Institute for ENERGY LAW
THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

AUGUST 2025

THE ENERGY DISPATCH

A PUBLICATION OF THE IEL YOUNG ENERGY PROFESSIONALS COMMITTEE

CONTENTS

The Energy Dispatch, the IEL's Young Energy Professional newsletter, contains substantive articles on trending legal issues in the energy industry, interviews, and professional development.

Publication Sponsor: BAKER BOTTS

Please note: The articles and information contained in this publication should not be construed as legal advice and do not reflect the views or opinions of the editing attorneys, their law firms, or the IEL.

Young Energy Professionals Highlight – Diana Prulhiere, Steptoe & Johnson PLLC

Interview by Jim Tartaglia, Steptoe & Johnson PLLC

JT: What was your path towards becoming a lawyer?

DP: Originally, I wanted to work in forensics and studied chemistry in college. I did end up interning in a crime lab for a while, where I realized it's not quite as glamorous as it seems on TV [but yes, my cat's full name is Leroy Jethro Gibbs after the NCIS character]. I also minored in legal studies and had a great advisor in that area who encouraged me to go to law school. While I thought I'd end up doing environmental law to utilize my science background, the energy industry is where I landed, and I think it's allowed me a good mix of both worlds.

JT: How would you describe your practice?

DP: My practice is mostly focused on title and transactional work, with a little variety. I started out abstracting title, boots on the ground in the courthouse, and have now authored and reviewed hundreds of title opinions in several jurisdictions. I also work regularly on due diligence for large asset deals and have a lot of experience analyzing and drafting transactional documents and other contracts. Additionally, I handle a fair amount of regulatory matters, primarily assisting oil and gas operators in filing necessary applications and paperwork with relevant state agencies. So, it's a bit of a mixed bag from day to day, which I enjoy.

JT: You have been an active member of IEL for longer than most… Can you describe your involvement in IEL over the years?

DP: I joined IEL soon after law school when I joined my firm's Energy and Natural Resources department (at that time I was in our Charleston, WV office). My involvement grew gradually, from attending conferences and becoming active with the YEPs, to eventually chairing the YEP Committee in 2019. Since then, I've had the pleasure of seeing IEL flourish and the YEP Committee in particular grow into today's much larger group, including the formation of the Leadership Council, the start of the YEP annual conference, and the creation of the Leadership Class program (which I completed in 2021-2022). After the YEP Committee, I served on IEL's Membership & Development and Energy Transactions Committees. Today, I stay active as Editor-in-Chief of the *Energy Law Advisor* newsletter (sitting on the IEL Executive Committee in that role) and as a member of the editorial board of the *Oil & Gas E-Report* publication.

JT: Do you have any particular advice for younger lawyers?

DP: For all young lawyers, I would say to go into whatever field you enter eagerly and with an open mind. I knew nothing about the energy industry when I started, but I seized opportunities that were presented to me, figured out what I liked and what I was good at, and dove into those areas with both feet. Also, ask questions! Whether you're at a firm or in-house, you'll be surrounded by people who know more than you do… Use them as a resource, both substantively and also as you shape a career path that suits you.

JT: What do you like to do when you're not working?

DP: I am lucky enough to live in sunny Colorado, so I love to get outside—whether it's for a hike or just to walk around the neighborhood. I also love to travel and spend a good amount of time planning the next trip. I'm a foodie too so I enjoy checking out new restaurants and breweries, both in my own city and on my travels. Finally, I would be remiss if I did not mention my deep and abiding love for the Denver Nuggets… I have season tickets and spend a lot of time attending home games, watching away games, and otherwise keeping up with NBA-related news.

JT: Where are your fondest travel memories from?

DP: Oh, that's a tough one… very briefly, a few highlights: studying abroad in Costa Rica; hiking the Great Wall of China; and most recently, exploring Belgium and the Netherlands (where I definitely hope to return).

Expert Interview with Brian Windham

Interview by Barbara Light, Norton Rose Fulbright US LLP

Brian has twenty years of petroleum engineering experience including operational experience with Umocall in Texas, Louisiana and the Gulf of Mexico. Brian has consulting experience performing technical studies including reservoir and production engineering studies, asset valuation studies, log analysis, development optimization, enhanced oil recovery including CO2 injection, gas storage studies and has served as an expert witness in litigation, arbitration and regulatory matters. Brian's consulting experience covers most of the producing basins in the continental U.S. as well as international projects in South America, Australia and Africa. Prior to joining Austin Consulting Petroleum Engineers (ACPE), Brian was a Managing Director with FTI Platt Sparks and a Consulting. Petroleum Engineer with Platt Sparks & Associates. Brian has a Bachelor of Science in Petroleum Engineering from the University of Texas at Austin and is a licensed professional engineer in Texas.

