



**March 14, 2019
Meadows Casino
Washington
Pennsylvania
Landman
Institute:
Legal and
Ethical Issues for
Landmen and Attorneys**

**Energy & Mineral Law
Foundation and the
Michael Late Benedum
Chapter of the
American Association
of Professional Landmen**



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Program Schedule

8:00-8:15 a.m.

Welcome and Introductions

8:15-9:15 a.m.

Ethics: Supreme Court of West Virginia — What Went Wrong?

What went wrong ethically in 2018 with the Supreme Court of Appeals of West Virginia? Why were four Justices impeached, three resigned, two face criminal charges and the voters passed Amendment 2? This session will cover the recent events at the Supreme Court, the applicable Rules of Professional Conduct, the Code of Judicial Conduct, and the AAPL's Standards of Conduct — and where the court is today.

- Morgan K. Griffith, *American Petroleum Partners*, Canonsburg, PA

9:15-10:15 a.m.

Testifying as an Effective Witness in a Deposition

In the context of many different types of oil and gas lawsuits, landmen working independently or in-house are often called to testify as a fact witness, or as a company representative. Being called to testify as a witness in either capacity can be daunting largely because of the unknown, especially for the first-time witness. This presentation will demystify the process and explain the role of the deposition in a lawsuit. The presentation will further provide the perspective of both the witness and lawyer to review common pitfalls and mistakes made by witnesses and to discuss helpful tips to be a prepared and effective witness.

- Clay K. Keller, *Jackson Kelly PLLC*, Akron, OH
- Lester Zitkus, Senior Vice President, Land, *Gulfport Energy Corporation*, Oklahoma City, OK

10:15-10:30 a.m.

Break

10:30-11:30 a.m.

Dundics — History and Evolution of Landman Licensing in Ohio

This panel will discuss the newly enacted changes to Ohio law in response to the Dundics case, the solution that was created, how compromise was reached, and the current state of the law in Ohio on licensing.

- Michael D. Brewster, *Frost Brown Todd LLC*, Pittsburgh, PA
- Amanda Finn, Government Relations Manager, *Ascent Resources – Utica, LLC*, Marietta, OH
- Brad Secrist, Supervisor – Land, *Ascent Resources – Utica, LLC*, Oklahoma City, OK

11:30 a.m.–12:30 p.m.

West Virginia Cotenancy Modernization and Majority Protection Act: Practical Application Going Forward

Approximately six months after the West Virginia Cotenancy Modernization and Majority Protection Act became law in West Virginia, questions remain concerning the Act's practical application. This session will address the who, what, when, where, why, and how as to the West Virginia Co-Tenancy Modernization and Majority Protection Act and provide suggested practices for making use of the Act. The session will also include analysis of the anticipated procedural process for resolving disputes under the Act.

- Katrina N. Bowers, *Babst Calland*, Charleston, WV
- Charles F.W. Saffer, *Babst Calland*, Charleston, WV

12:30-2:00 p.m.

Lunch Break — Hot Buffet

Please contact MLBC at abbyveigel@mlbc-aapl.org with any food allergy restrictions or for further menu information.

Track 1

2:00-3:00 p.m. **Fundamentals of Natural Gas Marketing**

Ever wonder why natural gas prices change so quickly? Or why local prices differ from Henry Hub prices? This panel discussion will provide an overview of gas price fundamentals, what moves the various local market indices, and how weather, storage and long-term demand forecasts impact gas prices. The discussion will also include insights on how a commercial trader thinks about the market when buying and selling gas.

- Justin Edmiston, Director Gas Marketing, *Arsenal Resources*, Wexford, PA
- Andrew N. Kleit, Professor of Energy and Environmental Economics, *The Pennsylvania State University*, University Park, PA
- David Thomas, Sr. Director of Marketing, Appalachia, *ARM Energy Management*, Carnegie, PA
- Ryan Warner, Vice President, Business Development, *Infinity Natural Resources*, Morgantown, WV

3:00-3:15 p.m. Break

3:15-4:15 p.m. **Natural Gas Liquids 101**

Natural Gas Liquids 101 — Butane, Ethane and Propane, oh my. NGLs have entered the center stage as development in Wet Gas areas have increased in Appalachia. While NGLs are not new to the Basin, the current volume of NGLs is new. Learn what you need to know to be a savvy lawyer or landman when it comes to working with landowners concerned about the value of their NGLs. This presentation is an introduction to what NGLs are, how they are processed and what options exist to market these byproducts of natural gas development.

