

Robert J. Burnett

Director
412-288-2221
rburnett@hh-law.com

Practice Areas

Oil and Gas Law
Litigation

Robert's practice is exclusively devoted to the representation of landowners and royalty owners in oil and gas matters. Robert is the Chair of the Firm's Oil and Gas Practice Group and represents landowners and royalty owners in a wide array of oil and gas matters throughout the Commonwealth of Pennsylvania. Robert assists landowners and royalty owners in the negotiation of new oil and gas leases as well as modifications to existing leases. Robert also negotiates surface use agreements and pipeline right-of-way agreements on behalf of landowners. Robert also advises and counsels clients on complex lease development and expiration issues, including the impact and effect of delay rental and shut-in clauses, as well as the implied covenants to develop and market oil and gas. Robert also represents landowners and royalty owners in disputes arising out of the calculation of production royalties and the deduction of post-production costs. Robert also assists landowners with oil and gas title issues and develops strategies to resolve and cure such title deficiencies.

A prolific author and speaker on numerous oil and gas topics, Robert is a frequent lecturer at Pennsylvania Bar Institute oil and gas programs and currently serves on the Pennsylvania Bar Institute's "Oil and Gas Law Advisory Committee." He is also a contributing author of *The Law of Oil and Gas in Pennsylvania* (1st Ed. 2014), published by the Pennsylvania Bar Institute, and is a member of the Executive Committee of the Pennsylvania Bar Institute's premier oil and gas law program, the annual "Oil and Gas Law Colloquium."

Robert is a member of the Board of Directors of the Pennsylvania Oil and Gas Landowner's Alliance and is an active member of its Legislative Committee. He also served on the "Siting and Routing" Workgroup of Governor Wolf's "Pipeline Infrastructure Task Force" in 2015.

Robert is also a retired officer from the United States Army.

Bar Admissions

- Commonwealth of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Third Circuit Court of Appeals

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Education

- Duquesne University School of Law, J.D.
  Cum Laude, Member of the Law Review
- John Carroll University, B.A.
  With Honors

Awards/Recognition

- BV® Rated, Martindale-Hubbell Peer Review Rating System
- Who's Who in Energy, Pittsburgh Business Times, 2011-2017

Professional Affiliations

- Member, Pennsylvania Bar Association's "Shale Energy Law Committee"
- Member, Allegheny County Bar Association's "Professional Ethics Committee"
- Course Planner, Pennsylvania Bar Institute Oil and Gas Law Colloquium
- Member, National Association of Royalty Owners
- Member, Pennsylvania Oil and Gas Landowner Alliance, Board of Directors
- Member, Pennsylvania Bar Association (Civil Litigation Section and Environmental and Energy Law Section)
- Member, Allegheny County Bar Association

Speaking Engagements

- **Fifteen Year Anniversary of Kilmer v. Elexco Land Servies Inc.: Urban Myth or Blanket Rule of Law?**
  Pennsylvania Bar Institute - Oil and Gas Law Conference
  November 14, 2025
- **Sixth Circuit Provides Clarity to Market Enhancement Clauses**
  Houston Harbaugh and POGLA Townhall
  November 23, 2025 | Washington, PA
- **Maintaining an Oil and Gas Lease After Expiration of Primary Term: New Standard Under Pennsylvania Law?**
  Houston Harbaugh and POGLA Townhall
  October 9, 2025 | Waynesburg, PA
- **Legal Update: Market Enhancement Clauses and Lease Expiration Claims**
  Pennsylvania Oil and Gas Landowner Alliance's Annual Convention
  April 28, 2025 | Boalsburg, PA
- **Maintaining an Oil and Gas Lease After Expiration of Primary Term: New Standard Under Pennsylvania Law?**
  Houston Harbaugh and POGLA Townhall
  March 12, 2025 | Washington, PA
- **Produced Water: Who owns the fluids that come to the surface after fracking?**
  Pennsylvania Bar Institute - Oil and Gas Law Conference
  November 14, 2024
- **Are Deductions Authorized by my Oil-Gas Lease**
  Houston Harbaugh and POGLA
  October 23, 2024 | Marriot Meadowsland, Washington, PA
- **Streams, Roads and Railroads- Who Owns the Oil and Gas Rights Anyway?**

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POGLA Annual Convention
April 29, 2024 | Penn State, PA

