

ALEX RITCHIE

Rocky Mountain Mineral Law Foundation
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CURRENT POSITION

Rocky Mountain Mineral Law Foundation, Westminster, Colorado (August 2017–present)

Executive Director

The Rocky Mountain Mineral Law Foundation is a collaborative, educational, non-profit organization dedicated to the scholarly and practical study of the laws and regulations relating to mining, oil and gas, energy, public lands, water, environmental and international law. Through our educational programs, we bring together lawyers, landmen, managers, consultants, government personnel, law faculty, students, and others involved in minerals, oil and gas, water, and other resources.

ACADEMIC EXPERIENCE

University of New Mexico School of Law, Albuquerque, New Mexico (August 2012–2018)

Associate Professor of Law and Karelitz Chair in Oil and Gas Law

Leon Karelitz Chair in Oil and Gas Law (August, 2012–present)

Associate Professor of Law (July 2015–July 2017)

Assistant Professor (August 2012–June 2015)

Courses: Oil and Gas Law, Advanced Oil and Gas Law Writing Seminar, Energy Law, Natural Resources Law, Property I, Business Associations, and Practicum

EDUCATION

University of Virginia, J.D., 1999

Managing Editor, *Virginia Tax Review*

Hardy Cross Dillard Fellow (teaching assistant – legal research and writing)

Virginia Trial Advocacy Institute

Georgetown University, 1993

B.S. in Business Administration,

Magna Cum Laude

ARTICLES

Property Provisions Of The Joint Operating Agreement: An Update For The New 2015 Form JOA (with Gary B. Conine), 50 TEXAS TECH L. REV. 489 (2018).

A Reexamination and Reformulation of the Habendum Clause Paying Quantities Standard Under Oil and Gas Leases, 3 Oil & Gas, Nat. Resources & Energy J. 977 (2017).

Developments in Oil and Gas Law, 68 OIL & GAS L. INST. 1 (2017).

Fracking in Louisiana: The Missing Process/Land Use Distinction in State Preemption and Opportunities for Local Participation, 76 LA. L. REV. 809 (2016).

Creatures of Circumstance: Conflicts Over Local Government Regulation of Oil and Gas, 60 ROCKY MNT. MIN. L. INST. 11-1 (2015).

On Local Fracking Bans: Policy and Preemption in New Mexico, 54 NAT. RES. J. 255 (2014).

How Boilerplate Can Bite, 50 ROCKY MTN. MIN. L. FDN. J. 243 (2014).

Scattered and Dissonant: The Clean Air Act, Greenhouse Gases, and Implications for the Oil and Gas Industry, 43 ENVTL. L. 461 (2013).

Form 5 LLC: A Modest Proposal for a Limited Liability Company Agreement Based on Form 5, 53 ROCKY MNT. MIN. L. INST. 13-1 (2007) (co-author).

Note: *Intermediate Sanctions: Controlling the Tax Exempt Organization Manager*, 18 VA. TAX REV. 1875 (1999).

BOOKS AND OTHER PUBLICATIONS

THE LAW OF OIL AND GAS: CASES AND MATERIALS (Foundation Press 10th ed. 2016) (with Martin, Kramer and Hall).

FORM 5 LLC – EXPLORATION, DEVELOPMENT AND MINING LIMITED LIABILITY COMPANY FORMS (Rocky Mtn. Min. L. Fnd. 2015) (Lead Drafter on Drafting Committee).

HANDBOOK OF DUE DILIGENCE CHECKLISTS FOR OIL AND GAS AND MINING TRANSACTIONS (Rocky Mtn. Min. L. Fnd. 2010) (co-author).

ANNUAL OIL AND GAS LAW UPDATE (Am. Bar Assn. and Rocky Mtn. Min. L. Fdn. J. 2013–2017, Mark Christensen, ed.) (New Mexico update author).

SELECTED PRESENTATIONS

“Property Provisions Of The Joint Operating Agreement: An Update For The New 2015 Form JOA,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: Joint Operations, Houston, Texas (December, 2017).

“A Reexamination and Reformulation of the Habendum Clause Paying Quantities Standard Under Oil and Gas Leases,” University of Oklahoma Oil and Gas Symposium (April 2017).

“2016 Developments in Oil and Gas Law,” Institute for Energy Law, 68th Annual Oil and Gas Law Conference, Houston, Texas (February 2017).

“Environmental Regulation of the Oil and Gas Industry: Overview and Recent Developments,” New Mexico Bar Association, Natural Resources, Energy and Environmental Law Section, Living With Turmoil in the Oil Patch: What It Means to New Mexico?, Albuquerque, New Mexico (December 2016).

“Property Provisions of the Joint Operating Agreement: An Update for the New 2015 Form JOA,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: Joint Operations, Houston, Texas (November 2016).

“Environmental Regulation of the Oil and Gas Industry,” Rocky Mountain Mineral Law Foundation, Institute for Energy Law and Energy and Mineral Law Foundation, Oil and Gas Law Short Course, Houston, Texas (October 2016).

“Recent Developments in the Environmental Regulation of the Oil and Gas Industry,” New Mexico Bar Association Annual Meeting, Santa Fe, New Mexico (August 2016).

