



Derrick Price

Partner

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Derrick handles a wide variety of civil matters in the oil and gas industry, representing both oil and gas operators and landowners. His litigation expertise includes disputes over surface use, joint operating agreements, royalty underpayment, gas measurement, oil and gas lease covenants, lease termination, bad faith pooling, lease development, retained acreage and mineral ownership throughout Texas. Derrick regularly represents landowners, mineral owners and royalty owners in negotiating oil, gas and other mineral leases, surface agreements, seismic permits and pipeline easements. He has significant litigation and negotiation experience across many South Texas counties where Eagle Ford Shale has become active, including LaSalle, Dimmit, DeWitt, Webb, Zapata, Karnes and McMullen counties. He also has significant litigation and negotiation experience in the Permian Basin and West Texas, including in Midland, Martin, Ector, Howard, Loving, Pecos, Reeves, Culberson and El Paso counties. Derrick also has substantial experience representing clients in both litigation and negotiations with the Texas General Land Office relating to state mineral classified lands and minerals owned by the State of Texas.

Experience

Oil & Gas/Energy Litigation

Derrick's noteworthy experience in this area includes:

- Served as co-counsel representing lessors in an oil and gas lease dispute concerning royalty and pooling-related claims in Jefferson County, Texas. The court reaffirmed previously entered orders and rendered a final judgment in favor of clients.

Practice Areas

Oil & Gas
Litigation
Oil & Gas Litigation

Education

The University of Houston Law Center,
J.D., 2003 (Editor-in-Chief, *Houston
Journal of Health Law & Policy*; Phi
Delta Phi)

The University of Texas at Austin, B.A.,
1997

Admissions

BAR

Texas

COURT

United States District Courts for the
Northern, Southern and Western
Districts of Texas

United States Court of Appeals for the
Fifth Circuit



Derrick Price

- Representing an oil and gas operator in defense of claims regarding the enforceability of a water use agreement in the heart of the Eagle Ford Shale Play. Derrick argued and won summary judgment in the 81st District Court in Karnes County, Texas.
- Representing oil and gas operators in the prosecution and defense of lease termination and trespass claims against competing operators in West Texas and South Texas (Eagle Ford Shale).
- Obtaining summary judgment in favor of a royalty owner in a matter regarding the breach of an oil and gas lease in Harris County, Texas.
- Assisting with obtaining jury verdict and judgment for a royalty owner against an oil company in East Texas.
- Defending an independent oil and gas company against claims of fraud and breach of Area of Mutual Interest (AMI) provision.
- Obtaining a temporary restraining order and temporary injunction on behalf of a major gas pipeline company to prohibit a landowner from interfering with the company's operations and access to its pipeline easement.
- Representing an independent oil and gas company in the prosecution of constitutional takings and inverse condemnation claims against a municipality for denial of a drilling permit. The case was mediated to settlement, after which the permit was issued and the well drilled.
- Participating in representation of a major oil and gas company in defense of multiple claims by lessors/landowners, including royalty underpayment, failure to appropriately market gas, failure to adequately measure gas/confusion of goods, failure to protect the lease against drainage, failure to develop the lease, and surface damages.
- Participating in representation of a major oil and gas company in the defense of a complex case involving royalty underpayment and lease termination claims brought by lessors/landowners, as well as breach of Joint Operating Agreement (JOA) claims brought by a non-operating joint interest owner.
- Assisting in due diligence review of a major oil and gas company's lease and marketing files in connection with defense of qui tam and royalty underpayment claims involving federal and Indian leases.
- Participating in representation of two individuals and their company in a dispute against a publicly-traded company, arising out of a joint operating agreement for the largest coal-bed methane gas field in Australia.
- Representing an independent oil and gas operator in defense of claims for constructive trust of mineral estate by surface owner. Obtained dismissal of claims with prejudice.
- Representing an independent oil and gas operator in defense of claims involving surface damage, breach of surface use agreement and environmental cleanup. The surface owner's petition for a temporary restraining order was denied.
- Advising the operator of salt dome storage facilities regarding the enforceability of city ordinances pertaining to the storage of hydrocarbons.

