

The Unethical Landman

Drew Potts

Rule Overview

- Code of Ethics – two (2) rules.
- The Standards of Practice - fifteen (15) provisions.
- A licensed attorney is also subject to the State Bar Rules.

AAPL Code of Ethics

- **Section 1**

- Establish and maintain goodwill between the industry and the public.
- Be fair and honest.

AAPL Code of Ethics

- **Section 2**

- Compete, but with honesty and courtesy.
- Do not use confidential information for personal gain.
- No conflicting interest with employer or client.
- Act in good faith.
- Do not represent to be skilled in professional areas in which not qualified.

State Bar Rules

Texas Disciplinary Rules of Professional Conduct

- **Section I - Client-Lawyer Relationship.**
- **Section II – Counselor.**
- **Section III – Advocate.**

State Bar Rules

Texas Disciplinary Rules of Professional Conduct

- **Section IV - Non-Client Relationship.**
- **Section V - Law Firms & Associations.**
- **Section VI - Public Service.**

State Bar Rules

Texas Disciplinary Rules of Professional Conduct

- **Section VII** - Information About Legal Services.
- **Section VIII** - Maintaining the Integrity of the Profession.
- **Section IX** - Severability of Rules.

Disclaimer

- In order to illustrate some possible real-world scenarios, today's presentation will follow the (fictional) story of several Landman whose names, characters, businesses, places, events and incidents are either the products of the author's imagination or used in a fictitious manner. Any resemblance to actual persons, living or dead, or actual events is purely coincidental.

Law and Order: AAPL



**LAW &
ORDER**

The image features the words "LAW & ORDER" in a bold, serif font. The text is set against a black background. The word "LAW" is white with a blue glow, the ampersand "&" is white with a blue glow, and the word "ORDER" is white with a red glow. The overall effect is dramatic and stylized.

Ron Stahnson



A little about Ron...

- Pork, pine, and potent potables.
- Also keeps his upper lip warm.
- Tammy times two.
- Ron's tale...

Ethical Violations?

- **Has Ron committed any ethical violations?**
 - Bribery?
 - Failure to become educated in profession?
 - AAPL Standard of Practice 1.
 - State Bar Rules 1.01 & 5.05.

AAPL Standard 1

- **Standard 1**
 - A land professional shall be informed.

State Bar Rules 1.01 & 5.05

- **Rule 1.01**
 - Competent and Diligent Representation.
- **Rule 5.05**
 - Unauthorized Practice of Law.

What Ron Did Wrong

- Bribery.
- Failure to Become Educated.



Dwight Schrute



A little about Dwight...

- But then it turned into his neighbor's dog.
- ...until he wasn't.
- 'Merica!
- Bears. Beets. Battlestar Galactica.
- Dwight's tale...

More about Dwight...

Scranton Oil

Dwight K. Schrute, CPL/RPL/Blackbelt
Assistant (to the) Regional Land Manager
Elite Landman

Ethical Violations?

- **Has Dwight committed any ethical violations?**
 - Use of CPL and/or RPL?
 - “Elite Landman?”
 - AAPL Standards of Practice 13 & 14.
 - (State Bar Rules 7.02 & 7.04).