- **The Revised PA Association of Realtors' Oil/Gas Forms- What Real Estate Agents Need to Know**
  North Central Pennsylvania Realtors Association
  April 16, 2024 | Wellsboro, PA
- **Anatomy of a Royalty Claim**
  Houston Harbaugh and POGLA Townhall
  November 29, 2023 | Washington, PA
- **Pennsylvania Royalty Litigation**
  Pennsylvania Bar Institute - Oil & Gas Law Conference 2023
  November 2, 2023
- **Coordinating Competing Interests: The Impact of Solar Leasing and Pore Space Usage on Oil/Gas Development**
  Pennsylvania Bar Institute – Oil & Gas Law Conference 2022
  October 26, 2022
- **Who Owns The Pore Space**
  POGLA Annual Convention
  October 4, 2022 | Penn State
  Who Owns The Pore Space?
  2022 POGLA Convention
  October 2-4, 2022
- **Navigating Competing Issues: Oil/Gas, Solar and Pore Space**
  2022 PBI Oil and Gas Conference
  October 26, 2022
- **2021 PA Oil/ Gas Legal Update**
  Houston Harbaugh Townhall
  July 7th, 2021 | Webinar
- **2020 PA Oil/ Gas Legal Recap**
  Houston Harbaugh Townhall
  January 19, 2021 | Webinar
- **Oil & Gas Caselaw and Regulatory Update**
  Pennsylvania Bar Institute
  October 14, 2020 | Webinar
- **Summer 2020 PA Oil/ Gas Legal Update**
  Houston Harbaugh Townhall
  August 11, 2020 | Webinar
- **Providing Notice of Lease Termination**
  Washington County Bar Association
  June 18, 2020 | Webinar
- **Briggs v Southwestern Energy; Subsurface Trespass Claims Survive Supreme Court**
  Pennsylvania Bar Institute
  February 19, 2020 | Webinar
- **Pennsylvania Oil/ Gas Law Update**
  Berkshire Hathaway HomeServices
  February 12, 2020 | Butler, PA
- **Pennsylvania Oil/ Gas Law Update**
  Pennsylvania Oil and Gas Landowner Alliance
  February 11, 2020 | Washington, PA
- **Pennsylvania Oil/ Gas Law Update**
  Pennsylvania Oil and Gas Landowner Alliance
  February 4, 2020 | Butler, PA
- **Hot Topics in Oil and Gas Law**
  Pennsylvania Bar Institute
  December 4, 2019 | Pittsburgh, PA

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- **Update on PA Oil/ Gas Law**
  Pennsylvania Oil and Gas Landowner Alliance (POGLA)
  October 29, 2019 | Prospect, PA
- **General Legal Update- Pennsylvania**
  NARO National Convention
  October 3, 2019 | Pittsburgh, PA
- **Law of Implied Covenants**
  Pennsylvania Bar Institute, Oil and Gas Law Conference
  August 8, 2019 | Southpoint, PA
- **Equitable Distribution of Oil, Gas and Mineral Rights**
  Allegheny County Bar Association, Family Law Section
  July 24, 2019 | Pittsburgh, PA
- **Legal Update: Briggs v. Southwestern and Additonal Oil and Gas Cases in the Commonwealth**
  Pennsylvania Oil and Gas Landowner Alliance (POGLA) Inaugural Conference and Annual Meeting
  July 20, 2019 | State College, PA
- **Briggs and the Unsettled State of the Rule of Capture**
  Washington County Winter Beach Bar
  March 1, 2019 – Canonsburg, PA
- **Post-Production Costs and Royalty Litigation in Pennsylvania**
  Town Hall Meeting
  November 28, 2018 – Burgettstown, PA
- **Valuation of Oil and Gas Rights**
  October 16, 2018 – Bridgeville, PA
- **Minimum Royalty and Pennsylvania Legislative Update**
  Beaver-Lawrence County Farm Bureau Meeting
  October 11, 2018 – New Castle, PA
- **Post-Production Costs and Royalty Litigation in Pennsylvania – An Update**
  Pennsylvania Bar Institute
  August 16, 2018 – Pittsburgh, PA
- **Recent Trends in Pennsylvania Royalty Litigation**
  10th Annual Oil & Gas Law Colloquium – Pennsylvania Bar Institute
  June 28-29, 2018 – Cranberry Township, PA
- **PA House Bill 557 and the Deduction of Post-Production Costs**
  PA NARO Town Hall Meeting
  May 15, 2018 – Burgettstown, PA
- **Briggs: Game-Changer for Subsurface Trespass Claims and Unconventional Drilling?**
  Pennsylvania Bar Institute Webinar
  May 3, 2018
- **Held by Production: When is a Lease Actually Held?**
  North Carolina Pennsylvania Realtors Association quarterly meeting
  April 10, 2018 - Wellsboro, PA
- **The Myth of Held by Production: How and Why Leases can be Extended Without a Producing Well**
  PA NARO Annual Convention
  March 21-23, 2018 – State College, PA
- **Residential Real Estate and the New OGM Addendum Forms**
  Berkshire Hathaway Home Services
  March 13, 2018 – Butler, PA
- **Held by Production: When is a Lease Actually Held?**
  Town Hall Meeting
  January 30, 2018 – Liberty, PA
- **The New Pennsylvania Association of Realtors' Oil/Gas Forms:**

