



Austin Brister

Partner

609 Main St., Ste. 2800

Houston, TX 77002

T: 713 615-8523

F: 713 328-1823

abrister@mcginnislaw.com

Austin Brister represents oil and gas operators, non-operators, and mineral owners in oil and gas disputes. Austin has represented both plaintiffs and defendants in federal and state courtrooms across Texas, including courts in South Texas, West Texas, East Texas, and Central Texas. Austin seeks out creative and practical business solutions before resorting to litigation. But, when necessary, Austin works hard to implement aggressive strategies in the courthouse.

Austin has successfully handled disputes concerning mineral and leasehold title, adverse possession, surface trespass and damages, royalty calculation and payment issues, issues arising out of purchase and sale transactions, operator/non-operator disputes, breach of joint operating agreement, lease termination/saving disputes, and retained acreage disputes. Austin has taken and defended depositions of witnesses ranging from expert witnesses, chief operating officers, lawyers, engineers, drilling rig operators, and equipment operators.

Austin is an active member of the Foundation for Natural Resources and Energy Law, where he currently serves as a Trustee-At Large, Co-Chair of the Oil and Gas and Landman's sections for the Annual Institute, and on the Foundation's Programs Committee. Austin is also on the Advisory Board for the Institute for Energy Law. Austin frequently publishes articles and gives presentations on upstream oil and gas law. In recent years, he has published several articles within the Texas State Bar OGERL Section Report, authored multiple articles and gave presentations for Annual Institutes and other programs for the

Practice Areas

Oil & Gas Litigation

Complex Business Litigation

Oil & Gas Acquisitions and Divestitures

Oil & Gas Transactions

Litigation

Oil & Gas

Education

University of Wyoming College of Law, J.D., 2011 (Dean's Honor Roll, recipient Watt Brothers Scholarship)

University of Northern Colorado, B.M., 2008

Admissions

BAR

Texas

Colorado

North Dakota

Wyoming

COURT

United States District Court for the District of Wyoming

United States District Court for the Northern District of Texas

United States District Court for the



Austin Brister

Rocky Mountain Mineral Law Foundation, authored and presented a paper for the Louisiana Mineral Law Institute, co-authored papers for the Institute for Energy Law, and published articles within AAPL's Landman Magazine.

Western District of Texas

United States District Court for the Southern District of Texas

United States District Court for the Eastern District of Texas

News

Six McGinnis Lochridge Attorneys Selected to the 2023 Texas Super Lawyers Rising Stars List
04.13.2023

McGinnis Lochridge Attorney, Austin Brister, Named One of the 2023 Lawdragon 500 Leading U.S. Energy Lawyers
03.20.2023

Five McGinnis Lochridge Attorneys Selected to the 2022 Texas Super Lawyers Rising Stars List
10.14.2022

Two McGinnis Lochridge Attorneys Recognized on the 2022 Benchmark Litigation 40 & Under List
08.01.2022

Producer's Edge: SCOTX Rules in Another Post-Production Royalty Case; Clarifies Prior Burlington Opinion
07.14.2022

Producer's Edge: Tips for Mediating Your Next Oil & Gas Dispute
06.08.2022

Producer's Edge: Emerging Issues in the Use and Disposal of Water
05.25.2022

Austin Brister and Derrick Price Speaking at 48th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute
04.18.2022

4 McGinnis Lochridge Attorneys Recognized as 2022 Texas Rising Stars by Super Lawyers
01.14.2022

Austin Brister

Five McGinnis Lochridge Attorneys Recognized as 2021 Texas Super Lawyers Rising Stars
March 9, 2021

Five McGinnis Lochridge Attorneys Recognized as 2020 Texas Super Lawyers Rising Stars
March 9, 2020

McGinnis Lochridge Featured in Law360 and San Antonio Business Journal for Securing \$44 Million Win for Client
July 19, 2019

McGinnis Lochridge Partner Austin Brister Secures \$53k Pro Bono Judgment Against Tax Preparation Fraudster
September 5, 2018