AAPL Standards 13 & 14

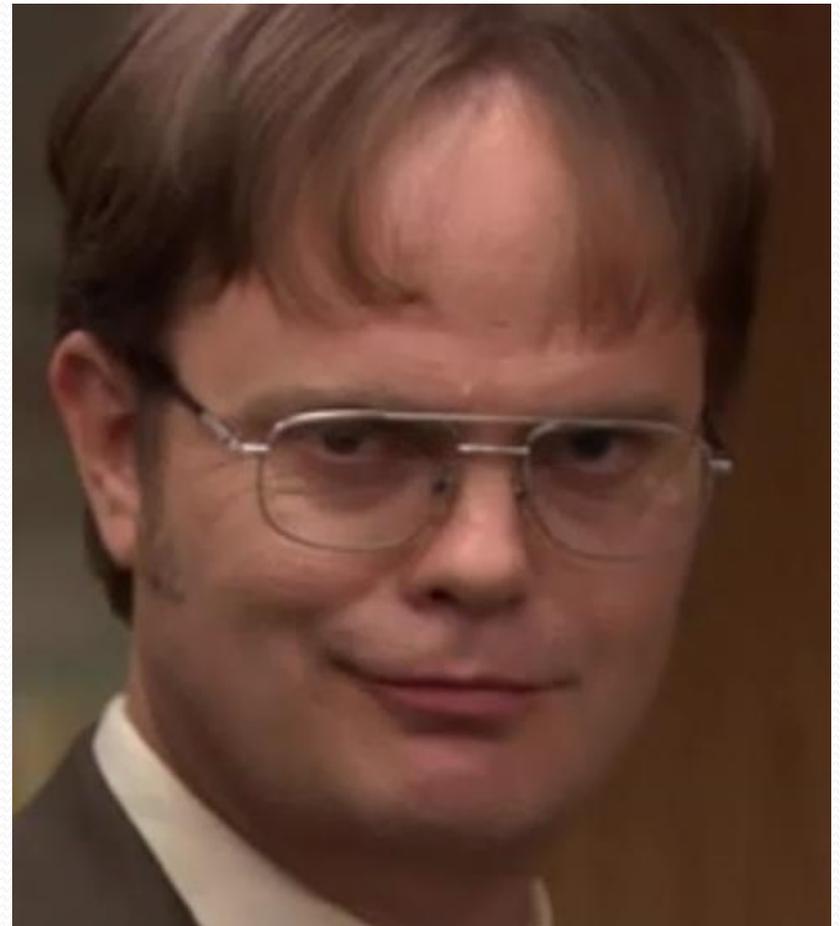
- **Standard 13**
 - Accurately represent in advertising.
- **Standard 14**
 - Unauthorized use of CPL, RPL, RL, P.Land, and CPL/ESA.

State Bar Rules 7.02 & 7.04

- **Rule 7.02**
 - Communications Concerning a Lawyer's Services.
- **Rule 7.04**
 - Advertisements in the Public Media.

What Dwight Did Wrong

- CPL/RPL.
- “Elite Landman.”



Homer Simpson



A Little About Homer...

- Mmmmm, donuts.
- Mmmmm, beer.
- Homer's tale...

Ethical Violations?

- **Has Homer committed any ethical violations?**
 - Refusal to Lease?
 - AAPL Standards of Practice 2, 3, & 5.
 - (State Bar Rule 5.08).

AAPL Standards 5, 2, & 3

- **Standard 5**
 - Do not deny equal professional services.
- **Standard 2**
 - Do not discredit the industry.
- **Standard 3**
 - Promote employer interests.
 - Fairly treat all parties.

State Bar Rule 5.08

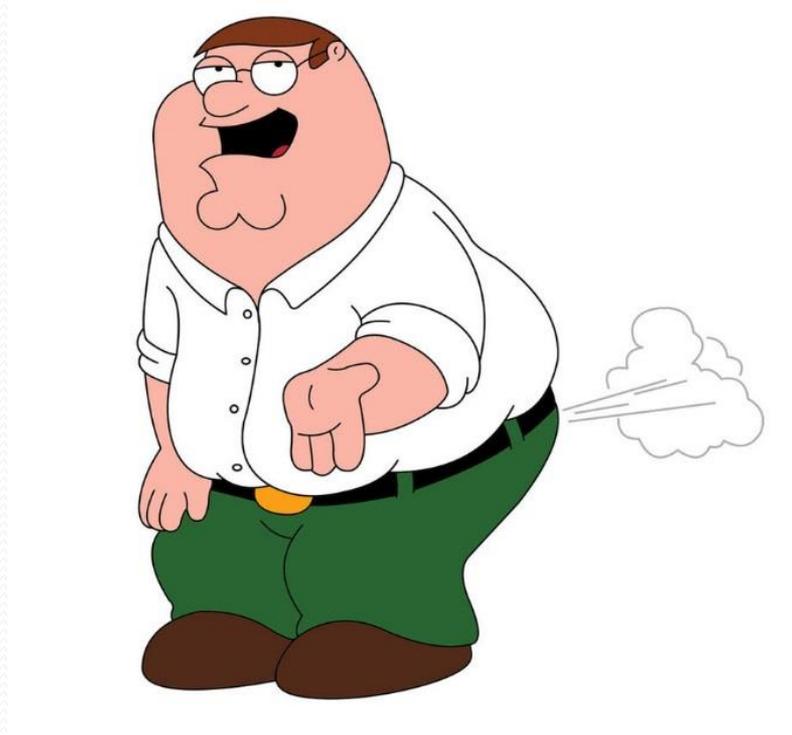
- **Rule 5.08**
 - Prohibited Discriminatory Activities.

