



## Austin Brister

*Partner*

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### PRACTICE AREAS

*Oil & Gas / Energy Litigation*

*Oil & Gas / Energy  
Acquisitions and  
Divestitures*

*Oil & Gas / Energy  
Transactions & Title  
Examination*

### INDUSTRIES

*Oil & Gas*

Austin Brister represents oil and gas companies and landowners in upstream oil and gas litigation, including mineral and leasehold title disputes, surface trespass and damages, royalty calculation and payment disputes, operator/non-operator disputes, removal of operator, lease termination/perpetuation disputes, retained acreage and proration unit issues, and an array of other issues in the upstream oil and gas sector. Austin has represented both plaintiffs and defendants in courtrooms across Texas. Austin strives to find practical business solutions, but if necessary he works hard to implement aggressive strategies in the courthouse. Austin is licensed in Texas, Wyoming, Colorado, and North Dakota.

Austin is an active member of the Rocky Mountain Mineral Law Foundation, where he serves as Vice-Chair of the Young Professionals Committee. Austin frequently publishes articles and gives presentations on oil and gas issues, including articles and presentations for the Texas Oil and Gas Law Journal, Law360, Texas State Bar, Rocky Mountain Mineral Law Foundation, Wyoming Bar Association, Houston Bar Association, Dallas Bar Association, Wyoming College of Law, University of Texas, South Texas College of Law, American Association of Petroleum Landmen, Landman Magazine, National Association of Division Order Analysts, National Association of Lease and Title Analysts, and numerous local chapters of landman and lawyer associations.

Austin also serves as editor of "Producer's Edge" and OilandGasLawDigest.com, which seeks to provide the Firm's clients in the oil and gas industry with information on recent cases and timely articles.

## Publications & Presentations

- McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 2 (May 12, 2020)
- Contributor, McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 1 (February 10, 2020)
- Speaker, *Case Law Update*, RMMLF Breakfast and Oil and Gas CLE, Houston, TX (February 6, 2020)
- Co-Author, Four Recent Drainage and Offset Cases: A Texas Litigation Trend?, Texas Oil & Gas Law Journal 01, pg. 33-34 (August 1, 2019)
- Oil & Gas Newsletter: Producer's Edge, Vol. 1, Issue 2 (August 1, 2019)
- McGinnis Lochridge Featured in Law360 and San Antonio Business Journal for Securing \$44 Million Win for Client (July 19, 2019)
- Co-Author, Four Recent Drainage and Offset Cases: A Texas Litigation Trend?, AAPL Landman

Magazine (July/August 2019)

- Contributor, McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 1, Issue 1 (March 27, 2019)
- McGinnis Lochridge Partner Austin Brister Secures \$53k Pro Bono Judgment Against Tax Preparation Fraudster (September 5, 2018)
- Appellate Court Holds that Landowner's "Course of Dealing" Leads to Waiver (July 31, 2018)
- Co-Author, *A Survey of Depth Severance Issues and Related Drafting Considerations*, 63 Rocky Mt. Min. L. Inst. 30-1 (July 2017)
- Speaker, *Legal Issues and Drone Applications in Ranching*, TSCRA Summer Meeting, The Texas and Southwestern Cattle Raiser's Association, Galveston, Texas (June 16, 2017)
- Co-Author, Texas Court Holds That Permit of Injection Well May Be Challenged Outside Railroad Commission and Travis County Via Injunctive Relief, National Association of Division Order Analyst (NADOA) Q1 Newsletter (January/February/March 2017)
- Speaker, *Royalty Calculations: Analyzing Royalty Clauses and an Update on Recent Case Law*, Permian Basin Association of Division Order Analysts, Houston, TX (November 17, 2016)
- Speaker, *Production in Paying Qualities and Keeping the Lease*, HAPL 7th Annual Shale Play Seminar, Houston Association of Professional Landmen, Houston, Texas (September 28, 2016)
- Presenter, *Primer and Update on Gas Royalty Calculation Litigation*, NALTA Annual Meeting, National Association of Lease and Title Analyst, Atlanta, Georgia (September 22, 2016)
- Presenter, *Texas NPRI's*, NADOA 43rd Annual Institute, National Association of Division Order Analysts, Scottsdale, Arizona (September 8-9, 2016)
- Jessica Palvino, Partner and UAS/Drones Practice Group Co-Chair and Austin Brister, Associate, discuss newly released FAA/DOT UAS/Drone Operational Rules. (June 21, 2016)
- Co-Author, *Royalty Litigation: Perspectives from the Lessor/Lessee?*, State Bar of Texas: Oil & Gas Disputes, Houston, TX (January 28-29, 2016)
- Speaker, *Acquisitions During the Downturn: Suspense Issues, JIBs, Pay Decks, and Curative Materials*, NADOA December Webinar, National Association of Division Order Analysts, Houston, Texas (December 2015)
- Speaker, *Energy Transactions in a Low Price Environment; Mitigating Uncertainty and Risk*, 2015 Landscape Discussion on Energy Law & Policy in the Rockies, University of Wyoming College of Law, Laramie, Wyoming (October 2015)
- Speaker, *North Dakota Probate Issues from the Operator's Perspective*, 2015 ALTA/HADOA Joint Seminar, ALTA/HADOA, Houston, Texas (November 2015)
- Speaker, *Effective Use of Technology to Manage Big Data in the Practice of Law*, November NAPO Meeting, National Association of Professional Organizers, Houston, Texas (November 2015)
- Join McGinnis Lochridge Attorney Austin Brister at the 2015 Landscape Discussion on Energy Law & Policy in the Rockies Conference, as he speaks on "Energy Transitions in a Low Price Environment – Mitigating Uncertainty and Risk". (October 2015)
- Speaker, *Evolving Landmines in Structuring Deals and Conducting Due Diligence Amidst Prolonged Oil Slump*, 2015 Shale Play Seminar, Houston Association of Professional Landmen, Houston, Texas (October 2015)
- Speaker, *Select Landmines in Acquisitions and Divestitures and Due Diligence During Prolonged Oil Slump*, Fall Land Institute, Denver Association of Professional Landmen, Denver, Colorado

