



## John Shepherd

Partner

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**John specializes in resolving disputes for oil and gas and mining clients.**

### PRACTICES

Environmental and Natural Resources  
NEPA, Public Lands, and Cultural  
Resources  
Environmental and Natural Resources  
Litigation  
Oil and Gas  
International Arbitration

### EDUCATION

University of Denver College of Law,  
J.D., 1979

Order of St. Ives

Dartmouth College, A.B., 1976  
*magna cum laude*

### BAR ADMISSIONS

Colorado  
District of Columbia  
Oklahoma

He handles litigation in virtually all aspects of the energy industry, including disputes over royalty payments, operating agreements, property acquisitions, gas measurement, gas balancing, indemnity claims, and challenges to permits to conduct operations on public lands. He also represents clients in administrative appeals before the U.S. Department of the Interior, the U.S. Forest Service, and the EPA, including challenges to penalties imposed by the Office of Natural Resources Revenue and the EPA.

John has substantial experience in arbitrations involving oil and gas issues. He has represented clients in arbitrations, testified as an expert witness, and served as an arbitrator.

In addition to litigation and arbitration, John counsels clients on a broad array of issues affecting resource development, including compliance with royalty obligations and laws governing approval of operations on federal and Indian lands.

John served on the firm's Management Committee from 2013-2015 and previously served as Chair of the firm's Natural Resource Department.

### CLIENT RESULTS

#### Representative Matters

Defend gas producers in class action royalty lawsuits in Colorado, Oklahoma, and New York – claims successfully settled or resolved

Defend challenges to class action royalty settlements – settlements upheld on appeal

Defend arbitration under Int'l Chamber of Commerce for oil and gas project in Cameroon – award for defense, including attorney fees

Defend claim for breach of implied covenant to explore and develop oil and gas in Colorado – jury verdict for defense

Defend carbon dioxide producers in qui tam lawsuits challenging federal royalty payments – all claims dismissed

Defend claim for indemnity related to oil and gas operations – summary

judgment for defense upheld on appeal

Successful resolution of lawsuit over ownership of rights in Haynesville Formation in Louisiana

Intervene in lawsuit challenging BLM approval of oil and gas project on federal lands – see, e.g., *Theodore Roosevelt Conservation P'ship v. Salazar*, 661 F.3d 66 (D.C. Cir 2011) (upholding Pinedale Anticline project)

Appeal of BLM decision denying beneficial use of fuel gas to run federal unit – *Wexpro Co.*, 174 IBLA 57 (2008) (reversing BLM)

Successful defense of gas balancing claims – *Doheny v. Wexpro Co.*, 974 F.2d 130 (10th Cir. 1992)

Gas measurement and royalty audits on federal, Indian, and fee lands

Advice on Indian and federal law aspects of oil and gas acquisitions

Navigated oil and gas and mining projects through NEPA review and permitting process

Appeal of ONRR royalty orders on federal and Indian lands

Defense and settlement of EPA civil penalty order

Emergency arbitration under International Chamber of Commerce

Serve as arbitrator in dispute over purchase of oil and gas properties in North Dakota

Serve as arbitrator in dispute over operating agreement in Colorado

## **PUBLICATIONS**

"National Environmental Policy Act (NEPA)," *Environmental Regulation, excerpted from the Second Edition of the American Law of Mining, Chapter 167*, Co-Author, 2018

"Holland & Hart Scores Win for Mancos Shale Oil & Gas Operators; No Drilling Moratorium During Well Approval Process," *Holland & Hart News Update*, Co-Author, 05/01/2018

"New Royalty Valuation Recommendations," *Holland & Hart News Update*, Co-Author, 03/02/2018

"ONRR Repeal of New Royalty Rules," *Holland & Hart News Update*, Co-Author, 8/09/2017

"ONRR Proposes New Valuation Rules for Affiliate Sales of Gas and Coal," *Holland & Hart News Update*, Co-Author, 1/12/2015

## **SPEAKING ENGAGEMENTS**

"Royalty Part II: Relationship Between Transportation, Marketing, and the

Royalty Clause," *Special Institute on Drafting and Negotiating the Modern Oil & Gas Lease*, Co-Presenter, May 2018

"Update to the Marketable Condition Rule," *Speaker, Federal and Indian Royalty Compliance Workshop*, Tulsa, OK, February, 2015

## RECOGNITION

- *5280 Magazine* Top Lawyers, Natural Resources, 2015-2019
- *The Best Lawyers in America*® Lawyer of the Year, Administrative/Regulatory Law – Denver, 2015, 2018
- *The Best Lawyers in America*® Lawyer of the Year, Natural Resources Law – Denver, 2020
- *The Best Lawyers in America*® Administrative/Regulatory Law, Energy Law, Litigation - Environmental, Natural Resources Law, 1995-2020
- Colorado Super Lawyers®, Energy & Natural Resources, 2006-2018
- *Who's Who in American Law*
- BTI Client Service All-Star, 2011

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Co-chair of public lands program for the Rocky Mountain Mineral Law Foundation's Annual Institute (2009)
- Executive Board, Institute for Energy Law (2006-2011)
- Natural Resources Distinguished Practitioner-in-Residence, University of Denver College of Law (1998)
- Trustee, Rocky Mountain Mineral Law Foundation (1993-1995)
- Chair, American Bar Association, Public Lands Committee (1991-1993)