

SPONSORED BY THE UNIVERSITY OF TEXAS SCHOOL OF LAW
AND THE OIL, GAS AND ENERGY RESOURCES LAW SECTION OF THE STATE BAR OF TEXAS

34TH ANNUAL ERNEST E. SMITH OIL, GAS & MINERAL LAW INSTITUTE

Earn up to 7.25 Hours of Credit Including 1.00 Hour of Ethics Credit

AALP Approval Expected for Registered Landman Professional Credit and Certified Professional Landman Credit
Specialization Approval for Oil, Gas & Mineral Law



Friday, April 4, 2008
Hilton Houston Post Oak
Houston, TX

Thursday, May 8, 2008 (Video Replay)
Cityplace Conference Center
Dallas, TX

SPONSORS

Haynes and Boone, LLP
Locke Lord Bissell & Liddell LLP
McElroy, Sullivan & Miller, L.L.P.
Scott, Douglass & McConnico, L.L.P.
Shore West Freeman PC

34TH ANNUAL ERNEST E. SMITH
OIL, GAS & MINERAL LAW INSTITUTE

April 4, 2008 • Hilton Houston Post Oak • Houston, TX

Video Replay: May 8, 2008 • Cityplace Conference Center • Dallas, TX

Earn up to 7.25 Hours of Credit Including 1.00 Hour of Ethics Credit

Conference Presiding Officer: Tim Brown, Houston, TX

MORNING

8:00 a.m. Registration Opens

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:45 a.m. 1.25 hr

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.

Prof. Ernest E. Smith, Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr

What Are Surface Minerals and Why Oil and Gas Owners Should Care

A review of surface mineral reservations and the ownership of those minerals as between the surface or mineral estate including conflicting operations between oil and gas lessees and surface mineral lessees.

Bruce M. Kramer, Houston, TX
Co-Author: J. Derrick Price, Austin, TX

10:45 a.m. .50 hr

Use of Title Examination Standards in Drafting Oil and Gas Title Opinions

An overview of oil and gas title examination standards and the use of those standards in drafting oil and gas title opinions.

George A. Snell III, Amarillo, TX

11:15 a.m. .50 hr ethics

Attorney-Client Privilege in the Oil and Gas Practice

A look at the scope and application of the attorney-client privilege and related privileges/doctrines in situations frequently encountered in an oil and gas practice, offering practical tips for preserving and challenging the privilege, and a look at recent threats to the privilege of in-house counsel.

Mary Ann Joerres, Dallas, TX
Steve Loden, Houston, TX
Co-Author: David Ammons, Dallas, TX

AFTERNOON

LUNCHEON PRESENTATION

11:45 a.m. Pick up Box Lunch

Included in conference registration fee.

12:00 p.m. .50 hr

How To Take A Hard Look at CO₂ Sequestration and Still Sleep at Night

CO₂ sequestration is an essential tool in the fight against catastrophic climate change. The necessary scale is huge, and the risks are many, but there are safe and effective ways to capture CO₂ and sequester it in ecological formations.

Scott Anderson, Austin, TX
Co-Author: Thomas M. Weber, Austin, TX

12:30 p.m. Break

12:45 p.m. .50 hr

Surveying Issues Confronting the Landowner and Operator: A Primer

This session is intended to familiarize oil and gas practitioners with basic surveying principles and problems, and discuss some of the common legal issues that may confront oil and gas operators and lessors as a result of surveying errors and conflicts.

Matthew W. Baab, Austin, TX

1:15 p.m. .50 hr

Surface Damage Acts and the Accommodation Doctrine

A review of recent trends in surface damage act legislation, surface use agreements, and the current status of the accommodation doctrine.

David Patton, Houston, TX

1:45 p.m. .50 hr ethics

Legal Malpractice/Technology

Moving oil patch technology to the courthouse and law office—what are the legal obligations?

Thomas H. Watkins, Austin, TX

2:15 p.m. .50 hr

Revisiting the Royalty Clause for the 21st Century

An overview of current gas marketing methods and analysis of whether revision of the typical gas roy-

alty clause is necessary or advisable given those circumstances.