What Homer Did Wrong, Doh!

- Refusal to Lease.



Peter Griffin



A Little About Peter...

- Oh ya, and Meg.
- Truly, man's best friend.
- Peter's tale...

Ethical Violations?

- **Has Peter committed any ethical violations?**
 - "Background in geology?"
 - AAPL Standard of Practice 6.
 - (State Bar Rule 7.04).

AAPL Standard 6

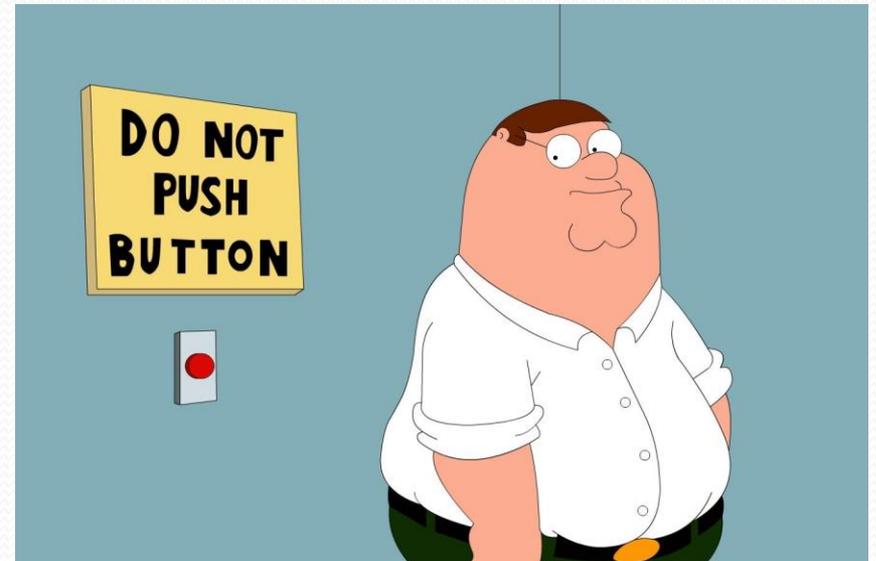
- **Standard 6**
 - Do not represent to be skilled or engage in professional areas in which not qualified.

State Bar Rule 7.04

- **Rule 7.04**
 - Advertisements in the Public Media.

What Peter Did Wrong

- Geologist.



Cotton Hill



A Little About Cotton...

- He killed fitty men because they blew off his shins.
- Shhhhh, no need to tell him Fidel is dead.
- Cotton's tale...

Ethical Violations?

- **Has Cotton committed any ethical violations?**
 - "Donations?"
 - AAPL Standard of Practice 10.
 - (State Bar Rule 1.08).

AAPL Standard 10

- **Standard 10**
 - No profits without consent.

State Bar Rule 1.08

- **Rule 1.08**
 - Conflict of Interests: Prohibited Transactions.

What Cotton Did Wrong

- “Donations.”



Eric Cartman



A Little About Eric...

- He's big-boned!
- Screw those guys, he's going home.
- Eric's tale...

Ethical Violations?

- **Has Eric committed any ethical violations?**
 - “Investing” Lessor’s Bonus Payment?
 - AAPL Standard of Practice 11.
 - (State Bar Rule 1.14).