Derrick Price

General Litigation

Derrick represented a major cement manufacturing company in defense of claims of trespass and conversion related to Texas Relinquishment Act land.

News

Producer's Edge: Recent Case Addresses Tortious Interference Claims and Top Leases
05.11.2022

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

10 McGinnis Lochridge Attorneys Recognized as 2021 Super Lawyers
01.13.2022

McGinnis Lochridge Attorneys Recognized As 2019 Texas Super Lawyers
September 3, 2019

Seventeen McGinnis Lochridge Attorneys Named 2018 Texas Super Lawyers and 2018 Rising Stars
September 10, 2018

Law360 Reports on Texas Supreme Court Affirms Lower Court's Ruling Concerning Royalties in *Samson Exploration LLC v. T.S. Reed Properties Inc.*
July 7, 2017

Seven McGinnis Lochridge Attorneys Named 2015 Texas Rising Stars List
March 10, 2015

Seven McGinnis Lochridge Attorneys Listed as 2014 Texas Super Lawyers Rising Stars
May 9, 2014

Six McGinnis Lochridge Attorneys Named to the 2013 Texas Rising Stars List
March 8, 2013

Three McGinnis Lochridge Attorneys Named to the 2012 Texas Rising Stars List
March 9, 2012

McGinnis Lochridge Attorney named to 2011 Texas Rising Star List
January 17, 2011

Three Named as Partner at McGinnis Lochridge
January 5, 2011

Derrick Price

Five McGinnis Lochridge Attorneys Named to the 2009 Texas Rising Stars List
March 24, 2009

McGinnis Lochridge Wins Jury Award in Oil & Gas Fraud Case
December 2, 2008

Publications

Producers Edge Vol. 4 Issue 1
04.08.2022

Presenter, *Retained Acreage Clauses - Recent Cases and Issues*, State Bar of Texas, 35th Annual Advanced Oil, Gas & Energy Resources Law
September 28-29, 2017
09.28.2017

Speaker, *Federal Role in Regulating Hydraulic Fracturing: Historical Antecedents and Current Developments*, Water Law Institute 2nd Annual Conference, Houston, Texas
June 2013

Speaker, *Relinquishment Act Lands and Owners of the Soil: Statutory Framework and Case Law Update*, 54th Annual Short Course, Texas Concrete and Aggregate Association, Austin, Texas
54th Annual Short Course, Texas Concrete and Aggregate Association
February 1, 2012

Speaker, *Frenemies in Fee Simple Determinable: Commonly Litigated Issues Between Lessors and Lessees*, 24th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, Texas
September 2011

Speaker, *Executive Rights: Keep'em if You Got'em (Lessons of Veterans Land Board v. Lesley)*, 28th Annual Advanced Oil, Gas and Energy Resources Law Course, Houston, Texas
September 2010

Co-author, *What are Surface Minerals and Why Oil and Gas Operators Should Care*, 34th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, Houston, Texas
April 2008

Author, *COPAS 2005 Accounting Procedure - Significant Changes*, Permian Basin Landman's Association Newsletter (PBLA Takeoff)
April 2007

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Co-author, *COPAS and the 2005 COPAS Accounting Procedure — Significant Changes for Changing Times*, Texas State Bar Section Report: Oil, Gas and Energy Resources Law, Vol. 29, No. 3, pp. 16-37
Texas State Bar Section Report: Oil Gas and Energy Resources Law
March 1, 2005

Honors & Recognition

- Texas Super Lawyers Rising Stars list, a Thomson Reuters service, Energy & Natural Resources (2009-2015, 2019-2021)
- Texas Super Lawyers list, a Thomson Reuters service, Energy & Natural Resources, General Litigation (2018, 2021)

Community & Professional

- State Bar of Texas: Oil, Gas & Energy Resources Law Section
- Austin Bar Association: Oil, Gas & Mineral Law Section (Chair, 2014 -2015, Vice Chair 2013-14, Secretary 2011-12)
- Austin Young Lawyers Association
- Rocky Mountain Mineral Law Foundation