

Communication with Opposing Counsel and Landowners

Keith B. Hall
LSU Law School
Baton Rouge, Louisiana
(504) 250-2636
khal@lsu.edu

UTLaw CLE

March 26, 2020

Houston, Texas

Fundamentals of Oil, Gas and Mineral Law

1

Three Ethical Traps

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



2

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; ***

5

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; ***

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 \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Communication with Opposing Counsel and Landowners

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 2020 Fundamentals of Oil, Gas and Mineral Law session "Communication with Opposing Counsel and Landowners"