



Kevin M. Beiter

Partner

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PRACTICE AREAS

Oil & Gas / Energy Litigation

*Oil & Gas / Energy
Transactions & Title
Examination*

*Oil & Gas / Energy
Acquisitions and
Divestitures*

*Complex Business
Litigation*

INDUSTRIES

Oil & Gas



Kevin represents a diverse clientele in virtually all aspects of the energy industry. With a background in petroleum geology, he has operated and participated in oil and gas exploration and development projects across North America. As a transactional lawyer, he has represented owners and operators with documentation, due diligence, and business counseling for acquisitions and divestitures and for exploration and operation. As a trial lawyer, he has represented plaintiffs and defendants, both majors and independents, in energy and environmental disputes before administrative agencies and at all levels of state and federal courts in Texas, Wyoming, Oklahoma, and New Mexico. Kevin has international experience in the Americas, including Central America and Canada, and in West Africa, Eastern Europe, and Australia.

Kevin is a recognized speaker, lecturer, and author on the energy industry and related policy matters.

Representative Experience

OIL & GAS INDUSTRY

Kevin's oil & gas business experience includes:

Founder and Chief Executive Officer of three privately funded energy start-up companies for exploration and development of frontier resource plays, including:

- Acquiring public and private leases covering in excess of one million net mineral acres in Montana in two Mississippian-age, geological basins/petroleum systems.
- Negotiating and closing multiple rounds of initial capitalization exceeding \$150 million from major industry participants and private equity investors for project acquisition, exploration and development.
- Negotiating representation agreements and managing client relationships with private equity

investors and investment bankers Morgan Stanley, JPMorgan and Goldman Sachs in connection with financing and marketing activities of the companies.

- Negotiating and executing a 3D seismic acquisition program and a fourteen core-well exploration program in partnership with industry participants including Halliburton RTA.
- Negotiating and documenting agreements for joint development and data sharing with publicly held companies and major independents; and executing a joint exploration and development program.
- Negotiating and implementing oil and product sales and related transportation and facilities agreements.
- Creating initial corporate structures and entities; setting up accounting, land and management systems; and recruiting, hiring and managing a project management team and support land and back office staff; locating, negotiating, and acquiring field operations offices, man camp locations, product storage sites, pipe and equipment yards and related facilities and properties in Texas and Montana.
- Operated and participated as non-operator in projects and wells in Texas, Oklahoma, Wyoming, Louisiana, Montana and New Mexico including new well drilling operations, major reworking and recompletion operations, and secondary recovery projects.

OIL & GAS TRANSACTIONS

Kevin's oil & gas transactional experience includes:

Representing E&P companies and individual energy explorationists in acquiring and developing oil and gas exploration projects on private, state, federal, and tribal lands including:

- Representing purchasers and sellers of producing and mid-stream properties in property acquisitions and divestitures, including acquisitions by merger or company-level acquisitions including:
- Managing and coordinating deal diligence.
- Negotiating and coordinating drafting of letters of intent, purchase and sale and related transactional documents and documenting post-closing agreements.
- Representing and advising purchasers, developers, and joint-interest owners in transactions regarding acquisition and development of international concession and energy exploitation projects, onshore and offshore in the Americas, western Africa, Europe and Australia.
- Representing mineral owners, pipeline companies, and public entities in negotiation and drafting of oil and gas leases, unitization agreements, production sharing agreements, pooling agreements, licenses and easements for surface activities associated with mineral development, surface use agreements, easement agreements, and qualified mineral subdivisions agreements.
- Representation of oilfield operators and service providers in development of oilfield facilities, including salt water disposal facilities, solid waste disposal facilities and storage facilities.

Representation of E&P companies and individual energy explorationists in acquiring and developing oil and gas exploration projects on private, state, federal, and tribal lands including:

- Assisting in planning and coordination of initial area reconnaissance and land title review and examination.

- Negotiating for and licensure of seismic and other geophysical and geological data.
- Negotiating and drafting oil and gas leases, farmouts, assignments, joint operating agreements, participation agreements, exploitation agreements, and related acquisition and development agreements.
- Developing documents for operations management, including master services agreements, drilling contracts, allied services agreements, vendor agreements and related documents.
- Negotiating and drafting agreements for sale, processing, transportation, and disposition of oil and gas.
- Representing and advising energy startup companies in setting up business structures and systems, including negotiating for, acquiring and documenting initial financing, management, employment, and non-competition agreements, and in setting up initial vendor and services arrangements.

