

David W. Lauritzen


Shareholder

Location: Midland, Texas

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David is a shareholder in the Firm's Litigation Section. He joined the firm in 1996. He is licensed in both Texas and New Mexico, and is admitted to practice before the United States District Courts for the Western, Northern, and Southern Districts of Texas; the United States District Court for the District of New Mexico; the United States Fifth Circuit Court of Appeals; the United States Tenth Circuit Court of Appeals; the United States Federal Circuit Court of Appeals; and the United States Supreme Court. An Eagle Scout, David is an adjunct professor at Midland College and volunteers in many civic, church, and charitable activities.

The diversity of David's practice is evident in the following examples of recent representations:

- David is currently representing three independent oil companies as plaintiffs against Apache Corporation, claiming that Apache breached contractual and fiduciary obligations to his clients regarding expiring leases and the assignment of substantial mineral interests in the Texas Panhandle. The plaintiff's claimed damages are in excess of \$1 billion.
- After defending a large independent well services company in two jury trials involving automobile - 18 wheeler collisions, David recently received a favorable ruling from the Texas Supreme Court that changed over four decades of Texas law that previously prohibited defendants from introducing evidence of an accident plaintiff's failure to wear a seat belt.
- David successfully obtained dismissals of one of the "Big Four" U.S. banks against claims of fiduciary malfeasance by trust beneficiaries in multiple state and federal lawsuits filed over a period of twenty years.
- After defending a major chemical company against a \$10 million chemical exposure claim, David recently received a favorable ruling from the Texas Supreme Court that solidified Texas premises law.
- David represented an independent drilling company and its individual employees against claims by a worldwide oil services company that his client had "raided" over two dozen employees and had improperly retained trade secrets. Resolved the case by highly favorable settlement shortly before trial.
- David successfully upheld a verdict of undue influence and "intentional" wrongful death against a private caregiver who allegedly poisoned her elderly client to inherit her West Texas estate, before the Federal Fifth Circuit Court of Appeals.
- David successfully upheld the dismissal of an association of orthopedic physicians against a *qui tam* claim of improper Medicare billing before the Federal Fifth Circuit Court of Appeals.

AREAS OF CONCENTRATION

Federal and State Appeals

David has briefed and argued state and federal appeals regarding claims for oil and gas disputes, *qui tam* actions, civil rights violations, personal injuries, malicious prosecution, and contractual disputes. He has prepared briefs in both state and federal appeals courts, including the United States Supreme Court and the Texas Supreme Court. His briefs and arguments have helped resolve disputes over oil and gas contracts, discriminatory employment practices, federal common law restitution claims, substantive due process, probate disputes, and fiduciary duties.

Commercial Litigation and Personal Injury Defense

An active trial attorney, David began his career by defending national insurance companies and their insureds from personal injury claims in both Texas and New Mexico. Although he currently retains a defense docket with respect to catastrophic personal injury defense and other tort claims, David also devotes much of his trial practice to commercial matters, including contractual disputes, fraud and misrepresentation, governmental defense, breach of fiduciary duty, and employment disputes, specifically in the areas of noncompetition and nonsolicitation.

Oil and Gas Litigation

David has represented a number of clients in oil and gas matters involving operating agreements, environmental remediation, drilling contracts, well service contracts, master service agreements, audit rights, gas purchase agreements, and federal petroleum price control legislation and regulations. He has participated in state and federal courts involving federal deregulation, construction and enforcement of operating agreements, operator removal disputes, employment actions, and working interest owner disputes.

Areas of Practice

- Oil and Gas Litigation
- Federal and State Appeals
- Commercial Litigation and Insurance Defense
- Employment Defense
- Estates & Trusts Fiduciary Litigation
- Qui Tam Defense

Bar Admissions

- Texas
- New Mexico
- U.S. District Court Western District of Texas
- U.S. District Court Northern District of Texas
- U.S. District Court Southern District of Texas
- U.S. District Court District of New Mexico
- U.S. Court of Appeals 5th Circuit
- U.S. Court of Appeals 10th Circuit
- U.S. Court of Appeals Federal Circuit
- U.S. Supreme Court

Education

The University of Texas School of Law, Austin, Texas

Juris Doctorate - 1996

Honors: Trial Director, Board of Advocates

Honors: Member, The University of Texas National Moot Court Team

Yale University

B.A. - 1992

Honors: With Honors

Honors: Berkley College Fellows Prize

Honors: Highest Honors on Senior Thesis, Entitled "A Comparison of Austria and Switzerland as Military Neutrals in a Post-Cold War Europe."

