

Michael Murphy Speaks at the Institute for Energy Law's 74th Annual Energy Law Conference

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Winston Partner Michael Murphy spoke on a panel titled “ Hot Topics in Energy Litigation” during the Institute for Energy Law's [74th Annual Energy Law Conference](#) on February 16 and 17, 2023. The panelists discussed emerging trends and issues in energy litigation relating to those changes, including disputes relating to crypto mining, energy transition, cybersecurity, and more. Key takeaways from the conversation include:

- Market volatility and swings in commodity pricing are impacting energy disputes, including (i) an increase in commercial disputes related to earnout and purchase price adjustment following acquisitions and (ii) generating an anticipated increase in LNG disputes of various sorts (arising from construction issues/delays, supply disruptions, etc.), and (iii) causing several new players to enter the market.
- Force Majeure continues to be a hot topic in Texas in the wake of Winter Storm Uri as several key issues (such as ERCOT immunity) are being decided and the market has become more aware and sophisticated when it comes to drafting these provisions.
- Litigation funding has ascended as a non-traditional source of funding energy disputes as (i) energy companies have become more comfortable with this as a vehicle for pursuing disputes without tying up limited cash flows and (ii) large law firms have become more receptive to its use.
- The increase in cybersecurity threats/data breaches is opening the potential for related litigation arising from (i) consumer class actions, (ii) insurance coverage disputes, and (iii) breaches of cybersecurity representations and warranties in transactions.

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