



DAVIS GRAHAM

RANDALL E. HUBBARD

PARTNER

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303.892.7468

EXPERTISE

Energy Industry, Mining, Natural Resources, and Public Lands

EDUCATION

Harvard Law School, J.D., *cum laude*, 1986

Colorado College, B.A., *magna cum laude*, Phi Beta Kappa, 1983

ADMITTED IN

Colorado

Randy Hubbard's practice focuses on domestic mining law, representing both U.S. based and non-U.S. based clients in the business of exploring for and developing hard-rock minerals, as well as industrial minerals, coal, uranium, and other energy minerals, primarily on federal lands in the U.S. His practice also extends to assisting North American clients seeking mining opportunities abroad. Randy represents mining clients in both mining asset and stock purchase transactions, the formation of joint ventures, drafting and negotiating mining leases, royalty agreements, option, earn-ins and other agreements, and in conducting day-to-day exploration, development, and mining activities. He also represents clients in obtaining and providing debt and royalty financing for mining operations. In addition, his practice involves mineral title examination.

Randy has authored or co-authored seven papers presented at The Foundation for Natural Resources and Energy Law Annual Institutes or Special Institutes, has written several other articles on various aspects of the General Mining Law of 1872, and is a frequent speaker on mining

law topics. Randy has also been actively involved in studying proposals to amend or repeal the General Mining Law of 1872 and has provided or assisted in the preparation of testimony on those proposals to the U.S. Senate and House of Representatives. He is a contributing author to American Law of Mining. Randy was the chairperson of the committee that prepared The Foundation for Natural Resources and Energy Law Form 5 LLC Agreement, published in 2015. He has also chaired and made presentations at three Foundation for Natural Resources and Energy Law workshops, one on the BLM's 3809 regulations in January of 2001, and the other two on the Form 5 LLC Agreement in October of 2015 and March of 2016, respectively.

From 2000 to 2005, Randy was an adjunct professor at the University of Denver Sturm College of Law, where he taught a course on mineral law. He is active with the Foundation for Natural Resources and Energy Law, having served on the Foundation's Board of Directors, and as a member of the Special Institutes Committee and on the Editorial Board of

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Directors, and as a member of the Special Institutes Committee and on the Editorial Board of The Foundation for Natural Resources and Energy Law Journal. He was the program chair for the 54th Foundation for Natural Resources and Energy Law Annual Institute. In 2009 and 2010, he was on the faculty for The Foundation for Natural Resources and Energy Law's Mining Law Short Course, and in 2014, he was the chairperson of that week-long course.

Randy has been recognized by The Best Lawyers in America (since 2007), Colorado Super Lawyers (2010-2016), and *The International Who's Who of Mining* (since 2003). He was acknowledged by *International Who's Who Legal* as "among the most highly regarded" mining lawyers in the world in 2005, 2008, and 2010. He was also named by *Best Lawyers®* as the 2011, 2016, 2018, 2021, and 2024 "Lawyer of the Year" for Mining Law in Denver. He has also earned an AV® Preeminent™ Peer Review Rating from Martindale-AVVO.

PUBLISHED ARTICLES

- Rental Fees, Assessment Work and Maintenance Requirements for Unpatented Mining Claims — Getting Simpler?
 - Coping With Mining Law Reform
 - The New Form 5A LLC: Implementation of Form 5A in the LLC Context
 - Mining on Federal Lands in the West: Fundamentals of the 1872 Mining Law and Elements of the Current Reform Debate
 - The 1872 Mining Law: Past, Present and Future?
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- Common vs. Uncommon Mineral Determinations and Implications for Developing Locatable or Saleable Mineral Deposits
 - Production Royalties: Real Property, Personal Property, Incorporeal Hereditaments, Chattel Real, Profits a Prendre, or What—and Why Does it Matter?
 - The Form 5 LLC Operating Agreement (and related agreements)
 - Current Parameters of the Discovery Rule
 - R.S. 2477 Rights-of-Way: The Controversy Continues