Appellate Court Holds that Landowner's "Course of Dealing" Leads to Waiver
July 31, 2018

Tex. Supreme Court Splits Over Meaning of "Offset Well" in Shale Plays
June 5, 2018

El Paso Court of Appeals Holding Re: Jurisdiction for Pre-Injury Injunctive Relief Against Permitted Injection Wells
January 25, 2017

Attorney Austin Brister Discusses SCOTX Opinion on Denbury v. Texas Rice
January 18, 2017

Associate Austin Brister presenting at 7th HAPL Annual Shale Play Seminar on September 29th
September 28, 2016

McGinnis Lochridge launches Unmanned Aircraft Systems/Drones Practice and the Drone Advocates Blog
February 16, 2016

Join McGinnis Lochridge Attorney Austin Brister at the 2015 Landscape Discussion on Energy Law & Policy in the Rockies Conference, as he speaks on "Energy Transitions in a Low Price Environment – Mitigating Uncertainty and Risk".
October 2015

Partner Jonathan Baughman and Associate Austin Brister published in Law360 forecasting rise in royalty and lease termination litigation amidst prolonged oil slump.
September 25, 2015

McGinnis Lochridge Powers Up their Oil and Gas Practice with Three New Attorneys
January 8, 2015

Austin Brister

Publications

Lay or Expert Testimony as to Lost Returns from a Well? Corpus Christi Holds the “Property Owner Rule” Inapplicable

Producer's Edge, 11.20.2023

Assignment’s Definition of “Assets” Held Broad Enough to Include Lease Not Described

Producer's Edge, 10.09.2023

Exculpatory Clause Held Not to Cover Liabilities Knowingly Incurred Without Consent

Producer's Edge, 09.18.2023

SCOTX Holds that Release of Claims as to “Predecessors” Did Not Include “Predecessors in Title”

Producer's Edge, 09.12.2023

SCOTX Holds Unique Royalty Language Created "Proceeds Plus" Royalty Base

07.18.2023

How Do Texas Courts Measure Contractual Periods?

Texas oil and gas law insights, 05.19.2023

SCOTX Adopts New Rebuttable Presumption Governing Double-Fraction Deed Cases

Texas oil and gas law insights, 03.01.2023

Co-Author, "Recent Texas Oil and Gas Cases", Oil, Gas & Energy Resources Law Section,

State Bar of Texas, November 4, 2022

Producers Edge Vol. 4 Issue 1

04.08.2022

Presenter, Annual Case Law Update at the First Annual U.S. Oil & Gas and Renewable Energy Law Seminar during NAPE hosted by The Foundation for Natural Resources & Energy Law & American Association of Professional Landmen

02.14.2022

McGinnis Lochridge Oil & Gas Newsletter: *Producer's Edge*, Vol. 3, Issue 1

04.27.2021

McGinnis Lochridge Oil & Gas Newsletter: *Producer's Edge*, Vol. 2, Issue 2

May 12, 2020

Contributor, McGinnis Lochridge Oil & Gas Newsletter: *Producer's Edge*, Vol. 2, Issue 1

February 10, 2020

Austin Brister

Speaker, *Case Law Update*, RMMLF Breakfast and Oil and Gas CLE, Houston, TX
February 3, 2020

Oil & Gas Newsletter: *Producer's Edge*, Vol. 1, Issue 2
August 1, 2019

Co-Author, *Four Recent Drainage and Offset Cases: A Texas Litigation Trend?*, *Texas Oil & Gas Law Journal* 01,
pg. 33-34
August 1, 2019

Co-Author, *Four Recent Drainage and Offset Cases: A Texas Litigation Trend?*, *AAPL Landman Magazine*
July/August 2019
07.08.2019

Contributor, *McGinnis Lochridge Oil & Gas Newsletter: Producer's Edge*, Vol. 1, Issue 1
March 27, 2019

Co-Author, *A Survey of Depth Severance Issues and Related Drafting Considerations*, 63 *Rocky Mt. Min. L. Inst.*
30-1
July 2017