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What Real Estate Agents Need to Know
Berkshire Hathaway Home Services
January 23, 2018 - Cranberry, PA

- **HB 557 and the Deduction Of Post-Production Costs**
  PA NARO Town Hall Meeting
  December 11, 2017 – Claysville, PA
- **The New Pennsylvania Association of Realtors' Oil/Gas Forms: What Real Estate Agents Need to Know**
  Berkshire Hathaway Home Services
  November 8, 2017 - Pittsburgh, PA
- **Municipal Leasing of Oil and Gas Rights**
  Washington County Association of Township Officials Annual Convention
  October 5, 2017 – Washington, PA
- **PA Legislative Update: HB 557 and the Deduction Of Post-Production Costs**
  PA NARO Town Hall Meeting
  October 2, 2017 – Burgettstown, PA
- **The New Pennsylvania Association of Realtors' Oil/Gas Forms: What Real Estate Agents Need to Know**
  September 21, 2017 – Bethel Park, PA
- **PA House Bill 557 and the Deduction of Post-Production Costs**
  PA NARO Town Hall Meeting
  May 15, 2017, Burgettstown, PA
- **Equitable Distribution Of Oil, Gas And Mineral Rights**
  Allegheny County Bar Association Family Law Section
  May 8, 2017 – Pittsburgh, PA
- **The Impact of Marcellus Shale on Residential Real Estate: What Real Estate Agents Need to Know**
  Butler County Association of Realtors
  April 20, 2017 – Butler, PA
- **The Robinson Township Decision and a Heightened Standard of Care For Municipal Leasing**
  Greene County Association of Township Officials
  April 10, 2017 – Waynesburg, PA
- **Unique and Complicated Issues That Confront Realtors in Completing the OGM addendum**
  November 15, 2016 – North Central Pennsylvania Board of Realtors – Wellsboro, PA
  November 10, 2016 – Berkshire Hathaway Home Services – Peters Township, PA
  October 17, 2016 – Berkshire Hathaway Home Services – Castle Shannon, PA
- **Municipal Ownership and Regulation of Oil & Gas – Are you Wearing Two Hats?**
  Allegheny County and Western Pennsylvania Association of Township Commissioners Annual Conference
  September 17, 2016 – Seven Springs, PA
- **HB 1391**
  PA NARO Town Hall Meeting
  September 13, 2016 – Washington, PA
- **The Impact of Marcellus Shale on Residential Real Estate: What Real Estate Agents Need to Know**
  August 24, 2016 – Bethel Park, PA
- **Oil and Gas Title Law A-Z**
  National Business Institute

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June 15, 2016 – Pittsburgh, PA

