

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.



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.



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).



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.



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"