



Jana

Jana L. Grauberger

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Overview

Jana Grauberger is an oil and gas lawyer with more than 20 years experience. Clients turn to her as a trusted advisor in connection with their contract negotiations, regulatory advice and appeals, litigation, and arbitration related to onshore and federal offshore upstream and midstream projects and facilities. Jana has represented clients in negotiating a wide variety of onshore and offshore contracts, including purchase and sale agreements, farmouts, participation agreements, joint operating agreements, production handling agreements, platform use agreements, gathering agreements, connection agreements, construction contracts, transportation contracts, and decommissioning agreements. She also represents clients in connection with regulatory matters involving Department of Interior agencies the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR).

Jana has served as a trustee for the Rocky Mountain Mineral Law Foundation (RMMLF), she co-chaired the RMMLF Short Course on Federal Offshore Oil & Gas Leasing and Development in 2018, and she also co-chaired a RMMLF Federal Offshore Regulatory Enforcement seminar in 2016. Jana is on the Board of Directors for the Rocky Mountain Mineral Law Foundation as an At-Large Director. She has been significantly involved with RMMLF for several years, and previously served as a trustee for the Rocky Mountain Mineral Law Foundation (RMMLF), she co-chaired the RMMLF Short Course on Federal Offshore Oil & Gas Leasing and Development in 2018, and she also co-chaired a RMMLF Federal Offshore Regulatory Enforcement seminar in 2016.

As a litigator, she practices before state and federal district and appellate courts in Texas and Louisiana and has 20 years of experience representing clients in connection with a wide variety of oil and gas matters, including royalty litigation, complex and multi-contract disputes, indemnity litigation, construction, installation, and product warranty and damages disputes, and arbitration matters under American Arbitration Association (AAA) and United Nations Commission on International Trade Law (UNCITRAL) rules. She also has handled dozens of appeals of BOEM, BSEE, and ONRR orders to the Interior Board of Land Appeals (IBLA) concerning issues such as royalties, transportation deductions, supplemental bonding, and decommissioning of federal leases and pipeline right-of-ways (ROWs).

Practice Areas

Energy Litigation
Energy & Natural Resources Law

Bar Admissions

Louisiana, 1997
Texas, 2004

Education

Tulane University Law School, J.D.,
magna cum laude, 1997

- Order of the Coif
- *Tulane Law Review*, Senior Managing Editor, 1996-1997

University of Kansas, B.S. Journalism
and B.A. French Literature, 1989

Clerkship

Law clerk to the Honorable Walter F. Marcus, Jr., Associate Justice, Supreme Court of Louisiana

Prior to joining Liskow & Lewis, Jana was a law clerk to the Honorable Walter F. Marcus, Jr., Associate Justice, Supreme Court of Louisiana. Before attending law school, she worked as a television reporter for KPLC-TV in Lake Charles, Louisiana.

Experience

Clients appreciate Jana's personal touch on the matters she manages. "I'm known for being hands-on and direct, which enables me and my team to quickly get to the heart of the matter." Her recent experience includes:

- Drafted and negotiated construction and operational upstream and midstream contracts, including operating agreements, production handling agreements, platform use agreements, pipeline construction agreements, connection agreements, and gathering agreements for multiple deepwater Gulf of Mexico projects.
- Advised oil and gas and pipeline companies with respect to assignment of onshore and offshore assets.
- Drafted and negotiated operating agreement for onshore natural gas carbon dioxide separation facility.
- Advised multiple oil and gas and pipeline companies in connection with bonding and decommissioning obligations for federal offshore leases and pipeline ROWs.
- Represented companies in connection with BSEE decommissioning orders, including litigation between companies concerning liability for decommissioning costs and administrative appeals of supplemental bonding and decommissioning orders for leases, pipeline ROWs, and rights-of-use-and-easement (RUEs).
- Represented a Fortune 100 company in connection with lawsuit involving interpretation of indemnity obligations in a pipeline assets purchase and sale agreement.
- Arbitrated a series of warranty and construction claims in connection with a deepwater Gulf of Mexico floating production facility.
- Represented multiple oil and gas companies in connection with warranty, construction, and installation claims involving deepwater Gulf of Mexico facilities and production equipment.
- Drafted crude oil and gas gathering agreements and related contracts.
- Represented multiple oil and gas and pipeline companies on day-to-day operational matters involving BOEM and BSEE, including qualification, general and supplemental bonding, assignments of leases and pipeline ROWs, responding to and administrative appeals of Incidents of Noncompliance (INCs), issues related to RUEs, unitization, Oil Spill Financial Responsibility (OSFR), Oil Spill Response Plans, and Freedom of Information Act (FOIA) requests and responses.
- Handled federal offshore royalty appeals of orders issued by ONRR to the IBLA and advised clients with respect to a wide variety of royalty issues.

