

**35<sup>th</sup> Annual Oil, Gas & Mineral Law Institute**  
**March 27, 2009 • Hyatt Regency • Houston, TX**  
**May 21, 2009 • Dallas**  
**June 5, 2009 • Midland**

**Day 1 Morning**

**Presiding Officer:**

In Houston: **David M. Patton**, Locke Lord Bissell & Liddell LLP - Houston, TX

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| 7:45 am<br>In Houston Only                    | <b>Registration Opens</b><br><br>Includes continental breakfast.   |
| 8:15 am<br>In Houston Only                    | <b>Welcoming Remarks</b>   |
| 8:30 am<br>In Houston Only<br>0.50 hr         | <b>The Rule of Capture Trumps Subsurface Trespass—Finally, a Decision in the <i>Garza</i> Case</b><br><br>A discussion of the 2008 decision in <i>Coastal Oil &amp; Gas Corp. v. Garza Energy Trust</i> .<br><br>Everard A. Marseglia Jr., Liskow & Lewis - Houston, TX  |
| 9:00 am<br>In Houston Only<br>1.25 hrs        | <b>Case Law Update</b><br><br>A review of recent decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation, and related topics.<br><br>Ernest E. Smith III, University of Texas School of Law - Austin, TX |
| 10:15 am<br>In Houston Only                   | <b>Break</b>   |
| 10:30 am<br>In Houston Only<br>0.50 hr        | <b>Documenting the Farmout</b><br><br>A review of the basic elements and a discussion of the key issues that should be addressed in drafting and negotiating a Farmout Agreement.<br><br>Mark K. Boling, Southwestern Energy Company - Houston, TX                       |
| 11:00 am<br>In Houston Only<br>0.50 hr ethics | <b>Conflicts, Contracts and Costs</b><br><br>An ethical update on critical law practice considerations.<br><br>Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza - Austin, TX   |

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| 11:30 am<br>In Houston Only<br>0.50 hr | <p><b>Oil, Gas &amp; Wind? Making Room for Everyone</b></p> <p>An overview of Texas law regarding the ability to develop oil, gas and wind energy simultaneously, the accommodation doctrine, and other related legal principles. This session analyzes current issues from the perspective of the oil and gas lessee in light of the increasing public support for wind energy.</p> <p>Thomas J. Forestier, Winstead PC - Houston, TX</p> |
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## Day 1 Afternoon

### Presiding Officer:

In Houston: **David M. Patton**, Locke Lord Bissell & Liddell LLP - Houston, TX

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| 12:00 pm<br>In Houston Only            | <p><b>Pick up Box Lunch</b></p> <p>Included in course registration.</p>  |
| 12:15 pm<br>In Houston Only<br>0.50 hr | <p><b>LUNCH PRESENTATION: Commodity Prices—Where Will They Go and What to Do About It?</b></p> <p>While oil has fallen from unsustainable highs to unsustainable lows, natural gas has fallen—but not quite so far. This presentation describes the fundamental forces behind the recent extremes in commodity prices, and how these forces will influence the future.</p> <p>Edward M. (Ed) Kelly, Wood Mackenzie - Houston, TX</p> |
| 12:45 pm<br>In Houston Only            | <p><b>Break</b></p>  |
| 1:00 pm<br>In Houston Only<br>0.50 hr  | <p><b>Continuous Drilling Provisions and Horizontal and Vertical Severances</b></p> <p>A discussion of the history and evolution of partial termination and continuous drilling provisions in oil and gas leases as well as horizontal and vertical severances in modern oil and gas leases.</p> <p>Raul Leal, Person, Whitworth, Borchers &amp; Morales, L.L.P. - Laredo, TX</p>  |
| 1:30 pm<br>In Houston Only<br>0.50 hr  | <p><b>Basics of Oil and Gas Taxation</b></p> <p>Aimed at the non-tax practitioner, this session surveys the key federal income tax provisions affecting investment in and operation of oil and gas and mineral interests, both domestically and internationally. Depending on developments in Washington, legislative changes may also be addressed.</p> <p>George M. Gerachis, Vinson &amp; Elkins L.L.P. - Houston, TX</p>         |
| 2:00 pm<br>In Houston Only<br>0.50 hr  | <p><b>A Comparison of Texas and Louisiana Oil and Gas Law</b></p> <p>This session provides a comparison of commonly encountered Louisiana and Texas oil and gas law issues from the perspective of a Texas oil and gas law practitioner.</p> <p>Aaron G. Carlson, Noble Energy, Inc. - Houston, TX</p>   |

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| 2:30 pm<br>In Houston Only<br>0.50 hr ethics | <p><b>The Legal Ethics of Negotiations</b></p> <p>The ethical dilemmas lawyers face when advocating positions on behalf of clients whether before a court or in a business transaction. When does “bluffing” become an act susceptible to professional censure? Are there ethical differences between telling a lie and withholding the truth? Are misdirected emails to be treated the same way under the rules of ethics as inadvertently delivered faxes? New rules on surreptitious recordings by lawyers.</p> <p>Lawrence L. Foust, Los Angeles, CA</p> |
| 3:00 pm<br>In Houston Only                   | <p><b>Break</b></p>  |
| 3:15 pm<br>In Houston Only<br>0.50 hr        | <p><b>Purchase and Sale Agreements in Hard Times—Termination Provisions and Remedies for Breach</b></p> <p>A look at the Termination and Remedies Provisions that need to be re-analyzed and possibly re-inserted in your trusty Purchase and Sale Agreement forms in these times of volatility and uncertainty.</p> <p>Willis James McAnelly III, Bracewell &amp; Giuliani LLP - Houston, TX</p>  |
| 3:45 pm<br>In Houston Only<br>0.50 hr        | <p><b>What Am I Missing?</b></p> <p>Selected pitfalls and problems to avoid in title examination and due diligence.</p> <p>Peter E Hosey, Jackson Walker L.L.P. - San Antonio, TX</p>  |
| 4:15 pm<br>In Houston Only<br>0.50 hr        | <p><b>Ingress and Egress for Mineral Operations on Landlocked Tracts</b></p> <p>How do you get there from here? Using easements, licenses, and other lawful means to gain the right of use of the real property of another for mineral operations.</p> <p>Ernest V. Bruchez, Bruchez Goss Thornton Meronoff &amp; Hawthorne, P.C. - Bryan, TX</p>  |
| 4:45 pm<br>In Houston Only                   | <p><b>Adjourn Institute</b></p>  |
| 5:00 pm<br>In Houston Only<br>0.75 hr        | <p><b>Annual Meeting of the Oil, Gas and Energy Resources Law Section of the State Bar of Texas</b></p> <p>All members of the Oil, Gas and Energy Resources Law Section of the State Bar are invited to join the Section's Council members for the 2009 Annual Meeting of the Council. Elections of Council officers and new Council members will be held, and there will be reports on the Section's activities over the past year.</p> <p>Michael P. Pearson, Jackson Walker L.L.P. - Houston, TX</p>  |
| 5:45 pm<br>In Houston Only                   | <p><b>Adjourn Annual Meeting</b></p>   |