

Communication with Opposing Counsel and Landowners

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Fundamentals of Oil, Gas and Mineral Law

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Three Ethical Traps

1. Negotiation ethics
2. The no-contact rule
3. Unauthorized practice of law



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Trap No. 1 – Negotiation Ethics

- The rules of professional conduct that govern lawyers and ethics codes that apply to landmen each contain provisions that mandate honesty.
- Most of the critical principles of negotiations ethics concern what is required by the duty of honesty.
- *See pp. 2 thru 13 of paper*



Sources of the Duty of Honesty

Tex. Disc. R. Prof. Conduct 4.01

Rule 4.01. Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; ***

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ABA MRPC 4.1

Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person; ***

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