



|| Energy, Oil & Gas Law

Laws and regulations impacting oil, gas, and other forms of energy are far-reaching. For decades, Foster Swift attorneys have provided legal services to the continually expanding and evolving energy industry.

Foster Swift attorneys are experienced in numerous areas within the oil and gas industry, including finance issues, real estate sale and acquisitions, securities, SEC reporting issues unique to the industry, and contract drafting to name just a few. The attorneys' diverse experience allows them to assist many different types of clients and to offer creative solutions to client problems, both simple and complex. The firm has represented clients in various positions in the energy production line including investors, exploration and development companies, drilling companies, service providers, and production companies.

With the rising cost of oil and gas, many companies, individuals, and municipalities are looking for inventive ways to use alternative energy. Foster Swift is on the cutting edge of alternative energy, working with municipalities and companies to implement and regulate wind farms and geothermal systems. Because the energy group comprises attorneys from backgrounds in different areas of the law, clients will benefit from the wide knowledge base available to solve their issue. By combining attorneys from different disciplines, clients may be certain that multiple legal aspects were considered in their matter's resolution.

Foster Swift was named a Tier 1 firm in **Energy Law** in Lansing by *U.S. News – Best Lawyers*® "Best Law Firms" in 2017.

EXAMPLES OF SERVICES

BUSINESS

- Contract drafting including, Master Service Agreements, Joint Operating Agreements, contracts for AMI (Area of Mutual Interest), Assignments of interest, Royalty agreements
- Sale and acquisition of industry businesses and equity interests in industry businesses

ATTORNEYS

Shareholder

Sara L. Cunningham

Brent A. Titus

Senior Attorney

Charles E. Barbieri

Kelly Reed Lucas

James R. Neal

Michael G. Oliva

Jeffrey S. Theuer

Associate

Benjamin C. Dilley

McKenna S. Rivers

Paralegal

Jennifer L. Knox



- Representation of commercial customers regarding natural gas commercial choice program including alternative gas supplier agreements and advice and counsel regarding extraordinary facilities agreements
- Representation of publicly traded oil and gas development company
- Finance issues related to the oil and gas industry
- Advice and counsel on use of by-products of production
- Corporate counsel, including advice on corporate governance matters
- SEC registration statements and SEC reporting, which has unique standards for the oil and gas industry
- Exploration Agreements and leasehold acquisition agreements
- Organizational documents for all types of business entities
- Loan document review and counsel
- Private Placement Memoranda to raise funds for leasehold acquisition and drilling
- State tax issues
- International equipment sales, purchases and leases
- Estate planning

LITIGATION

- Litigation including every aspect of lease interpretation, contract interpretation regarding purchase and sale and supply agreements, Joint Operating Agreements, Master Service Agreements, royalty disputes, disputes over ownership of working interests, disputes regarding service charges such as compression and transportation, disputes arising out of drilling operations, sale of large leasehold interests and environmental matters
- Resolution of disputes over ownership of oil and gas interests
- Lessor and lessee disputes regarding payment of royalties and allocation of costs and expenses
- Corporate espionage litigation regarding proprietary information on drilling location and production
- Processing agreement disputes
- Disputes between producers and treatment plants
- Litigation with royalty owners and producers over applicable charges to the lease for the treatment of oil and gas (and allocation of gas and by-products to each producer)
- Disputes over ownership interest in conjunction with the longest directional drill in Michigan
- Negotiation on air pollution permits for gas sweetening facilities
- Litigation on air pollution claims for gas sweetening facilities
- Contested cases/litigation on NPDES and MEPA claims involving oil and gas companies



ADMINISTRATIVE & REGULATORY

- Administrative matters before the Michigan Supervisor of Wells
- Regulatory matters before the Michigan Public Service Commission

REAL ESTATE

- Land acquisition and representation of land owners with respect to leases unique to the oil and gas industry
- Representation of land owners with respect to wind leases
- Representation of operators of wind farms
- Representation of oil and gas service company acquiring Michigan assets, including transfer of disposal wells and solid waste processing facility
- Consultation and advice on remediation of sites contaminated from oil and gas production facilities

PUBLICATIONS & ALERTS

2023 Legal and Regulatory Developments for Agribusinesses, *Foster Swift Agricultural Law News*, August 30, 2023

Bio-Digesters: A New solution for a New Era, *Foster Swift Agricultural Law News*, September 17, 2021

NEWS

Name Partner Retires After 60 Years With Firm, *Ingham County Legal News*, September 1, 2022

Foster Swift Attorneys Named 2023 Best Lawyers in America®, *Best Lawyers in America*, August 18, 2022

21 Attorneys Selected to 2022 Michigan Super Lawyers and "Rising Stars", *Michigan Super Lawyers*, August 12, 2022

Firm Continues to See Steady Growth Entering 2022, January 11, 2022

Storey Receives 2021 Theodore W. Swift Civility Award, October 1, 2021

16 Attorneys Selected to 2021 Michigan Super Lawyers and "Rising Stars", *Michigan Super Lawyers*, August 13, 2021

Lansing Attorney Named ICBF President, July 28, 2021

Foster Swift Listed in "Best Law Firms" 2021, *Best Lawyers*, November 5, 2020

18 Attorneys Selected to 2020 Michigan Super Lawyers and "Rising Stars", September 18, 2020

Foster Swift Attorneys Named to 2021 Best Lawyers in America®, August 20, 2020

Smith to Receive SBM Outstanding Achievement Award, July 20, 2020

23 Attorneys Selected to 2019 Michigan Super Lawyers and "Rising Stars", *Automation Alley*, September 3, 2019

Foster Swift Rated Tier 1 in 27 Practice Areas in Best Lawyers® "Best Law Firms", November 1, 2018

30 Foster Swift Attorneys Selected to 2017 Michigan Super Lawyers and Rising Stars Lists, September 8, 2017



21 Foster Swift Attorneys named to 2015 Michigan Super Lawyers and Michigan Rising Stars, September 8, 2015

44 Foster Swift Attorneys Named to 2016 Best Lawyers in America® Roster, August 21, 2015

Seven Foster Swift Attorneys named "Lawyer of the Year", April 9, 2013

EVENTS

An Overview of Statutory Pooling in Michigan, *Michigan Association of Professional Landmen (MAPL) Mid-Winter Mini Seminar*, February 22, 2024

Innovative Approaches to Wind and Solar, *Community Economic Development Association of Michigan (CEDAM)*, June 7, 2023

What You Need to Know Now About Renewable Energy Ordinances, *Michigan Townships Association: Planning & Zoning Retreat*, October 28, 2021

Understanding Solar Energy Lease Agreements, *Michigan Farm Bureau and MSUE*, March 14, 2018