- **Shale Energy Leadership Organization Summit II**
  April 28, 2016 – Hermitage, PA
- **Streams, Roads and Railroads: Who Owns the Oil and Gas Rights Anyway?**
  2016 PA NARO Annual Convention
  March 30 – April 1, 2016 – State College, PA
- **Ultimate Guide to Oil and Gas Title Law**
  National Business Institute
  December 9 – 10, 2015 – Mechanicsburg, PA
- **Hydraulic Fracturing, Horizontal Drilling and the Modern Oil Lease**
  Hydraulic Fracturing, Horizontal Drilling and Development of the Marcellus Shale – The Seminar Group
  November 18, 2015 – Pittsburgh, PA
- **Current Litigation Issues Concerning Post-Production Costs**
  2015 National Association of Royalty Owners 35th Anniversary National Convention
  October 15 – 17, 2015 – Las Vegas, NV
- **Bad Faith Pooling**
  7th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  September 24, 2015 – Pittsburgh, PA
- **Property Rights: Lessor/Lessee Disputes**
  Hydraulic Fracturing Disputes and Litigation – Half Moon Seminars
  August 28, 2015 – Pittsburgh, PA
- **Emerging Issues in PA Oil/Gas Law: Act 66/Forced Pooling, Post Production Costs, Sabella Decision**
  PA NARO Town Hall Meeting
  May 27, 2015 – Washington, PA
- **Marcellus Shale: Where are we now?**
  California University of Pennsylvania
  April 16, 2015 – Cal U Center for Innovation
- **Oil and Gas Law Update: Recent Decisions Impacting Oil and Gas Practice**
  Pennsylvania Bar Institute
  April 2, 2015 – Live Webinar
- **Facing the Challenges**
  2015 PA NARO Annual Convention
  March 26-27, 2015 – State College, PA
- **The Attorney's Guide to the Oil and Gas Lease**
  Pennsylvania Bar Institute
  February 10, 2015 – Mechanicsburg, PA
  February 26, 2015 – Pittsburgh, PA
- **Fuel Yourself with Knowledge**
  PA NARO
  January 24, 2015 – West Middlesex, PA
- **Marcellus Shale for Landowners' Representatives**
  California University of Pennsylvania
  December 12, 2014 – Cal U Center for Innovation
- **Oil and Gas Leases in the Era of Horizontal Drilling and Hydraulic Fracturing**
  West Coast Landman's Institute
  October 22–24, 2014 – Las Vegas, NV
- **Oil and Gas Leases in the Era of Horizontal Drilling and Hydraulic Fracturing**
  Texas Land Institute

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September 22, 2014 – Houston, TX

- **Gas Lease Termination Issues**
  YPE Energy Training Series
  June 5, 2014 – Washington, PA
- **Emerging Issues in Pennsylvania Oil & Gas**
  Pennsylvania Association of Realtors – Shale Gas Summit
  April 24 - 25, 2014
- **HB 1684**
  The David Madiera Show on 94.3 FM "The Talker"
  March 8, 2014 – State College, PA
- **Lease Expiration and Termination Issues**
  2014 NARO PA Convention
  March 27-28, 2014 – State College, PA
- **Hydraulic Fracturing Issues in Oil & Gas Leases**
  3rd Annual Hydraulic Fracking Conference – The Seminar Group
  February 27-28 – Santa Barbara, CA
- **Leasing and Lease Extensions**
  Best of the Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  January 23, 2014 – Pittsburgh, PA
- **Mineral Leasing, Surface Use 'Watch the Fine Print'**
  2013 NARO National Convention
  October 31, 2013-November 2, 2013 – Columbus, OH
- **Emerging Issues in PA Oil/Gas Law**
  Allegheny Chapter CPCU Society All Industry Day
  October 16, 2013 – Pittsburgh, PA
- **Oil & Gas Leases in Era of Horizontal Drilling**
  2nd Annual AAPL Appalachian Land Institute
  October 3-4, 2013 – Morgantown, WV
- **Senate Bill 259**
  The MoneyLine Show with Host George Dukovich on 104.7 FM
  September 21, 2013 – Pittsburgh, PA
- **Leasing and Lease Extensions**
  5th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  September 17-18, 2013 – State College, PA
- **Senate Bill 259**
  Radio Smart Talk with Host Scott Lamar on WITF Radio 89.5 and 93.3 FM
  July 15, 2013 – Pittsburgh, PA
- **We Know the Drill**
  PA Gas Expo 2013
  June 26, 2013 – Indiana, PA
- **Oil & Gas Leases in Era of Horizontal Drilling**
  4th Law of Shale Plays Conference
  June 6-7, 2013 – Fort Worth, TX
- **The Implied Covenant to Market Gas vs. The Shut-In Royalty Clause: How Long Can the Well Be Shut-In?**
  2013 NARO PA Convention
  March 28-29, 2013 – State College, PA
- **Implied Covenants**
  Best of the Oil and Gas Law Colloquium - Pennsylvania Bar Institute
  January 29, 2013 – Pittsburgh, PA
- **Marcellus Shale: Practical and Complex Tips for the Family Law Dealing with Mineral Rights**
  Pennsylvania Bar Association Family Law Section
  January 18-20, 2013 – Pittsburgh, PA
- **Emerging Oil/Gas Issues**