OIL & GAS LITIGATION

Kevin's oil & gas trial and litigation experience includes:

Representing operators and owners in disputes involving joint operations and joint development projects including:

- Area of Mutual Interest and Non-Compete disputes in state and federal courts and in arbitration proceedings.
- Accounting and reconciliation of joint interest revenue and expense, from auditing and accounting through contested proceedings.
- Operator removal and turnover of operations on behalf of operators and non-operators.
- Prosecution and defense of claims by operators and non-operators in lost well, blowout, and related rig and mineral damage litigation including related insurance and indemnity claims.
- Bankruptcy and insolvency counseling, claims preservation/presentation, and management through bankruptcy cases on behalf of operators and non-operators.

Representing large, institutional mineral and royalty owners in connection with complex, multi-party litigation, including fiduciary litigation in state and federal court and related appeals.

Representing target oilfield service-company defendant in CERCLA Superfund remediation, apportionment and cost-recovery litigation, including a four-phase federal trial, 5th Circuit and US Supreme Court appeals, and related insurance and contribution litigation.

Representing mineral, royalty, and operating interest owners in royalty and revenue calculation, underpayment, and recovery cases.

Representing mineral and surface owners in title litigation regarding disputed interests, competing rights of possession, partition and surface, mineral and geophysical trespass.

Representing mineral and surface owners in state and federal court boundary line litigation including:

- Disputes regarding competing claims to minerals underlying coastal, river and appurtenant lands

- on behalf of adjacent landowners in south Texas and the Texas Gulf Coast.
- Litigation regarding vacant and excess lands in west and southwest Texas.

Publications & Presentations

- McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge, Vol. 2, Issue 2 (May 12, 2020)
- Oil & Gas Newsletter: Producer's Edge, Vol. 1, Issue 2 (August 1, 2019)
- Co-Author, *Royalty Litigation: Perspectives from the Lessor/Lessee?*, State Bar of Texas: Oil & Gas Disputes, Houston, TX (January 28-29, 2016)
- Speaker, *Areas of Mutual Interest*, State Bar of Texas Advanced Oil Gas and Mineral Law Institute (2008)
- Speaker, *The Suspense is Killing Me: An Overview of the Law Applicable to the Suspense of Oil and Gas Proceeds*, AAPL/NADOA 2007 National Convention, Broomfield, Colorado (2007)
- Speaker, *Local Regulation of Oil and Gas Activities by States and Local Political Bodies*, National Oil and Gas Royalty Conference (November 2006)
- Speaker, *Keeping Confidence: Handling Confidential Information So That You Can Keep Secret Information Secret*, American Business Forum (October 2003)
- Speaker, *Issues Impacting Oil and Gas Activities in Developed Areas*, 1st Annual Ernest E. Smith Oil, Gas and Mineral Law Institute (March 2000)
- Speaker, *Trying the Cessation of Production Case*, 16th Annual Advanced Oil, Gas and Mineral Law Course (October 1998)
- Speaker, *Emerging Issues Under Joint Operating Agreements*, SAAPL, Mid-Winter Seminar (October 1997)
- Speaker, *Trying the Pooling Case*, 15th Annual Advanced Oil, Gas & Mineral Law Course (September 1997)

Professional Associations & Community Involvement

- State Bar of Texas: Oil, Gas & Energy Resources Law Section (Chair 2002-03)
- American Bar Association: Section of Environment, Energy and Resources -- Environmental Litigation Committee & Global Oil & Gas Exploration and Production Committee (Chair)
- Rocky Mountain Mineral Law Foundation
- American Association of Petroleum Landman
- South Texas Geological Society
- Independent Producers Association of America (IPAA)

Professional Recognition

- Board Certified, Oil Gas and Mineral Law, Texas Board of Legal Specialization since 1989
- Listed in *Best Lawyers*®, Natural Resources Law since 1995 and Oil & Gas Law since 2007
- Listed in *Best Lawyers*®, Litigation focusing on Construction, Environmental, Real Estate, Mergers and Acquisitions since 2011
- Texas Super Lawyers list, a Thomson Reuters service, in Energy and Resources (2003-2020)

Court Admissions

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

Bar Admissions

- Texas

Education/Professional Background

- St. Mary's University School of Law, J.D., 1984 (with distinction)
- University of Texas at Austin, B.A., 1979

Other Languages

- Spanish
- German