Stuart C. Hollimon, Houston, TX

2:45 p.m. Break

3:00 p.m. .50 hr

Contractual Based Remedies in Oil and Gas Agreements

This presentation will address the remedies available for enforcement of provisions of a variety of oil and gas agreements, including remedies that typically are expressly provided for in the agreement and legal and equitable remedies that are available by operation of law in the absence of an express provision. It also will address drafting issues for practitioners involved in the negotiation of such agreements.

Guy S. Lipe, Houston, TX

3:30 p.m. .50 hr

Duties Owed by the Operator to ORRI and NPRI Interests

The duties owed by the executive rights owner and the operator to ORRI and NPRI interests.

J. Steven Stewart, Houston, TX

4:00 p.m. .50 hr

Use of Net Profit Interests in Financing Oil and Gas Transactions

Discussion of nature and legal characteristics of net profits interests; their treatment in bankruptcy and for income tax purposes; and their use as financing devices.

Michael P. Pearson, Houston, TX

4:30 p.m. .50 hr

The Pool Case Five Years Later

Update on the impact of the Texas Supreme Court's decision in the *Pool* case five years later and the continued use of adverse possession doctrine in the oil and gas patch.

Elizabeth N. "Becky" Miller, Austin, TX
Joe T. Sanders, Austin, TX

5:00 p.m. Adjourn

VIDEO REPLAY:

May 8, 2008 in Dallas, TX
Earn full participatory credit

ABOUT THE CONFERENCE

The University of Texas School of Law and the Oil, Gas and Energy Resources Law Section of the State Bar of Texas are proud to announce the 34th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute. This longstanding institute again features a slate of outstanding speakers and varied topics in the oil, gas and mineral law area, anchored by the annual case law update provided by the program's namesake, Professor Ernest E. Smith. Like prior institutes, this year's program includes presentations covering traditional subjects, such as surface access issues (with an emphasis on surface damage acts and accommodation doctrine), adverse possession, surveying issues, and contractual based remedies in oil and gas agreements. Other speakers will focus on emerging trends in the oil and gas industry, including presentations about CO₂ sequestration, financing transactions utilizing net profit interests, and drafting royalty clauses in the context of current gas marketing arrangements. Ethics credit is available in two sessions of interest to all oil and gas practitioners regarding attorney-client privilege issues encountered in oil and gas practice, and the legal obligations surrounding the use of oil field technology in the courtroom or law office. The entire program is topical and designed to be of interest to lawyers, landmen and other land and energy professionals.

The State Bar's oldest section, the Oil, Gas and Energy Resources Law Section has more than 2,400 members. It sponsors two major institutes each year, in addition to the Ernest E. Smith Institute, and publishes a quarterly section report containing a variety of updates and articles on energy law topics. Associate memberships are available to non-lawyers and non-Texas lawyers. Membership inquiries should be directed to Norma Rosner Iacovo, Vice-Chair and membership chair, at 817-462-1507.

REGISTRATION FOR OG08

Mail this registration form to:

The University of Texas School of Law, Attn. OG08

P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

Online registration available at www.utcle.org

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ State: _____ ☐ N/A

CPA# _____ ☐ State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail Address _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION – Includes Course Binder and Box Lunch Presentation

HOUSTON, FRIDAY, APRIL 4, 2008

☐ Early Registration Fee due by Wed. March 26, 2008..... \$250.00

☐ Registration Fee after Wed. March 26, 2008 \$300.00

VIDEO REPLAY: DALLAS, THURSDAY, MAY 8, 2008

☐ Early Registration Fee due by Wed. April 30, 2008..... \$175.00

☐ Registration Fee after Wed. April 30, 2008 \$225.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from Houston conference date for delivery.

☐ Course Binder \$125.00

Note: Conference or Video Replay registration includes Course Binder.

☐ Audio CD Set \$130.00

☐ DVD Set \$150.00

☐ eBinder on CD (PDF format) \$125.00/\$50.00

(\$125 purchased alone, \$50 with registration or purchase of Course Binder, Audio CD or DVD Set)

In-House CLE: Bring the conference in-house and learn at your convenience.

Allow 2-4 weeks from Houston conference date for delivery.