BL: Can you tell us a bit about your practice and the kind of work you typically do?

BW: Sure! At Austin Consulting Petroleum Engineers, our work generally falls into three main buckets. First, we do a lot of evaluations—things like reservoir studies, reserve estimates, and valuation work. We also handle regulatory matters. And then there's the dispute side, where we get involved in litigation, arbitration, and mediation. So, it's a mix of technical analysis and legal support.

BL: What kinds of issues do you usually get called in to help with as an expert witness?

BW: The most common ones are around valuing oil and gas resources—figuring out what they're really worth. We also see a lot of cases involving lease terminations, especially when there's a question about whether a well is still producing in paying quantities. Other frequent topics include well damage from mechanical failures or subsurface issues, and whether an operator acted as a "reasonably prudent" one would.

BL: How have these kinds of disputes changed over the past decade?

BW: They've definitely evolved with the industry. Over the last ten years, horizontal drilling in unconventional plays has really taken off. That's brought a new wave of disputes—things like fracture interference (sometimes called "frac hits"), subsurface trespass, pooling disagreements, and issues with saltwater disposal "watering out" producing wells.

BL: How does your background in consulting and valuation help when you're working on litigation cases?

BW: Having spent over 20 years consulting on non-litigation projects—working with energy companies, banks, investors, and landowners—I've built up a pretty broad base of experience. That really helps when I'm asked to give expert opinions in court. I can draw on real-world examples and industry norms from all different plays and basins to support my analysis.

BL: What advice would you give to young attorneys just starting out in energy law?

BW: I'd say: get familiar with how oil and gas resources are categorized, and understand how risk and uncertainty affect their value. In litigation, we often see damage models that use discounted cash flow projections but that don't adjust for risk. That can be misleading. For example, a million barrels of proved reserves are usually worth a lot more than a million barrels of prospective resources. The Petroleum Resource Management System (PRMS) is a great resource for learning how the industry classifies these assets.

Practice Tip: Take Care When Pleading Diversity Jurisdiction, Especially in the Fifth Circuit

Nicole Hager Fingeroot, Hogan Thompson Schuelke LLP

Determining the citizenship of a corporation, for federal diversity jurisdiction purposes, is relatively straightforward: a corporation is a citizen of the state where it is incorporated and the state in which its principal place of business is located. But the rule for limited liability companies—where citizenship is based on the citizenship of their members—can present challenges because the members of an LLC and their citizenship is often difficult to ascertain.

The Fifth Circuit has been increasingly remanding cases back to the district court for jurisdictional fact finding after concluding that diversity jurisdiction had been inadequately pled. Given the frequency at which the Fifth Circuit hears energy-related cases and the fact that many energy-related businesses are organized as LLCs, this article summarizes key takeaways from several of these cases and includes practice tips to avoid getting remanded—or worse, dismissed entirely—on appeal.

Takeaway No. 1: Don't confuse the citizenship rule for LLCs with the citizenship rule for corporations.

Mixing up the citizenship test for corporations and LLCs is a "common mistake in pleading diversity jurisdiction." *Warren v.*

Bank of Am., N.A., 717 Fed. Appx. 474, 475, n.4 (5th Cir. 2018). For example, in *Rainbow Energy Marketing Corporation v. DC Transco, L.L.C.*, the Fifth Circuit explained that an LLC's "principal place of business is irrelevant in the diversity-jurisdiction calculation." No. 23-50720, 2024 WL 3634194, at *1 (5th Cir. Aug. 2, 2024).

Practice tip: Be sure to plead the citizenship of any LLC's members, rather than its principal place of business and state of incorporation.

Takeaway No. 2: Evidentiary burdens differ depending on the phase of the case.