“Transition Services Agreements,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: Purchase and Sale Agreements, Santa Fe, New Mexico (May 2016).

“The LLC Agreement: Management, Distributions and Related Alternate Provisions,” Rocky Mountain Mineral Law Foundation, Workshop on Mining Form 5 LLC: The New Exploration, Development and Mining Limited Liability Company Model Forms, Denver, Colorado (October 2015).

“Environmental Regulation of the Oil and Gas Industry,” Rocky Mountain Mineral Law Foundation, Institute for Energy Law and Energy and Mineral Law Foundation, Oil and Gas Law Short Course, Denver, Colorado (October 2015).

“Common Interests Created in Oil and Gas,” Rocky Mountain Mineral Law Foundation, Institute for Energy Law and Energy and Mineral Law Foundation, Oil and Gas Law Short Course, Denver, Colorado (October 2015).

“Fracking in the Bayou: Local Regulation of Oil and Gas in Louisiana, 62nd Louisiana Mineral Law Institute, Baton Rouge, Louisiana (March 2015).

“Local Regulation of Oil and Gas Activities,” New Mexico Bar Association, Oil and Gas: From the Basics to an In-Depth Study, Albuquerque, New Mexico (December 2014).

“Another Ethics Talk: Recent Changes to New Mexico Rules and Other Ethics Considerations,” New Mexico Bar Association, Natural Resources, Energy, and Environmental Law Section, Albuquerque, New Mexico (December 2014).

“Local Oil and Gas Regulation Panel Discussion,” University of New Mexico School of Law and Young Professionals in Energy, Energy Issue Roundtable, Albuquerque, New Mexico (November, 2014) (moderator and co-presenter) (conference organizer).

“Fracking in Your Neighborhood,” University of New Mexico School of Law, Faculty Colloquium Series (October 2014).

“Fracking in Your Neighborhood,” Louisiana State University Paul M. Hebert Law Center, Baton Rouge, Louisiana (September 2014).

“Trends in Local Regulation of Oil and Gas,” Independent Petroleum Association of New Mexico Annual Meeting, Albuquerque, New Mexico (August 2014).

“Local Regulation of Oil and Gas: A Panel Discussion,” Rocky Mountain Mineral Law Foundation Annual Institute, Vail, Colorado (July 2014) (moderator and co-presenter).

“Issues involving Local Regulation of Oil and Gas,” New Mexico Association of Professional Landmen, Roswell, New Mexico (May 2014).

“Oil and Gas Regulatory Issues,” New Mexico Institute of Mining and Technology, Socorro, New Mexico (April 2014).

“Basics of the Clean Air Act,” New Mexico Bar Association, Natural Resources, Energy and Environmental Law Section, Albuquerque, New Mexico (December 2013).

“Environmental Regulation of the Oil and Gas Industry,” Rocky Mountain Mineral Law Foundation, Institute for Energy Law and Energy and Mineral Law Foundation, Oil and Gas Law Short Course, Denver, Colorado (October 2013).

“How Contract Boilerplate Can Bite,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: Goods, Services and People, Santa Fe, New Mexico (May 2013).

“Greenhouse Gas Regulation of Oil and Gas and Mining Industries,” Rocky Mountain Mineral Law Foundation Special Institute on Air Quality Issues Affecting Oil and Gas and Mining Development in the West, Denver, Colorado (March 2013).

“New Federal Air Quality Developments Affecting Upstream Oil and Gas Operations,” New Mexico Independent Petroleum Association Annual Meeting, Albuquerque, New Mexico (August 2012).

“The Due Diligence Process and Its Impact on the Deal,” Rocky Mountain Mineral Law Foundation Special Institute on Due Diligence in Oil and Gas Transactions, Houston, Texas (May 2011).

“The New Draft Form 5 LLC Mining Joint Venture Operating Agreement and Related Agreements,” 56th Rocky Mountain Mineral Law Annual Institute, Banff, Alberta, Canada (July 2010) (co-presenter).

SERVICE

University of New Mexico Law School Committee Service

- Faculty Advisor, Natural Resources Journal (Fall 2014–Spring 2015)
- Natural Resources and Environmental Law Program Committee (Fall 2012–present) (chair, Fall 2015)
- Faculty Appointments Committee (Fall 2013–Spring 2016) (co-chair, Fall 2015–Spring 2016)
- Building and Safety Committee (Fall 2012–Spring 2013)
- Suspension, Retention, and Readmission Committee (Fall 2012–Spring 2014)

Getches-Wilkinson Center for Natural Resources Energy and the Environment

- Advisory Council (July 2017–present)

Colorado Bar Association, Natural Resources and Energy Law Section

- Council (July 2017–present)

