

30th Annual  
ERNEST E. SMITH  
OIL, GAS & MINERAL LAW  
INSTITUTE

Earn up to 7.25 Hours of Credit Including 0.75 Hours of Ethics Credit

Specialization approved for: Oil, Gas & Mineral Law



March 26, 2004  
InterContinental Hotel  
Houston, Texas

**Conference Sponsors**

Clements, O'Neill, Pierce, Wilson & Fulkerson, L.L.P.  
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Sponsored by The University of Texas School of Law and  
The Oil, Gas & Energy Resources Law Section of the State Bar of Texas

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**FRIDAY MORNING, MARCH 26**

**Presiding Officer:**

**William B. Burford, Midland**

**7:30 a.m.**

**Registration Opens**

Includes continental breakfast.

**8:20 a.m.**

**Welcoming Remarks**

**8:30 a.m.**

**(1.00 hour)**

**Case Law Update**

A review of recent decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation and related topics.

Ernest E. Smith, Austin

**9:30 a.m.**

**(0.50 hour)**

**Dispute Resolution Planning**

Dispute resolution choices: Forum, Arbitrators, Site, Arbitral Rules, with emphasis on drafting issues and solutions for multi-step dispute resolution with multiple contracts and parties.

John P. Bowman, Houston

**10:00 a.m.**

**Break**

**10:15 a.m.**

**(0.75 hour)**

**Today's Marketing, Yesterday's Leases,  
Check Stub Statutes: The Perfect Storm?**

An examination of the issues confronting producers in the proper payment and reporting of royalty arising from the disconnect between traditional lease royalty clauses, modern marketing practices and statutory requirements for reporting the calculation of royalty.

Allen D. Cummings, Houston

**11:00 a.m.**

**(0.50 hour)**

**Environmental Case Law Update**

Update of environmental case law impacting the oil, gas and natural resources industries.

Daniella D. Landers, Houston

**11:30 a.m.**

**(0.50 hour)**

**Revisiting the Doctrine of After Acquired Title**

A review with emphasis on enforcing and defending the doctrine.

Susan A. Stanton, Houston  
Paper by Susan A. Stanton and  
Donald G. Sinex

**12:00 p.m.**

**Pick Up Box Lunch**

**12:15 p.m.**

**(0.50 hour)**

**Luncheon Presentation: Texas General  
Land Office: Past & Present**

Jerry Patterson, Commissioner  
Texas General Land Office, Austin

Sponsored Luncheon: Please select Luncheon option on registration form to attend.

**SPONSORS**

**Clements, O'Neill, Pierce,  
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**FRIDAY AFTERNOON**

**Presiding Officer:**

**William B. Burford, Midland**

**12:45 p.m.**

**(0.75 hour)**

**Engineering and Geologic Testimony in Oil  
and Gas Cases (When the "Science" of En-  
gineering Meets the Long Arm of the Law)**

A primer on engineering and geologic testimony, and exhibits, in drainage, development, and pooling, cases and disputes under JOA's — including *Daubert/Robinson* challenges to such testimony.

E.R. "Ed" Norwood, Houston

**www.utcle.org**  
**Online Courses**

**1:30 p.m.**

**(0.50 hour)**

**The Aftermath of the Pool Case**

Discussion of the Texas Supreme Court's recent decision in *NGPL vs. Pool* and analysis of the court's application of the doctrines of adverse possession and temporary cessation of production and the possible effects of that decision on future lease termination cases and other causes of action.

Laura H. Burney, San Antonio

**2:00 p.m.**

**(0.50 hour)**

**The Implied Covenant to Protect - Revisited**

A review of the doctrinal underpinnings of this implied covenant, the situations in which it applies in Texas, and the measure of damages for breach of the covenant.

Michael D. Jones, Houston

**2:30 p.m.**

**Break**

**2:45 p.m.**

**(0.50 hour)**

**Contract Notices - More than a Formality**

A discussion of the requirements imposed by notice and consent provisions contained in joint operating agreements in Texas.

Steven C. Kiser, Midland

**3:15 p.m.**

**(0.50 hour)**

**Offshore: Issues Associated with Transfer  
of Operations to Smaller Operators**

An examination of various issues typically addressed in Purchase and Sale Agreements of particular significance in sales of offshore producing properties to smaller operators, including security for plugging and abandonment liability by bonds or escrow arrangements and the interplay between such security and MMS bonding requirement issues.

R. Thomas Jorden, Jr., Lafayette, LA

**3:45 p.m.**

**(0.75 hour ethics/PR topic)**

**The 11 Commandments of Professional  
Responsibility**

A session of informative and entertaining parables covering ethics and professional responsibility.