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The MoneyLine Show with Host George Dukovich on 104.7 FM
October 28, 2012 – Pittsburgh, PA

- **Emerging Issues in PA Oil/Gas Law**
  The Marcellus Shale Seminar Series
  October 10, 2012 – Greensburg, PA
- **Implied Covenants**
  4th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  September 11-12, 2012 – State College, PA
- **We Know the Drill: You Don't Know What You Don't Know** and **Issues Related to Newly Enacted Act 13**
  PA Gas Expo 2012
  July 25, 2012 – Indiana, PA
- **Emerging Issues in PA Oil/Gas Law**
  July 19, 2012 – Grove City, PA
- **Oil/Gas Lease Termination Issues**
  The "Morning Show" with PJ Maloney, KQV Radio 1410 AM
  June 27, 2012 – Pittsburgh, PA
- **Emerging Issues in Pennsylvania Oil/Gas Law**
  Northeast Pennsylvania Board of Realtors (Tioga County)
  June 21, 2012 – Wellsboro, PA
- **Lease Termination Issues**
  Blossburg Landowners Meeting
  June 7, 2012 – Blossburg, PA
- **Conveyance and Interpretive Matters Involving Estates & Trusts**
  Gas Leases and Estate Planning Techniques to Protect the Future of Your Client's Mineral Rights – Pennsylvania Bar Institute
  May 9, 2012 – Pittsburgh, PA
- **Recent and Emerging Oil/Gas Issues**
  The MoneyLine Show with Host George Dukovich on KQV Radio 1410 AM April 21, 2012 – Pittsburgh, PA
- **Implied Covenants Under Pennsylvania Law**
  2012 NARO PA Convention
  March 23, 2012 – State College, PA
- **Basics of Oil/Gas Leasing**
  Fundamentals of Oil/Gas Law – Pennsylvania Bar Institute
  March 14, 2012 – Pittsburgh, PA
  March 9, 2012 – Mechanicsburg, PA
- **Implied Covenants**
  Best of the Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  January 18, 2012 – Pittsburgh, PA
- **Implied Covenants**
  3rd Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
  September 21, 2011 – Pittsburgh, PA

Publications

Lease Expiration and Lease Development

- North Dakota Supreme Rules That Driller Did Not Commence Reworking Operations In Timely Manner 10.2023
- Pennsylvania Superior Court Clarifies Nature of Oil and Gas Lease Under Pennsylvania Law 08.23
- Texas Supreme Court Rules That Scheduling Mistake Does Not Qualify as Force Majeure Event 06.2023
- Kentucky Federal Court Fumbles Lease Expiration Claim 02.2022

