

Francis J. Devlin

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Francis J. Devlin practices in the areas of antitrust, franchise, advertising and promotions, government investigations, environmental law, corporate law, legislation, and general commercial law, with a concentration in the area of energy law. He is currently an adjunct assistant professor of law at the University of Houston Law Center, Houston, Texas.

Formerly senior counsel with Exxon Mobil Corporation, Frank represented them in numerous investigations concerning fuels pricing and quality at the federal, state, and local levels. He was the principal antitrust counsel for the domestic fuels marketing business and was responsible for more than a dozen pre-merger notifications filed with the Federal Trade Commission (FTC), none of which resulted in the issuance of a Second Request. He coordinated Exxon's response to the Second Request issued by the FTC in connection with the merger of Exxon and Mobil. From 1996 through 1999, he was the coordinator of Exxon's General Commercial Practice Group, responsible for all domestic antitrust advice, together with responsibility for Exxon's domestic marketing and crude oil and products supply operations.

Mr. Devlin has also been active in the legislative area. Among other matters, he was the principal industry negotiator with respect to the 1994 amendments to the federal Petroleum Marketing Practices Act.

He is a member of the American Bar Association (ABA), speaking at numerous ABA and other seminars on legislative developments in the area of fuels, as well as on antitrust and environmental issues. He is a member of the ABA's sections on Antitrust Law and Environment, Energy and Resources, of which he is a vice-chairman of the Petroleum Marketing Committee. He is also a member of the Forum on Franchising and the Section on Business Law and the Section on Alternative Dispute Resolution.

During his 30-year career with Standard Oil, Exxon and Exxon Mobil, Mr. Devlin had responsibility, among others, for the original development of its hazard communications programs, the financing of Exxon's interest in the Trans-Alaska Pipeline System (including one of the few industrial corporation "Dutch auctions" of debt securities), shareholder relations, public affairs, corporate governance, and price controls during the Carter administration.

He has been active in the American Petroleum Institute (API), being the founding chairman of the Subcommittee on Marketing Law of the API Committee on Law and has served as the attorney advisor of the API Marketing Committee.

Admitted to practice in Texas and New York and before the U.S. Supreme Court and the Fifth and Eleventh Federal Circuit Courts of Appeals, Mr. Devlin is a Fellow of the College of the State Bar of Texas. He has been listed in *Who's Who in the World*, *Who's Who in America*, *Who's Who in American Law* and *Who's Who in the South and Southwest*, as well as other biographical publications.

Mr. Devlin is a 1967 graduate of Fordham University School of Law, where he was articles editor of the *Fordham Law Review* and a 1964 *magna cum laude* graduate of Providence College, where he was editor-in-chief of *The Cowl*. His editorial on the death of President Kennedy was

read into the *Congressional Record*.

Areas of Practice

- Antitrust Law
- Franchise Law
- General Commercial Law
- Energy Law

Professional Activities

- College of the State Bar of Texas
 - Fellow
- American Bar Association
 - Antitrust Section
 - Forum on Franchising
 - Section of Environment, Energy, and Resources
 - Former Chairman, Oil and Natural Gas Downstream Committee
 - Vice Chairman, Petroleum Marketing Committee
- American Bar Foundation - Fellow
- American Petroleum Institute
 - Committee on Law
 - Founding Chairman, Subcommittee on Marketing Law
- Adjunct Assistant Professor, Fordham University, 1978
- Adjunct Assistant Professor of Law, University of Houston Law Center, 2006-

Admissions

- New York
- Texas
- Supreme Court of the United States
- United States Courts of Appeals for the Fifth and Eleventh Circuits

Education

- Fordham University School of Law, J.D., 1967
- Providence College, B.A., *Magna Cum Laude*, 1964

Other Experience

- Duane Morris LLP
 - Special Counsel, 2003-2004
- Exxon Mobil Corporation, Fairfax, Virginia
 - Senior Counsel, 2000-2002
- Exxon Company, U.S.A., Houston, Texas
 - Senior Counsel, 1991-2000
 - Counsel, 1978-1991

- Coordinator, General Commercial Practice Group, 1996-1999
- Exxon Corporation, New York, New York
 - Counsel, 1973-1978
- Standard Oil Company, incorporated in New Jersey (Esso), New York, New York
 - Counsel, 1972
- Rogers & Wells, New York, New York
 - Associate, 1967-1972

Civic and Charitable Activities

- Our Lady of Guadalupe School, Houston, Texas
 - Chairman, Advisory Board, 1997-1999
 - Member, Advisory Board, 1995-1999

Honors and Awards

- Listed in *Who's Who in America*
- Listed in *Who's Who in American Law*
- Listed in *Who's Who in the South and Southwest*
- Listed in *Who's Who in the World*
- Listed in *Who's Who in Finance and Industry*