What evidence is sufficient to establish a party's citizenship depends on the stage of the litigation, as the Fifth Circuit explained in *Megalomedia Incorporated v. Philadelphia Indemnity Insurance Company*, 115 F.4th 657, 659 (5th Cir. 2024). At the pleading stage, the party invoking a federal court's jurisdiction must allege the citizenship of each LLC's members. *Id.* At the summary judgment stage, the party invoking diversity jurisdiction must provide evidence to support a finding of citizenship of each LLC's members. *Id.* While at trial, the party invoking diversity jurisdiction must prove the citizenship of each party to the case. *Id.*

The Fifth Circuit recently explained that "information and belief" of a party's citizenship will sometimes be sufficient to establish jurisdiction, while other times it will not. *PNC Bank, Nat'l Ass'n v. 2013 Travis Oak Creek, L.P.*, 136 F.4th 568, 576 (5th Cir. 2025). For instance, at an early stage of litigation, information and belief may be sufficient when a party is unable to ascertain jurisdictional facts with reasonable certainty. *Id.* However, in *PNC Bank*, information and belief was insufficient because no parties asserted that they lacked the necessary information to plead citizenship with more certainty and the case had been going on for over five years. *Id.*

Practice tip: To the extent that an LLC's citizenship is not known with reasonable certainty, consider seeking jurisdictional discovery to obtain additional evidence.

Takeaway No. 3: Stating the citizenship of an LLC without explaining the citizenship of its members is insufficient to establish diversity.

To establish diversity, the party invoking diversity jurisdiction (*i.e.*, the plaintiff in a case brought in federal district court and the defendant in a case removed to federal district court) must specifically allege the citizenship of every member of every LLC. Simply stating that a party is a citizen of a certain state without more is insufficient, as the Fifth Circuit held in *All About Property, L.L.C. v. Midland Mortgage*, where an LLC stated it was a "citizen of the State of Texas" without pleading the citizenship of its members. No. 24-20092, 2025 WL 1380066, at *2 (5th Cir. May 13, 2025).

Practice tip: Specifically allege the citizenship of every member of every LLC that is party to a case. If a member of an LLC is an LLC, then plead the member LLC's membership too.

Takeaway No. 4: Residence ≠ citizenship.

Another common source of confusion when pleading diversity jurisdiction is the difference between citizenship and residency when it comes to individual members of an LLC. As the Fifth Circuit explained in *MidCap Media Finance, L.L.C. v. Pathway Data, Incorporated*, for individuals, citizenship means "domicile." 929 F.3d 310, 313 (5th Cir. 2019). Although an individual's place of residence is "prima facie the domicile," citizenship and residence "are not synonymous terms." *Id.*

Practice tip: Plead any individual's citizenship and not merely his or her residence.

Takeaway No. 5: Parties may amend their pleadings at the court of appeals to remedy jurisdictional defects, but they cannot supplement the record.

Even if a party's pleadings are defective in some way, 28 U.S.C. § 1653 allows parties to amend defective jurisdictional allegations on appeal. So, a court of appeals may request supplemental briefing on the issue. Sometimes that will satisfy any concerns the court has regarding subject matter jurisdiction. For example, in *Steward v. Gruber*, the Fifth Circuit "treat[ed] the parties' joint letter [addressing subject matter jurisdiction] as an amendment to the pleadings of citizenship after reviewing the parties' proposed corrections and record cites that support[ed] such corrections." No. 23-30129, 2023 WL 8643633, at *3 (5th Cir. Dec. 14, 2023).

But, as explained in *Midland Mortgage*, "there is an important caveat" to § 1653: the parties must be able to point to evidence in the record to demonstrate diversity. 2025 WL 1380066, at *2 (5th Cir. May 13, 2025). That is, parties cannot introduce new evidence to establish diversity at the appellate court. If there is some evidence that jurisdiction exists, the remedy is to remand the case to the district court for further fact finding. But if there is no evidence of subject matter jurisdiction, the remedy is to dismiss all together.

Practice tip: Regardless of who bears the evidentiary burden, stay aware of what evidence is in the record that shows the parties' citizenship both at the district court and on appeal.

Takeaway No. 6: Parties can't stipulate-away any deficiencies in their pleading of diversity.

Even if the parties haven't challenged whether diversity has been properly pled, the Fifth Circuit may raise the issue of whether it has subject matter jurisdiction *sua sponte* because federal courts have an independent obligation to determine whether subject-matter jurisdiction exists.

