



## MICHELLE SCHEFFLER

Partner

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**PRACTICES:** Litigation, Oil and Gas Litigation, Energy Litigation, Oil and Gas, Energy, Power and Natural Resources; **TRENDING ISSUES:** Energy Roundup

### HOUSTON

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### EDUCATION AND CLERKSHIPS

- J.D., University of Houston Law Center, 2006, *magna cum laude*; Order of the Barons; Notes and Comments Editor, *Houston Law Review*
- B.S., University of Houston, 2003, *summa cum laude*; Dean's list

### ADMISSIONS

- Texas
- North Dakota
- Oklahoma

### COURT ADMISSIONS

- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the

Michelle Prejean Scheffler is a solutions-oriented trial lawyer who counsels clients in complex commercial litigation matters. While Michelle's practice focuses primarily on clients in the oil and gas industry, she also handles trial and appellate matters in a wide variety of fields involving contract disputes, property rights and business torts. Michelle regularly represents clients in multimillion-dollar lawsuits in both state and federal courts across the country.

In her oil and gas practice, Michelle represents major integrated oil and gas companies, privately-owned independents and equity investors in a wide range of matters including cases arising under operating agreements, lease termination disputes, royalty litigation, and complex title disputes. Michelle also provides pre-litigation counsel to her oil and gas clients, and advises on litigation risk for oil and gas transactions.

Additionally, during her time seconded to the commercial litigation group of one of the world's largest oil and gas companies, Michelle gained not only subject-matter experience, but unique insight into in-house counsel and business concerns, making her a more effective advocate for her clients.

Michelle takes a common-sense, business-oriented approach to each case whether it requires a strongly-negotiated settlement, or the aggressive defense or prosecution of her client's claims. Her experience continues to be recognized by clients and colleagues. Michelle was profiled as one of the leading Energy Litigation lawyers in the United States by *U.S. Legal 500*, Legalease (2016), and has been named to *Benchmark Litigation's* "Hot Under 40" List, Euromoney Institutional Investor PLC (2017-2021), *Benchmark Litigation's* "Future Star" List, Euromoney Institutional Investor PLC (2021) and as one of 2020's Top 50 Women in Oil and Gas by the National Diversity Council.

### Selected Client Representations

- In the United States District Court for the District of Colorado, representing producer client in putative class action alleging royalty underpayment on leasehold in Oklahoma.
- In the Supreme Court of North Dakota and the District Court of McKenzie County, North Dakota, representing producer client in alleged royalty underpayment claims by the State of North Dakota.
- In the United States Bankruptcy Court, District of Delaware, representation of midstream company in adversary proceeding to uphold its gas gathering agreements

- District of Colorado
- U.S. District Court for the Eastern District of Louisiana
- with bankrupt producer.
- In the 333rd District Court of Harris County, Texas, defending oil and gas major in multi-plaintiff case arising out of alleged incident at chemical plant.
- In the 96th Judicial District Court of Tarrant County, Texas, representing producer client in multi-district litigation by plaintiffs alleging royalty underpayment.
- In the 441st District Court of Midland County, Texas, defended non-operating working interest owner against operator for negligence in operation of well that allegedly caused salt water migration and damage to adjacent wells, negotiating a favorable settlement.
- In the 236th Judicial District Court of Tarrant County, Texas, represented producer client in dispute with municipality over drilling commitment, currently on appeal.
- In the 96th Judicial District Court of Tarrant County, Texas, represented producer client in joint development dispute, negotiating a favorable settlement.
- In the District Court of Dallas County, Texas, represented non-operating working interest owner in partner dispute under Participation Agreement, negotiating favorable settlement.
- In the 112th Judicial District of Upton County, Texas, representing operator against non-operating working interest owner for breach of Joint Operating Agreement.
- In the Second Judicial Circuit of West Virginia, obtained summary judgment for international oil and gas company in complex title case affirming client's title to mineral interests in Tyler, County West Virginia. Summary judgment was then affirmed by the Supreme Court of West Virginia.
- In the District Court of Robertson County, Texas, defense of international oil and gas company in area of mutual interest claim.
- In the United States District Court for the District of Colorado, obtained summary judgment for oil and gas clients on area of mutual interest claim, summary judgment was affirmed by the 10th Circuit.
- In the District Court of Harris County, Texas, defense of international oil and gas company in dispute over alleged farmout brokerage agreement.
- In the District Court for Arapahoe County, Colorado, defense of producer in lease termination dispute.

**Professional Recognition**

- Recognized in *Texas Super Lawyers*, Thomson Reuters, 2020
- Recognized on the "Future Star" List, *Benchmark Litigation*, Euromoney Institutional Investor PLC (2021)
- Named one of 2020's Top 50 Women in Oil and Gas by the National Diversity Council
- Recognized on the "Under 40 Hot List," *Benchmark Litigation*, Euromoney Institutional Investor PLC, 2017-2021
- Profiled as one of the leading Energy Litigation lawyers in the United States, *The US Legal 500*, Legalease, 2016
- Recognized in *Texas Super Lawyers Rising Stars*, Thomson Reuters, 2016

**Professional and Community Activities**

- The Institute for Energy Law, Executive Committee Member, Chair of Member

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Engagement Committee

- Texas Bar Foundation, Fellow and Member of Nominating Committee, District 4
- Texas Diversity Council, Board of Directors
- Women's Energy Network
- Houston Bar Association
- Houston Young Lawyers Association
- Texas Young Lawyers Association, Board of Directors, 2014-2016

**Selected Publications and Speeches**

- "Distressed Oil and Gas Finance," presenter, Denver Petroleum Club, April 23, 2020.
- "Hot Topics in Oil & Gas Litigation - Multi-State," speaker, 50th Annual - HAPL Technical Workshop, Houston, Texas, April 23, 2019.
- "Energy, Oil and Gas Update," speaker, TexasBarCLE's Advanced Civil Trial Course 2018, Houston, Texas, October 24, 2018.
- "The Evolving Law of Lease Termination," presenter, client presentation, February 23, 2017; June 27, 2016.
- "When the Top May Not be the Best: The Evolving Law of Oil and Gas Lease Termination," presenter, 12th Annual *Texas Journal of Oil, Gas, and Energy* Law Symposium, February 10, 2017.
- "The Ten Commandments of Drafting and Enforcing Indemnity Clauses and Additional Insured Provisions," presenter, Case in Point Webinar Series, August 8, 2017.
- "Oilfield Anti-Indemnity Statutes," presenter, client presentation March 29, 2017.