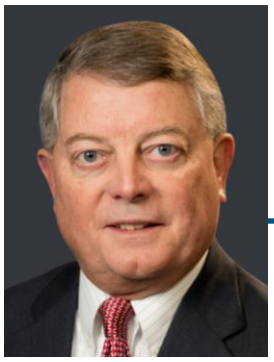

Babst | Calland
Attorneys at Law

Timothy M. Miller

Shareholder

T: 681-265-1361
F: 681-205-8814
tmiller@babstcalland.com

Area of Emphasis

Timothy Miller is a shareholder in the Energy and Natural Resources and Litigation groups of Babst Calland. Mr. Miller is primarily involved in general civil litigation and has tried more than 30 significant cases to jury trial conclusion in the federal courts in both the Northern and Southern Districts of West Virginia, and numerous state courts. He has significant experience with complex litigation before the West Virginia Mass Litigation Panel and the Supreme Court of Appeals of West Virginia. This experience includes defense of class actions and complex litigation related to royalty disputes, operating agreements, leases, natural gas contracts, commercial contracts, limited partnerships, securities claims, energy matters, flooding, environmental and chemical exposure. Mr. Miller has trial experience involving personal injuries, wrongful death, contract disputes, toxic torts, energy, timber and mineral law matters. In addition, he has provided corporate representation and consultation related to long-term supply agreements, termination of contracts and general business representation. Mr. Miller also has appellate experience before the West Virginia Supreme Court of Appeals and the United States Court of Appeals for the Fourth Circuit.

Mr. Miller maintains an emphasis on oil and gas, as well as natural resources and energy-related litigation. He has represented electric utilities, natural gas utilities, exploration and production companies, as well as land and timber owners and operators.

Mr. Miller has served as arbitrator and counsel in arbitration, mediation and litigation of contract claims, construction disputes, delay claims and changed site conditions.

Background

Mr. Miller graduated from West Virginia University in 1977 with a B.S. in Management. He received his J.D. from West Virginia University College of Law in 1980.

Memberships and Affiliations

Mr. Miller is admitted to the West Virginia State Bar, the United States District Courts for the Northern and Southern Districts of West Virginia, the Supreme Court of Appeals of West Virginia and the United States Court of Appeals for the Fourth Circuit. He serves as a member of the Board of Governors and chair of the Energy Law Committee of the Defense Trial Counsel of West Virginia. He is a past-president of the Energy and Mineral Law Foundation. Mr. Miller is a member of the Defense Research Institute and a former panel member of the American Arbitration Association. He currently serves as vice-chair of the United Way of Central West Virginia and as chair of the Governance Committee.

Mr. Miller has been ranked in Chambers and Partners' *Chambers USA Guide* in the Litigation: General Commercial Section since 2013 and the Energy & Natural Resources Section since 2014. He has been listed in *The Best Lawyers of America*© in the Oil and Gas Law Section since 2007, Commercial Litigation and Energy Law sections since 2017, and Bet-the-Company Litigation and Litigation – Environmental sections since 2018 by BL Rankings. He was also named the *Best Lawyers*® 2012 Personal Injury Litigation "Lawyer of the Year," 2015, 2017, 2020 and 2023 Oil and Gas Law "Lawyer of the Year," 2018 and 2021 Litigation – Environmental "Lawyer of the Year," and 2019 Energy Law "Lawyer of the Year" in Charleston, W.Va. He has been selected to the *West Virginia Super Lawyers* list (Thomson Reuters) since 2007. Mr. Miller is rated "AV Preeminent" (scoring 5 out of 5 - the highest rating for legal ability and ethical standards) by the Martindale-Hubbell Peer Review Rating System.

Publications/Presentations

Presenter, "Update of Royalty Litigation," 8th Law of Shale Plays Conference, Pittsburgh, PA, September 2017.

Presenter, "Litigation Related to the Development of the Marcellus Shale," West Virginia College of Law Continuing Legal Education, Charleston, WV, 2011.

Co-author, presenter, "Oil and Gas Operations on Public Lands in the Marcellus Shale Region," Energy and Mineral Law Foundation, 32nd Annual Institute, Nemacolin Woodlands, PA, 2011.

Author, presenter, "Is It a Deep Well or a Shallow Well and Who Cares?," Energy and Mineral Law Foundation, 31st Annual Institute, Amelia Island, FL, 2010.

Presenter, "Overview of Legal Issues Related to Development of the Marcellus Shale," American Association of Petroleum Landmen, Winter Land Seminar, Houston, TX, 2009.

Author, presenter, "Plan for the Worst, Hope for the Best: The Role of Legal Counsel on the Crisis Management Team," Energy and Mineral Law Foundation, 29th Annual Institute, Orlando, FL, 2008.

Presenter, "Post Production Deductions," American Association of Petroleum Landmen, Annual Meeting, Chicago, IL, 2008.

Author, presenter, "Blurring the Lines Between Tort and Contract; Punitive Damages for Breach of Contract," Defense Trial Counsel of West Virginia Annual Meeting, 2008.

Co-author, presenter, "*Tawney v CNR*; Postmortem and Appeal," Energy & Mineral Law Foundation, 28th Annual Institute, Charleston, SC, 2007.

Presenter, "Royalty Litigation Update," West Virginia Oil & Natural Gas Association Spring Meeting, Glade Springs, WV, 2007.

Author, presenter, "West Virginia Flood Litigation: Land-Use Companies Across the Nation Could Be at Risk," Volume 26, Energy & Mineral Law Foundation Annual Institute Proceedings, 2005.

Presenter, "The Southern West Virginia Flood Cases-A New Problem for Landowners, Loggers and Timber Buyers," West Virginia Forestry Association, 2002.

Presenter, "Implied Lease Covenants, American Association of Petroleum Landmen," Appalachian Land Institute, 2002.