Speaker, *Legal Issues and Drone Applications in Ranching*, TSCRA Summer Meeting, The Texas and
Southwestern Cattle Raiser's Association, Galveston, Texas
June 16, 2017

Co-Author, *Texas Court Holds That Permit of Injection Well May Be Challenged Outside Railroad Commission
and Travis County Via Injunctive Relief*, *National Association of Division Order Analyst (NADOA) Q1 Newsletter*
March 20, 2017

Speaker, *Royalty Calculations: Analyzing Royalty Clauses and an Update on Recent Case Law*, Permian Basin
Association of Division Order Analysts, Houston, TX
November 17, 2016

Speaker, *Production in Paying Qualities and Keeping the Lease*, HAPL 7th Annual Shale Play Seminar, Houston
Association of Professional Landmen, Houston, Texas
September 28, 2016

Presenter, *Primer and Update on Gas Royalty Calculation Litigation*, NALTA Annual Meeting, National
Association of Lease and Title Analyst, Atlanta, Georgia
September 22, 2016

Austin Brister

Presenter, *Texas NPRI's*, NADOA 43rd Annual Institute, National Association of Division Order Analysts, Scottsdale, Arizona
September 8-9, 2016
09.09.2016

Co-Author, *Royalty Litigation: Perspectives from the Lessor/Lessee?*, State Bar of Texas: Oil & Gas Disputes, Houston, TX
January 28-29, 2016
01.28.2016

Speaker, *Acquisitions During the Downturn: Suspense Issues, JIBs, Pay Decks, and Curative Materials*, NADOA December Webinar, National Association of Division Order Analysts, Houston, Texas
December 2015

Speaker, *Energy Transactions in a Low Price Environment; Mitigating Uncertainty and Risk*, 2015 Landscape Discussion on Energy Law & Policy in the Rockies, University of Wyoming College of Law, Laramie, Wyoming
October 2015

Speaker, *North Dakota Probate Issues from the Operator's Perspective*, 2015 ALTA/HADOA Joint Seminar, ALTA/HADOA, Houston, Texas
November 2015

Speaker, *Effective Use of Technology to Manage Big Data in the Practice of Law*, November NAPO Meeting, National Association of Professional Organizers, Houston, Texas
November 2015

Speaker, *Select Landmines in Acquisitions and Divestitures and Due Diligence During Prolonged Oil Slump*, Fall Land Institute, Denver Association of Professional Landmen, Denver, Colorado
October 2015

Speaker, *Evolving Landmines in Structuring Deals and Conducting Due Diligence Amidst Prolonged Oil Slump*, 2015 Shale Play Seminar, Houston Association of Professional Landmen, Houston, Texas
October 2015

Author, *Importance of Lease Language That References Regulatory Rules*, Landman Magazine
September/October 2015
09.27.2015

Co-Author, "Lessor-Lessee Relations After Shale's Honeymoon Period," *Law360*
September 25, 2015

Austin Brister

Speaker, *Restrictions on Assignability: Handling Pref Rights and Consent Provisions*, National Association of Lease and Title Analysts National Meeting, National Association of Lease and Title Analysts, Amelia Island, Florida
September 2015

Speaker, *Navigating Preferential Rights to Purchase and Consent to Assignment Provisions*, National Association of Lease and Title Analysts National Meeting, National Association of Lease and Title Analysts, Amelia Island, Florida
September 2015

Speaker, *Landmines in Handling Consent to Assignment Provisions and Preferential Rights to Purchase*, In-House Presentation, Undisclosed Major International Oil and Gas Company, Houston, Texas
July 2015

Speaker, *Restrictions on Assignability*, Dallas Fort Worth Division Order Analysts Luncheon, Dallas Fort Worth Division Order Analysts, Dallas, Texas
July 2015

Speaker, *Non-Participating Royalty Interests from the Perspective of Texas Operators*, SADOA Summer Seminar, Sooners Association of Division Order Analysts, Tulsa, Oklahoma
June 2015

Speaker, *Select Landmines in A&D and Due Diligence Re: Distressed Assets*, Mid-Year Seminar, Houston Association of Lease and Title Analysts, Houston, Texas
June 2015

