



Derrick Price

Partner

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PRACTICE AREAS

Oil & Gas / Energy Litigation
General Litigation

INDUSTRIES

Oil & Gas

Derrick Price handles a wide variety of civil matters in the oil and gas industry, representing both oil and gas operators and landowners. His litigation expertise includes disputes over surface use, joint operating agreements, royalty underpayment, gas measurement, oil and gas lease covenants, lease termination, bad faith pooling, lease development, retained acreage and mineral ownership throughout Texas. Derrick regularly represents landowners, mineral owners and royalty owners in negotiating oil, gas and other mineral leases, surface agreements, seismic permits and pipeline easements. He has significant litigation and negotiation experience across many South Texas counties where Eagle Ford Shale has become active, including LaSalle, Dimmit, DeWitt, Webb, Zapata, Karnes and McMullen counties. He also has significant litigation and negotiation experience in the Permian Basin and West Texas, including in Midland, Martin, Ector, Howard, Loving, Pecos, Reeves, Culberson and El Paso counties. Derrick also has substantial experience representing clients in both litigation and negotiations with the Texas General Land Office relating to state mineral classified lands and minerals owned by the State of Texas.

Representative Experience

Oil & Gas/Energy Litigation

Derrick's noteworthy experience in this area includes:

- Served as co-counsel representing lessors in an oil and gas lease dispute concerning royalty and pooling-related claims in Jefferson County, Texas. The court reaffirmed previously entered orders and rendered a final judgment in favor of clients.
- Representing an oil and gas operator in defense of claims regarding the enforceability of a water use agreement in the heart of the Eagle Ford Shale Play. Derrick argued and won summary judgment in the 81st District Court in Karnes County, Texas.
- Representing oil and gas operators in the prosecution and defense of lease termination and trespass claims against competing operators in West Texas and South Texas (Eagle Ford Shale).
- Obtaining summary judgment in favor of a royalty owner in a matter regarding the breach of an oil and gas lease in Harris County, Texas.
- Assisting with obtaining jury verdict and judgment for a royalty owner against an oil company in East Texas.
- Defending an independent oil and gas company against claims of fraud and breach of Area of Mutual Interest (AMI) provision.
- Obtaining a temporary restraining order and temporary injunction on behalf of a major gas pipeline

company to prohibit a landowner from interfering with the company's operations and access to its pipeline easement.

- Representing an independent oil and gas company in the prosecution of constitutional takings and inverse condemnation claims against a municipality for denial of a drilling permit. The case was mediated to settlement, after which the permit was issued and the well drilled.
- Participating in representation of a major oil and gas company in defense of multiple claims by lessors/landowners, including royalty underpayment, failure to appropriately market gas, failure to adequately measure gas/confusion of goods, failure to protect the lease against drainage, failure to develop the lease, and surface damages.
- Participating in representation of a major oil and gas company in the defense of a complex case involving royalty underpayment and lease termination claims brought by lessors/landowners, as well as breach of Joint Operating Agreement (JOA) claims brought by a non-operating joint interest owner.
- Assisting in due diligence review of a major oil and gas company's lease and marketing files in connection with defense of qui tam and royalty underpayment claims involving federal and Indian leases.
- Participating in representation of two individuals and their company in a dispute against a publicly-traded company, arising out of a joint operating agreement for the largest coal-bed methane gas field in Australia.
- Representing an independent oil and gas operator in defense of claims for constructive trust of mineral estate by surface owner. Obtained dismissal of claims with prejudice.
- Representing an independent oil and gas operator in defense of claims involving surface damage, breach of surface use agreement and environmental cleanup. The surface owner's petition for a temporary restraining order was denied.
- Advising the operator of salt dome storage facilities regarding the enforceability of city ordinances pertaining to the storage of hydrocarbons.

General Litigation

Derrick represented a major cement manufacturing company in defense of claims of trespass and conversion related to Texas Relinquishment Act land.

Publications & Presentations

- Presenter, *Retained Acreage Clauses - Recent Cases and Issues*, State Bar of Texas, 35th Annual Advanced Oil, Gas & Energy Resources Law (September 28-29, 2017)
- *Law360* Quotes Paul Simpson in "Texas Oil Royalty Owner Faces Reduced Damages In \$21M Suit" (March 16, 2016)
- Speaker, *Federal Role in Regulating Hydraulic Fracturing: Historical Antecedents and Current Developments*, Water Law Institute 2nd Annual Conference, Houston, Texas (June 2013)
- Speaker, *Relinquishment Act Lands and Owners of the Soil: Statutory Framework and Case Law Update*, 54th Annual Short Course, Texas Concrete and Aggregate Association, Austin, Texas

(February 2012)

- Speaker, *Frenemies in Fee Simple Determinable: Commonly Litigated Issues Between Lessors and Lessees*, 24th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, Texas (September 2011)
- Speaker, *Executive Rights: Keep'em if You Got'em (Lessons of Veterans Land Board v. Lesley)*, 28th Annual Advanced Oil, Gas and Energy Resources Law Course, Houston, Texas (September 2010)
- Co-author, *What are Surface Minerals and Why Oil and Gas Operators Should Care*, 34th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, Houston, Texas (April 2008)
- Author, *COPAS 2005 Accounting Procedure - Significant Changes*, Permian Basin Landman's Association Newsletter (PBLA Takeoff) (April 2007)
- Co-author, *COPAS and the 2005 COPAS Accounting Procedure — Significant Changes for Changing Times*, Texas State Bar Section Report: Oil, Gas and Energy Resources Law, Vol. 29, No. 3, pp. 16-37 (March 2005)

Professional Associations & Community Involvement

- State Bar of Texas: Oil, Gas & Energy Resources Law Section
- Austin Bar Association: Oil, Gas & Mineral Law Section (Chair, 2014 -2015, Vice Chair 2013-14, Secretary 2011-12)
- Austin Young Lawyers Association
- Rocky Mountain Mineral Law Foundation

Professional Recognition

- Texas Super Lawyers Rising Stars list, a Thomson Reuters service, Energy & Natural Resources (2009-2015, 2019-2020)
- Texas Super Lawyers list, a Thomson Reuters service, Energy & Natural Resources, General Litigation (2018)

Court Admissions

- United States District Courts for the Northern, Southern and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit

Bar Admissions

- Texas

Education/Professional Background

- The University of Houston Law Center, J.D., 2003 (Editor-in-Chief, *Houston Journal of Health Law & Policy*; Phi Delta Phi)

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- The University of Texas at Austin, B.A., 1997