

RANDALL E. HUBBARD

DAVIS
GRAHAM &
STUBBS

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EXPERTISE

Energy Industry, Coal Industry, Mining, Natural Resources, Public Lands, and Uranium Mining & Development

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. Mr. Hubbard 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.

Mr. Hubbard 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. Mr. Hubbard 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*. Mr. Hubbard 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 The

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, Mr. Hubbard was an adjunct professor at the University of Denver Sturm College of Law, where he taught a course on mineral law. He has served as the co-chair of the Mining Law Review Sub-Committee of the Colorado Mining Association Hard Rock Minerals Committee, and as a chairperson and legislative liaison of the Mineral Law Section of the Colorado Bar Association. 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 *The Foundation for Natural Resources and Energy Law Journal*. He was the program chair for the 54th The Foundation for Natural Resources and Energy Law Annual Institute. He has previously served as a member of the Board of Trustees of The Foundation for Natural Resources and Energy Law, and as a vice-chair of the Hard Minerals Committee of the American Bar Association Section on Natural Resources, Energy, and Environmental Law. 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.

Mr. Hubbard has been recognized by *Best Lawyers in America*® (since 2007), *Colorado Super Lawyers* (2010-2016) and *The International Who's Who of Mining Lawyers* (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, and 2021 “Lawyer of the Year” for Mining Law in Denver. He has also earned an AV® Preeminent™ Peer Review Rating from Martindale-AVVO®.

PUBLISHED ARTICLES

- 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
- 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?