AAPL Standard 11

- **Standard 11**
 - Administer money in an approved manner.

State Bar Rule 1.14

- **Rule 1.14**
 - Safekeeping Property.

What Eric Did Wrong

- “Investing” Bonus Payments.



Joey Tribbiani



A Little About Joey...

- He is his own identical twin.
- How you doin'?
- Joey's tale...

Ethical Violations?

- **Has Joey committed any ethical violations?**
 - Purchasing for Central Perk?
 - AAPL Standard of Practice 8.
 - (State Bar Rules 1.06 & 1.12).

AAPL Standard 8

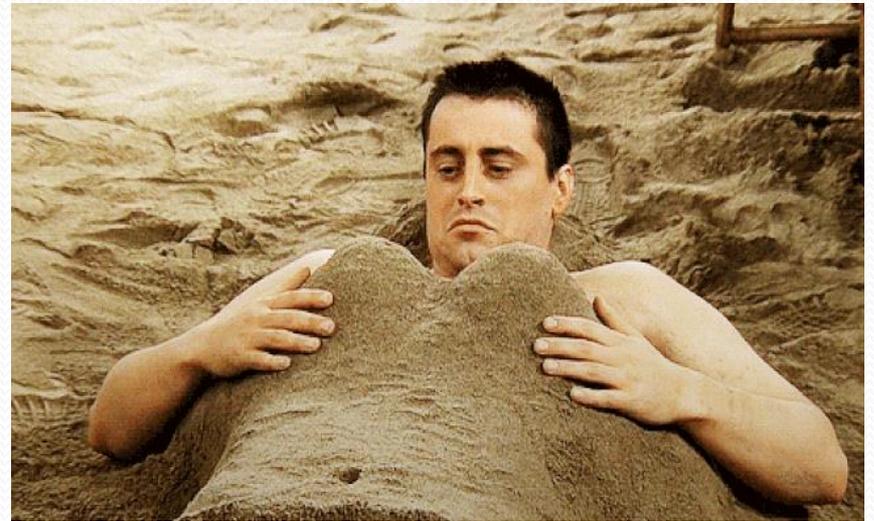
- **Standard 8**
 - Do not acquire personal interest in property without consent of employer.

State Bar Rules 1.06 & 1.12

- **Rule 1.06**
 - Conflict of Interest: General Rule.
- **Rule 1.12**
 - Organization as a Client.

What Joey Did Wrong

- Purchase for Central Perk.



Carla Tortelli



A Little About Carla...

- Baby Daddy(s).
- The customer is always annoying.
- Carla's tale...

Ethical Violations?

- **Has Carla committed any ethical violations?**
 - Runsheets for Gary's & Cheers?
 - AAPL Standard of Practice 4.
 - (State Bar Rule 1.04).

AAPL Standard 4

- **Standard 4**
 - No compensation for same service.

State Bar Rule 1.04

- **Rule 1.04**
 - Fees.

What Carla Did Wrong

- Runsheets for Gary's & Cheers.



Charlie Harper



A Little About Charlie...

- Jingles & Singles.
- Striking shirts.
- Charlie's tale...

Ethical Violations?

- **Has Charlie committed any ethical violations?**
 - Services on Lands Personally Owned?
 - AAPL Standard of Practice 7.
 - (State Bar Rule 1.06).

AAPL Standard 7

- **Standard 7**
 - Do not provide unapproved services on personal interest property.

State Bar Rule 1.06

- **Rule 1.06**
 - Conflict of Interest: General Rule.

What Charlie Did Wrong

- Failure to Disclose Ownership.



Frank Barone



A Little About Frank...

- Caribou Lodge (and nowhere else).
- Lives to eat, not eats to live.
- Frank's tale...

Ethical Violations?

- **Has Frank committed any ethical violations?**
 - Presentation of Evidence?
 - AAPL Standard of Practice 9.
 - (State Bar Rule 8.03).