That means that parties cannot stipulate that a court has subject-matter jurisdiction. In *J.A. Masters Investments v. Beltramini*, the parties had confused residency and citizenship in their pleadings in a case that went to trial. 117 F.4th 321, 323 (5th Cir. 2024). Upon request of the Fifth Circuit, the parties

submitted a joint letter purporting to "stipulate to any and all facts which would confirm that the parties have complete diversity of citizenship." *Id.*, at 322. The Fifth Circuit remanded to the district court where the parties submitted a "motion to clarify citizenship." *Id.*, at 323. Even though the district court granted the motion, when the case went back up to the Fifth Circuit, the court remanded the case again after finding there were no record citations establishing the citizenship of each party. *Id*.

Practice tip: At trial, don't stipulate that the parties are diverse. Ensure there is evidence on the record of the parties' citizenship.

Conclusion

Although some of these distinctions may seem theoretical or esoteric, the Fifth Circuit has been taking its role as a court of limited jurisdiction very seriously. Nobody wants to litigate their case through to a final judgment at the district court and brief it on appeal, only to have the Fifth Circuit send it back down to clean up issues in the jurisdictional pleadings. Ensuring diversity jurisdiction is properly pled at the district court level can help avoid such an outcome.

Cromwell v Anadarko: A Shift in Texas Law on Habendum Clause Interpretation

Katherine Raunikar, BakerHostetler

Case Background

In *Cromwell v. Anadarko E&P Onshore, LLC*, the Supreme Court of Texas held that an oil and gas lease that extends into the secondary term so long as minerals "are produced from the land" is maintained so long as production is maintained on the lands, even if the lessee fails to personally cause the production. No. 23-0927, 2025 WL 1478494, at *5 (Tex. May 23, 2025).

The case involved David Cromwell (Cromwell) and Anadarko E&P Onshore, LLC (Anadarko) as co-tenants of the mineral estate underlying lands in Loving County, Texas. *Id.* at *1. Anadarko had drilled three wells on the lands prior to early 2009, when Cromwell took two leases covering the lands: with Carmen Ferrer (Ferrer Lease) and with the Tantalo Trust (Tantalo Lease). *Id.* at *1–2. After taking the Leases, Cromwell attempted to participate in the existing wells by entering into a joint operating agreement with Anadarko. *Id.* at *2. Anadarko did not provide Cromwell with a joint operating agreement despite his numerous requests, *id.*, but did account to Cromwell as a co-tenant, *see id.*

The habendum clauses of the Ferrer Lease and the Tantalo Lease provided as follows:

> Ferrer Lease: This lease . . . shall be in force for a term of three (3) years from this date (called "primary term") and as long thereafter as oil, gas or other minerals are produced from said land, or land with which said land is pooled hereunder, or as long as this lease is continued in effect as otherwise herein provided. *Id.*
>
> Tantalo Lease: Subject to other provisions contained herein, this lease shall be for a term of five (5) years from the date first above written (hereinafter called the "primary term") and as long thereafter as oil, gas, liquid hydrocarbons or their constituent products, or any of them, is produced in commercial paying quantities from the lands leased hereby. *Id.*

In 2017, taking the position that the Leases had terminated at the end of their primary terms due to Cromwell's failure to personally cause production from the lands, Anadarko top leased Cromwell by signing its own leases with Ferrer and Tantalo. *Id.* at *3. After informing Cromwell of their position that his Leases had terminated, Cromwell brought a number of claims against Anadarko. *Id.*

Relying on the Eighth Court of Appeals' 2019 decision in *Cimarex Energy Co. v. Anadarko Petroleum Corp.*, the trial court and subsequently the Eighth Court of Appeals determined the Leases had terminated due to Cromwell's failure to personally cause production on the lands. *Id.*

The Supreme Court of Texas reversed the Eighth Court of Appeals, holding that Cromwell was not required to personally cause production in order to maintain the Leases. *Id.* at *7. The Supreme Court, applying general rules of contract interpretation, found that "[t]he plain language of the habendum clauses does not specify who must produce to continue the [l]eases." The Supreme Court went on to explain that the Eighth Court of Appeals had inappropriately focused on the broader purpose of the Leases, i.e., to sign an agreement for a lessee to produce from the subject lands, and should instead have focused on the plain meaning of the habendum clause which is, as the Supreme Court explicitly points out, the portion of a lease that determines the duration of the lease. *Id.* at *5. While one paragraph of the Tantalo Lease did refer to Cromwell personally causing production, the court pointed out that this paragraph was "subject to" other paragraphs that were, in turn, "subject to" it. *Id.* at *6. The Supreme Court resolved the ambiguity by relying on the default rule against forfeiture of mineral interests. *Id.*

Practical Application

What does this decision mean for landowners/royalty owners and upstream companies?