Involvement

Professional

- Houston, Louisiana State, Texas State, American and Federal Bar Associations – Member
- Rocky Mountain Mineral Law Foundation – Board of Directors - At-Large Director (2019), Trustee (2016-2018), Co-Chair of Short Course on Federal Offshore Oil & Gas Leasing and Development (2018), Co-Chair of Federal Offshore Regulatory Enforcement Special Institute (2016), Co-Chair of Oil & Gas Program for 56th Annual Rocky Mountain Mineral Law Institute (2010)
- The Institute for Energy Law – Advisory Committee Member
- Women's Energy Network (WEN) – President-Elect, WEN National Board of Directors (2019), President, Houston Chapter (2010)
- Tulane Center for Energy Law, Advisory Board Member

Community

- Chair of WEN Charity Lunch, which raised more than \$100,000 for Community Family Center's Los Niños Early Childhood Education Program (2008)

Recognition

- Named one of “Houston's 50 Most Influential Women” 2010 by *Houston Woman Magazine*
- AV Preeminent Peer Review Rating in Martindale-Hubbell

Presentations

- "Federal Offshore Update," Dallas Bar Energy Section - Review of Oil and Gas Conference, Dallas, TX, August 8, 2019
- "Transactional Issues and Contractual Clauses," Symposium: Decommissioning From Shore to Offshore, LSU Journal of Energy Law & Resources, Baton Rouge, LA 2019
- "Financial Assurance New NTLs," Liskow & Lewis' Federal Offshore CLE Update, Houston, TX, January 17, 2019
- “Offshore Pipeline Issues,” Special Institute on Midstream Oil & Gas from the Upstream Perspective, Rocky Mountain Mineral Law Foundation, Houston, TX, 2018
- “Setting the Legal Framework: Adjacent State Law as Surrogate Federal Law for the Outer Continental Shelf,” Short Course on Federal Oil & Gas Leasing and Development, Rocky Mountain Mineral Law Foundation, New Orleans, LA, 2018
- “Developing an Energy Network—Fuel for a Career,” Panelist, 2nd National Young Energy Professionals Law Conference, Institute for Energy Law, New Orleans, LA, 2018
- “Responsibilities and Liability of the Parties,” Joint Oil & Gas Operations and the AAPL Form 2015 Model Form Operating Agreement, The University of Oklahoma College of Law, Norman, OK 2018
- “Structuring Oil and Gas Joint Exploration, Development and Production Operations: Contractual Joint Venture, LLC or LP,” Panelist, American Bar Association Business Law Section Meeting, New Orleans, LA, 2017
- “Navigating the New World of BSEE Estimated Decommissioning Costs and BOEM Financial Assurance,” Liskow & Lewis Lunch Forum, Houston, TX 2016
- “Federal Offshore Update,” Liskow & Lewis Energy Law Seminar, Houston, TX 2015
- “Update on Gulf of Mexico Leasing, Regulatory, and Enforcement,” 28th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, TX, 2015
- “OCS Federal Lease Bonding Update,” Liskow & Lewis Breakfast Forum Series, Houston, TX, 2015
- “Federal Offshore Update,” Liskow & Lewis Oilfield Indemnity and Insurance Seminar, Houston, TX, 2014
- “Coastal and Offshore Gulf of Mexico Update,” 27th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, TX, 2014
- “Current Land and Lease Disputes in Shale Plays,” Webinar, The Institute for Energy Law, Litigation and Dispute Resolution Practice Committee, Houston, TX, 2014
- “Regulatory Update,” Minimizing Risks in Upstream Oil and Gas Contract Management, American Leaders, Houston, TX, 2014 See Here
- “Texas Oil & Gas Update,” Liskow & Lewis 2013 Energy Law Seminar, Houston, TX, 2013 See Here
- “New Capacity Issues on the Outer Continental Shelf,” 1st Annual Midstream Oil & Gas Law Conference, The Institute for Energy Law, Houston, TX, 2012
- “Regulation of Oil and Gas Operations in the Gulf of Mexico,” In-House Client Seminar, The Woodlands, TX, 2012
- “Doing Business in the Gulf of Mexico: Staying Current in a Changing Regulatory Environment,” Liskow & Lewis Breakfast Forum Series, Houston, TX, 2012
- “Recent JOA Disputes and Liability Issues Between Operators and Non-Operators,” Liskow & Lewis Energy Law Seminar, Houston, TX, 2011
- “Financial Security Under Joint Operating Agreements: Are We Falling Between Two Stools,” 24th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, TX, 2011
- “Assignments & Conveyances,” Dallas Bar Association Energy Law Section, Dallas, TX, 2010

- “Lessons Learned From Recent JOA Disputes,” Liskow & Lewis Louisiana Mineral Law Seminar, Houston, TX 2008
- “Offshore Update,” HBA Oil and Gas Mineral Law Section Luncheon, Houston, TX 2008
- “Don't Get Stuck With the Check When It's Not Your Dinner: Indemnity and Insurance Issues Under Joint Operating Agreements,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: Joint Operations, Denver, CO 2008
- “Texas Oil & Gas Cases Update,” Liskow & Lewis Oil & Gas Seminar, Houston, TX 2007
- “Joint Operations: Current Joint Operating Agreement Issues,” 20th Annual Energy Law Institute for Attorneys and Landmen, South Texas College of Law, Houston, TX 2007

