

Ethical Issues for Landmen and Lawyers

Oil, Gas, and Mineral Law Institute
April 4-5, 2024
Jack Tanner

1801 California Street, Suite 2600 • Denver, CO 80202-2645
www.fwlaw.com

1

Ethics for Landmen

- Ethical Rules for land managers are set by the AAPL. AAPL Code of Ethics is behind slides in materials as Appendix A.
- In addition to Ethics Rules, there are “Best Practices.” These are also behind these slides as Appendix B.
- The goal of this self-regulation is to avoid formal legal/regulatory supervision of land management.
- Maximum punishment is expulsion from AAPL.

2

Ethics for Lawyers

- Model Rules of Professional Conduct established by ABA. Excerpts attached behind the slides as Appendix C.
- Maximum penalty is disbarment.
- Each state adopts own rules; each state almost always slightly changes the ABA Model Rules.
- Double check your own state rules if an issue catches your eye.



fwlaw.com

3

Negotiating with Landowner

- Landman Code §1: It is the primary duty of a Landman to establish and maintain goodwill with the public.
- Landman Best Practices 3, 4, & 5: protect public from discredit or damage from fraud, misrepresentation, unethical practices, and treat all parties fairly.



fwlaw.com

4

Negotiating with Landowner

- Lawyer general rule: zealously represent client.
- Model Rule 1.6: cannot disclose information learned during representation without consent of client.
- Model Rule 1.6: cannot use client information to the disadvantage of client (or former client under Model Rule 1.9).



fwlaw.com

5

Hypothetical #1

- AAPL CPL is also licensed attorney (“LL”).
- Company directs LL to negotiate deal with landowner.
- LL knows landowner is desperate and will agree to deal very favorable to company.
- LL also knows other companies are interested in same property.



fwlaw.com

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Ethics for Lawyers and Landmen

Also available as part of the eCourse

[Answer Bar: Oil, Gas and Energy Agreements and Contracting Essentials](#)

First appeared as part of the conference materials for the
50th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute session
"Ethics for Lawyers and Landmen"