

Jack Luellen

Denver, CO
Special Counsel

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Areas of Practice & Industry Specialties
Energy & Natural Resources Law



Jack Luellen is a Special Counsel in the Firm's Denver office and a member of the Energy & Natural Resources practice group. He concentrates his practice on energy law, with a particular emphasis in oil and gas law, litigation and real estate law.

In his energy law practice, Mr. Luellen is an effective and strong advocate for oil and gas companies, representing interests in the E&P and midstream sectors. He is also involved in the resolution of industry-specific disputes concerning joint venture agreements, operations agreements, breach of contract, surface use and access issues, natural gas processing, construction defects, and payment and recovery of royalties. Mr. Luellen routinely negotiates, drafts and closes agreements for the purchase and sale of oil and gas assets, as well as surface use, processing, marketing, transportation and joint operations agreements. He frequently works with companies and capital providers in connection with debt and equity financings and related corporate governance matters, including corporate structure and formation. Mr. Luellen also counsels his clients on issues surrounding hydraulic fracturing and well-specific activities, such as subsurface trespass, environmental concerns, and insurance disputes.

Mr. Luellen provides strategic guidance on regulatory matters and represents clients before state regulatory agencies, including the Colorado Oil and Gas Conservation Committee, the North Dakota Industrial Commission, and the Utah Division of Oil, Gas and Mining. As a leading voice on current issues affecting oil and gas clients, he is a regular presenter at conferences and frequently leads discussions on topics such as hydraulic fracturing, water management, operations, transportation, and supply concerns.

Mr. Luellen's practice also includes all aspects of commercial and business litigation where he has successfully represented clients in a wide variety of matters including insurance coverage, breach of contract, intellectual property, real estate, and employment matters. He also has a developed bankruptcy law practice, assisting clients impacted by a bankruptcy filing, as well as companies seeking the protection of the bankruptcy laws.

Mr. Luellen was named to the "Who's Who in Energy" list in the *Denver Business Journal* from 2012–2017.

Representative Matters

Litigation

- Successfully moved to dismiss breach of contract claim against assignee of lessee where lessee's bonus payment check was dishonored
- Represented an operator in a dispute over the applicability or survivability of oil and gas leases
- Represented a party in connection with various claims and issues arising from coal bed methane operations

- Represented an operator in arguments before the Utah Supreme Court on behalf of the operator and the State of Utah, School and Institutional Trust Lands Administration on the construction of an eminent domain statute
- Defended a large operator from claims of property damage and trespass as a result of the construction of a section line roadway
- Defended a small operator from claims of breach of contract, fraud and breach of fiduciary duty brought by a minority interest owner following the operator's disposition of oil and gas properties
- Defended an operator from a claim for removal of the operator under a joint operating agreement based upon claims of negligent operations
- Represented defendant in litigation relating to the flaring of natural gas
- Represented state court receiver in bankruptcy proceeding instituted by trustee
- Successfully moved to dismiss claim against insurance agent for allegedly providing inadequate insurance coverage in procured policy

Transactions

- Represented E&P and midstream companies in securing private equity and debt financing in excess of \$1.5 billion total
- Represented a regional bank in the evaluation of a complex credit facility agreement and corresponding transaction documents in connection with a five-year, \$100 million credit facility led by a major U.S. bank for the benefit of a large oil and gas exploration and development company
- Provided due diligence services to a large oil and gas company in connection with the company's acquisition of Colorado Niobrara Shale assets
- Represented a client in securing financing to provide certain loans and extensions of credit for a mid-level, Colorado-based oil marketing and transportation company pursuant to a credit agreement, security agreement and other transaction documents with a major U.S. bank, and provided corporate services concerning company formation and management
- Represented company in securing \$30 million bank credit facility to fund multi-state operations
- Represented an equity provider in connection with the drafting and execution of a credit agreement, loan agreement and related transactional documents for the funding of an exploration and production company
- Represented several oil and gas operators in the negotiation, drafting and execution of a variety of oil and gas contracts and related documents, including joint operating agreements, oil and gas leases, surface use agreements and disposal well agreements

Reported Cases

- *Marion Energy, Inc. v. KFJ Ranch Partnership*, 2011 UT 50 (Utah 2011): argued on behalf of client operator and State of Utah, School and Institutional Trust Lands Administration regarding the scope of an eminent domain statute applicable to certain oil and gas operations. Court ruled against client relying on an alleged ambiguity in the statute. Utah's state legislature subsequently amended the statute to remedy the alleged ambiguity in a manner completely consistent with the client's position.
- *City of Aspen v. Kinder Morgan, Inc.*, 143 P.3d 1076 (Colo. App. 2006): successfully represented natural gas provider at the Court of Appeals which upheld the trial court's dismissal of a complaint for lack of subject matter jurisdiction. The plaintiff City's complaint asserted a number of purported claims relating to alleged mismeasurement of natural gas sold to mountain customers. Following this appeal, client was awarded attorney fees and that award was affirmed on appeal in an unpublished opinion.
- *Minnesota v. Kraushaar*, Minnesota Court of Appeals, Case No. C4-89-1762: decision date 8/9/1990; student attorney; conviction overturned.

Publications

- The Whys And Hows Of Forced Pooling, *Law360*, May 11, 2017
- Lifting The Ban Could Make US More Reliant On Foreign Oil, *Law360*, October 26, 2015

Webinars

- "Title Law in Nebraska," June 8, 2021
- "MS Word and Excel Tips and Tricks for Attorneys," March 19, 2021
- "The Title Commitment, Exceptions and Endorsements," March 2, 2021
- "MS Word, Excel and Outlook Skills and Shortcuts for Lawyers," December 21, 2020
- "Motions, Briefs, Discovery Requests and More: Drafting Tips and Pitfalls for Paralegals," December 9, 2020
- "Legal Writing, Case Document Organization, and MS Word Guide for Paralegals," June 30, 2020
- "Preparing for Trial: What Paralegals Need to Know," June 23, 2020
- "Becoming a Power User of MS Word and Excel: A Paralegal's Guide," February 12, 2020

Education

Mr. Luellen earned his J.D. from the University of Minnesota Law School, *cum laude*. He earned his B.S. in Political Science from Colorado State University *with high distinction*.

Bar Admissions

- Colorado
- California
- North Dakota
- Utah

Court Admissions

- Supreme Court of the United States
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the District of Colorado
- United States District Court for the District of Utah
- United States District Court for the District of North Dakota
- United States District Court for the Central District of California
- United States District Court for the Southern District of California
- United States District Court for the Northern District of California

Community

- Member, Colorado Bar Association (Natural Resources & Energy Law Section)

- Member, Denver Petroleum Club
- Member, Colorado State Bar
- Member, California State Bar
- Member, Utah State Bar
- Member, North Dakota State Bar