

Elizabeth "Becky" Miller

Becky has practiced exclusively in the firm's oil, gas and energy practice since she joined the firm in 1981. She began by handling regulatory matters before the Railroad Commission of Texas. In the late 1980s Becky moved to oil and gas litigation when she joined just a handful of lawyers Board Certified in Oil, Gas and Mineral law who litigated oil, gas and energy law cases full time. In her career she has tried cases in North, East, South and West Texas, wherever wells are located. She has argued before appellate courts in Houston, Corpus Christi and San Antonio, the Texas Supreme Court and the 5th Circuit. Her practice has included all types of litigation arising out of the oil, gas and energy business (except tort claims for personal injury). She has represented operators, lessees, non-operating working interest owners and lessors. Becky has served as an adjunct professor at the University of Texas School of Law where she taught oil and gas law, and oil and gas leasing and regulation. Becky's practice also includes work as a mediator and arbitrator, particularly in regard to oil and gas related cases.

Recognitions & Awards

Board Certified, Oil, Gas and Mineral Law, Texas Board of Legal Specialization, since 1987

Selected for The Best Lawyers in America in Natural Resources Law and Oil & Gas Law, a Woodward/White, Inc. publication, 2007-2018, Best Lawyers' Austin Natural Resources Law "Lawyer of the Year," 2014 and 2016.

The Center for American and International Law Institute (CAILAW) Deans of Oil and Gas Practice Lecture honoree, 2014

Texas Super Lawyer, a Thomson Reuters business, Energy & Resources, 2003 – 2017



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RELATED PRACTICE AREAS:

- Alternative Dispute Resolution: Negotiation, Mediation and Arbitration
- Oil & Gas
- Oil & Gas Business Advice
- Oil & Gas Natural Resources and Energy Litigation



Recipient of 2011 Pathfinder's Award – Travis County Women's Lawyer Association

Pattern Jury Charge Vice Chairmen, State Bar Pattern Jury Charge Committee for Oil and Gas

Texas Lawyer Top Five "Go To" Lawyer in Oil and Gas, 2008

Chairman, Oil, Gas and Mineral Law Section, State Bar, 1998-1999

Chairman, Oil, Gas and Mineral Law Section, Travis County Bar, 1988-1989

Managing Partner of Firm, 1992-1995

Order of the Coif

Representative Matters

Successfully defended multi-million dollar claim involving interpretation, application and interaction of Pugh, horizontal severance and pooling clauses. Sustained judgment on appeal.

Successfully defended riverbed mineral lessee against riparian mineral owners claiming in excess of \$40,000,000 in dispute involving the accuracy of gradient boundary survey and claims for trespass, conspiracy and fraud, resulting in favorable settlement for client.

Successfully defended operator in trial involving claims to participate under AMI agreement. No appeal taken.

Prevailed as plaintiff in dispute regarding how royalties are to be paid under proceeds and market value leases in pooled units where portion of unit covered by above market take or pay gas contract. Sustained judgment on appeal.

Successfully defended major independent oil and gas

company in dispute with lessor involving 185 leases in the Austin Chalk Field, resulting in settlement of all claims.

Appeared as party advocate in large, multi-week arbitrations involving disputes over overriding royalty rights and gas transportation obligations.

Bar Admissions & Activities

Admitted to the State Bar of Texas, U.S. District Court for the Western, Northern, Eastern and Southern Districts of Texas, 5th Circuit Court of Appeals and the United States Supreme Court.

Member, State Bar Oil, Gas and Mineral Law Section

Blue Ribbon Committee — Oil and Gas Pattern Jury Charges, 2002-2004

Co-Chair, State Bar of Texas Committee for Oil, Gas and Energy Pattern Jury Charges, 2011 - present

Life Member — Texas Bar Foundation, since 1996

Board Member — Travis County Bar Foundation, 2008 – 2010

Education

University of Oklahoma, B.A., 1974

University of Texas School of Law, J.D., honors, 1981

Articles & Presentations

Issues and Instructions in Complex Oil and Gas Litigation, 26th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute, March 2000 — Houston, Texas

Damages in Oil & Gas Cases, Advanced Oil, Gas and Energy Resources Law Course, October 12, 2001 — San Antonio, Texas

A Primer on Oil, Gas & Mineral Leases, a CLE presentation sponsored by the University of Texas School of Law and the Oil, Gas and Energy Law Section of the State Bar of Texas, January 2003 — Austin, Texas

Litigating the Oil and Gas Lease, Hidalgo County Bar Association Building Blocks to a Successful Law Practice (How to Avoid Litigation), May 20, 2005 — McAllen, Texas

Oil Patch Claims, State Bar of Texas Causes of Action Law Course 2008, April 18, 2008 — Dallas, Texas, May 16, 2008 — Houston, Texas

Coastal v. Garza: Questions Answered/Questions Raised as to Fracture Trespass and More, State Bar of Texas Webcast, March 10, 2009 — Austin, Texas

Cost Recovery After Sheppard — What's Up With That?, 36th Annual Ernest E. Smith Oil, Gas and Energy Law Institute, April 9, 2010 — Houston, Texas

Current Developments in Energy Litigation, 9th Annual Energy Litigation Conference, October 12, 2010 — Houston, Texas

The Oil and Gas Lease, Part III: Implied Covenants, 2011 Fundamentals of Oil, Gas and Energy Law, April 7, 2011 — Houston, Texas

Contract Enforcement, Rocky Mountain Mineral Law Foundation's Oil & Gas Agreements: Contracting for Goods, Services and People, May 2103 – Santa Fe, New Mexico

Deans of Oil and Gas Practice Lecture, The Center for American and International Law Institute – 65th Annual Oil and Gas Law Conference, February 2014, Houston, Texas

Implied Covenants, 2014 Fundamentals of Oil, Gas and Mineral Law, March 2014, Houston, Texas

Drafting Oil & Gas Leases, Oil & Gas Disputes: Drafting –



Negotiating – Litigating, January 2015, Houston, Texas

Selected Reported Cases

Garza Energy Trust v. Coastal, 268 S.W.3d 1 (Tex. 2008)
(trespass by subsurface fracture treatment case)

Tennessee Gas Pipeline v. Lenape Resources, et al, 925 S.W.2d 565 (Tex. 1996) (take or pay case, UCC "good faith" issue)

In Re: Juan Lino Garza, et al. v. Elizabeth H. Coates Maddux, et al., 90 Fed.Appx. 730, (5th Cir. 2004) (trespass to try title and declaratory judgment claims)

Finkelstein, et al. v. TransAmerican, et al., 933 S.W.2d 591, 905 S.W.2d 412, (Tex. App.—San Antonio 1996, pet. denied) (overriding royalty dispute)