Major: Political Science (Soviet Military Theory)

Published Works

Representing the Pipeyard Owner, Live Oak CLE 18th Annual Permian Basin Oil & Gas Law, Midland, Texas, February 2016

Developments in the Law of Lien Foreclosures, State Bar of Texas 33rd Annual Advanced Oil, Gas and Energy Resources Law Course, Houston/San Antonio, Texas, September 2015

Underpayment, Overpayment and Indemnification, National Association of Division Order Analysts 42nd Annual Institute Program, Amelia Island, Florida, September 2015

Division Orders, Live Oak CLE 17th Annual Permian Basin Oil & Gas Law, Midland, Texas, February 2015

Divided over Division Orders: Underpayment, Overpayment, and Indemnification, Dallas County Bar Association Energy Law Section Review of Oil & Gas Law XXVIII Seminar, Dallas, Texas, July 2013

M&M Liens: Throwing a Wrench into Oil & Gas Revenue Distribution, Permian Basin Association of Division Order Analysts 2010 Winter Seminar, Odessa, Texas, February 2010

Tied Up in Knots: Mechanics' and Materialmen's Liens in the Oil Patch, Midland and Ector County Bar Associations 10th Annual West Texas Seminar, Odessa, Texas, January 2009

Tied Up in Knots: Mechanics' and Materialmen's Liens in the Oil Patch, State Bar of Texas Advanced Oil, Gas and Energy Resources Law Course, Houston/San Antonio, Texas, September 2008

A Flock of Trouble: Liability under Oil and Gas Joint Operating Agreements after *Seagull v. Eland*, (Co-Authored with Christopher S. Kulander), Texas Wesleyan Law Review, Vol. 14, No. 2, Spring 2008

Hot Topics: The Latest Interpretations of Current Employment Law, Sterling Educational Services Employment Law Update Midland, Texas, April 2008

A Flock of Trouble *Seagull v. Eland*, The Second Annual West Texas Bench Bar Conference, Midland County Bar Association, Ruidoso, NM, September 2007

Non-Operators Beware: The Curious Case of *Seagull v. Eland*, Permian Basin Landmen's Association Newsletter, November 2006

Revisiting Oilfield Rules of Contract, with a Discussion of *Seagull v. Eland*, The First Annual West Texas Bench Bar Conference, Midland County Bar Association, Ruidoso, Texas, September 2006

Rules of Contract: A Look at the Rules of Contract (and Lease) Construction, Oklahoma Bar Review CLE and Oklahoma Energy Law Association Oil & Gas 2006, Oklahoma City, Oklahoma, April 2006

Rules of Contract: A Look at the Rules of Contract (and Lease) Construction, State Bar of Texas 23rd Annual Advanced Oil, Gas and Energy Resources Law Course, Houston, Texas, September 2005

FLSA/Wage and Hour Basics More Important Now than Ever, Sterling Educational Services Practical Applications of Employment Law in Texas, Midland, Texas, January 2005

FLSA Update, Sterling Educational Services Human Resources Law Update in Texas, Midland, Texas, May 2004

The Termination Process, Sterling Educational Services, "Hiring and Firing: How to Do It Right", Midland, Texas, December 2003

Wage and Hour Update, Sterling Education Services Employment Law Update, May 2003

The Wine Corner, Permian Basin Docket Call Magazine, July 2002

What Do You Mean It's Not Admissible? Some Documentary Evidence Issues from a Defense Perspective, Presented at the Paralegal Association/Permian Basin 2002 Spring Seminar, April 2002

White Collar Crime in the Oil Patch: Forfeiture, Fines, and Restitution, (Co-Authored with Susan R. Richardson), March 2001

Dual Representation and the Tripartite Relationship in Insurance Defense, Texas Paralegal Journal, Vol. 6, No. 4, Spring, January 2001

Recent Developments with the Age Discrimination in Employment Act, Human Resource Professionals of the Permian Basin, Seventh Annual Employment Update, October 2000

The Tripartite Insurance Relationships: Stowers Letters, Kelly Causes of Action, and the Tilley Duty, Ector County Bar Association, March 2000

White Collar Crime in the Oil Patch: Who Does the Time and Who Pays the Dime? (Co-Authored with Susan R. Richardson and Ellen House), February 2000

Disagreeing Over Your Agreement: Figuring Out the Meaning of the Contract and, if Necessary, How to Get Out of It, GPM Gas Seminar, July 1999

The Legal Assistant's Guide to the Top 10 Changes to the Texas Discovery Rules and the Discovery Rules Outline, (Co-Authored with Chris Aycock), April 1999