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- Pennsylvania Superior Court Rules that Oil and Gas Rights Did Not Transfer to Buyer 03.2021
- Pennsylvania Superior Court Rules That Payment Of Delay Rentals Alone Cannot Maintain A Lease Beyond Primary Term 04.2020
- Kentucky Court Rules That Lease Expired Due To Driller's Failure To Market And Produce Gas 05.2020
- Driller Bankruptcy Could Raise Environmental Concerns for Landowners 03.2020
- My Driller Filed for Bankruptcy; What Happens to My Lease in Pennsylvania? 02.2020
- Pennsylvania Superior Court Fumbles Lease Expiration Claim 02.2020
- West Virginia Supreme Court Rules That Horizontal Wells Cannot Be Drilled Into Adjacent Tracts Pursuant to 1901 Lease 06.2019
- Murphy Exploration v. Adams: Texas Supreme Court Suggests That Horizontal Well Bore Will Not Drain Hydrocarbons From Adjacent Tract 02.2019
- Claim Based On Implied Covenant To Market Gas To Move Forward In Federal Royalty Litigation 11.2018
- Ohio Supreme Court Declines to Recognize Implied Covenant of Further Exploration 01.2018
- New Legislation May Allow Drillers to Revive Expired Oil and Gas Leases 11.2017
- Non-Producing Oil and Gas Lease Deemed Abandoned by the Pennsylvania Superior Court 05.2017
- Landowners Beware: Warranty Clause in Oil and Gas Lease Can Obligate Landowner to Repay Signing Bonus 03.2017
- Ohio Supreme Court Observes That Driller Cannot Maintain Lease Indefinitely by Paying Delay Rentals 02.2016
- Is the Implied Covenant of Reasonable Development Irrelevant? PA Law Weekly| 10.20.15
- The Status Quo Restored. The background of the decision that put the 'Dunham Rule' back in place. The Pennsylvania Lawyer| September/October.2013
- Pennsylvania Superior Court Rules Driller had no Implied Obligation to Develop Deeper Formations 07.2013
- Can the Payment of a Shut-In Royalty Maintain an Oil/Gas Lease Indefinitely? 10.2012
- Federal Court in Scranton Rules That Litigation Filed by Landowner Did Not "Repudiate" the Lease
- Federal Court Rules that Assignment of Oil/Gas Lease May Not Extinguish Liability of Original Lessee 08.2012
- Federal Court in Pittsburgh Allows Lease Cancellation Suit to Move Forward 05.2012
- Preliminary Operations Not Enough To Extend Lease into Secondary Term 12.2011
- Non-Production During Secondary Term Results in Termination of Lease 11.2011
- Temporary Cessation of Production: How much time does a producer have under Pennsylvania law? 03.2011
- To Drill or Not to Drill – Does Pennsylvania Recognize an Implied Covenant of Further Exploration? 02.2011

Royalties and Post-Production Costs

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- Who Owns the Methane Gas Left in an Obsolete and Abandoned Coal Mine? 11.25
- Sixth Circuit Rules That Driller Must Establish Marketability of Each Gas Product Under Market Enhancement Clause
- Ohio Appeals Court Rules that Horizontal Shale Well Was “On” the Leased Premises 02.25
- Pennsylvania Superior Court Reaffirms the Dunham Rule 01.25
- Ohio Court of Appeal Addresses Whether Gathering and Transportation Are Separate and Distinct Post-Production Activities 12.24
- Texas Appellate Court Rules That ‘Free of Cost’ Clause In 1960 Deed Prohibits The Deduction of Post-Production Costs 12.24
- Texas Appeals Court Rules that Surface Owner Could Not Enforce Pipeline Burial Covenant in Oil and Gas Lease 09.24
- Texas Supreme Court Addresses Fuel Gas Question 6.24
- Texas Supreme Court to Address the Obligation to Calculate Royalty on Gas Used to Fuel Off-Lease Operations 4.24
- West Virginia Appellate Court Rules That Estate Misconception Theory Did Not Apply To 1902 Deed 01.24
- Federal District Court in Texas Issues Mixed Ruling for Landowners in Royalty Dispute 10.2023
- Federal Court In Ohio Rules That Driller Must Establish Marketability of Each Gas Product Under Market Enhancement Clause 09.23
- Texas Supreme Court Rules That Post-Sale Costs Must be Added Back to Gross Proceeds Calculation 4.23
- Can "Free Gas" Clauses Refute the Artificial Wellhead Value Suggested by Drillers? 02.23
- Federal Appeals Court Rules That Driller Must Establish Marketability of Each Gas Product Under Market Enhancement Clause 01.23
- Market Enhancement Clauses in Pennsylvania After Dressler Family, LP v. PennEnergy Resources, LLC
- Is Deducting Fuel Costs Authorized by Your Lease?
- Is the Value of Your Gas Really Being Enhanced?
- Pennsylvania Superior Court Rules that Royalty Clause Referencing Both 'Gross Proceeds' and 'At the Well' Was Ambiguous 05.2022
- Texas Supreme Court Issues Troubling Decision in Royalty Dispute 03.2022
- Are Your Royalties Going Up in Flames? 02.2022
- Texas Federal Court Rules No Royalty Due on Gas Used to Fuel Off-Lease Operations 01.2022
- Federal District Court in Pittsburgh Rules That 1897 Deed Did Not Grant a Non-Participating Royalty Interest 11.2021
- The Net-Back Method Does Not Result In Better Pricing to Justify Deductions Under Market Enhancement Clauses 10.2021
- The New Royalty Bill is Good for Pennsylvania Landowners 09.2021
- Is Your Driller Really Enhancing the Value of Your Gas? 08.2021
- Federal District Court Injects Confusion into Definition of Gross Royalty Under Pennsylvania Law 06.2021
- Are February 2021 Production Royalty Payments Leaving you Out in the Cold? 05.2021
- Texas Supreme Court Rules That Gross Royalty Clause Prohibits Driller From Deducting Post-Production Costs 03.2021
- Is Your Driller Trying to Re-Write History? 03.2021
- Historic Cold May Provide Window Into “Market Enhancement”

