



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

Practice Areas

Oil and Gas Law
Litigation

As Chair of the Firm's Oil and Gas Practice Group, Robert's practice is exclusively devoted to the representation of landowners and royalty owners in oil and gas matters throughout the Commonwealth of Pennsylvania. Robert has extensive experience negotiating oil and gas leases for landowners and royalty owners. He also negotiates surface use agreements and pipeline right-of-way agreements. In addition, he advises and counsels clients on complex lease development and expiration issues, including the impact and effect of delay rental and shut-in clauses, as well as the implied covenants to develop and market oil and gas. Landowners and royalty owners throughout Pennsylvania also rely on Robert's effective and efficient representation in disputes arising out of the calculation of production royalties and the deduction of post-production costs. Robert also assists clients with oil and gas title issues, and helps develop strategies to resolve and cure such title deficiencies.

A prolific author and speaker on numerous oil and gas topics, Robert is a frequent lecturer at Pennsylvania Bar Institute oil and gas programs and currently serves on the Pennsylvania Bar Institute's "Oil and Gas Law Advisory Committee." He is also a contributing author of *The Law of Oil and Gas in Pennsylvania* (1st Ed. 2014), published by the Pennsylvania Bar Institute, and is a member of the Executive Committee of the Pennsylvania Bar Institute's premier oil and gas law program, the annual "Oil and Gas Law Colloquium."

Robert has been a member of the Board of Directors of the Pennsylvania Chapter of the National Association of Royalty Owners since 2012, and is an active member of its Legislative Committee. He also served on the "Siting and Routing" Workgroup of Governor Wolf's Pipeline Infrastructure Task Force in 2015.

Robert is also a retired officer from the United States Army.

Bar Admissions

- Commonwealth of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania
- Third Circuit Court of Appeals

Education

- Duquesne University School of Law, J.D.
Cum Laude, Member of the Law Review
- John Carroll University, B.A.
With Honors

Robert J. Burnett

Director
412-288-2221
rburnett@hh-law.com

page 2

Awards/Recognition

- BV[®] Rated, Martindale-Hubbell Peer Review Rating System
- Who's Who in Energy, Pittsburgh Business Times, 2011-2017

Professional Affiliations

- Member, Pennsylvania Bar Association's "Shale Energy Law Committee"
- Course Planner, Pennsylvania Bar Institute Oil and Gas Law Colloquium
- Member, National Association of Royalty Owners
- Director, Pennsylvania Chapter of National Association of Royalty Owners
- Member, Pennsylvania Independent Oil and Gas Association
- Member, Pennsylvania Bar Association (Civil Litigation Section and Environmental and Energy Law Section)
- Member, Allegheny County Bar Association

Speaking Engagements

- **Briggs and the Unsettled State of the Rule of Capture**
Washington County Winter Beach Bar
March 1, 2019 – Canonsburg, PA
- **Post-Production Costs and Royalty Litigation in Pennsylvania**
Town Hall Meeting
November 28, 2018 – Burgettstown, PA
- **Valuation of Oil and Gas Rights**
October 16, 2018 – Bridgeville, PA
- **Minimum Royalty and Pennsylvania Legislative Update**
Beaver-Lawrence County Farm Bureau Meeting
October 11, 2018 – New Castle, PA
- **Post-Production Costs and Royalty Litigation in Pennsylvania – An Update**
Pennsylvania Bar Institute
August 16, 2018 – Pittsburgh, PA
- **Recent Trends in Pennsylvania Royalty Litigation**
10th Annual Oil & Gas Law Colloquium – Pennsylvania Bar Institute
June 28-29, 2018 – Cranberry Township, PA
- **PA House Bill 557 and the Deduction of Post-Production Costs**
PA NARO Town Hall Meeting
May 15, 2018 – Burgettstown, PA
- **Briggs: Game-Changer for Subsurface Trespass Claims and Unconventional Drilling?**
Pennsylvania Bar Institute Webinar
May 3, 2018
- **Held by Production: When is a Lease Actually Held?**
North Carolina Pennsylvania Realtors Association quarterly meeting
April 10, 2018 - Wellsboro, PA
- **The Myth of Held by Production: How and Why Leases can be Extended Without a Producing Well**
PA NARO Annual Convention
March 21-23, 2018 – State College, PA
- **Residential Real Estate and the New OGM Addendum Forms**
Berkshire Hathaway Home Services
March 13, 2018 – Butler, PA
- **Held by Production: When is a Lease Actually Held?**

