



PHILIP D. HART
OF COUNSEL

(405) 235-9621 **PHONE**
(405) 235-0439 **FAX**
philip.hart@mcafeetaft.com

McAfee & Taft
Leaders in Creating Legal Solutions®

TENTH FLOOR
TWO LEADERSHIP SQUARE
211 N. ROBINSON
OKLAHOMA CITY, OKLAHOMA 73102
www.mcafeetaft.com

BIOGRAPHY

For more than 30 years, Phil Hart has centered his practice on oil and gas litigation and on an appellate practice that spans the spectrum of civil litigation. As indicated by some of the examples below, he has been retained in several instances exclusively as an appellate specialist.

Phil's expertise and achievements have earned him continuous recognition in *The Best Lawyers in America* (energy law, natural resources law, oil and gas law) since its inaugural edition in 1989. In fact, he was one of only eight lawyers in Oklahoma to be initially named to the publication's Mineral and Environmental Law section.

Subjects considered in papers that Phil has prepared and presented at oil and gas seminars include implied covenants, practice before the Oklahoma Corporation Commission, well participation, and the nature and extent of an operator's duties to non-operators. Law review publications include book reviews and an article considering the nature and extent of non-operator parties' liability to third-party creditors. Most recently, in October 2010, he presented a paper at the Kuntz Conference on Natural Resources and Policy, entitled: "The Red River Divide: Fundamental Differences between Oklahoma and Texas Oil and Gas Law."

In recognition of his contribution to natural resources law and policy, in 2000 Phil received the Eugene Kuntz Award presented by the University of Oklahoma College of Law.

REPRESENTATIVE EXPERIENCE

Administrative Law

- Succeeded in obtaining an Oklahoma Supreme Court decision rejecting the Oklahoma Tax Commission's narrowly drawn regulations as to the scope of the "manufacturer's exemption" from sales taxes, and necessitating new regulations to comport with the court's decision.
- Obtained affirmance of hospital board's revocation of physician's hospital privileges, vindicating board discretion and adherence to its procedural rules.

Business Litigation

- Principal author of all motions and briefs upon firm's entry into a case at the post-trial motion stage in a distributorship termination dispute in which the firm was successful in obtaining a judgment n.o.v. that was upheld on appeal, overturning jury's award of \$700,000 on distributor's tort claim and claim for punitive damages.
- Appellate counsel for defendant company's principals in a case tried by another firm, in obtaining affirmance of trial court's rejection of plaintiffs' attempt to pierce the corporate veil.

- Won reversal of district court's denial of electric cooperative's request that its competitor, a public utility company, be enjoined from providing electric service to residents of city on basis of permit issued by city's governing body rather than having obtained a voter-approved franchise, with instructions to district court on remand to grant the injunction.

Healthcare Law

- Assisted in obtaining a highly favorable settlement for the defendant assisted living facility in wrongful death action, following entry into the case at the post-trial stage.

Oil and Gas Law

- Won reversal of a \$4.7 million judgment in an oil and gas joint operating agreement preferential right of purchase dispute by showing that the trial court had failed to properly instruct the jury.
- Lead attorney in suit for non-operator party to joint operating agreement in successfully challenging operator's attempt to make a profit in providing CO² for tertiary recovery joint operations.
- Succeeded in obtaining Oklahoma Supreme Court writ of certiorari to the Oklahoma Court of Civil Appeals to review affirmance of summary judgment construing assignment of oil and gas lease as having assigned all rights rather than being a borehole assignment only.
- Obtained appellate reversal of Oklahoma Tax Commission order denying sales tax exemption for purchase of equipment used in wellsite processing of oil and gas.
- Obtained affirmance of Oklahoma Corporation Commission choice of increasing well density rather than creating smaller drilling units in proceeding involving competing applications.

Products Liability

- Won a reversal of the trial court's order granting a new trial and obtained reinstatement of a defendant's verdict in a multi-million dollar products liability case.

ADMISSIONS

- Oklahoma
- U.S. District Courts for the Western and Eastern Districts in Oklahoma
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Tax Court
- U.S. Supreme Court

EDUCATION

- L.L.B., University of Oklahoma, 1960; Order of the Coif; *Oklahoma Law Review*; Recipient, Bledsoe Award
- B.A., with distinction, University of Oklahoma, 1958 ; Phi Beta Kappa

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma Bar Association
- Mineral Lawyers Society of Oklahoma City