(October 2015)

- Partner Jonathan Baughman and Associate Austin Brister published in Law360 forecasting rise in royalty and lease termination litigation amidst prolonged oil slump. (September 25, 2015)
- Author, *Importance of Lease Language That References Regulatory Rules*, Landman Magazine (September/October 2015)
- Co-Author, "Lessor-Lessee Relations After Shale's Honeymoon Period," *Law360* (September 25, 2015)
- Texas Supreme Court to hear case that may have implications on development of groundwater in Texas (September 2015)
- Speaker, *Restrictions on Assignability: Handling Pref Rights and Consent Provisions*, National Association of Lease and Title Analysts National Meeting, National Association of Lease and Title Analysts, Amelia Island, Florida (September 2015)
- Speaker, *Navigating Preferential Rights to Purchase and Consent to Assignment Provisions*, National Association of Lease and Title Analysts National Meeting, National Association of Lease and Title Analysts, Amelia Island, Florida (September 2015)
- Speaker, *Landmines in Handling Consent to Assignment Provisions and Preferential Rights to Purchase*, In-House Presentation, Undisclosed Major International Oil and Gas Company, Houston, Texas (July 2015)
- Speaker, *Restrictions on Assignability*, Dallas Fort Worth Division Order Analysts Luncheon, Dallas Fort Worth Division Order Analysts, Dallas, Texas (July 2015)
- Speaker, *Non-Participating Royalty Interests from the Perspective of Texas Operators*, SADOA Summer Seminar, Sooners Association of Division Order Analysts, Tulsa, Oklahoma (June 2015)
- Speaker, *Select Landmines in A&D and Due Diligence Re: Distressed Assets*, Mid-Year Seminar, Houston Association of Lease and Title Analysts, Houston, Texas (June 2015)
- Speaker, *Structuring and Negotiating Farmout Agreements*, In-House Presentation, Undisclosed Major International Oil and Gas Company, Houston, Texas (May 2015)
- Speaker, *Non-Participating Royalty Interests: Multi-Jurisdictional Fundamentals; Advanced Pooling Issues in Texas*, Summer Webinar, National Association of Division Order Analysts (May 2015)
- Speaker, *Dirty Tricks and Cheap Moves: Protecting Your Client During Oil and Gas Transactional Work*, International Transactions, The University of Texas at Austin School of Law, Austin, Texas (April 2015)
- Speaker, *Landmines in Acquiring or Divesting Assets During the Oil Downturn*, PALTA Seminar, Permian Basin Lease and Title Analysts, Midland Texas (April 2015)
- Speaker, *Restrictions on Assignability: Preferential Rights & Consent to Assign Provisions*, PALTA Seminar, Permian Basin Lease and Title Analysts, Midland, Texas (April 2015)
- Speaker, *Select Landmines in Conducting Due Diligence for Distressed Assets*, PBDOA Spring Seminar, Permian Basin Division Order Analysts, Midland, Texas (March 2015)
- Speaker, *Overview of Preferential Rights, Consents, Areas of Mutual Interest, and Maintenance of Uniform Interest Provisions*, PBDOA Spring Seminar, Permian Basin Division Order Analysts, Midland, Texas (March 2015)
- Speaker, *Non-Executive Mineral Interests for the Texas Operator*, In-House Presentation, Undisclosed Independent Exploration and Production Company, Houston, Texas (February 2015)
- Speaker, *Restrictions on Assignability: an Overview of the Ties that Commonly Bind Oil and Gas Properties*, Spring Institute, Houston Association of Division Order Analysts, Houston, Texas

(February 2015)