Robert J. Burnett*Director*

412-288-2221

rburnett@hh-law.com

*page 3*Town Hall Meeting
January 30, 2018 – Liberty, PA

- **The New Pennsylvania Association of Realtors' Oil/Gas Forms: What Real Estate Agents Need to Know**
Berkshire Hathaway Home Services
January 23, 2018 - Cranberry, PA
- **HB 557 and the Deduction Of Post-Production Costs**
PA NARO Town Hall Meeting
December 11, 2017 – Claysville, PA
- **The New Pennsylvania Association of Realtors' Oil/Gas Forms: What Real Estate Agents Need to Know**
Berkshire Hathaway Home Services
November 8, 2017 - Pittsburgh, PA
- **Municipal Leasing of Oil and Gas Rights**
Washington County Association of Township Officials Annual Convention
October 5, 2017 – Washington, PA
- **PA Legislative Update: HB 557 and the Deduction Of Post-Production Costs**
PA NARO Town Hall Meeting
October 2, 2017 – Burgettstown, PA
- **The New Pennsylvania Association of Realtors' Oil/Gas Forms: What Real Estate Agents Need to Know**
September 21, 2017 – Bethel Park, PA
- **PA House Bill 557 and the Deduction of Post-Production Costs**
PA NARO Town Hall Meeting
May 15, 2017, Burgettstown, PA
- **Equitable Distribution Of Oil, Gas And Mineral Rights**
Allegheny County Bar Association Family Law Section
May 8, 2017 – Pittsburgh, PA
- **The Impact of Marcellus Shale on Residential Real Estate: What Real Estate Agents Need to Know**
Butler County Association of Realtors
April 20, 2017 – Butler, PA
- **The Robinson Township Decision and a Heightened Standard of Care For Municipal Leasing**
Greene County Association of Township Officials
April 10, 2017 – Waynesburg, PA
- **Unique and Complicated Issues That Confront Realtors in Completing the OGM addendum**
November 15, 2016 – North Central Pennsylvania Board of Realtors – Wellsboro, PA
November 10, 2016 – Berkshire Hathaway Home Services – Peters Township, PA
October 17, 2016 – Berkshire Hathaway Home Services – Castle Shannon, PA
- **Municipal Ownership and Regulation of Oil & Gas – Are you Wearing Two Hats?**
Allegheny County and Western Pennsylvania Association of Township Commissioners Annual Conference
September 17, 2016 – Seven Springs, PA
- **HB 1391**
PA NARO Town Hall Meeting
September 13, 2016 – Washington, PA



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 4

- **The Impact of Marcellus Shale on Residential Real Estate: What Real Estate Agents Need to Know**
August 24, 2016 – Bethel Park, PA
- **Oil and Gas Title Law A-Z**
National Business Institute
June 15, 2016 – Pittsburgh, PA
- **Shale Energy Leadership Organization Summit II**
April 28, 2016 – Hermitage, PA
- **Streams, Roads and Railroads: Who Owns the Oil and Gas Rights Anyway?**
2016 PA NARO Annual Convention
March 30 – April 1, 2016 – State College, PA
- **Ultimate Guide to Oil and Gas Title Law**
National Business Institute
December 9 – 10, 2015 – Mechanicsburg, PA
- **Hydraulic Fracturing, Horizontal Drilling and the Modern Oil Lease**
Hydraulic Fracturing, Horizontal Drilling and Development of the Marcellus Shale – The Seminar Group
November 18, 2015 – Pittsburgh, PA
- **Current Litigation Issues Concerning Post-Production Costs**
2015 National Association of Royalty Owners 35th Anniversary National Convention
October 15 – 17, 2015 – Las Vegas, NV
- **Bad Faith Pooling**
7th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
September 24, 2015 – Pittsburgh, PA
- **Property Rights: Lessor/Lessee Disputes**
Hydraulic Fracturing Disputes and Litigation – Half Moon Seminars
August 28, 2015 – Pittsburgh, PA
- **Emerging Issues in PA Oil/Gas Law: Act 66/Forced Pooling, Post Production Costs, Sabella Decision**
PA NARO Town Hall Meeting
May 27, 2015 – Washington, PA
- **Marcellus Shale: Where are we now?**
California University of Pennsylvania
April 16, 2015 – Cal U Center for Innovation
- **Oil and Gas Law Update: Recent Decisions Impacting Oil and Gas Practice**
Pennsylvania Bar Institute
April 2, 2015 – Live Webinar
- **Facing the Challenges**
2015 PA NARO Annual Convention
March 26-27, 2015 – State College, PA
- **The Attorney's Guide to the Oil and Gas Lease**
Pennsylvania Bar Institute
February 10, 2015 – Mechanicsburg, PA
February 26, 2015 – Pittsburgh, PA
- **Fuel Yourself with Knowledge**
PA NARO
January 24, 2015 – West Middlesex, PA
- **Marcellus Shale for Landowners' Representatives**
California University of Pennsylvania
December 12, 2014 – Cal U Center for Innovation
- **Oil and Gas Leases in the Era of Horizontal Drilling and**



