

## Joseph P. McMahon Jr.

Facilitator, Mediator & Arbitrator 303-333-1960 collaborative processes.com jpmcmahon.com

Joseph McMahon, M.S. (Civil Eng.), Register Profession Engineer, J.D., is an arbitrator, mediator and consultant. Joe McMahon received his initial mediation training in 1991 at the Center For Mediation in Law, and since that time has devoted his principal energies to the field of conflict management and resolution. He is a member of the College of Commercial Arbitrators and serves on various panels of the American Arbitration Association and the CPR Institute for Dispute Resolution.

### EXPERIENCE IN OIL & GAS ISSUES

Joseph McMahon has worked in a wide variety of oil & gas matters including exploration, development, drilling, construction, gathering and processing, refining, pipeline deliveries, heavy oil, aquifer pollution from drilling and improper management of facilities. Contract disputes included cases about exploration and development, JOA, gathering, processing, misrepresentation and contract/title document interpretation.

### REPRESENTATIVE OIL & GAS ENGAGEMENTS

**Mediator, 2014, disputes of title to mineral estate,** disputed meaning of conveyance documents.

**Mediator, 2014, failed conveyance:** disputes over proper resolution of partially completed closing/conveyance of oil & gas interests.

**Arbitration panel, 2013, disputes over development and construction of a gas processing plant**

**Mediator, 2013, disputes over purchase and sale of O&G interests**

**Panel chair, gas processing arbitration, 2011.** Selected as panel chair in an arbitration regarding disputes about the interrelationship among various gas processing agreement and parties' authority to change contracts regarding collection and processing.

**Panel chair, pipeline tariff arbitration, 2011.** Served as panel chair in an arbitration regarding disputed payments, appropriate tariffs, and contract interpretation of payment provisions.

**Mediator, gas treatment, 2011.** Mediated a dispute over contract interpretation of proper calculation of payments due for gas treatment, and deductibility for certain expenses incurred.

**Mediation, JOA, 2011.** Mediated a dispute over whether costs under JOA were due, and disputes about off shore drilling problems and responsibility therefor including alter ego issues and claims of increased costs due mismanagement.

**Mediator, aquifer pollution-coal bed methane drilling.** Mediated a dispute over the extent of water pollution caused by drilling operations, levels to which cleanup should be undertaken and the value of affected overlying property.

**Mediator, dispute over dissenting O&G shareholder rights.** Mediated a dispute over the value of reserves where the calculation of which was needed for statutory resolution of dissenting shareholder rights.

**Mediator, class action royalty dispute.** Mediated a class action case brought by interest and royalty holders against operating company regarding calculation of royalties and proper deduction of certain costs.

**Mediator, dispute over nature of the interest in oil and gas properties granted.** Mediated a dispute among operator and investors over the nature of the interests conveyed in a joint venture agreement and future participation rights.

**Panel chair, gas compression arbitration.** Served as panel chair on a multi-million dollar dispute over claimed breach of an agreement for provision of gas compression equipment.

**Panel chair, exploration and development arbitration.** Served as panel chair for a dispute of alleged breaches or enforcement of an Exploration and Development Agreement, involving heavy oil and thermal processes.

**Mediator, dispute over Joint Operating Agreement and accounting/bankruptcy issues.** Mediated a dispute over accounting disputes under joint operating agreement and other transactions.

**Mediator, dispute over alleged breaches of a coal bed methane exploration and development agreement.** Mediated a dispute over Wyoming properties and alleged breaches of the parties' development agreement, including disputes over misrepresentation, delayed development and accounting.

**Mediator, coal bed methane agreement.** Mediated a Wyoming dispute over the joint operations of certain facilities and the nature of rights in 'farm out' agreements.

**Mediation, dispute over gathering and processing.** Mediated a dispute concerning the parties' rights to use of various components of a gathering and transmission system, whether misuse had isolated resources and whether charges were appropriate.

**Legal counsel (1978-2001).** Legal and trial counsel in various disputes oil and gas disputes including disputes over exploration rights, alleged improper delivery of pipeline products, conflicts between the surface and mineral estate, failure to convey proper title, refinery construction projects and natural gas re-pricing disputes.

## **OTHER QUALIFICATIONS**

### ***Memberships/Service***

- Fellow, College of Commercial Arbitrators
- National Roster of Environmental Conflict Resolution and Consensus Building Professionals, U.S. Institute for Environmental Conflict Resolution, Tucson, AZ.
- CPR Institute for Dispute Resolution, N.Y., N.Y.
  - Panel of Distinguished Neutrals (Denver)
- American Arbitration Association
  - Commercial Panel
  - Large Complex Case Panel
  - Construction Panel.
  - Energy Panel
- Member: Assn. for Conflict Resolution, Colorado Bar Assn.