☐ In-House CLE includes DVD Set and Course Binder \$500.00

_____ Add participants (includes Course Binder) for \$125 each \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

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

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

Card # - - -

X _____

Authorized Signature

/

Exp. Date (mm/yy)

HOUSTON

Friday, April 4, 2008



CONFERENCE LOCATION

Hilton Houston Post Oak

2001 Post Oak Boulevard
Houston, TX 77056
713-961-9300

Special Room Rate \$145

good through March 10, 2008
(subject to availability)

Parking: self-parking \$13; valet \$23
(subject to change)

KEY DATES

Registration & Cancellation

March 26, 2008–5 p.m.

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

March 28, 2008–5 p.m.

last day for full refund

March 31, 2008–5 p.m.

last day for partial refunds
\$50 processing fee applied

Friday, April 4, 2008–8:45 a.m.
conference begins

M
C
L
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 1.00 credit hour will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

CONFERENCE FACULTY

DAVID AMMONS-CO-AUTHOR
Diamond McCarthy LLP
Dallas, TX

SCOTT ANDERSON
Environmental Defense
Austin, TX

MATTHEW W. BAAB
McElroy, Sullivan & Miller, L.L.P.
Austin, TX

STUART C. HOLLIMON
Andrews Kurth LLP
Houston, TX

MARY ANN JOERRES
Diamond McCarthy LLP
Dallas, TX

BRUCE M. KRAMER
McGinnis, Lockridge & Kilgore, LLC
Houston, TX

GUY S. LIPE
Vinson & Elkins LLP
Houston, TX

STEVE LODEN
Diamond McCarthy LLP
Houston, TX

ELIZABETH N. "BECKY" MILLER
Scott, Douglass & McConnico, L.L.P.
Austin, TX

DAVID PATTON
Locke Lord Bissell & Liddell LLP
Houston, TX

MICHAEL P. PEARSON
Jackson Walker L.L.P.
Houston, TX

J. DERRICK PRICE-CO-AUTHOR
McGinnis, Lockridge & Kilgore, LLC
Austin, TX

JOE T. SANDERS
Scott, Douglass & McConnico, L.L.P.
Austin, TX

PROF. ERNEST E. SMITH
The University of Texas School of Law
Austin, TX

GEORGE A. SNELL III
Attorney at Law
Amarillo, TX

J. STEVEN STEWART
Attorney at Law
Houston, TX

THOMAS H. WATKINS
Brown McCarroll, L.L.P.
Austin, TX

THOMAS M. WEBER-CO-AUTHOR
McElroy, Sullivan & Miller, L.L.P.
Austin, TX

PLANNING COMMITTEE

TIM BROWN—CHAIR
Houston, TX

WILLIAM B. BURFORD
Midland, TX

MASTON COURTNEY
Amarillo, TX

BRETT CUPIT
Houston, TX

NORMA ROSNER IACOVO
Arlington, TX

MARY ANN JOERRES
Dallas, TX

RANDLE JONES
The Woodlands, TX

HOLLIS L. LEVY
Austin, TX

D. DAVIN MCGINNIS
Austin, TX

DAVID PATTON
Houston, TX

MICHAEL P. PEARSON
Houston, TX

BRIAN R. SULLIVAN
Austin, TX

RICHARD D. WATT
Houston, TX

FABENÉ J. WELCH
Houston, TX

DALLAS

VIDEO REPLAY

Thursday, May 8, 2008



LOCATION

Cityplace Conference Center

2711 N Haskell Avenue
Dallas, Texas 75204
214-515-5100

Self Parking: complimentary
(subject to change)

KEY DATES

Registration & Cancellation

April 30, 2008–5 p.m.

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

May 2, 2008–5 p.m.

last day for full refund

May 5, 2008–5 p.m.

last day for partial refunds
\$50 processing fee applied

Thursday, May 8, 2008–8:45 a.m.
video replay begins



UTCLE

THE UNIVERSITY OF TEXAS AT AUSTIN
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

34th Annual Ernest E. Smith OIL, GAS & MINERAL LAW INSTITUTE

April 4, 2008 • Hilton Houston Post Oak • Houston, TX

Video Replay: May 8, 2008 • Cityplace Conference Center • Dallas, TX

NON-PROFIT-ORG
U.S. Postage Paid
The University of
Texas
School of Law

E-mail us at

utcle@law.utexas.edu

or call us at

512-475-6700

for more information