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 5

Hydraulic Fracturing

West Coast Landman's Institute

October 22-24, 2014 – Las Vegas, NV

- **Oil and Gas Leases in the Era of Horizontal Drilling and Hydraulic Fracturing**
Texas Land Institute
September 22, 2014 – Houston, TX
- **Gas Lease Termination Issues**
YPE Energy Training Series
June 5, 2014 – Washington, PA
- **Emerging Issues in Pennsylvania Oil & Gas**
Pennsylvania Association of Realtors – Shale Gas Summit
April 24 - 25, 2014
- **HB 1684**
The David Madiera Show on 94.3 FM "The Talker"
March 8, 2014 – State College, PA
- **Lease Expiration and Termination Issues**
2014 NARO PA Convention
March 27-28, 2014 – State College, PA
- **Hydraulic Fracturing Issues in Oil & Gas Leases**
3rd Annual Hydraulic Fracking Conference – The Seminar Group
February 27-28 – Santa Barbara, CA
- **Leasing and Lease Extensions**
Best of the Oil and Gas Law Colloquium – Pennsylvania Bar Institute
January 23, 2014 – Pittsburgh, PA
- **Mineral Leasing, Surface Use 'Watch the Fine Print'**
2013 NARO National Convention
October 31, 2013-November 2, 2013 – Columbus, OH
- **Emerging Issues in PA Oil/Gas Law**
Allegheny Chapter CPCU Society All Industry Day
October 16, 2013 – Pittsburgh, PA
- **Oil & Gas Leases in Era of Horizontal Drilling**
2nd Annual AAPL Appalachian Land Institute
October 3-4, 2013 – Morgantown, WV
- **Senate Bill 259**
The MoneyLine Show with Host George Dukovich on 104.7 FM
September 21, 2013 – Pittsburgh, PA
- **Leasing and Lease Extensions**
5th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
September 17-18, 2013 – State College, PA
- **Senate Bill 259**
Radio Smart Talk with Host Scott Lamar on WITF Radio 89.5 and 93.3 FM
July 15, 2013 – Pittsburgh, PA
- **We Know the Drill**
PA Gas Expo 2013
June 26, 2013 – Indiana, PA
- **Oil & Gas Leases in Era of Horizontal Drilling**
4th Law of Shale Plays Conference
June 6-7, 2013 – Fort Worth, TX
- **The Implied Covenant to Market Gas vs. The Shut-In Royalty Clause: How Long Can the Well Be Shut-In?**
2013 NARO PA Convention
March 28-29, 2013 – State College, PA
- **Implied Covenants**

Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 6

Best of the Oil and Gas Law Colloquium - Pennsylvania Bar Institute
January 29, 2013 – Pittsburgh, PA

- **Marcellus Shale: Practical and Complex Tips for the Family Law Dealing with Mineral Rights**
Pennsylvania Bar Association Family Law Section
January 18-20, 2013 – Pittsburgh, PA
- **Emerging Oil/Gas Issues**
The MoneyLine Show with Host George Dukovich on 104.7 FM
October 28, 2012 – Pittsburgh, PA
- **Emerging Issues in PA Oil/Gas Law**
The Marcellus Shale Seminar Series
October 10, 2012 – Greensburg, PA
- **Implied Covenants**
4th Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
September 11-12, 2012 – State College, PA
- **We Know the Drill: You Don't Know What You Don't Know and Issues Related to Newly Enacted Act 13**
PA Gas Expo 2012
July 25, 2012 – Indiana, PA
- **Emerging Issues in PA Oil/Gas Law**
July 19, 2012 – Grove City, PA
- **Oil/Gas Lease Termination Issues**
The "Morning Show" with PJ Maloney, KQV Radio 1410 AM
June 27, 2012 – Pittsburgh, PA
- **Emerging Issues in Pennsylvania Oil/Gas Law**
Northeast Pennsylvania Board of Realtors (Tioga County)
June 21, 2012 – Wellsboro, PA
- **Lease Termination Issues**
Blossburg Landowners Meeting
June 7, 2012 – Blossburg, PA
- **Conveyance and Interpretive Matters Involving Estates & Trusts**
Gas Leases and Estate Planning Techniques to Protect the Future of Your Client's Mineral Rights – Pennsylvania Bar Institute
May 9, 2012 – Pittsburgh, PA
- **Recent and Emerging Oil/Gas Issues**
The MoneyLine Show with Host George Dukovich on KQV Radio 1410 AM
April 21, 2012 – Pittsburgh, PA
- **Implied Covenants Under Pennsylvania Law**
2012 NARO PA Convention
March 23, 2012 – State College, PA
- **Basics of Oil/Gas Leasing**
Fundamentals of Oil/Gas Law – Pennsylvania Bar Institute
March 14, 2012 – Pittsburgh, PA
March 9, 2012 – Mechanicsburg, PA
- **Implied Covenants**
Best of the Oil and Gas Law Colloquium – Pennsylvania Bar Institute
January 18, 2012 – Pittsburgh, PA
- **Implied Covenants**
3rd Annual Oil and Gas Law Colloquium – Pennsylvania Bar Institute
September 21, 2011 – Pittsburgh, PA

Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 7

Publications

- **Claim Based on Covenant to Market Gas to Move Forward in Texas Class Action Claim**
- **West Virginia Jury Finds That EQT Improperly Calculated Landowners' Royalty on Shale Gas**
October 2018
- **Pennsylvania Superior Court Rejects Rule of Capture in Subsurface Trespass Suit**
April 2018
- **West Virginia Moves to Prohibit Deductions Which Reduce Net Royalty Below 12.5%**
March 2018
- **Tenth Circuit Rules That Obligation to Pay Royalty on Fuel Gas Depends on Lease Language**
February 2018
- **Ohio Supreme Court Declines to Recognize Implied Covenant of Further Exploration**
January 2018
- **New Legislation May Allow Drillers to Revive Expired Oil and Gas Leases**
November 2017
- **Federal District Court in Ohio Rules That Chesapeake Did Not Breach Lease When it Deducted Costs From Royalty**
November 2017
- **West Virginia Jury Awards Damages to Surface Owner for Unauthorized Well Pad**
September 2017
- **New Royalty Bill HB 1708 Will Not Help Pennsylvania Landowners**
August 2017
- **Claim Based on Implied Covenant to Market Gas to Move Forward in Federal Royalty Litigation**
July 2017
- **Non-Producing Oil and Gas Lease Deemed Abandoned by the Pennsylvania Superior Court**
May 2017
- **Why the New Minimum Royalty Bill is Constitutional and Good for Pennsylvania**
April 2017
- **Landowners Beware: Warranty Clause in Oil and Gas Lease Can Obligate Landowner to Repay Signing Bonus**
March 2017
- **West Virginia Supreme Court to Reconsider Landmark Decision in Leggett v. EQT Production Company**
February 2017
- **The Difference Between a "Royalty" and a "Royalty Interest" Can Be Confusing and Costly For Landowners**
December 2016
- **West Virginia Supreme Court Declares that Minimum Royalty Statute Does Not Authorize the Deduction of Post-Production Costs**
December 2016



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 8

- **Ohio Supreme Court Declines to Adopt Blanket “At the Well” Rule**
November 2016
- **HB 1391: Putting Teeth Back in Pennsylvania’s Minimum Royalty Statute**
August 2016
- **Pooling Clause Not Necessary: West Virginia Court Finds Implied Right to Pool Exists Where Lease Silent**
May 2016
- **Driller Has No Obligation to Pay Royalty on Lost Gas**
May 2016
- **Pennsylvania Landowners May Not Own Oil and Gas Rights Under Rivers and Streams**
April 2016
- **Federal Court in Pittsburgh Questions Applicability of Kilmer Decision**
March 2016
- **Ohio Supreme Court Observes That Driller Cannot Maintain Lease Indefinitely by Paying Delay Rentals**
February 2016
- **Is the Implied Covenant of Reasonable Development Irrelevant?**
PA Law Weekly – October 20, 2015
- **Court Rules Severance Tax Does Not Increase Value Of Shale Gas, Therefore Not A Deductible Post-Production Cost**
September 2015
- **Landowners May Face Difficult Burden Regarding Intermingled Gas**
PA Law Weekly – August 11, 2015
- **Legislation Revived to Protect Royalty Owners in Pennsylvania**
June 24, 2015
- **A Possible Blueprint for Landowners Challenging Pipeline Companies**
PA Law Weekly – June 16, 2015
- **Abandoned Oil and Gas Wells – More Than Just a Rusty Eyesore**
May 2015
- **Not All is Quiet on the Quiet Title Front**
PA Law Weekly – February 9, 2015
- **Good News for Landowners Means Bad News for Trespassers**
PA Law Weekly – December 16, 2014
- **PUC Decision Suggests Pipeline Operator Has Public Utility Status**
PA Law Weekly – October 28, 2014
- **Local Zoning Ordinances May Hinder Oil/Gas Development**
October 2014
- **Pipeline Operators: Public Utility or Pipeline Futility**
PA Law Weekly – August 19, 2014
- **How a well-meaning natural gas law turned into a headache for landowners**
pennlive.com/The Patriot News – July 28, 2014
- **Pa. Should Clarify Its Approach to Post-Production Costs**
PA Law Weekly – June 17, 2014
- **Superior Court Breathes New Life Into Guaranteed Minimum Royalty Act**
PA Law Weekly – February 25, 2014