AAPL Standard 9

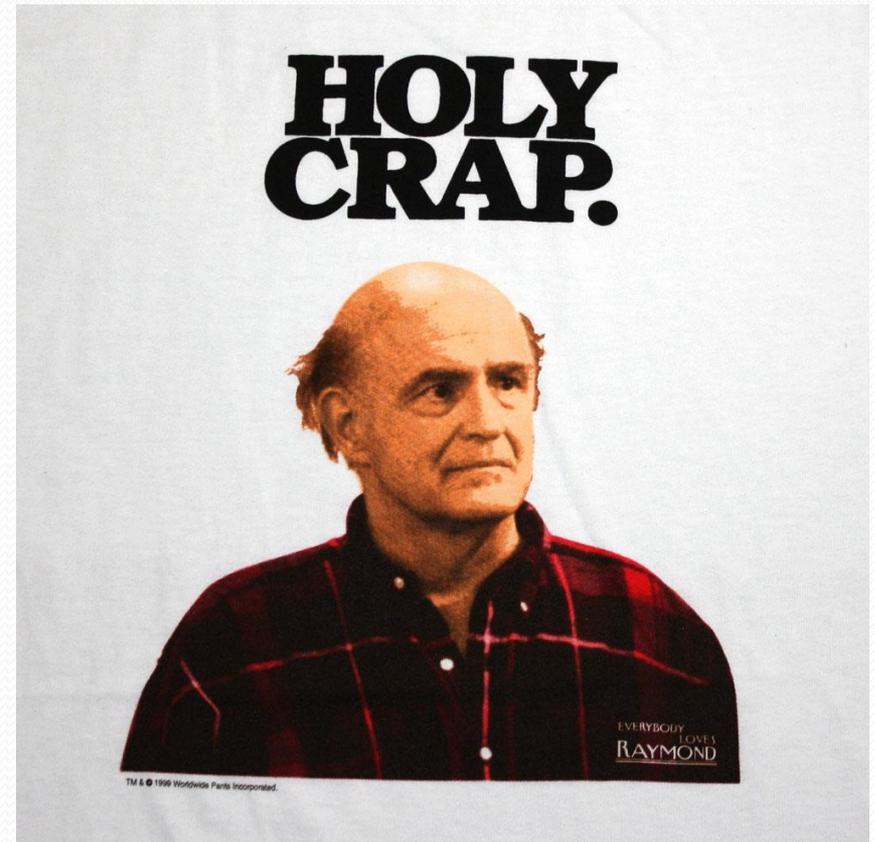
- **Standard 9**
 - Comply with investigation.

State Bar Rules 8.03 & 8.04

- **Rule 8.03**
 - Reporting Professional Misconduct.
- **Rule 8.04**
 - Misconduct.

What Frank Did Wrong

- Refusal to Present Evidence.



Tim “The Tool Man” Taylor



A Little About Tim...

- More like... FOOL Time.
- Ouch! *Supra*.
- Tim's Tale...

Ethical Violations?

- **Has Tim committed any ethical violations?**
 - Conflicting Business Activity?
 - AAPL Standard of Practice 12.
 - (State Bar Rule 1.05).

AAPL Standard 12

- **Standard 12**
 - No conflicting interest.

State Bar Rule 1.05

- **Rule 1.05**
 - Confidentiality of Information.

What Tim Did Wrong

- Conflicting Business Activity.



Randy Hickey



A Little About Randy...

- Honk Honk...
- Bad boys, bad boys, what's it gonna be?
- Randy's tale...

Ethical Violations?

- **Has Randy committed any ethical violations?**
 - Felonies & Other Serious Crimes?
 - AAPL Standard of Practice 15.
 - (State Bar Rule 8.04).

AAPL Standards of Practice

- **Standard 15**
 - No felonies or other serious crimes.

State Bar Rule 8.04

- **Rule 8.04**
 - Misconduct.

What Randy Did Wrong

- Felony.



Questions or Comments?

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- Special thanks to Jason Culak



**KIRBY, MATHEWS
& WALRATH**