- Speaker, *Acquisitions and Divestitures in a Low-Price Environment*, North Houston Association of Professional Landmen Luncheon, North Houston Association of Professional Landmen, Houston, Texas (January 2015)
- Speaker, *Dirty Tricks and Cheap Moves in the Oil Patch*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *JOA Problem Areas: Interests, Expenditures and Liabilities*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *JOA Problem Areas: Common Article 16 Provisions*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *JOA Problem Areas: Gas Balancing Agreements and COPAS Accounting*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *JOA Problem Areas: Proposals, AFEs, Cost Overruns and Exculpatory Language*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *JOA Problem Areas: Non-Consent Operations and Penalties*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *Anatomy of the AAPL Form 610 Operating Agreement*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Speaker, *History and Fundamentals of the AAPL Form 610 Operating Agreement*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas (January 2015)
- Co-Author (with Austin Brister), *Production in Paying Quantities: A Framework for Analyzing Lease Perpetuation Issues*, Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas, Volume 40, Number 2 / Winter 2015 (January 2015)
- Speaker, *Non-Participating Royalty Interests: Fundamentals, Title Issues & Horizontal Drilling*, National Association of Lease and Title Analysts, Annual ATLA Institute, Nashville, Tennessee (September 2014)
- Speaker, *Non-Participating Royalty Interest: Multi-state Fundamentals & Advanced Issues in Texas*, National Association of Division order Analysts 41st Annual NADOA Institute, Chicago, IL (September 2014)
- Speaker, *Farmouts, JEAs, JDAs, and Participation Agreements: An Overview of the Many Agreements Used for Jointly Exploring and Developing Oil & Gas Properties*, Dallas Ft. Worth Association of Lease and Title Analysts, Dallas TX (September 2014)
- Author, *Lease Perpetuation Issues and Analysis: Part One*, Denver Lease and Title Analysts Newsletter (September 2014)
- Speaker and Author, *New Horizontal Modifications to the AAPL Joint Operating Agreement*, Dallas Bar Association Mineral Law Section, Annual Review of Oil & Gas Law XXIX, Dallas, TX (August 2014)
- Speaker, *Lease Perpetuation Issues in North Dakota*, In-House Presentation for Enduro Resource Partners, LLC, Fort Worth, TX (August 2014)
- Speaker, *Non-Executive Interest: A Look from the Operator's Shoes*, Permian Basin Association Lease and Title Analysts, Midland, TX (July 2014)
- Speaker, *Non-Participating Royalty Interests: Fundamentals Community Leases Horizontal Drilling*, Houston Association of Professional Landman, 45th Annual Technical Workshop, Houston (May

- 2014)
- Speaker, *Title and Pooling Issues Regarding Non-Participating Royal Interests*, ConocoPhillips Spring Seminar, Houston, TX (May 2014)
- Speaker, *Wyoming Mineral Law and Leasing Issues*, Mineral Law Section of the Wyoming State Bar (May 2014)
- Speaker, *Block-Chain Technologies: Potential Applications and Legal Ramifications*, ISACA Young Professionals of the University of Houston, Houston, TX (April 2014)
- Author, *NPRIs: Fundamentals, Common Issues, Horizontal Drilling*, ALTA Newsletter (April 2014)
- Speaker, *Non-Participating Royalty Interests: A Simple Idea with Complex Rules*, Association of Lease and Title Analysts, Houston, TX (February 2014)
- Co-author, *Surface Use Agreements: Multijurisdictional Considerations in Negotiating and Drafting Agreements for Use of Surface Estate in Oil and Gas Exploration, Production and Development*, Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas, Volume 38, Number 2 (Winter 2014)
- Author, *Surface Use Issues, Agreements and Surface Use Acts*, AAPL Annual Meeting, Washington, DC (June 2013)
- Co-author, *Surface Use Agreements: Multijurisdictional Considerations in Drafting and Negotiations*, AAPL Annual Meeting, Washington D.C. (June 2013)
- Co-Author, *Ten Ways to Reduce Headaches Over Your Title Opinions*, PBLA Newsletter (June 2013)
- Speaker, *Drafting and Negotiating Agreements for Use and Restoration of the Surface Estates in Oil and Gas Exploration and Production*, NHAPL Annual Voting Luncheon, Houston, TX (May 2013)
- Author, *Surface Use Issues, Agreements, and Surface Use Acts*, AAPL Annual Meeting, Washington, D.C. (2013)
- Author, *Horizontal Drilling Under Graveyards and Churches*, NHAPL Luncheon, Houston, TX (2012)

## **Professional Associations & Community Involvement**

- Houston Bar Association, Mineral Law Section
- Oil, Gas & Energy Resources Law Section of the State Bar of Texas
- Institute for Energy Law
- Rocky Mountain Mineral Law Foundation
- Wyoming Bar Association, Mineral Law Section
- American Association of Professional Landmen (AAPL)
- Houston Association of Professional Landmen (HAPL)
- West Houston Association of Professional Landmen (WHAPL)
- Young Professionals in Energy (YPE)

## **Professional Recognition**

- Super Lawyers Rising Stars list, a Thomson Reuters service (2020-2021)

## **Court Admissions**

- United States District Court for the District of Wyoming
- United States District Court for the Northern District of Texas
- United States District Court for the Western District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas

## **Bar Admissions**

- Texas
- Colorado
- North Dakota
- Wyoming

## **Education/Professional Background**

- University of Wyoming, J.D., 2011 (Dean's Honor Roll, recipient Watt Brothers Scholarship)
- University of Northern Colorado, B.M., 2008