



# Regional Perspectives: The Permian Basin

BY MICHAEL JAY WILLSON

**B**ooks, articles, and television shows have chronicled three years of worldwide economic turmoil — turmoil that has adversely affected millions of Americans from all walks of life, including those in the legal profession. Although not immune to this turmoil, Texas has fared better than other states. In West Texas, the price of oil often serves as a barometer not only of the local economy, but of the vibrancy of law practice for many lawyers.

West Texas, which comprises a large portion of the Permian Basin, has had its own share of dramatic “booms” and “busts.” Local lawyers assisting fellow West Texans have had their share of those ups and downs. But what of the West Texas economy today? The consensus, after speaking with several lawyers, is that a dramatic drop in oil prices and oil field activity in 2009, combined with historic stock market and larger financial declines, may have initially affected our practices, but with resurgent oil prices and oil field activity, most practice areas are experiencing growth.

Oil and gas title and transaction lawyers have plenty of work. Former Midland Mayor Mike Canon, a private practitioner, described the Permian Basin economy as “robust” and said that there is a “significant need for high-quality title work.” Bill Howard and Albert Sherman, both oil and gas lawyers and shareholders in Cotton, Bledsoe, Tighe & Dawson, P.C. in Midland, echoed former Mayor Canon’s thoughts. They indicated that they and others remain quite busy with oil and gas title and transaction work.

Midland patent lawyer Ken Matticks, a partner in the trademark and patent boutique of Matticks and Eastham, said that he observed an initial decrease in patent and trademark work but, as the local economy has strengthened, more people in the oil patch are concerned about protecting their intellectual property. This has been especially true, Matticks says, where clients’ intellectual property is exploiting new efficiencies in oil and gas development.

Former State Bar President Harper Estes remarked that unlike oil and gas title work, he has seen some recent decline in commercial litigation and attributed the trend to an aversion to litigation in favor of more lucrative energy development. Likewise, Clark Lea, an employment law lawyer and a shareholder in Cotton Bledsoe in Midland, said that the strong economy has provided work opportunities and low unemployment,

which translates into fewer claims.

Mike Tighe, of McKinney and Tighe in Midland, has said that he saw a slight decline in personal injury defense work, but that it has increased recently and is steady today. Tighe said that auto accidents occur whether the economy is up or down, but oil field accidents, and their related lawsuits, tend to decline when the oil field activity is low. Tighe said increased activity has brought an increase in accidents, but he thought an increased emphasis on safety would cause personal injury suits in the oil patch to level off in the future.

Criminal law, family law, and bankruptcy also have seen their share of work decreases and increases. Woody Leverett, a criminal defense lawyer in Midland, said that his practice has seen a decrease in paying criminal defense cases, but a significant increase in court-appointed criminal cases. Midland Police Department Lt. Ray Lieble noted that although property crimes were down almost 4 percent since last year, he had seen an increase in domestic violence, which was confirmed by local district judges. As a West Texas project chair for Texas Lawyers for Texas Veterans, I saw an increase in family law cases at the five November clinics held in the area. Neal Allen, a bankruptcy lawyer in Midland, noted that business Chapter 11 cases also declined, but his work in Chapter 7 and 13 filings has surged.

Estate and tax planning appears to remain steady in West Texas whether the economy is up or down. Jerry Zant, another shareholder in Cotton Bledsoe who is certified in estate planning by the Texas Board of Legal Specialization, said that the economic downturn and loss of investment value led some to seek strategies for transferring assets at lower transfer tax values. He said uncertain federal estate and tax law may have spurred others to seek legal help to protect their interests. Overall, Zant said, the estate and probate work is steady in West Texas despite the booms and busts, which is a view shared by others in this practice area.

**Michael Jay Willson,**

a former U.S. Air Force instructor navigator, is a shareholder and trial lawyer in Cotton, Bledsoe, Tighe & Dawson, P.C. in Midland.