1995 COPAS Accounting Procedure, or It is a Very Hard Undertaking to Seek to Please Everybody, Part 2, (Co-Authored with Robert C. Bledsoe and Susan R. Richardson) Texas Oil and Gas Law Journal, Vol. 12, No. 3, July 1998

1995 COPAS Accounting Procedure, or It is a Very Hard Undertaking to Seek to Please Everybody, Part 1, (Co-Authored with Robert C. Bledsoe and Susan R. Richardson) Texas Oil and Gas Law Journal, Vol. 12, No. 2 May 1998

The Ten Mistakes that Employers Make, (Co-Authored with Susan R. Richardson), April 1998

Identification and Investigation of Sexual Harassment, (Co-Authored with Susan R. Richardson and Julia Vaughn), June 1997

Day-Time Curfews and Truancy Programs in Texas, Texas State Bar Section Report Juvenile Law, Vol. 9, No. 2, June 1995

Representative Cases

[*Occidental Chemical Corp. v. Jenkins*, 478 S.W.3d 640 \(Tex. 2016\)](#)

[*Nabors Well Services, Ltd. v. Loera*, 457 S.W.3d 435 \(Tex. 2015\)](#)

[*Nabors Well Services, Ltd. v. Romero*, 456 S.W.3d 553 \(Tex. 2015\)](#)

[*City of Midland v. M.T.D. Environmental, L.L.P.*, 429 S.W.3d 800 \(Tex. App. – Eastland 2014\)](#)

[*Walton v. City of Midland*, 409 S.W.3d 926 \(Tex. App. – Eastland 2013\)](#)

[*Lesley v. Veterans Land Board of the State of Texas*, 352 S.W.3d 479 \(Tex. 2011\)](#)

[*Mid-Continent Casualty Co. v. Bay Rock Operating Co.*, 614 F.3d 105 \(Tex. \[5th Cir.\] 2010\)](#)

[*Wackman v. Rubsamen*, 602 F.3d 391 \(Tex. \[5th Cir.\] 2010\)](#)

[*Enerlex, Inc. v. Amerada Hess, Inc.*, 302 S.W.3d 351 \(Tex. App. – Eastland 2009\)](#)

[*Myrick v. Enron Oil and Gas Co.*, 296 S.W.3d 724 \(Tex. App. – El Paso 2009\)](#)

[*Vaughn v. Intrepid Directional Drilling Specialists, Ltd.*, 288 S.W.3d 931 \(Tex. App. – Eastland 2009\)](#)

[*U.S. ex rel. Taylor-Vick v. Smith*, 513 F.3d 228 \(Tex. \[5th Cir.\] 2008\)](#)

[*Trident Steel Corp. v. Wiser Oil Co.*, 223 S.W.3d 520 \(Tex. App. – Amarillo 2006\)](#)

[*ConocoPhillips Co. v. Incline Energy, Inc.*, 189 S.W.3d 377 \(Tex. App. – Eastland 2006\)](#)

[*McWherter v. Agua Frio Ranch*, 224 S.W.3d 285 \(Tex. App. – El Paso 2005\)](#)

[*Gunnels v. City of Brownfield*, 153 S.W.3d 452 \(Tex. App. – Amarillo 2003\)](#)

[*Chevron U.S.A. Inc. v. Mobil Producing Texas & New Mexico*, 281 F.3d 1249 \(Tex. \[Fed. Cir.\] 2002\)](#)

[*City of Midland v. O'Bryant*, 18 S.W.3d 209 \(Tex. 2000\)](#)

Classes/Seminars

Course Director, Live Oak CLE 19th Annual Permian Basin Oil & Gas Law, Midland, Texas, February 2017

Speaker, The Legal Use (and Abuse) of Social Media for Lawyers and Clients, CLE on the High Seas V, Eastern Caribbean, February 2017

Speaker, Mechanic's and Materialmen's Liens in the Third Great Oil Bust, 29th Annual Energy Law Institute of Attorneys and Landmen, South Texas College of Law, Houston, Texas, September 2016

Speaker, Energy Law and Litigation, Texas Tech School of Law Energy Law Focus Sections, Lubbock, Texas, April 2016

Speaker, Representing the Pipeyard Owner, Live Oak CLE 18th Annual Permian Basin Oil & Gas Law, Midland, Texas, February 2016

Speaker, Developments in the Law of Lien Foreclosures, State Bar of Texas 33rd Annual Advanced Oil, Gas and Energy Resources Law Course, Houston/San Antonio, Texas, September 2015

Speaker, Underpayment, Overpayment and Indemnification, National Association of Division Order Analysts 42nd Annual Institute Program, Amelia Island, Florida, September 2015

Speaker, Division Orders, Live Oak CLE 17th Annual Permian Basin Oil & Gas Law, Midland, Texas, February 2015