Selected Publications

- Contributor, "2005 Year in Review, Petroleum Marketing," included in *The Year in Review 2005*, American Bar Association Section on Environment, Energy, and Resources
- Contributor, American Bar Association, Section of Environment, Energy, and Resources, Energy Committees Newsletter, *Petroleum Provisions of Energy Bill*, June 2005.
- Author, "2004 Year in Review, Oil and Natural Gas Downstream," included in *The Year in Review 2004*, American Bar Association Section of Environment, Energy, and Resources
- Author, "2003 Year in Review, Oil and Natural Gas Downstream," included in *The Year in Review 2003*, American Bar Association Section of Environment, Energy, and Resources
- Contributor, "Non-Price Predation Under Section 2 of the Sherman Act," *ABA Monograph*, (1991)
- Author: Comment, "Consent to Summary Jurisdiction," 34 *Fordham Law Review* 469, (1966)

Selected Speaking Engagements

- "Legislative and regulatory Activities: Highlighting "Non-Energy Bill" and Price Gouging Enforcement," 2006 Petroleum Marketing Attorneys Meeting, Washington, D.C., March 28, 2006
- Program Moderator and Speaker, ABA SEER 20th Annual Petroleum Refining and Marketing Law Roundtable, Chicago, Illinois, October 21, 2005
- Panelist, "Energy Bill 2005," Teleconference Program, Energy Committees, ABA Section of Environment, Energy, and Resources, August 16, 2005
- Program Moderator and Speaker, "A Potpourri of Developments: REG NEG and RFG – Unocal and the FTC; Legislation; FTC Report on Mergers, Structure Change, and Enforcement; and 'prices, prices, prices (including the FTC meets the GAO)," ABA SEER

19th Annual Petroleum Refining and Marketing Law Roundtable, San Antonio, Texas, October 8, 2004

- "Government Involvement in Motor Fuel Pricing," 18th Annual Petroleum Refining and Marketing Law Roundtable, sponsored by the Oil and Natural Gas Downstream Committee of the Section of Environment, Energy and Resources of the American Bar Association, Washington, D.C., October 10, 2003
- "Distribution Franchises and Competition Law - US and Australian Gasoline Retail," International Franchising and International Licensing conference, sponsored by the Center for International Legal Studies, Salzburg, Austria, October 2-5, 2003
- "What's New in DC - Public Conferences, Investigations, and Legislation," ABA SEER 17th Annual Petroleum Refining and Marketing Law Program, Portland, Oregon, October 11, 2002
- Moderator and Speaker, 2002 Petroleum Marketing Attorneys Meeting, Washington, D.C., April 30, 2002
- Federal and State Legislative Developments Affecting Petroleum Marketing, ABA SEER Petroleum Refining and Marketing Law Roundtable, St. Louis, Missouri, October 5, 2001
- Legislative Update (Petroleum Marketing), Petroleum Refining and Marketing Law Conference, San Francisco, California, October 20, 2000
- "Legislative Trends Affecting Petroleum Marketing," ABA SEER 14th Annual Petroleum Marketing Law Conference, Washington, D.C., October 6, 1999
- "Should Petroleum Franchises Be Subject to the FTC Disclosure Rule," ABA SONREEL 13th Annual Refining and Marketing Law Conference, New Orleans, Louisiana, November 20, 1998
- State Legislative Update (Petroleum Marketing), 1998 Petroleum Marketing Attorneys Meeting, Washington, D.C., March 31, 1998
- "State and Local Legislation Affecting Petroleum Marketing," ABA SONREEL 12th Annual Petroleum Refining and Marketing Law Conference, Chicago, Illinois, November 14, 1997
- Panel on "State Franchise and Pricing Legislation," 1996 Petroleum, Marketing Attorneys Meeting, Washington, D.C., March 26, 1996
- Panel on "Zone Pricing Controversy - Heat or Light?," ABA SONREEL 11th Annual Conference on Petroleum Refining and Marketing, Chicago, Illinois, October 22, 1996
- Panel on "The 1994 PMPA Amendments" (From the Franchisor's Viewpoint)," 1995 Petroleum Marketing Attorneys Meeting, April 4, 1995
- Panel on "Policy, Politics and Legislation: Reports from Capitol Hill." ABA SONREEL Conference - Petroleum Refining and Marketing: Cutting Edge Developments, Houston, Texas, November 5, 1993
- "Cops and Robbers: Your Guide to Motor Fuels Tax Fraud," ABA SONREEL Conference - Petroleum Refining and Marketing: Cutting Edge Developments, Houston, Texas, November 5, 1993
- Panel Discussion: PMPA Amendments - Title IV, ABA SONREEL Conference - Petroleum Marketing: Conflicts and Solutions, Coronado, California, December 5, 1991
- "Petroleum Marketing Issues for the Decade Ahead," ABA SONREEL Conference - Petroleum Marketing: Preparing for the 1990s, Los Angeles, California, November 28, 1989