


ETHICS: EVERYTHING YOU NEED TO KNOW YOU LEARNED IN SUNDAY SCHOOL

Presented by  
Curt Horne, CPL

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AGENDA

- Ethics
- Professional Ethics
- The Statute of Frauds
- How to Answer a Question
- Social Media Issues
- Questions or Comments

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ETHICS

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THE GOLDEN RULE

Everything need to know about ethics you learned in Sunday school:

"Do to others whatever you would have them do to you."

Matthew 7:12

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DEFINITION OF ETHICS

1. a system of moral principles: *the ethics of a culture.*
2. the rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc.: *medical ethics; Christian ethics; tribal ethics.*
3. moral principles, as of an individual: *His ethics forbade betrayal of a confidence.*
4. that branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.

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PROFESSIONAL ETHICS

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DEFINITION OF "PROFESSION"

Is "landman" a profession?

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DEFINITION OF "PROFESSION"

- *The Oxford Dictionary* tells us that a profession is a "paid occupation, especially one that involves prolonged training and a formal qualification".

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## DEFINITION OF "PROFESSION"

• *BusinessDictionary.com* goes on to say that a profession is an "occupation, practice, or vocation requiring mastery of a complex set of knowledge and skills through formal education and/or practical experience. Every organized profession (accounting, law, medicine, etc.) is governed by its respective professional body."

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## DEFINITION OF "PROFESSION"

• *The Harvard Business Review* adds that "True professions have codes of conduct, and the meaning and consequences of those codes are taught as part of the formal education of their members. A governing body, composed of respected members of the profession, oversees members' compliance."

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## DEFINITION OF "PROFESSION"

• "Through these codes, professional institutions forge an implicit social contract with other members of society: Trust us to control and exercise jurisdiction over this important occupational category."

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## CODES OF ETHICS

There are no barriers to entry into our "profession". We as an association, and we as individuals, strive to enforce our rules of ethics on our peers in order to protect ourselves individually, in order to protect ourselves as a group, and in order to protect the public from unethical practices.

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## CODES OF ETHICS

Some professional groups, such as doctors, lawyers and real estate agents, can prohibit the professional from practicing. These professions require a license to practice, which can be revoked or suspended for legal or ethical violations.

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## CODES OF ETHICS

Land professionals currently are not required to be licensed in any state, therefore, the worst punishment AAPL, or affiliated associations, can impose on a land professional is expulsion from membership in the association. This does not prevent the guilty from practicing our profession.

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## DEFINITION OF "PROFESSION"

Is "landman" a profession?

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## THE STATUTE OF FRAUDS

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## THE STATUTE OF FRAUDS

- A statute which requires certain types of contracts *to be in writing* in order to be enforceable.
- Contracts for the transfer or sale of real property must be in writing
- Leases with a term greater than one year must be in writing
- Uniform Commercial Code
- All contracts with a value greater than \$500 must be in writing
- Practical Rule – All oil and gas contracts must be in writing

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## THE PAROL EVIDENCE RULE

• The parol evidence rule is a rule in the Anglo-American common law regarding contracts, and it governs what kinds of evidence parties to a contract dispute can introduce to identify the specific terms of a contract. The rule prevents parties who have reduced their agreement to a final written document from later introducing other evidence, such as the content of oral discussions from earlier in the negotiation process, as evidence of a different intent as to the terms of the contract.

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## WHAT IS "WRITING"?

- The expression of ideas by letters visible to the eye. - *Clason v. Bailey, 14 Johns. (N. Y.) 491.*
- The giving of an outward and objective form to a contract, deed, will, etc., by means of letters or marks placed upon paper, parchment, or other material substance. In the most general sense of the word, "writing" denotes a document, whether manuscript or printed, as opposed to mere spoken words. Writing is essential to the validity of certain contracts and other transactions.
- Courts have held electronic communication to be writing.
- A contract may consist of multiple writings.

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## WHAT IS "WRITING"?

- TRADITIONAL
  - Oil and Gas Lease
  - Contract
  - Deed
  - Letter
  - Fax

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## WHAT IS "WRITING"?

- CONTEMPORARY
  - E-mail
  - Text
  - InMail/ Facebook Messenger
  - Tweet

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## HOW TO ANSWER A QUESTION

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## HOW TO ANSWER A QUESTION

A direct question can be answered in one of three ways:

- Tell the truth
- Say "I don't know" (but only if you don't know)
- Say "I am sorry, but that is confidential" (but only if it is truly confidential)

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## HOW TO ANSWER A QUESTION

First and foremost, follow company policy.

In answering a question, stick to the pertinent facts:

- Tell the truth (confidential?)
- Do not offer advice
- Do not speculate
- Don't be afraid to say "I don't know"

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## SOCIAL MEDIA ISSUES

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## SOCIAL MEDIA PLATFORMS

- Twitter
- LinkedIn
- Facebook
- Instagram

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## SOCIAL MEDIA PLATFORMS

- Potential viewers:
  - Employer
  - Potential employer
  - Client
  - Competitor
  - Co-worker
  - Other land professionals
  - Land owner
  - Spouse/significant other
  - Children
  - Friend
  - Law enforcement

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## SOCIAL MEDIA PLATFORMS

- Potential issues:
  - Racist/sexist comments
  - Political comments
  - Religious comments
  - Inappropriate language
  - Disparaging comments
  - Poor spelling/grammar
  - Disclosing proprietary information
  - Disclosing location
  - Posting during work hours
  - Lying/exaggerating
  - Resume padding

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## TWITTER



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JUST FOR FUN



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QUESTIONS OR COMMENTS?

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