaints of Safety-Related Discrimination

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The Mine Safety Practice Group of Ogletree Deakins recognizes the extraordinary level of safety consciousness in the mining industry.

We are dedicated to helping mine operators with legal compliance and fair regulatory treatment.

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RESPONSIVENESS

- Our mine safety lawyers are available 24/7. We are available for emergency response or simply to provide timely guidance.
- Our lawyers catch flights in the middle of the night to be at accident or investigation sites within hours anywhere in the country.
- Working relationships with government officials and attorneys in Washington, D.C. and around the country facilitate rapid intervention to prevent unfair investigation practices or enforcement.
- We train and perform legal audits at our clients' convenience and consider such activities to have solid preventative value.

EXPERIENCE

- We know the mining industry and how the federal and state government agencies regulate. That knowledge facilitates fast and effective responses.
- Our attorneys personally investigate cases underground and on the surface to develop the fullest possible understanding of the relevant issues.
- We work with managers, engineers and safety officials to respond to companies' day-to-day needs and to any special compliance and enforcement situations.
- It is our job to know the law better than the government regulators, and we dedicate ourselves to just that. Our daily experience helps us to that end.
- We are in touch with MSHA officials throughout the country. These open lines of communication facilitate non-litigation solutions to many problems.

INVESTIGATIONS

- *Accident investigations* and other investigations by MSHA have inherent potential for unfairness because investigators are focusing on assignment of blame.
- Witnesses need protection from carelessly worded, confusing and misleading questions. We are vigilant to prevent such difficulties and we help witnesses provide useful statements.
- *Special investigations* by MSHA are of particular concern since their purpose is to determine whether any corporate "director, officer or agent" should be personally prosecuted.
- *Discrimination complaint investigations* are also critical. If a miner claims discharge or discipline was due to protected safety activity, MSHA will investigate and prosecute.
- *Immediate temporary reinstatement* is often sought by MSHA at the outset of a case. We assist with the company's response which is an important part of the overall case.
- *Hazard complaint investigations* raise legal issues when MSHA wants to collect documents and conduct formal interviews. We address these issues.

LITIGATION

- We provide representation before the Federal Mine Safety and Health Review Commission and U.S. Courts of Appeals in challenges to citations, penalties and other agency actions.
- Legal challenges to new regulations are presented in agency proceedings and the U.S. Courts of Appeals.
- We also represent companies in *Petitions for Modification of Mandatory Safety Standards* when considered by MSHA or are heard by judges of the Department of Labor.
- State mine safety agencies from California to Pennsylvania have their own procedures for cases and we provide representation in such proceedings as appropriate.



PROFESSIONAL ACTIVITIES

- Our safety attorneys have authored books, treatise chapters, handbooks, and professional and industry publications. These include: *Occupational Safety and Health Law Handbook*; *MSHA Compliance Essentials*; *Safety and Health at Mines*; *MSHA—The Mine Operator and the Law*; *Understanding MSHA*; and a longstanding legal column in *Pit & Quarry* magazine. Articles and chapters have been published in: *Mine Health and Safety Management*; *Journal of Natural Resources & Environmental Law*; *Coal Law and Regulation*; *Proceedings of the Annual Energy and Mineral Law Institute*; *Kentucky Mineral Law*; *Stone, Sand & Gravel Review*; and *Mine Safety and Health News*.
- Our attorneys regularly speak at national and state mining association conferences, legal institutes, and MSHA events. We are active in the American Bar Association, the International Society of Mine Safety Professionals, the National Mining Association (Safety Committee), the National Safety Council, the National Stone, Sand & Gravel Association (Council of Counsel and Safety and Health Committee), and the Energy and Mineral Law Foundation.
- We have been recognized in *Who's Who in America*, *The Best Lawyers in America*, *Who's Who in American Law*, and *Washington DC Super Lawyers*.

With offices throughout the United States and in Europe, the firm represents a diverse range of clients.

We operate efficiently without compromising our commitment to service.

Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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