



## DAVID W. LAURITZEN

### CONTACT

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### VCARD



### PRINT BIO



### PRACTICE AREAS

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

### BIOGRAPHY

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 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 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.

### **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)

### **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

### **PROFESSIONAL ASSOCIATIONS**

- 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 and West Texas Nominations Chair
- Defense Research Institute, Member
- Texas Association of Defense Counsel, Board of Directors
- State Bar of Texas, Disciplinary Grievance Panel 16-4
- Midland College, Adjunct Professor
- Midland-Odessa Symphony & Chorale, Past President
- Midland Community Theatre, Past President

## **HONORS**

- 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."

## **CLASSES & SEMINARS**

- Speaker, Mineral Mechanic's and Materialmen's Liens in a Post-Coronavirus World, 33rd Annual Energy Law Institute of Attorneys and Landmen, South Texas College of Law, Houston, Texas, August 2020
- Speaker, Update on Energy Litigation, 2020 West Texas Seminar, New Mexico Defense Lawyers Association and Texas Association of Defense Counsel, Ruidoso, New Mexico, August 2020
- Speaker, Mineral Liens, Oil, Gas & Mineral Title Examination, State Bar of Texas, Houston, Texas, June 2020
- Speaker, Curious Lawsuits and Division Orders, Permian Basin Association of Division Order Analysts, Midland, Texas, February 2020
- Speaker, Texas Employment Law Update, NBI Human Resources Mini Law School for Professionals, Lubbock, Texas, October 2019
- Speaker, Wage and Benefit Issues, NBI Human Resources Mini Law School for Professionals, Lubbock, Texas, October 2019
- Speaker, Update on Energy Litigation, 2019 West Texas Seminar, New Mexico Defense Lawyers Association and Texas Association of Defense Counsel, Ruidoso, New Mexico, August 2019
- Speaker, Mediation - Conflicts, Conflabs, and Craftiness, Midland County Bar Association, March 2019
- Speaker, Mobile Apps for Lawyers, CLE on the High Seas V, Western Caribbean, February 2019
- Speaker, Drugs and Alcohol in the Workplace: Marijuana and Other Consideration, NBI Human Resources Law Boot Camp, Lubbock, Texas, September 2018
- Speaker, Employee Relations: Legal Solutions for Sensitive Workplace Issues, NBI Human Resources Law Boot Camp, Lubbock, Texas, September 2018
- 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, Fraternizing, 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
- Speaker, 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
- Speaker, 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
- Speaker, FLSA/Wage and Hour Basics More Important Now than Ever, Sterling Educational Services Practical Applications of Employment Law in Texas, Midland, Texas January 2005
- Speaker, FLSA Update, Sterling Educational Services Human Resources Law Update in Texas, Midland, Texas, May 2004
- Speaker, The Termination Process, "Hiring and Firing: How to Do It Right", Sterling Educational Services, Midland, Texas, December 2003
- Speaker, Wage and Hour Update, Sterling Education Services Employment Law Update, Midland, Texas, May 2003
- 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

## **PUBLISHED WORKS**

- Update on Energy Litigation, 2019 West Texas Seminar, New Mexico Defense Lawyers Association and Texas Association of Defense Counsel, Ruidoso, New Mexico, August 2019
- The Texas Supreme Court Approves a Contractual Waiver of Punitive Damages in Bombardier Aerocorp v. SPEP Aircraft Holdings, Texas Association of Defense Counsel Magazine, Summer 2019
- Drugs and Alcohol in the Workplace: Marijuana and Other Consideration, NBI Human Resources Law, Lubbock, Texas, September 2018

- Employee Relations: Legal Solutions for Sensitive Workplace Issues, NBI Human Resources Law, Lubbock, Texas, September 2018
- Update on Energy Litigation, 2018 West Texas Seminar, New Mexico Defense Lawyers Association and Texas Association of Defense Counsel, Ruidoso, New Mexico, August 2018
- Deeds of Trust and Statutory Liens (Co-Authored with Kathryn E. Hand), State Bar of Texas 2018 Oil, Gas & Mineral Title Examination, June 2018
- 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
- Mineral Mechanic's and Materialmen's Liens in a Post-Coronavirus World, 33rd Annual Energy Law Institute of Attorneys and Landmen, South Texas College of Law, Houston, Texas, August 2020
- Update on Energy Litigation, 2020 West Texas Seminar, New Mexico Defense Lawyers Association and Texas Association of Defense Counsel, Ruidoso, New Mexico, August 2020
- Mineral Liens, Oil, Gas & Mineral Title Examination, State Bar of Texas, Houston, Texas, June 2020
- Emerging Mineral Lien Issues: Pandemics and Plummeting Prices, Landman Magazine, May/June 2020



- Texas Employment Law Update, NBI Human Resources Mini Law School for Professionals, Lubbock, Texas, October 2019
- Wage and Benefit Issues, NBI Human Resources Mini Law School for Professionals, Lubbock, Texas, October 2019

## REPRESENTATIVE CASES

- Endeavor Energy Resources, L.P. v. Discovery Operating, 554 S.W.3d 586 (Tex. 2018)
- Painter v. Amerimex Drilling!, Ltd., 561 S.W.3d 125 (Tex. 2018)
- Jones v. Wells Fargo Bank, NA., 858 F.3d 927 (5th Cir. 2017)
- 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. Wisner 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)
- Rosenberg Development Corp. v. Imperial Performing Arts, Inc., 571 S.W.3d 738 (Tex. 2019)
- Legacy Bank v. Fab Tech Drilling Equipment, Inc., 566 S.W.3d 922 (Tex. App. – Eastland 2018)