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 9

- **Failure to Tender Production Royalty Did Not Trigger Forfeiture Clause**
PA Law Weekly – December 31, 2013
- **Is Pa. Becoming a First-Marketable-Product Jurisdiction?**
PA Law Weekly – October 15, 2013
- **The Status Quo Restored. The background of the decision that put the ‘Dunham Rule’ back in place.**
The Pennsylvania Lawyer – September/October 2013
- **Has Forced Pooling Come to Pennsylvania With SB 259?**
PA Law Weekly – August 13, 2013
- **Pennsylvania Superior Court Rules Driller had no Implied Obligation to Develop Deeper Formations**
July 2013
- **Not Your Father’s Oil and Gas Lease**
June 2013
- **Marcellus Shale Gas is Not a Mineral. What Does This Mean for Lease-holders?**
April 2013
- **Can the Payment of a Shut-In Royalty Maintain an Oil/Gas Lease Indefinitely?**
October 2012
- **Federal Court in Scranton Rules That Litigation Filed by Landowner Did Not “Repudiate” the Lease**
August 2012
- **Federal Court Rules that Assignment of Oil/Gas Lease May Not Extinguish Liability of Original Lessee**
August 2012
- **Federal Court in Pittsburgh Allows Lease Cancellation Suit to Move Forward**
May 2012
- **Who’s Entitled to Free Gas?**
January 2012
- **Preliminary Operations Not Enough To Extend Lease into Secondary Term**
December 2011
- **Non-Production During Secondary Term Results in Termination of Lease**
November 2011
- **Subsurface Trespass – Can They Take the Gas Under My Property Without a Lease?**
July 2011
- **Adverse Possession – Can Surface Owner Acquire Title to Gas Formations by Mere Passage of Time?**
June 2011
- **The Accommodation Doctrine: Balancing the Interests of the Surface Owner and the Mineral Owner**
April 2011
- **Temporary Cessation of Production: How much time does a producer have under Pennsylvania law?**
March 2011
- **To Drill or Not to Drill – Does Pennsylvania Recognize an Implied Covenant of Further Exploration?**
February 2011



Robert J. Burnett

Director

412-288-2221

rburnett@hh-law.com

page 10

Representative Engagements

- Representation of school district in negotiating non-surface access oil/gas lease.
- Representation of Fortune 500 company in connection with title dispute arising out of ownership of oil/gas estate.
- Representation of family limited partnership in negotiating oil/gas lease with parcel in excess of 1,500 acres.
- Representation of landowner in litigation with contaminated water supply caused by nearby drilling operations.
- Representation of landowner in pipeline eminent domain action arising under the Natural Gas Act.
- Representation of mineral owners in quiet title action against a surface owner claiming title to hydrocarbons through adverse possession.
- Representation of landowner with 1400 acres in dispute with gas operator regarding bad faith pooling.
- Representation of landowner in connection with water contamination claims caused by adjacent drilling operations.
- Representation of an equipment supply company in a dispute with a gas operator regarding surface access rights.
- Representation of a landowner who faced mine subsidence, contaminated water and other environmental concerns and successfully negotiated a revised lease with the gas company and the coal company.
- Representation of landowner with 4,000+ acres in dispute with gas operator regarding lease expiration.
- Representation of landowner in lease litigation regarding the proper application of shut-in royalty clause and other lease-saving mechanisms.
- Representation of landowner with 4,000+ acres in dispute regarding the application of the gas storage clause and the ability to hold lease beyond primary term.
- Representation of landowner in dispute with gas operator regarding a sub-surface trespass occasioned by horizontal drilling.