Publications

- "Louisiana Climate Initiatives Interim Report Highlights Goals for Developing Actions to Reduce Greenhouse Gas Emissions," Liskow & Lewis' The Energy Law Blog, February 19, 2021
- "The Meaning of “And” Determines Outcome of Oil and Gas Feud," Liskow & Lewis' The Energy Law Blog, February 3, 2021
- "Department of Interior Proposes New Financial Assurance and Decommissioning Regulations," Liskow & Lewis' The Energy Law Blog, October 15, 2020
- "Federal Offshore Pipeline Decommissioning in BOEM Significant Sediment Resource Areas," Liskow & Lewis' The Energy Law Blog, March 17, 2020
- "Fifth Circuit to Hold Oral Argument in *Sojitz v. UNOCAL* in April 2020," Liskow & Lewis' The Energy Law Blog, March 11, 2020
- "Increasing Scrutiny of Foreign Investment in the U.S.: BOEM Puts Companies on Notice of Potential CFIUS Review of Bids at Upcoming Federal Offshore Lease Sale," Liskow & Lewis' The Energy Law Blog, March 2, 2020
- "Offset-Well Clauses: Attempting to Apply Classic Oil and Gas Concepts in the Horizontal Well Context," Oil & Gas E-Report Issue 3, A Publication of the Institute for Energy Law, October 8, 2018
- “BOEM Releases Long Awaited New Financial Assurance Notice To Lessees and Operators,” Liskow & Lewis E-Newsletter, July 15, 2016
- “Third Party Access to Infrastructure in the United States,” 4 LSU Journal of Energy Law and Resources 293 (Spring 2016) (republished in Energy Law Advisor, Vol. 10, No. 2 (July 2016)).
- “Current Regulatory Developments Affecting Offshore Midstream Natural Gas Pipelines,” 3rd Annual Midstream Oil & Gas Law Conference, The Institute for Energy Law, Houston, TX, 2014
- “Texas Supreme Court Holds JOA Exculpatory Clause Applicable to All Activities of the Operator,” Liskow & Lewis E-Newsletter, September 5, 2012
- “Doing Business Offshore: Staying Current in a Changing Regulatory Environment,” 59th Mineral Law Institute, Baton Rouge, LA, 2012
- “Assignments & Conveyances,” Rocky Mountain Mineral Law Foundation Special Institute on Oil and Gas Agreements: The Exploration Phase, Santa Fe, NM 2009
- “Lessons Learned From Recent JOA Disputes,” Insight Energy Contract Law Seminar, Houston, TX 2008
- “Joint Operations: Trends in JOA Operator/Non-Operator Disputes,” State Bar of Texas: Oil, Gas and Energy Resources Section Report, Vol. 32 No. 3, March 2008
- “Has the Operator's Protection Been “Plutoed”?: Joint Interest Disputes Between Operators and Non-Operators,” 53 Rocky Mtn. Min. L. Inst. 32-1 (2007)
- “Recent Developments: Texas, United States, and International Energy Law (United States Oil and Gas Case Summaries),” 1 Texas Journal of Oil, Gas, and Energy Law 153 (2006)
- “From Mere Intrusion to General Confusion: Agency and Mandate in Louisiana,” 72 Tul. L. Rev. 257 (1997)

- “Feldt v. Mentor Corporation: The Fifth Circuit Examines Preemption and the Medical Device Amendments in the Context of Penile Implant Litigation,” 70 Tul. L. Rev. 1181 (1996)

After Hours

“When I’m not at work, you’ll find me practicing yoga handstands, lap swimming, fishing, and enjoying all of the great international food available in Houston. My current food passion is soup dumplings. I also enjoy live music and college basketball.”

News/Insights

INSIGHTS

2.19.21

Louisiana Climate Initiatives Interim Report Highlights Goals for Developing Actions to Reduce Greenhouse Gas Emissions

INSIGHTS

2.3.21

The Meaning of “And” Determines Outcome of Oil and Gas Feud

INSIGHTS

10.15.20

Department of Interior Proposes New Financial Assurance and Decommissioning Regulations

INSIGHTS

3.17.20

Federal Offshore Pipeline Decommissioning in BOEM Significant Sediment Resource Areas

NEWS

3.11.20

Fifth Circuit to Hold Oral Argument in *Sojitz v. UNOCAL* in April 2020

INSIGHTS

3.2.20

Increasing Scrutiny of Foreign Investment in the U.S.: BOEM Puts Companies on Notice of Potential CFIUS Review of Bids at Upcoming Federal Offshore Lease Sale

INSIGHTS

BOEM Releases Long Awaited New Financial Assurance Notice to Lessees and Operators

INSIGHTS

7.15.16

BOEM Releases Long Awaited New Financial Assurance Notice to Lessees and Operators

NEWS

6.22.16

Liskow Lawyers Grauberger and Downer Author LSU Journal of Energy Law and Resources Article

INSIGHTS

6.16.16

Third Party Access to Infrastructure in the United States

NEWS

9.5.12

Texas Supreme Court Holds JOA Exculpatory Clause Applicable to All Activities of the Operator