Michael Sean Quinn, Austin

**4:30 p.m.**

**Adjourn**

## CONFERENCE FACULTY

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Austin

## Upcoming UTCLE Conferences

### March 2004

**VALCON: The Conference on Bankruptcy Valuation**  
March 4 - 5, 2004 - Austin - The Four Seasons Hotel

**Land Use Planning Law Conference**  
March 4 - 5, 2004 - Austin - Renaissance Hotel

**Telecommunications Law Conference**  
March 11 - 12, 2004 - Austin - Hyatt Hotel

**Corporate Counsel Institute**  
March 25 - 26, 2004 - Houston - InterContinental Hotel

**Oil, Gas & Mineral Law Institute**  
March 26, 2004 - Houston - InterContinental Hotel

### April 2004

**The Leasing Institute**  
April 1 - 2, 2004 - Houston - InterContinental Hotel

**Immigration Fundamentals: Removal, Relief, and Adjustment**  
April 1 - 2, 2004 - Houston - InterContinental Hotel

**Health Law Conference**  
April 15 - 16, 2004 - Houston - Four Seasons Hotel

**Corporate Counsel Institute**  
April 22 - 23, 2004 - Dallas - Adolphus Hotel

**The Leasing Institute**  
April 29 - 30, 2004 - Dallas - Cityplace

**Immigration Fundamentals: Removal, Relief, and Adjustment**  
April 29 - 30, 2004 - Dallas - Cityplace

## E-materials on CD!

Add electronic versions of conference materials for only \$50 to your registration or purchase of printed materials, audio CDs, or In-House CLE packages. E-Materials are distributed 2-3 weeks after the conference and include searchable versions of printed materials in PDF format. Get yours today!

Mail this registration form or fax a copy to: **(512) 475-6876**

### REGISTRATION FOR OG04

The University of Texas School of Law • Office of Continuing Legal Education

Attn: OG04 • Post Office Box 7759 • Austin TX 78713-7759

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

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City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

### REGISTRATION - Includes printed materials in course binder.

- ☐ Early Registration Fee due by Wed., March 17, 2004 ..... \$245.00  
Add E-materials on CD (PDF files of printed materials) for \$50. See below.\*
- ☐ Registration Fee after Wed., March 17, 2004 ..... \$295.00  
Add E-materials on CD (PDF files of printed materials) for \$50. See below.\*
- ☐ Sponsored Luncheon Presentation with Jerry Patterson ..... Included

### ALSO AVAILABLE - Allow 2-3 weeks from conference date for delivery.

- ☐ Printed materials in course binder \* ..... \$120.00  
Printed materials are **automatically included** with Registration.
- ☐ Audio CD Set \* ..... \$130.00
- ☐ In-House CLE for 2 - Includes audio CD + printed materials \* ..... \$500.00  
\_\_\_\_\_ Add participants with printed materials at \$140 each ..... \$ \_\_\_\_\_  
\_\_\_\_\_ Add participants without printed materials at \$90 each ..... \$ \_\_\_\_\_
- ☐ \*Add E-materials CD (PDF files of printed materials) to any purchase .... \$50.00

### METHOD OF PAYMENT

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

☐ Check (make checks payable to: **The University of Texas at Austin**)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card #     -     -     -

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Authorized Signature

/    
Exp. Date (mm/yy)

## About the Hotel



**InterContinental Houston**  
2222 West Loop South  
Houston, TX 77027  
(713) 627-7600

\$129 single or double special group  
rate good through **February 24, 2004**

Parking: \$5.00 self-parking; \$9.00 valet

### Key dates:

Cancellations & last-minute registrations

**March 17, 2004, 5 p.m.**

- last day for early registration  
add \$50 for registrations  
received after this time

**March 19, 2004, 5 p.m.**

- last day for full refund

**March 22, 2004, 5 p.m.**

- (Monday before conference)  
•last day for partial refunds  
(\$50 processing fee applied)

**March 26, 2004, 8:30 a.m.**

- conference begins

**M  
C  
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.25 hours, of which 0.75 credit hours will apply to legal ethics/professional responsibility credit.

## Stuck at the office? Short MCLE credit?

*Earn full participatory MCLE credit from your office or home — visit [www.utcle.org](http://www.utcle.org) to listen to audio, download papers, and watch video from the best of UT Law's live CLE programs. Select from over 100 courses, including 30 hours of ethics credit.*

### Online Courses for Oil, Gas & Energy Resources Law

- A Primer on Oil, Gas & Mineral Leases
- Dealing with Stealth Documents: The JOA and the Farmout Agreement
- International Oil and Gas Law: Negotiating a Granting Instrument
- Oil, Gas and Mineral Conveyances
- The Basics of Texas Oil and Gas Law: An Overview

**These courses are available in streaming video.**

Visit us on the web at **utcle.org**

## In-House CLE

Integrate presentation resources into your own firm or group practice by combining printed materials with audio CDs for full participatory MCLE credit in a group (two or more) study environment.

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THE UNIVERSITY OF TEXAS AT AUSTIN  
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*This program is not printed or mailed at state expense.*

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for more information