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Under Gas Leases 02.2021

- Kansas Court Rules that Gas is not Marketable Until it Reaches Interstate Pipeline 08.2020
- Why Is The Driller Deducting Post-Production Costs My Lease Doesn't Allow? Kilmer V. Elexco Land Services: A Decade Later 06.2020
- Ohio Court Rules That Driller Did Not Breach Lease By Deducting Post-Production Costs Incurred By Affiliate 05.2020
- Federal Court in Kentucky Allows Novel Royalty Claim to Move Forward 03.2020
- Federal District Court in Ohio Rules That Driller Did Not Breach Lease by Deducting Post-Production Costs Incurred by Affiliate 11.2019
- Sixth Circuit Rules That Driller Must Pay Royalties On Natural Gas Liquids 05.2019
- Oklahoma Federal Court Rules That Driller Must Pay Royalty On Fuel Gas 04.2019
- Federal District Court In Pennsylvania Allows Royalty Claim To Move Forward 01.2019
- West Virginia Jury Finds That Eqt Improperly Calculated Landowners' Royalty On Shale Gas 10.2018
- West Virginia Moves to Prohibit Drillers From Taking Deductions Which Reduce Net Royalty Below 12.5% 03.2018
- Tenth Circuit Rules That Obligation to Pay Royalty on Fuel Gas Depends on Lease Language 02.2018
- Federal District Court in Ohio Rules That Chesapeake Did Not Breach Lease When it Deducted Costs From Royalty 11.2017
- New Royalty Bill HB 1708 Will Not Help Pennsylvania Landowners 08.2107
- Claim Based on Implied Covenant to Market Gas to Move Forward in Federal Royalty Litigation 07.2017
- Why the New Minimum Royalty Bill is Constitutional and Good for Pennsylvania 04.2017
- West Virginia Supreme Court to Reconsider Landmark Decision in Leggett v. EQT Production Company 02.2017
- The Difference Between a "Royalty" and a "Royalty Interest" Can Be Confusing and Costly For Landowners 12.2016
- West Virginia Supreme Court Declares that Minimum Royalty Statute Does Not Authorize the Deduction of Post-Production Costs 12.2016
- Ohio Supreme Court Declines to Adopt Blanket "At the Well" Rule 11.2016
- HB 1391: Putting Teeth Back in Pennsylvania's Minimum Royalty Statute 08.2016
- Driller Has No Obligation to Pay Royalty on Lost Gas 05.2016
- Federal Court in Pittsburgh Questions Applicability of Kilmer Decision 03.2016
- Court Rules Severance Tax Does Not Increase Value Of Shale Gas, Therefore Not A Deductible Post-Production Cost 09.2015
- Landowners May Face Difficult Burden Regarding Intermingled Gas PA Law Weekly| 08.11.15
- Legislation Revived to Protect Royalty Owners in Pennsylvania 06.24.15
- Superior Court Breathes New Life Into Guaranteed Minimum Royalty Act PA Law Weekly | 2.25.14

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- Failure to Tender Production Royalty Did Not Trigger Forfeiture Clause PA Law Weekly | 12.31.13
- Is Pa. Becoming a First-Marketable-Product Jurisdiction? PA Law Weekly | 10.15.13
- Who's Entitled to Free Gas? 01.2012