- Marc A. Halbritter, Senior Vice President, Business Development, *Blue Racer Midstream*, Dallas, TX

4:15-5:15 p.m. **“Shoot to Drill” — Structuring Deals that Target Upstream Oil and Gas Assets**

This presentation will explore key considerations and deal structures involving upstream oil and gas assets, including basic considerations for Purchase and Sale Agreements, Exchange Agreements and Joint Ventures. A particular emphasis will be placed on title and land related contractual provisions, title due diligence and their relationship to the overall deal.

- Britt A. Freund, *Steptoe & Johnson PLLC*, Canonsburg, PA

Track 2

2:00-3:00 p.m. **Boundaries and Property Descriptions – Where Do You Draw the Line?**

In the past, vertical well drilling rarely was affected by boundary line disputes. However, with modern horizontal well drilling, property descriptions and boundary lines require careful identification and analysis. This presentation will include: title search diligence to identify boundary issues; gaps and overlaps such as overlapping property descriptions, patent or warrant surveys; trespass claims resulting from erroneous boundary line determination – damage claim dependent upon determination of good faith or bad faith trespass; and the effect of adverse possession in altering or determining boundary lines.

- Sean Cassidy, *Sean Cassidy and Associates, P.C.*, Greensburg, PA

3:00-3:15 p.m. Break

3:15-4:15 p.m. **Contracting with People Treated Differently Under the Law**

We will review the law surrounding groups of people that have historically been treated differently and how being a member of these special groups affect title opinions, heirship searches and leasing efforts. We will review the law surrounding such groups as adopted individuals, children, married women, the mentally incompetent, spendthrifts, and femme sole traders.

- Renee V. Anderson, *Sean Cassidy and Associates, P.C.*, Pittsburgh, PA

4:15-5:15 p.m. **Ethical Pitfalls for Landmen: Licensing, Regulation and the Unauthorized Practice of Law**

When does the work of an oil and gas land professional veer too far into the work of attorneys, real estate brokers and real estate agents? Landmen are increasingly finding themselves at odds with unauthorized practice of law statutes and real estate licensing requirements, including in Ohio. This presentation will discuss:

- The fine line between serving as a landman and the unauthorized practice of law
 - The licensing/regulation of landmen as real estate professionals
 - A case study from Ohio: *Dundics v. Eric Petroleum*
 - How and when are infractions enforced?
 - Practical advice for landmen to avoid running afoul of the law
- Christopher T. Furey, *Bricker & Eckler LLP*, Cleveland, OH
 - Kara H. Herrnstein, *Bricker & Eckler LLP*, Columbus, OH

5:15-6:15 p.m. **Hosted Reception**



Yes, I want to attend the Special Landman Institute

The full conference registration includes all program materials in electronic format online, continental breakfast, refreshment breaks and hosted reception after the program. Registrants choosing to have program materials in looseleaf binder at the time of the program for an additional \$65 should mark that choice on the registration form.

Registration fees	Conference through Feb. 20	Conference after Feb. 20
Non-member Registration Fee	\$300	\$350
EMLF/MLBC Member	\$250	\$300
Government and Young Professional (3 years or less)	\$200	\$250
Law Students and Retirees	\$100	\$100
Printed Program Materials (Conference Registrants Only)	\$ 65	\$ 65

First Name _____ M.I. ____ Last Name _____ Badge Name _____

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State(s) for CLE Credits _____ Do you need AAPL Credit? _____

Fees:

Conference Registration \$ _____

Hard Copy Notebook \$ _____

Total \$ _____

Conference accreditation is pending from states with mandatory Continuing Legal Education and with the AAPL. Please indicate on your registration form where you are seeking credit. Application will be made for 420 minutes of continuing education, including 2 hours of ethics, if all sessions are approved. In states which calculate 50 minutes as a CLE hour, this will be 8.4 hours of CLE. In states which calculate 60 minutes for a CLE hour, this will be 7 hours of CLE credit. Complete information for reporting your credits will be available at the conference. Additional fees may be required for certain states/organizations.

You may pay by _____ check or _____ credit card. EMLF accepts MasterCard, VISA or American Express.

Card # _____ Expiration date _____

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Cancellation policy

Full refunds less a \$75 administrative fee will be given for written registration cancellations received by March 1. No registration refunds will be made thereafter, but substitutions can be made by calling the Foundation at 859.231.0271. Persons not entitled to any refund will receive meeting materials. EMLF members who cancel their registrations after March 1 receive materials and a \$100 credit toward a future program.

Three ways to register

- If registering online, go to www.emlf.org
- If registering by fax, call 859.226.0485
- If registering by mail, send form and payment to EMLF, 340 South Broadway, Suite 101, Lexington, KY 40508

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