

Kenneth Klemm Q&A with Mining & Power Magazine

Kenneth Klemm talks with Mining & Power Magazine about his role as co-chair of Baker Donelson's Oil & Gas Industry Service Team and how he helps energy companies with their legal challenges as well as how to avoid litigation.

"The most effective means of trying to protect against litigation involves being proactive and cognizant of the current legal environment in all aspects of a company's operations. From addressing a landowner's concerns before a situation escalates to the level of the landowner hiring counsel to preserving evidence from field incidents through a proper investigation, companies may be able to either prevent litigation or, at a minimum, collect the information and data necessary to defend against a later claim. The public, in general, seems more inclined to bring lawsuits than ever before. But, in some instances, an individual simply may be looking for an explanation or quick resolution of what it perceives to be a wrong such as an improper royalty payment or damage to property. Early intervention by a client's legal team or outside counsel may be able to resolve such issues prior to a lawsuit being filed. On the other hand, the preservation of evidence and an investigation coordinated by in-house or outside counsel also can lead to better results when a casualty or other incident occurs that most likely will give rise to litigation. The key seems to be a client proactively addressing issues before litigation occurs or possessing the information necessary to defend claims made against that client."