Pooling and Unitization

- Ohio Federal Court Allows Subsurface Trespass Suit To Move Forward 03.23
- Can Retroactive Pooling and Unitization Revive An Expired Lease? 2.023
- Hordis v. Cabot Oil and Gas Corporation: Landowner Challenges Whether Driller Can Ignore Pooling Clause and Simply Rely on Act 85 06.2020
- Supreme Court Decision in Briggs v. Southwestern Energy is a "Win" for Pennsylvania Landowners 01.2020
- Act 85 and Cross-Unit Drilling- More Questions Than Answers for Landowners 11.2019
- Houston Harbaugh, P.C Files "Amicus Curiae Brief' On Behalf Of The Pennsylvania Chapter Of The National Association Of Royalty Owners In Briggs, et al v. Southwestern Energy (63 Map 2018) 03.2019
- Murphy Exploration v. Adams: Texas Supreme Court Suggests That Horizontal Well Bore Will Not Drain Hydrocarbons From Adjacent Tract 02.27.2019
- Pennsylvania Superior Court Rejects Rule of Capture in Subsurface Trespass Suit 04.2018
- Pooling Clause Not Necessary: West Virginia Court Finds Implied Right to Pool Exists Where Lease Silent 05.2016
- Has Forced Pooling Come to Pennsylvania With SB 259? PA Law Weekly | 08.13.13
- Not Your Father's Oil and Gas Lease 06.2013

Surface Usage and Pipelines

- Texas Appeals Court Rules that Surface Owner Could Not Enforce Pipeline Burial Covenant in Oil and Gas Lease 9.24
- The Neale Rule – Who Really Owns the Oil and Gas Under Railroads? 3.24
- The Centerline Presumption – Who Really Owns the Oil and Gas Under Roads and Highways? (Part II) 2.24
- The Strip and Gore Doctrine - Who Really Owns The Oil and Gas Under Roads and Highways? 07.23
- Pore Space Ownership: The North Dakota Supreme Court Issues Landmark Decision 09.07.2022
- Pore Space: The Next Leasing Frontier for Pennsylvania Landowners? 06.2022
- West Virginia Supreme Court Rules That Horizontal Wells Cannot Be Drilled Into Adjacent Tracts Pursuant to 1901 Lease 06.2019
- West Virginia Jury Awards Damages to Surface Owner for Unauthorized Well Pad 09.2017
- Pennsylvania Landowners May Not Own Oil and Gas Rights Under Rivers and Streams 04.2016
- A Possible Blueprint for Landowners Challenging Pipeline

Companies PA Law Weekly | 06.16.15
- Abandoned Oil and Gas Wells – More Than Just a Rusty Eyesore 05.2015
- Not All is Quiet on the Quiet Title Front PA Law Weekly | 02.09.15
- Good News for Landowners Means Bad News for Trespassers PA Law Weekly | 12.16.14
- Local Zoning Ordinances May Hinder Oil/Gas Development 10.2014
- Pipeline Operators: Public Utility or Pipeline Futility PA Law Weekly | 8.19.14
- Marcellus Shale Gas is Not a Mineral. What Does This Mean for Lease-holders? 04.2013
- Subsurface Trespass – Can They Take the Gas Under My Property Without a Lease? 07.2011
- Adverse Possession – Can Surface Owner Acquire Title to Gas Formations by Mere Passage of Time? 06.2011
- The Accommodation Doctrine: Balancing the Interests of the Surface Owner and the Mineral Owner 04.2011

Representative Engagements

- Representation of school district in negotiating non-surface access oil/gas lease.
- Representation of Fortune 500 company in connection with title dispute arising out of ownership of oil/gas estate.
- Representation of family limited partnership in negotiating oil/gas lease with parcel in excess of 1,500 acres.
- Representation of landowner in litigation with contaminated water supply caused by nearby drilling operations.
- Representation of landowner in pipeline eminent domain action arising under the Natural Gas Act.
- Representation of mineral owners in quiet title action against a surface owner claiming title to hydrocarbons through adverse possession.
- Representation of landowner with 1400 acres in dispute with gas operator regarding bad faith pooling.
- Representation of landowner in connection with water contamination claims caused by adjacent drilling operations.
- Representation of an equipment supply company in a dispute with a gas operator regarding surface access rights.
- Representation of a landowner who faced mine subsidence, contaminated water and other environmental concerns and successfully negotiated a revised lease with the gas company and the coal company.
- Representation of landowner with 4,000+ acres in dispute with gas operator regarding lease expiration.
- Representation of landowner in lease litigation regarding the proper application of shut-in royalty clause and other lease-saving mechanisms.
- Representation of landowner with 4,000+ acres in dispute regarding the application of the gas storage clause and the ability to hold lease beyond primary term.
- Representation of landowner in dispute with gas operator regarding a sub-surface trespass occasioned by horizontal drilling.