



Emily C. Weiss

Associate

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OVERVIEW

Emily Weiss focuses her primary practice on clients in the energy sector and has advised clients in other industries during government investigations. Within the energy sector, she has assisted in oil and gas litigation, including royalty disputes, class actions, and other lease disputes; compliance in midstream operations; and defending a Fortune 50 energy company in a federal criminal investigation. Further, Ms. Weiss has advised multiple energy companies regarding various aspects of their oil and gas operations in West Virginia and Pennsylvania.

Ms. Weiss has defended multiple energy companies in oil and gas royalty disputes in both state and federal courts, as well as in other challenges to lease terms and in property disputes. Ms. Weiss also represented an energy company in a local zoning dispute before the local authorities and on appeal to Pennsylvania state court.

Ms. Weiss has also advised a publicly-traded energy company in connection with dispute against prime contractor for natural gas processing facilities in Pennsylvania and West Virginia and assisted in pursuing a \$20 million claim for defective design and construction of one of the largest retaining walls in the eastern United States.

Following an 18 month federal grand jury investigation of alleged Clean Air Act violations, Ms. Weiss assisted in obtaining a declination of prosecution on behalf of a publicly traded energy company.

Ms. Weiss assisted in the defense of an international engineering firm against allegations of multimillion-dollar fraud concerning compliance with the Generally Accepted Accounting Principles (GAAP) as it related to a financial position taken on certain construction claims, including by preparing witnesses for deposition and by assisting with responding to state and federal government subpoenas.

Ms. Weiss also assisted a Fortune 500 financial institution in defending a cross-border federal criminal investigation where her Spanish-language skills were frequently used to analyze complex documentary evidence. Further utilizing her Spanish-language skills, Ms. Weiss assisted in conducting FCPA due diligence of global agents in Central America and South America on behalf of multiple companies, including a multinational, Fortune 500 company.

Ms. Weiss also conducted anti-corruption due diligence on behalf of a Fortune 500 company as part of its acquisition of a multinational technology company.

PROFESSIONAL BACKGROUND

Ms. Weiss was a summer associate in the firm's Pittsburgh office in 2014. Prior to joining the firm, she was a title abstractor for a Pittsburgh law firm, focusing on oil, gas, and mineral interests. During law school, Ms. Weiss was a law clerk at a national law firm in 2014, and she was a research assistant for multiple professors. Additionally, Ms. Weiss was an intern for the Hon. Nora Barry Fischer, District Judge for the Western District of Pennsylvania, during the summer of 2013. Also, Ms. Weiss participated in Duquesne University's 3&3 Program for her undergraduate and law degrees.

ACHIEVEMENTS

- Duquesne Women's Law Association Recent Graduate of the Year Award
- Duquesne Law Review
- Best Brief, Federal Bar Association Thurgood Marshall Moot Court Competition
- Semi-Finalist, American Bar Association National Appellate Advocacy Competition
- Best Brief and Outstanding Oral Argument, Duquesne University School of Law Legal Research and Writing Program
- Shalom Moot Court Award
- Lynette Norton Memorial Award

SPEAKING ENGAGEMENTS

- "Considerations for What Your Lease Doesn't Say: An Update on Implied Covenants in the Appalachian Basin," EMLF Annual Institute Conference, Washington, D.C., June 9-11, 2019.
- What You Don't Know Can't Hurt You, Right? Resolving the Inherent Tension between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions, 3 July 2018

EDUCATION

- J.D., Duquesne University School of Law, 2015 (*summa cum laude*)
- B.A., Duquesne University, 2013 (*magna cum laude*)

ADMISSIONS

- Bar of Pennsylvania
- Bar of West Virginia
- United States Court of Appeals for the Fourth Circuit

- United States District Court for the Eastern District of Pennsylvania
- United States District Court for the Northern District of West Virginia
- United States District Court for the Southern District of West Virginia
- United States District Court for the Western District of Pennsylvania

LANGUAGES

- Spanish

THOUGHT LEADERSHIP *POWERED BY HUB*

- 14 April 2021, Navigating Ohio's Wild West: Exceptions to the Marketable Title Act
- 14 January 2020, Common Sense: Ohio Court of Appeals Further Illuminates Production in Paying Quantities Analysis for Oil and Gas Wells Metered in Common
- 3 July 2018, What You Don't Know Can't Hurt You, Right? Resolving the Inherent Tension between the Yates Memo and the Collective Knowledge Doctrine in Environmental Criminal Enforcement Actions
- 18 September 2017, Fourth Circuit Concludes that West Virginia State Law Preempts Local Ordinance Banning Oil and Natural Gas Wastewater Storage

AREAS OF FOCUS

- Oil and Gas
- White Collar Defense and Investigations

INDUSTRIES

- Energy

REPRESENTATIVE EXPERIENCE

- Defense of midstream oil and gas company against criminal allegations in federal grand jury investigation
- Defense of oil and gas producer in royalty/lease dispute, including class actions
- Defense of midstream oil and gas company in nuisance litigation
- Defense oil and gas producer in landowner dispute
- Representation of oil and gas company in zoning board hearing and subsequent appeals
- Conduct FCPA due diligence of global agents using Spanish-language skills