Prospective lessors should be sure to clarify in the habendum clause of any new lease that the lease only continues beyond the primary term if the named lessee is causing the continued production.

Further, prior to the *Cromwell* decision, there was, and there remains, an open question under Texas law as to who pays the royalty owed to a lessor who has leased to a non-producing co-tenant. While the *Cromwell* decision did not address this question, it becomes more salient as existing lessors similarly situated to Tantalo and Ferrer (i.e., those who have leased to a non-producing lessee that has not signed on to an operating agreement with the lessor's co-tenant's lessees) are no longer able to sign a top lease and wait for the primary term to expire. The Eleventh Court of Appeals, in *Devon Energy Production Company v. Apache Corporation*, held that lessors of non-producing lessees are not entitled under Section 91.401 of the Texas Natural Resources Code to payment of royalty under their lease based on production from a third-party operator producing under a different lease covering the same lands. 550 S.W.3d 259, 263 (Tex. App.—Eastland 2018, pet. denied). So, it appears the royalty owner's primary option is to bring a breach-of-contract claim (depending on the specific language in the lease) against their own lessee for failure to pay royalties under the lease.

Let's Build Big Beautiful Things: Supreme Court Limits NEPA's Reach and Paves Way for Permitting

Tim Sowecke and Tyler Self, GableGotwals

On May 29, 2025, the Supreme Court issued its 8-0 (Justice Gorsuch took no part in the consideration or decision of the case) ruling in *Seven County Infrastructure v. Eagle County*, significantly narrowing the scope of environmental reviews required under the National Environmental Policy Act (NEPA). Justice Kavanaugh's majority opinion holds that NEPA review must focus on the "proposed action" itself, *not* on indirect effects of unrelated projects. Crucially, the Court made clear that lower courts owe "*substantial deference*" to an agency's judgment about what must be included in an environmental analysis. This decision delivers a strong rebuke to expansive judicial interpretations of NEPA, curbing the scope creep that has long burdened environmental reviews. By affirming agencies' discretion in defining the scope of their analyses, the decision empowers streamlined permitting and faster project approvals. In short, the decision marks a pivotal shift toward a more focused, agency-driven NEPA process—one that prioritizes timely project delivery over speculative litigation and regulatory overreach.

Case Background

The underlying dispute arose from a rail project in Utah's oil-rich Uinta Basin. In 2020, a coalition of seven rural counties (the "Seven County" group) proposed an 88-mile rail line to connect products to the national rail network. The Surface Transportation Board (STB) regulates rail construction and was tasked with conducting a NEPA review and issuing an Environmental Impact Statement (EIS). The STB issued a draft EIS and invited public comment. After holding six public meetings and reviewing more than 1,900 comments, it prepared a 3,600-page final EIS. The EIS examined local construction impacts and mentioned that the line *could eventually* result in more upstream drilling and downstream refining, but it did not fully analyze those *off-site* effects.
Eagle County, Colorado (through which the rail line would pass) and several environmental groups challenged the STB approval, arguing the EIS violated NEPA by failing to consider these "reasonably foreseeable" indirect off-site effects. In 2023, the D.C. Circuit vacated the STB's decision and EIS, finding "numerous NEPA violations" due to these omissions. The Circuit Court treated these off-site impacts as "interrelated" impacts that the STB should have analyzed. The D.C. Circuit's decision was appealed by the STB and the Seven County group to the Supreme Court.

Supreme Court's Ruling

The majority opinion emphasized that NEPA is a *procedural statute* meant to inform agency decisions, not to dictate outcomes. The Court held that the STB acted reasonably by limiting its review to the rail project itself. Under NEPA, an agency must assess the environmental effects of the *project at issue*, not the up- or downstream effects. The Court reasoned that STB had no decision-making or regulatory authority over such projects and concluded that a separate project "breaks the chain of proximate causation" and need not be analyzed. Practically, the STB was not required to study these other activities as they were "separate in time and place" from the rail line.