Speaker, *Structuring and Negotiating Farmout Agreements*, In-House Presentation, Undisclosed Major International Oil and Gas Company, Houston, Texas
May 2015

Speaker, *Non-Participating Royalty Interests: Multi-Jurisdictional Fundamentals; Advanced Pooling Issues in Texas*, Summer Webinar, National Association of Division Order Analysts
May 2015

Speaker, *Dirty Tricks and Cheap Moves: Protecting Your Client During Oil and Gas Transactional Work*, International Transactions, The University of Texas at Austin School of Law, Austin, Texas
April 2015

Speaker, *Landmines in Acquiring or Divesting Assets During the Oil Downturn*, PALTA Seminar, Permian Basin Lease and Title Analysts, Midland Texas
April 2015

Austin Brister

Speaker, *Restrictions on Assignability: Preferential Rights & Consent to Assign Provisions*, PALTA Seminar, Permian Basin Lease and Title Analysts, Midland, Texas
April 2015

Speaker, *Select Landmines in Conducting Due Diligence for Distressed Assets*, PBDOA Spring Seminar, Permian Basin Division Order Analysts, Midland, Texas
March 2015

Speaker, *Overview of Preferential Rights, Consents, Areas of Mutual Interest, and Maintenance of Uniform Interest Provisions*, PBDOA Spring Seminar, Permian Basin Division Order Analysts, Midland, Texas
March 2015

Speaker, *Non-Executive Mineral Interests for the Texas Operator*, In-House Presentation, Undisclosed Independent Exploration and Production Company, Houston, Texas
February 2015

Speaker, *Restrictions on Assignability: an Overview of the Ties that Commonly Bind Oil and Gas Properties*, Spring Institute, Houston Association of Division Order Analysts, Houston, Texas
February 2015

Speaker, *JOA Problem Areas: Common Article 16 Provisions*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *JOA Problem Areas: Gas Balancing Agreements and COPAS Accounting*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *JOA Problem Areas: Interests, Expenditures and Liabilities*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *Dirty Tricks and Cheap Moves in the Oil Patch*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *Acquisitions and Divestitures in a Low-Price Environment*, North Houston Association of Professional Landmen Luncheon, North Houston Association of Professional Landmen, Houston, Texas
January 2015

Speaker, *History and Fundamentals of the AAPL Form 610 Operating Agreement*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Austin Brister

Speaker, *Anatomy of the AAPL Form 610 Operating Agreement*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *JOA Problem Areas: Non-Consent Operations and Penalties*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Speaker, *JOA Problem Areas: Proposals, AFEs, Cost Overruns and Exculpatory Language*, Joint Operating Agreement Crash Course, Half Moon Education, Dallas, Texas
January 2015

Co-Author (with Austin Brister), *Production in Paying Quantities: A Framework for Analyzing Lease Perpetuation Issues*, Section Report of the Oil, Gas & Energy Resources Law Section of the State Bar of Texas, Volume 40, Number 2 / Winter 2015
January 2015

Speaker, *Non-Participating Royalty Interests: Fundamentals, Title Issues & Horizontal Drilling*, National Association of Lease and Title Analysts, Annual ATLA Institute, Nashville, Tennessee
September 2014

Speaker, *Non-Participating Royalty Interest: Multi-state Fundamentals & Advanced Issues in Texas*, National Association of Division order Analysts 41st Annual NADOA Institute, Chicago, IL
September 2014

Speaker, *Farmouts, JEAs, JDAs, and Participation Agreements: An Overview of the Many Agreements Used for Jointly Exploring and Developing Oil & Gas Properties*, Dallas Ft. Worth Association of Lease and Title Analysts, Dallas TX
September 2014

Author, *Lease Perpetuation Issues and Analysis: Part One*, Denver Lease and Title Analysts Newsletter
September 2014

Speaker and Author, *New Horizontal Modifications to the AAPL Joint Operating Agreement*, Dallas Bar Association Mineral Law Section, Annual Review of Oil & Gas Law XXIX, Dallas, TX
August 2014

