SCOTT DOUGLASS McCONNICO



D. Davin McGinnis

PARTNER

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Overview

“Davin can quickly answer complex answers without having to do hours of research.”-Chambers USA Guide

Davin joined the firm in 2000 and has practiced exclusively in the firm’s oil, gas and energy practice since 2003. His practice is primarily split between regulatory oil and gas work (before the Railroad Commission of Texas, the General Land Office and the Texas Comptroller of Public Accounts) and oil and gas litigation of any and all types of disputes in the oil, gas and energy arena (except personal injury claims). Davin has litigated oil and gas disputes in South Texas, West Texas, East Texas, Central Texas and the Panhandle. In addition to his advocacy practice, Davin advises the firm’s oil and gas clients on a wide range of issues, including wellbore ownership, horizontal drilling in urban areas, lease development obligations (including continuous development obligations), lease pooling authority, royalty calculation and payment, and compliance with Railroad Commission rules and regulations.

Davin is Board Certified in Oil, Gas and Mineral Law by the Texas Board of Legal Specialization.

Experience

Eagle Ford Shale: Advised various public and private oil and gas operators on various regulatory, land and legal issues in the Eagle Ford Shale, including advice on drilling permits, pooling authority, retained acreage authority, and royalty calculation and valuation.

Farmout Dispute: Obtained summary judgment determination for East Texas operator that 34-year-old farmout agreement covering 10,000-plus acres was unenforceable under the Statute of Frauds (for lack of a legally-sufficient property description) and Rule Against Perpetuities. The matter was subsequently settled on terms favorable to client.

Merger Dispute. Represented multi-national oil and gas exploration and production company in dispute arising out of company acquisition. Claims were in excess of $50 million and concerned a disputed AMI and the Railroad Commission’s definition of a

“field.” The matter was set for arbitration, but settled on terms favorable to client.

Boundary Dispute: Successfully defended riverbed mineral lessee against riparian mineral owners’ claims in excess of $40,000,000 in dispute involving the accuracy of a gradient boundary survey, including claims for trespass, conspiracy and fraud.

Merger Dispute: Represented partner in dispute with surviving public oil and gas company resulting in settlement of competing claims regarding rights, obligations and responsibilities arising under merger agreement.

Adverse Possession/Trespass Dispute: Represented client who drilled on the wrong tract. Obtained favorable initial ruling on adverse possession claim. Record title owner subsequently conceded ownership.

Production in Paying Quantities Dispute: Successfully defended lease termination claim alleging failure to produce in paying quantities.

Continuous Development Dispute: Successfully defended claim of partial lease termination based upon alleged failure to comply with lease’s continuous development provision.

Gas Transportation Dispute: Defended natural gas power plant in arbitration with pipeline company involving the delivery rate under gas transportation agreement.

Implied Lease Covenant Dispute: Successfully defended major independent oil and gas company in dispute with lessor involving 185 leases in the Austin Chalk Field. Claims asserted included failure to develop, failure to protect against drainage, bad faith pooling, and breach of the implied covenant to market.

State Lease Termination Claim: Obtained retraction of GLO determination that state mineral lease terminated due to non-production.

Lease Royalty Advice: Lease-by-lease review, analysis and advice on compliance with royalty provisions under client’s 50+ non-standard oil and gas leases in Texas.

Force Pooling Applications: Successfully defended various major independent oil and gas companies against force pooling applications brought by offsetting landowners and operators.

(Horizontal) Field Rule Amendments: Obtained field rule amendments (various fields) to facilitate horizontal drilling including rules to allow for (a) measurement of lease-line and between-well spacing from “take points” (rather than their penetration points), and (b) off-lease surface locations.

Awards

- Chambers USA in Energy: State Regulatory & Litigation (Oil & Gas) in Texas, 2022-2026
- Chambers USA in Energy: State Regulatory & Litigation (Oil & Gas) Nationwide, 2026
- Texas Super Lawyer, a Thomson Reuters business, Energy & Resources, 2019, 2024
- Texas Rising Star, a Thomson Reuters business, Oil, Gas and Energy Law, 2009-2015
- Member, Board of Advisors for the Texas Journal of Oil, Gas and Energy Law, 2015
- Chairman, Oil, Gas and Mineral Law Section of the Austin Bar Association, 2009-2010
- Vice-Chairman, Oil, Gas and Mineral Law Section of the Austin Bar Association, 2008-2009
- Advisory Board, Institute for Energy Law, since 2009
- Planning Committee, Ernest P. Smith Institute’s Oil, Gas and Mineral Law Conference, 2008

Articles & Presentations

- Co-present, "New Challenges to Flaring and Venting of Gas in Upstream Operations," Advanced Landman's Institute, co-sponsored by American Association of Professional Landmen and The Foundation for Natural Resources and Energy Law, November, 2024
- Author and Presenter, "Regulatory Update," 36th Annual Advanced Oil, Gas and Energy Resources Law Course, cosponsored by the Oil, Gas and Energy Resources Law Section of the State Bar of Texas, 2018.
- Author and Speaker, "Death, Taxes, and the General Land Office: A Title Examiner's Guide to Life's Third Certainty," Oil Gas & Mineral Titles Examination Course, 2014.
- Author, "Developing Issues Related to Saltwater Disposal in Texas: A Discussion of Current Legal and Regulatory Developments," Earnest E. Smith Seminar materials, 2013.
- Square Pegs, Round Holes: The Application and Evolution of Traditional Legal and Regulatory Concepts for Horizontal Wells, 7 TEX. J. OIL GAS & ENERGY L. 178, 2012
- Lesley v. Veterans Land Board: Revisiting the Scope of the Duty Owed by Executive Mineral Interest Owners to Non-Executive Mineral Interest Owners, 5 TEX. J. OIL GAS & ENERGY L. 131, 2009
- Horizontal Drilling in the Haynesville: Land and Regulatory Issues, East Texas Landman's Association, November 2009
- Impact of Railroad Commission Rules on Leases, (Wellbore) Assignments and Related Issues, ADVANCED OIL, GAS, AND MINERAL LAW COURSE SPONSORED BY THE STATE BAR OF TEXAS (2008)
- All for One and One for All: A Primer on Pooling in Texas, 31st ERNEST E. SMITH OIL, GAS & MINERAL LAW INSTITUTE (2005)
- Royalty and Royalty Disputes from Percentages and Covenants to Marketing Issues, UNIVERSITY OF HOUSTON, 2005, 2006, 2007, 2008 and 2009

News & Insights

- RRC's New Rule Designates "Critical Gas Suppliers"
- RRC Rule for Minimum Weatherization Requirements of "Gas Supply Chain Facilities" and "Pipeline Facilities"
- Chambers Guide Continues to Rank SDM in Top Tier
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- Chambers Guide notes SDM as "a go-to litigation boutique in Austin."
- Congrats to our SDM 2024 Texas Super Lawyers
- Davin McGinnis Presents at Advanced Landman Institute
- SDM continues to be ranked in Chambers USA
- SDM continues to be ranked in Chambers USA
- SDM Lawyers Recognized in 2026 Texas Super Lawyers®

Practice Areas

- Oil & Gas Business Advice
- Oil & Gas Litigation
- Oil & Gas Regulatory
- Renewable Energy

Education

- University of Texas, B.A., honors, 1997
  - Phi Beta Kappa
- University of Texas School of Law, J.D. with honors, 2000

Admissions

- Board Certified, Oil, Gas and Mineral Law, Texas Board of Legal Specialization, since 2006
- State Bar of Texas
- U.S. District Courts for the Western District of Texas