The decision also underscores strong judicial deference to agencies regarding NEPA procedures and policies. The opinion reiterated that Courts reviewing NEPA decisions should not second-guess reasonable agency judgments about scope and detail. Although the Court has recently tightened deference on pure legal questions (*e.g., Loper Bright* overruled *Chevron* deference), it reaffirmed that NEPA's fact-based scoping is owed deferential review under the APA's "arbitrary and capricious" standard.

This ruling "reiterate[s] and clarif[ies] the fundamental principles" of NEPA judicial review, including that NEPA imposes no substantive results, and courts should not interfere if an agency's choices fall within a "broad zone of reasonableness." In short, so long as an EIS takes a "hard look" at the project's impacts, courts must defer to the agency's scoping and need not micromanage.

Notably, the Court also signaled that a remand for additional NEPA study does not always require vacating a permit. If an EIS has a deficiency, courts should remand and leave the project intact unless the agency shows it would have denied approval if informed of the issues. This can result in agencies and developers avoiding having projects halted by the courts while awaiting new studies and again lends credence to the fact that NEPA is a procedural statute.

Key Points of the Decision

- **NEPA Focuses on the Proposed Project:** Agencies need only to analyze the effects of the specific action they approve. Separate upstream or downstream projects do not need to be included unless they are so closely intertwined as to form a single project.
- **Substantial Judicial Deference:** Courts must defer to agency determinations about NEPA scope and detail. The opinion emphasizes that an agency's choice of how far to go in considering indirect effects is within its discretion if reasonable and explained.
- **No "But-For" Indirect Effects Required:** The Court explicitly rejected the notion that a project's impact makes all future consequences "reasonably foreseeable." Just because a rail line might facilitate other projects does not trigger NEPA unless the agency itself can regulate those projects.
- **NEPA Is Procedural Only:** Reaffirming past precedent, the Court reiterated that NEPA only requires a thorough review, not any particular result. Agencies must take a "hard look" at impacts, but NEPA does not impose substantive limits on permitting decisions.

Implications for Projects and Environmental Review

This ruling has immediate and far-reaching implications for infrastructure and environmental litigation. By tightly confining NEPA analysis to the authorized action, the decision removes a common basis for delaying projects (i.e., extraneous review and resulting litigation).

- **Project Approvals May Move Faster:** As the focus of NEPA has narrowed, so can the focus of agencies for preparing EISs. Knowing they can avoid investigating distant climate or economic ripple effects, agencies can streamline NEPA analysis at a time when they are already under pressure to expedite permitting.
- **Less Litigation, More Certainty:** Opponents will have fewer NEPA arguments in their tool bag for delaying projects in court now. Challenges based on alleged up- or downstream impacts are less likely to succeed, if at all, since the Court found those generally lie outside the purview of the reviewing agency.
- **Regulatory and Policy Context:** The ruling aligns with broader regulatory trends toward efficient permitting, a goal supported at both the federal and state levels and across political parties. It reinforces the view that NEPA is a procedural checklist rather than a substantive hurdle, giving agencies a stronger basis to defend their scoping decisions. Going forward, opponents will have to challenge the agency's reasoning within the EIS itself, rather than argue that NEPA mandates exploring every potential secondary effect.

Conclusion

Seven County Infrastructure Coalition v. Eagle County is a pivotal win for project sponsors and agencies and a referendum on the scope creep of indirect environmental effects analysis under NEPA. By clarifying that NEPA review is limited to an agency's authorized action, the decision reduces uncertainty and permits agencies to concentrate on the local impacts of proposed projects. Businesses and developers should be encouraged by this ruling, which should enable large projects, including desperately needed infrastructure projects, to proceed with greater certainty.

Making the Most of Your In-Office Requirement: A Guide for Junior Attorneys

Megan E. Griffith, Susman Godfrey L.L.P.

More companies and law firms are requiring their employees to spend more of their working hours in the office—a shift from the remote and hybrid schedules during and after the pandemic.

These return-to-office (RTO) policies have sparked plenty of debate. For junior attorneys, RTO can feel like a mandate that limits flexibility and adds hours to the day. Senior employees argue that RTO is necessary for company culture and professional growth.

No matter who has the better of the policy argument, the RTO trend is real. Whether your company requires three days a week or a full five, showing up in person can be more than just checking a box—it can be a strategic move. Here's how to make the most of it.

1. Reframe the Requirement

It's easy to view the RTO policy as a constraint. But for junior associates, it's also a front-row seat to how lawyers actually do their work. You get to observe how senior associates and partners manage clients, negotiate deals, and navigate difficult conversations, instead of just seeing the results of those conversations in your email inbox.

