



## Robert Sutphin, Jr.

Partner

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**Robert effects winning strategies for clients involved in complex natural resources and oil and gas litigation, in state and federal courts, and before administrative agencies.**

### PRACTICES

Environmental and Natural Resources  
Environmental and Natural Resources  
Litigation  
Commercial Litigation  
American Indian Law

### INDUSTRIES

Energy and Resources  
Oil and Gas

### EDUCATION

University of New Mexico, J.D., 2000  
*cum laude*

Austin College, B.A., 1994

### BAR ADMISSIONS

New Mexico

Robert represents oil and gas producers in claims involving all aspects of their business, including royalty underpayment, marketing and valuation, allocation and balancing, unit and joint operating agreements, tax, surface owner and split estate disputes, and environmental matters – both statutory and common law. Robert specializes in class actions, participating in almost every major New Mexico royalty class action in the last 15 years. He also regularly advises clients in royalty litigation venued outside of New Mexico, including in Texas and Oklahoma. Robert and his team have recently defeated class certification in two royalty underpayment cases.

### EXPERIENCE

#### Environmental and Natural Resources Litigation

- General Commercial Litigation for the Energy and Resources Industry
- Oil and Gas Royalty
- Operational Disputes
- Surface and Title Disputes

### CLIENT RESULTS

**Robert has significant litigation experience, in particular with class actions and oil and gas valuation, including:**

Defeated class certification of royalty underpayment claims on NGLs. *Abraham v. WPX Energy Production, LLC*, 317 F.R.D. 169 (D.N.M. 2016).

Defeated class certification of royalty underpayment claims on post-production costs, NGLs and downstream pricing. *Anderson Living Trust v. WPX Energy Production, LLC*, 306 F.R.D. 312 (D.N.M. 2015).

Representing federal lessee against Office Natural Resources and Revenue in federal court litigation involving federal royalties. *ConocoPhillips Co. v. ONRR*, Civ. No. 16-486 (D.N.M. 2016).

Won seminal case for producer/lessees involving meaning of oil and gas leases with the State of New Mexico. *ConocoPhillips Co. & Burlington Resources Oil & Gas Co., LP v. Lyons, Commissioner of Public Lands*,

299 P.3d 844 (2012).

Obtained favorable settlement for taxpayer involving valuation of natural gas processed in non-arm's length transaction. *ConocoPhillips v. New Mexico Taxation and Revenue Department*, D-101-CV-2013-01893, First Judicial District Court, Santa Fe, New Mexico.

Represented multiple natural gas producers in class action alleging existence and application of so-called Marketable Condition Rule under New Mexico law. *Davis v. Devon Energy Corp.*, 218 P.3d 75 (2009); *Ideal v. Burlington Resources Oil & Gas Co., LP*, 233 P.3d 362 (2010).

Obtained Tenth Circuit ruling in favor of natural gas producers in royalty underpayment claims, resulting in the leading Tenth Circuit case on New Mexico private royalties. *Elliott Industries, L.P. v. BP America Production Co., et al.*, 407 F.3d 1091 (10th Cir. 2005).

### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- State Bar of New Mexico, Member