Rocky Mountain Mineral Law Foundation

- Board of Directors (July 2016–July 2017)
- Trustee (July 2010–July 2017)
- Oil and Gas Co-Chair, 61st Annual Institute (program held July 2015)
- Special Institutes Committee (September 2010–July 2017)
- Bylaws Committee (July 2014–June 2015)
- Audit Committee (July 2013–July 2017)
- Co-Chair, Special Institute on Oil and Gas Agreements: Goods, Services and People (program held May 2013).
- Program Committee, Special Institute on Air Quality Issues Affecting Oil and Gas and Mining Development in the West (program held February 2013).
- Form 5 LLC Mining Joint Venture LLC Forms, Lead Drafting Committee (2008–2015). Committee selected to author comprehensive set of mining exploration, limited liability company agreement, and related joint venture forms and manual.
- Revised Form 7, Confidentiality and Non-Disclosure Agreement Committee (2009). Committee selected to revise industry standard confidentiality and non-disclosure agreement and manual.
- Program Committee, Special Institute on Due Diligence in Mining and Oil & Gas Transactions (2009–2010)

American Bar Association, New Mexico Oil and Gas Reporter (July 2013–July 2017)

State Bar of New Mexico, Natural Resources, Energy and Environmental Law Section, Board of Directors (January 2015–July 2017)

Institute for Energy Law, Center for American and International Law, Faculty Advisory Committee (August 2012–July 2017)

Leadership Denver, Metro Denver Chamber of Commerce (graduate Class of 2007)

Urban Peak, Board of Directors, Executive Committee, Human Resources Committee, Needs Assessment Committee, Drop-In Center Committee (2005–2009)

- Nationally-recognized non-profit providing shelters, transitional housing, a drop-in youth center, education, mental health and other services to homeless and at-risk youth
- Provided pro bono legal and governance representation in merger and reorganization of four non-profits into Urban Peak, including consolidation of five boards into a single board

Denver Mayor John Hickenlooper’s PJ Party to End Homelessness, Organizing Committee (2008–2009)

Second Annual Jim Bye Day of Volunteerism, Organizer (2008)

- Raised over \$20,000 and organized a day of volunteerism in a partnership with Mile High United Way with 175 volunteers donating time to charitable organizations

The Spot Youth Center, Board of Directors (February, 2002–2005)

- Non-profit providing a drop-in youth center to gang and other at-risk youth

PROFESSIONAL EXPERIENCE

Suncor Energy Inc. (NYSE: SU), Denver, Colorado Office (September, 2009–May, 2012)

U.S. Senior Legal Counsel

- Provide legal support for U.S. environmental and safety matters, including representation in compliance, inspection, investigation and other enforcement matters; legal developments tracking and implementation; and representation before the Environmental Protection Agency, the Colorado Air Quality Control Commission and other regulatory agencies
- Provide legal advice, drafting, negotiation and other support for various aspects of the U.S. upstream and downstream businesses, including acquisitions and divestitures; federal, state and private mineral rights and land use matters; major projects; employment and human resources matters; marketing, sales, supply, construction and other commercial transactions; production, property and income tax matters; and U.S. corporate board matters
- Manage various claims, disputes, litigation, arbitrations, governmental investigations and enforcement actions and settlements
- Manage outside counsel and consultants assisting with legal matters
- Assist with cross-functional matters such as U.S. policies and procedures implementation and compliance, and lobbying and community stakeholder issues

Holme Roberts & Owen LLP, Denver, Colorado (October, 2000–September, 2009)

Partner (Elected December, 2006)/Senior Counsel/Associate;

Natural Resources, Commercial Law & Securities Sections

- Oil & Gas/Mining/Natural Resources – representation of buyers, sellers and other parties in oil and gas, mining and alternative and renewable energy acquisition, divestiture, joint venture, merger and similar transactions ranging in size from under \$1 million to over \$1 billion, and in other oil and gas and mining transactional matters
- Securities – representation of issuers in securities offerings, including initial public offerings, private placements, secondary offerings under Rule 144, tender offers, subscription rights offerings, going private transactions and public and private debt offerings; advising clients on accounting and day to day disclosure requirements
- Banking and Finance – representation of both borrowers and lenders in sophisticated secured and unsecured financing transactions
- Commercial Arrangements – representation of clients in drafting and negotiating construction contracts, supply and marketing agreements, distribution and transportation agreements, services and other agreements, and in permit, bonding and licensing arrangements
- General Corporate – representation of clients in a broad range of industries, drafting and negotiating real estate and intellectual property agreements and advising on governance, disclosure, tax and other legal issues
- Litigation – Representation of clients in complex settlement arrangements

Hughes & Luce, L.L.P., Dallas, Texas (September, 1999–October, 2000)

Associate, Tax Section

- Representation of clients in a variety of corporate, partnership, and employee and employee benefits tax structuring and planning matters

KPMG, Washington, D.C. (July, 1993–June, 1996)

Senior Accountant/Staff Accountant, Assurance Section

- Managed large financial statement, ERISA compliance and regulatory compliance audit engagements primarily for non-profits and quasi-governmental entities; prepared financial statements, internal control reports and management letters

AWARDS/AFFILIATIONS

Order of the Coif

Colorado *Super Lawyer* Rising Star (2009)

Named one of five inaugural “Compleat Lawyers” in Colorado for public service and practice expertise by *Colorado Law Week Magazine* (2009)

American Bar Association, Colorado Bar Association, Texas Bar Association and Denver Bar Association

Former Certified Public Accountant