Millennial and Gen Z lawyers may be used to chatting behind the scenes while a call is going on. That isn't second nature for older lawyers. Sitting in the same room means that the senior lawyer can mute the phone or Zoom to explain their thinking,

share an off-camera look, or point to the documents they're consulting on their desk or monitor.

How to do it: Come into the office on a day the partner has a call scheduled with the client or opposing counsel. Knock on their door that morning and ask, "Mind if I sit in for the call at 11am?"

2. Be Intentional About Visibility

In-office time is not just about being present; it's about being seen. That doesn't mean you need to be loud or constantly self-promoting. It means being engaged. Say hello in the hallway. Join the team for lunch. Ask a thoughtful follow-up question after a meeting.

These small moments build familiarity. Familiarity builds trust. When a partner is looking for someone to brainstorm or to loop in on a client call, they're more likely to think of the associate they've seen around and had a conversation with.

How to do it: When you take a coffee or bathroom break, take an indirect route back to your desk. You don't have to interrupt anyone, just nod or say hello if someone catches your eye. If another lawyer or support staff member tends to get coffee at the same time as you, consider inviting them to walk to the café next door to get some fresh air.

3. Use Downtime Strategically

Not every moment in the office will be packed with action. Use the quieter times to your advantage. Read through recent filings. Review a partner's redlines. Organize your notes from a client call. Ask if there's a research task you can help with.

This is also a great time to build your personal toolkit—create templates or start a personal "lessons learned" document. For example, a litigator might start a list of key documents to prepare when assigned to a new case, like a written chronology, cast of characters, and jury instructions. These habits will pay dividends later.

How to do it: If you have downtime, review a partner's redlines or a tough stretch of a deposition you defended. Identify 3-5 pages, print out an additional copy, and knock on the partner's door. Ask, "Do you have a few minutes to discuss these edits so I can use your thoughts on my next assignment?" or "I'd appreciate your take on this deposition I defended in the ___ case. Do you have a few minutes to discuss the strategy if this comes up again?"

4. Build Your Internal Network

The office is full of people who can help you succeed—not just senior lawyers, but paralegals, assistants, and other support staff. Take the time to learn who does what and how things get done. These relationships can make your life easier and your work better.

And don't underestimate the value of peer relationships. Your fellow junior associates are your sounding board, support system, and collaborators. General help requests to an associate listserv are a good starting point, but make a habit of stopping by in person to ask too. Even if one associate doesn't know the answer, they might know another associate or junior partner who has worked on a similar project.

How to do it: Stop by and say "Hi, how's your week going?" If you're the type of person who is easily sucked into conversation, set a timer before you take a coffee or water break to politely excuse yourself and get back on track. If you hit a snag on a new assignment, knock on another junior's door and ask, "Have you done ___ before? Got any tips/Mind sending me that draft?"

5. Use Your Commute

A common complaint about RTO policies is the additional time taken to commute to the office. Whether you commute by train or drive yourself, brainstorm ways that you can use the commute to your advantage. The physical commute may help you to transition home mentally more easily than the walk from your study to the kitchen.

Some people find that listening to an audiobook or podcast to and from work helps them to avoid ruminating on work tasks. Others appreciate having uninterrupted time to think deeply about a challenging issue. If you fall somewhere between these camps, consider using the commute to knock out smaller tasks.

How to do it:

Can you use your laptop on a commuter train? Identify tasks that will take you 10-15 minutes so you can cross them off instead of starting on a longer project.

Are you limited to your cell phone on the subway? Use the phone app to clean up and enter yesterday's time, triage your inbox (delete what you can and respond to emails when you can do so in under 5 minutes), or take care of personal tasks like ordering groceries.

Do you drive yourself to work? Depending on your company's policies, consider clearing out your voicemail, clarifying your assistant's or paralegal's quick question with a phone call (instead of an email), or listening to on-demand CLEs.

The RTO requirement may not have been your idea, but you can turn it to your advantage.

Institute for
ENERGY LAW

The Energy Dispatch
Institute for Energy Law
The Center for American and International Law
5201 Democracy Drive
Plano, TX USA 75024

IEL is an Institute of
THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW

AUGUST 2025

THE ENERGY DISPATCH

A PUBLICATION OF THE IEL YOUNG ENERGY PROFESSIONALS COMMITTEE