



Mark W. Hanna

PARTNER

P | (512) 495-6327
E | mhanna@scottdoug.com

Overview

Mark's practice focuses on oil and gas litigation, advice, and regulation. Mark has extensive experience representing oil and gas operators, working interest owners, and service companies in the courts and before the Texas Railroad Commission. Mark also regularly counsels his clients on a variety of energy-related topics, including title and contract issues, royalty payments, and oil and gas lease interpretation. Mark also has experience representing a variety of Austin companies in commercial litigation.

Mark joined the firm in 2006. He is an active member of the Austin community, serving on the board of directors of The Contemporary Austin. Mark is an inaugural member of the SMU Dedman School of Law's Emerging Leader Board of Directors, and has been repeatedly recognized as a Texas Rising Star in Energy & Natural Resources Law.

Experience

Oil and Gas Litigation

- Represented an Eagle Ford operator client in a AAA Arbitration on drainage and royalty claims
- Represented numerous operator clients in title litigation, working-interest owner disputes, and lessor disputes
- Won summary judgment on behalf of a Permian operator on retained acreage claims

- Won summary judgment on a title claim in Reagan County, Texas
- Represented an oil and gas operator in title litigation filed in East Texas, securing a favorable settlement that cleared the way for the client to develop its leases
- Represented a client in a title-defect arbitration related to lease acquired under a purchase and sale agreement, obtaining a favorable final arbitration award
- Defended a publicly traded oil and gas company in defending lease termination and failure to develop claims on a several-thousand acre lease in South Texas

Royalty Litigation and Advice

- Represented multiple operators in royalty litigation, related to post-production costs, non-participating royalties, market value issues, and allocation issues throughout Texas courts
- Advised multiple operators on fieldwide review of oil and gas lease royalty provisions
- Assisted numerous oil and gas companies in responding to royalty audits
- Advised clients in response to royalty demand letters

Texas Railroad Commission Practice

- First- and second-chaired numerous administrative trials to final judgment
- Advised multiple clients on permitting of vertical oil and gas wells, including issues related to Rule 37 exceptions, allocation wells, PSA wells, and no-perf zones
- Represented clients in obtaining new and amended field rules
- Represented client in enforcement and complaint proceedings
- Represented clients in forced pooling (MIPA) applications

Oil and Gas Advice

- Advised clients on joint operating agreement (JOA) provisions, including well proposals, operator removal and non-consent issues
- Advised clients on pooled unit formation, drafting production sharing agreements, and drilling allocation wells
Advised clients on lease interpretation, including retained-acreage provisions, continuous-development issues, and lease-termination questions
- Advised multiple publicly traded companies on regulatory and legal issues related to the development of their Eagle Ford Shale assets, including advice on drilling permits, lease amendments, pooling authority, title issues and operating agreements
- Advised an operator on various regulatory and legal questions related to acquisitions of assets in the Permian and Delaware basins

Commercial Litigation

- Represented an Austin company in business-divorce and fiduciary-duty litigation, obtaining a temporary restraining order and settlement
- Represented a service company in claims of stolen corporate opportunity and trade secrets
- Represented an Austin engineering firm in recovering fees for work performed and defending counter-allegations

Awards

- Texas Rising Star, a Thomson Reuters business, Energy & Natural Resources, 2013 – 2015, 2017-2020
- Articles Editor, Southern Methodist Law Review Association
- Order of the Coif, Southern Methodist University

Articles & Presentations

- “Retained Acreage and Depths Issues in Oil & Gas Leases: the Courthouse and Regulatory Perspective,” co-authored for the State Bar of Texas Oil & Gas Disputes Course, January 2018
- “Railroad Commission Regulation of Production and Commingling of Production,” written and presented at the Scott Douglass & McConnico Regulatory Seminars, Spring 2016 & Fall 2017
- “Horizontal Drilling, Retained Acreage and Allocation Wells in the Spraberry Trend Area Field,” presented as an in-house seminar for a client operator, Fall 2017
- “Railroad Commission Rule 32: Flaring and Venting Gas,” written and presented at the Scott Douglass & McConnico Regulatory Seminar, Spring 2015
- “Drafting Traps in the Modern Oil & Gas World,” written and presented at the State Bar of Texas 32nd Annual Advanced Oil, Gas and Energy Resources Law Course, Fall 2014
- “Eagle Ford Land, Legal and Regulatory Issues,” presented as an in-house seminar for a client oil company, Winter 2013
- “Legal Characteristics of Land Ownership,” presented to the Railroad Commission of Texas Eagle Ford Task Force, Fall 2012.
- “Horizontal Drilling: Land & Regulatory Problems in Texas,” presented to the Houston Association of Professional Landmen, Fall 2011
- “Voluntary Pooling: Express & Implied Limits on Pooled Units,” presented at the Scott, Douglass & McConnico Regulatory Seminar, Spring 2011
- “Pooling: The Basics, Plus Something We Only Thought We Knew,” presented to the Austin Area Professional Landman Association, Spring 2010
- “Royalties & Royalty Disputes,” presented to the University of Houston’s Advanced Oil & Gas Short Course, Summer 2009

- "Multidistrict Litigation from the Defense Perspective," published in the State Bar Litigation Section Report, Fall 2008

News & Insights

- Seven SDM Lawyers Named to Texas Rising Stars®
- Fortune 500 Oil & Gas Company - jury trial regarding breach of joint operating agreement
- SDM prevails in jury trial regarding breach of joint operating agreement
- Six SDM Lawyers Named to Texas Rising Stars®

Practice Areas

- Business Litigation & Torts
- Oil & Gas Business Advice
- Oil & Gas Litigation
- Oil & Gas Regulatory
- Public Utilities

Education

- University of Texas at Austin, B.S., Electrical Engineering, 2002
- Southern Methodist University Dedman School of Law, J.D., magna cum laude, 2006

Admissions

- State Bar of Texas
- U.S. District Courts for the Northern and Western Districts of Texas

Activities

- Member of the Oil, Gas and Energy Resources Section of the State Bar of Texas, the Oil, Gas and Mineral Law Section of the Austin Bar Association
- Fellow, Texas Bar Foundation

- Community and Charitable Organizations
 - Member, SMU Dedman School of Law Emerging Leader Board
 - Board of Trustees, The Contemporary Austin