

Emails shows relationship between AG's office, energy company

BY MICHAEL L. OWENS Bristol Herald Courier | Posted: Friday, September 20, 2013 2:57 pm

BRISTOL A Bristol Herald Courier review of dozens of emails from a Virginia attorney general staffer to energy company lawyers being sued for natural gas royalties revealed she offered nearly as much advice on court procedure as on constitutional issues.

Among AG staffer Sharon Pigeon's suggested courtroom tactics are a method to combat a possible information request by lawyers for Southwest Virginia landowners as well as a counter argument against the amount of royalty proceeds they sought.

In all, the Herald Courier reviewed a series of 52 emails obtained from the Attorney General's Office through a Freedom of Information Act request. The emails were sent between 2010 and 2012.

Five of those emails initially came to light months ago, when a federal magistrate judge criticized Pigeon for appearing to advise lawyers for CNX Gas and EQT Production on how to fight the lawsuits, filed by landowners seeking at least \$30 million in natural gas royalties. The money is being held in state-mandated escrow accounts set up and monitored by the Virginia Gas and Oil Board, of which Senior Assistant Pigeon is the legal adviser.

References to the other 47 emails and their contents were recently uncovered in records filed last year in U.S. District Court in Abingdon, but the actual emails have not been publicly available until now.

Her emails sparked a political brouhaha over the relationship between the state's highest legal office and corporate lawyers. Attorney General Ken Cuccinelli is the Republican candidate running against Democrat Terry McAuliffe for the governor's seat, up for grabs in November.

Adding to the fire is the role that CNX parent company CONSOL Energy has as one of the top financial contributors to Cuccinelli's campaign. The company has funneled \$111,044 into his campaign since 2012, according to campaign watchdog Virginia Public Access Project.

Cuccinelli has defended Pigeon's dealings with energy company lawyers, describing her actions as "overzealous" but in line with the common-interest legal doctrine allowing contact between attorneys representing different clients.

"There is nothing new here," AG spokesman Brian Gottstein wrote of the latest batch of correspondence. "These emails are just more of the same that were released before, and their existence was reported [filed in court] more than a year ago."

In June, the attorney general said his office joined the court cases only to fight the constitutional

challenges to the Virginia Gas and Oil Act, which is at the heart of the lawsuits.

A review of Pigeon's emails does show she offered corporate lawyers suggestions on how to better explain state drilling laws to the judge, and also points to such administrative tasks as answering their Freedom of Information Act requests.

Last month, the state's inspector general confirmed to the Herald Courier that his office is investigating whether Pigeon wrongfully advised the energy companies and said it could take months to wrap up.

On Thursday, Inspector General Michael Morehart said the investigation is ongoing.