Speaker, Legal Aspects of Division Orders, Permian Association of Lease & Title Analysts, Midland, Texas, October 2014

Speaker, Energy Law and Litigation, Texas Tech School of Law Energy Law Focus Sections, Lubbock, Texas, August 2013

Speaker, Divided over Division Orders: Underpayment, Overpayment, and Indemnification, Dallas County Bar Association Energy Law Section Review of Oil & Gas Law XXVIII Seminar, Dallas, Texas, July 2013

Speaker, Friending, Fraternalizing, and Fail! Social Media and the Law, Permian Basin Paralegal Association, Midland, Texas, January 2013

Speaker, Ethics in Negotiations, Insight Information, 13th Annual Energy Contract Management in Oil and Gas Seminar, Houston Texas, March 2011

Speaker, M&M Liens: Throwing a Wrench into Oil & Gas Revenue Distribution, Permian Basin Association of Division Order Analysts 2010 Winter Seminar, Odessa, Texas, March 2010

Speaker, Tied Up in Knots: Mechanics' and Materialmen's Liens in the Oil Patch, Midland and Ector County Bar Associations 10th Annual West Texas Seminar, Odessa, Texas, January 2009

Speaker, Tied Up in Knots: Mechanics' and Materialmen's Liens in the Oil Patch, State Bar of Texas 31st Annual Advanced Oil, Gas and Energy Resources Law Course, Houston/San Antonio, Texas, September 2008

Speaker, Hot Topics: The Latest Interpretations of Current Employment Law, Sterling Educational Services Employment Law Update, Midland, Texas April 2008

Speaker, Interest Owner Assignability under Seagull: A Bird of a New Feather, or Just a Rat with Wings? Live Oak CLE Permian Basin Oil and Gas Law Update, Midland, Texas, February 2008

Speaker, A Flock of Trouble Seagull v. Eland, The Second Annual West Texas Bench Bar Conference, Midland County Bar Association, Ruidoso, New Mexico, September 2007

Speaker, Continuing to Do No Harm Some Ethical Considerations for HIM Managers, Permian Basin Health Information Management Association, July 2007

Speaker, JOA Case Law Seagull v. Eland, On the Waterfront, 44th Annual Meeting of the Society of Independent Professional Earth Scientists, Monterey, California, June 2007

Speaker, The Curious Case of Seagull v. Eland, Texas Lone Star Network, June 2007

Speaker, Litigation Affecting Mineral Management by the Professional Fiduciary, 2007 Asset Management Conference, Austin, Texas, May 2007

Speaker, Contract Interpretation and the Curious Case of Seagull v. Eland, Permian Association of Lease and Title Analysts, Midland, Texas, March 2007

Speaker, Revisiting Oilfield Rules of Contract, with a Discussion of Seagull v. Eland, The First Annual West Texas Bench Bar Conference, Midland County Bar Association, Ruidoso, New Mexico, September 2006

Speaker, Seagull v. Eland: Whether You Know It or Not, You Are in this Fight, Permian Basin Landmen's Association, Midland, Texas, September 2006

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Speaker, What Do You Mean It's Not Admissible? Some Documentary Evidence Issues from a Defense Perspective, Paralegal Association/Permian Basin 2002 Spring Seminar, Midland, Texas, April 2002

Speaker, Legal Assistants and the Unauthorized Practice of Law, Paralegal Association/Permian Basin, Midland, Texas, February 2002

Speaker, Recent Developments with the Age Discrimination in Employment Act, Human Resource Professionals of the Permian Basin, Seventh Annual Employment Update, Midland, Texas, October 2000

Speaker, The Tripartite Insurance Relationships: Stowers Letters, Kelly Causes of Action, and The Tilley Duty, Ector County Bar Association, Odessa, Texas, March 2000

Honors and Awards

Eagle Scout, BSA

Berkeley College Fellows Prize

Highest Honors on Senior Thesis, Entitled "A Comparison of Austria and Switzerland as Military Neutrals in a Post-Cold War Europe."

Professional Associations and Memberships

Court Appointed Special Advocates (CASA) of West Texas, Advisory Board

State Bar of Texas, Member

State Bar of New Mexico, Member

Midland County Bar Association, Member

Association of Defense Trial Attorneys, Associate Member

Texas Bar Foundation, Life Fellow

Defense Research Institute, Member

Texas Association of Defense Counsel, Member

State Bar of Texas, Disciplinary Grievance Panel 16-4

Midland College, Adjunct Professor

Midland-Odessa Symphony & Chorale, Vice President Fundraising

Midland Community Theatre, Past President