Speaker, *Lease Perpetuation Issues in North Dakota*, In-House Presentation for Enduro Resource Partners, LLC, Fort Worth, TX
August 2014

Austin Brister

Speaker, *Non-Executive Interest: A Look from the Operator's Shoes*, Permian Basin Association Lease and Title Analysts, Midland, TX
July 2014

Speaker, *Wyoming Mineral Law and Leasing Issues*, Mineral Law Section of the Wyoming State Bar
May 2014

Speaker, *Non-Participating Royalty Interests: Fundamentals Community Leases Horizontal Drilling*, Houston Association of Professional Landman, 45th Annual Technical Workshop, Houston
May 2014

Speaker, *Title and Pooling Issues Regarding Non-Participating Royal Interests*, ConocoPhillips Spring Seminar, Houston, TX
May 2014

Speaker, *Block-Chain Technologies: Potential Applications and Legal Ramifications*, ISACA Young Professionals of the University of Houston, Houston, TX
April 2014

Author, *NPRIs: Fundamentals, Common Issues, Horizontal Drilling*, ALTA Newsletter
April 2014

Speaker, *Non-Participating Royalty Interests: A Simple Idea with Complex Rules*, Association of Lease and Title Analysts, Houston, TX
February 2014

Co-author, *Surface Use Agreements: Multijurisdictional Considerations in Negotiating and Drafting Agreements for Use of Surface Estate in Oil and Gas Exploration, Production and Development*, Section Report of the Oil, Gas & Energy Resources Law S
Winter 2014
01.01.2014

Co-Author, *Ten Ways to Reduce Headaches Over Your Title Opinions*, PBLA Newsletter
June 2013

Co-author, *Surface Use Agreements: Multijurisdictional Considerations in Drafting and Negotiations*, AAPL Annual Meeting, Washington D.C.
June 2013

Author, *Surface Use Issues, Agreements and Surface Use Acts*, AAPL Annual Meeting, Washington, DC
June 2013

Austin Brister

Speaker, *Drafting and Negotiating Agreements for Use and Restoration of the Surface Estates in Oil and Gas Exploration and Production*, NHAPL Annual Voting Luncheon, Houston, TX
May 2013

Author, *Surface Use Issues, Agreements, and Surface Use Acts*, AAPL Annual Meeting, Washington, D.C.
2013

Author, *Horizontal Drilling Under Graveyards and Churches*, NHAPL Luncheon, Houston, TX
2012

Honors & Recognition

- Elected as Council to the Energy Law Section of the Houston Bar Association (2022-2023)
- Selected to *Super Lawyers Rising Stars* list, a Thomson Reuters service (2020-2022)
- Selected to Benchmark Litigation's *40 & Under Hot List* (2021)
- Appointed as Trustee At Large, Rocky Mountain Mineral Law Foundation (2021-2022)
- Co-Chair, Oil and Gas Section, 2022 Annual institute, Rocky Mountain Mineral Law Foundation (2021-2022)
- Chair, Young Professionals Committee, Rocky Mountain Mineral Law Foundation (2019-2021)

Community & Professional

- Houston Bar Association, Mineral Law Section
- Oil, Gas & Energy Resources Law Section of the State Bar of Texas
- Institute for Energy Law - Advisory Board
- Rocky Mountain Mineral Law Foundation
- Wyoming Bar Association, Mineral Law Section
- American Association of Professional Landmen (AAPL)
- Houston Association of Professional Landmen (HAPL)
- West Houston Association of Professional Landmen (WHAPL)
- Young Professionals in Energy (YPE)
- Texas Bar Association
- Litigation Section of the State Bar of Texas
- The Foundation for Energy and Natural Resources Law – Trustee-at-Large and Chair of Oil and Gas and Landman Sections of the 2022 Annual Institute
- University of Wyoming Alumni Association
- Texas Bar College

Austin Brister

- Birchwood Canyon Men's Club
- Association of International Petroleum Negotiators (AIPN)

