

**36<sup>th</sup> Annual Oil, Gas and Mineral Law Institute**  
**April 9, 2010 • Hyatt Regency • Houston, TX**  
**May 20, 2010 • Dallas**

**Day 1 Morning**

**Presiding Officer:**

In Houston: **Ricardo E. Morales**, Person, Whitworth, Borchers & Morales, L.L.P. - Laredo, TX

7:30 am In Houston Only	<b>Registration Opens</b>  Includes continental breakfast.
8:15 am In Houston Only	<b>Welcoming Remarks</b>
8:30 am In Houston Only 0.50 hr	<b>Preferential Purchase Rights: The Problem with Packages</b>  An examination of the operation of preferential purchase right provisions as they relate to transactions involving properties in addition to the one burdened by the right. Includes some of the issues surrounding allocation of the total purchase price to fewer than all properties in the package.  Everard A. Marseglia Jr., Liskow & Lewis - Houston, TX
9:00 am In Houston Only 1.25 hrs	<b>Case Law Update</b>  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, The University of Texas School of Law - Austin, TX
10:15 am In Houston Only	<b>Break</b>
10:30 am In Houston Only 1.50 hrs	<b>Horizontal Drilling: Potential Problems and Practical Solutions</b>  This session presents various horizontal drilling fact situations and suggests legal answers and practical solutions to the legal issues presented, such as implied covenants, rights of way, pooling, retained acreage, confusion of goods, royalties, and regulatory.  Joe W. Christina Jr., Porter, Rogers, Dahlman & Gordon, P.C. - Corpus Christi, TX Douglas Jackson Dashiell, Scott Douglass & McConnico, L.L.P. - Austin, TX Charles W. Gordon IV, Porter, Rogers, Dahlman & Gordon, P.C. - Corpus Christi, TX

**Day 1 Afternoon**

**Presiding Officer:**

In Houston: **Ricardo E. Morales**, Person, Whitworth, Borchers & Morales, L.L.P. - Laredo, TX

In Houston Only	<b>Luncheon Presentation</b>
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12:00 pm In Houston Only	<b>Pick up Box Lunch</b>  Included in course registration.
12:30 pm In Houston Only 0.50 hr	<b>Geopolitics of Shale Plays</b>  The emergence of shale gas has dramatically altered the natural gas landscape. Developments in the North American gas market have changed forward views regarding LNG markets, and in the U.S. specifically, altered the perceived role of gas in meeting both environmental and energy security objectives. The upstream lessons learned in North America are now matriculating into Europe and Asia, and shale's reach will likely extend well beyond our borders, affecting market developments, and hence the geopolitics of gas, for many years to come.  Kenneth B. Medlock III, Rice University, James A. Baker III Institute for Public Policy - Houston, TX
1:00 pm In Houston Only	<b>Break</b>
1:15 pm In Houston Only 1.00 hr ethics	<b>Legal Malpractice and Ethical Issues for the Oil and Gas Attorney</b>  This presentation provides the anatomy of a legal malpractice case including the statute of limitations, what claims can be asserted, and what relief can be sought. Ethical issues including conflicts of interest and the fiduciary duty owed by the lawyer to the client are covered.  Robert L. Tobey, Johnston Tobey, P.C. - Dallas, TX
2:15 pm In Houston Only 0.50 hr	<b><i>Wagner &amp; Brown v. Sheppard</i>—Practical Considerations</b>  The Texas Supreme Court's opinion in the case of <i>Wagner &amp; Brown v. Sheppard</i> altered many practitioners' understanding of the impact of pooling in Texas. In the wake of <i>Sheppard</i> , a more complete understanding of the opinion and the concerns that it has raised is essential to dealing with issues related to pooling.  William K. Abney, Lynch, Chappell & Alsup PC - Midland, TX
2:45 pm In Houston Only 0.50 hr	<b>Cost Recovery after <i>Sheppard</i>—What's up with That?</b>  An examination of the Supreme Court's cost analysis, and the effect on Texas law.
3:15 pm In Houston Only	<b>Break</b>
3:30 pm In Houston Only 0.50 hr	<b>Your Bridge over Troubled Waters: Planning for and Surviving the Insolvent Operator</b>  With so many operators on the cusp of insolvency, it is important for oil and gas attorneys to understand their clients' rights against operators that do not pay debts owed to their clients or that file for bankruptcy. This presentation provides an overview of the bankruptcy process, including a discussion of the differences between Chapter 7 and Chapter 11 bankruptcy cases and what happens after a bankruptcy filing, including the "automatic stay" of creditors' collection activities, the treatment of contracts with the debtor, secured and unsecured claims, the Chapter 11 plan process, and related issues. Also includes the importance of obtaining lien rights against insolvent operators and the methods for obtaining them.  Jonathan S. Covin, Wick Phillips, LLP - Dallas, TX Gary C. Johnson, Shore Freeman Mills PC - Tyler, TX

4:00 pm In Houston Only 0.50 hr	<b>Lease Maintenance Issues</b>  The pitfalls of waiting until the last minute to keep your lease alive.  Ben Elmore, Perdue & Kidd, LLP - Houston, TX
4:30 pm In Houston Only 0.50 hr	<b>Ten Pitfalls in Mineral and Royalty Conveyances</b>  Traps for the unwary or unskilled attorney drafting deeds involving minerals or royalty in whole or in part: How to see them. How to avoid them.  Ronald D. Nickum, Attorney at Law - Amarillo, TX
5:00 pm In Houston Only	<b>Adjourn Institute</b>
5:15 pm In Houston Only 0.75 hr	<b>Annual Meeting of the Oil, Gas and Energy Resources Law Section of the State Bar of Texas</b>  Immediately following the Institute in Houston Only - All members of the Oil, Gas and Energy Resources Section of the State Bar are invited to join the Section's Council members for the 2010 Annual Meeting of the Section. 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.  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 Timothy Brown, Secretary and Membership Committee Chair, at 832-636-7560.  Norma Rosner Iacovo, Chair, Oil, Gas and Energy Resources Law Section