

39TH ANNUAL ERNEST E. SMITH OIL, GAS AND MINERAL LAW



FUNDAMENTALS—March 21, 2013

INSTITUTE—March 22, 2013

Omni Houston Galleria ▪ Houston, Texas

 Video Replay

May 16–17, 2013

Cityplace Conference Center ▪ Dallas, Texas

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2013

FUNDAMENTALS OF OIL, GAS AND MINERAL LAW

March 21, 2013 ▪ Omni Houston Galleria ▪ Houston, Texas

▶ Video Replay May 16, 2013 ▪ Cityplace Conference Center ▪ Dallas, Texas

Earn up to 8.00 Hours of MCLE Credit

THURSDAY MORNING

Presiding Officer:

Michael D. Jones, Jones Gill LLP,
Houston, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:15 a.m. Welcoming Remarks

8:30 a.m. .50 hr

So You Want to Drill Your Own Oil Well? An Oil and Gas Drilling Primer

An overview of the process of finding oil and gas and bringing it to the surface, as well as some of the needed agreements.

Frank N. Cusimano III, Chevron North America
Exploration and Production Company, Houston, TX

9:00 a.m. .75 hr

The Rule of Capture, Correlative Rights and Principles of Conservation

An examination of the effects of the Rule of Capture, as well as a discussion of well spacing, production limitations, pooling and unitization and related environmental regulation. Agency rules and regulations, rule-making and adjudication procedures are described, as well as judicial review of agency actions including the concepts of collateral attack, exhaustion of administrative remedies, primary jurisdiction and standards of deference.

Patrick H. Martin, Louisiana State University
Paul M. Hebert Law Center, Baton Rouge, LA

9:45 a.m. Break

10:00 a.m. .75 hr

Interests in Oil and Gas

An overview of the general types, characteristics and classifications of oil and gas interests.

Laura H. Burney, St. Mary's University School of Law,
San Antonio, TX

10:45 a.m. 1.00 hr

The Oil and Gas Lease, Part I: Classification, Scope of Grant and Duration

An in-depth focus on how an oil and gas lease is classified in law and on the key clauses of the lease.

Owen L. Anderson, The University of Oklahoma
College of Law, Norman, OK

11:45 a.m. Pick Up Lunch

Included in Fundamentals registration.

THURSDAY AFTERNOON

LUNCHEON PRESENTATION

12:15 p.m. .50 hr

Texas Title Examination Standards: Introduction and Practical Exercises

A look at the use of Title Examination Standards to address common defects, exceptions and errors found in the chain of title to land plus the language of the standards, times when they are applicable and the commentary of applicable law for each standard. Included are a few practical examination exercises using actual instruments pulled from public records.

Allen D. Cummings, Law Offices of Allen D.
Cummings, San Antonio, TX

12:45 p.m. Break

1:00 p.m. .75 hr

The Oil and Gas Lease, Part II: The Royalty Clause in an Oil and Gas Lease

In Texas, the calculation of the royalty obligation created under an oil and gas lease is determined by looking at the specific language contained in the royalty clause. This session focuses on some of the principal phrases used to describe such obligations and how the Texas courts have interpreted them, and takes a look at how that same language has been interpreted differently in other jurisdictions. The impact of division and transfer orders are analyzed to determine how such instruments may affect the royalty obligations contained in the lease.

Bruce M. Kramer, Of Counsel, McGinnis, Lochridge &
Kilgore, L.L.P., Houston, TX

1:45 p.m. .75 hr

The Oil and Gas Lease, Part III: Implied Covenants

An outline of the law of implied covenants, including duties imposed, standards applied and remedies available.

Elizabeth N. Miller, Scott, Douglass &
McConnico, L.L.P., Austin, TX

2:30 p.m. .50 hr

The Oil and Gas Lease, Part IV: Other Clauses

A review of other clauses in an oil and gas lease, including surface use clauses and riders, retained acreage and proportionate reduction clauses and savings clauses such as continuous operations, dry hole, force majeure and shut-in gas royalty clauses.

Gina S. Warren, Texas Wesleyan School of Law,
Fort Worth, TX

3:00 p.m. Break

3:15 p.m. .75 hr

Voluntary Pooling and Unitization

Coverage of the typical pooling clause in an oil and gas lease which allows the lessee to combine acreage under one lease with acreage underlying adjacent tracts, as well as the voluntary unitization statute in Texas under which the Railroad Commission approves field-wide units which may combine acreage from hundreds of different tracts and landowners for the purpose of second recovery or repressuring.

Jacqueline L. Weaver, University of Houston
Law Center, Houston, TX

4:00 p.m. 1.00 hr

Oil and Gas Conveyancing

Description of the terms used to convey mineral and royalty interests and the issues that arise in drafting and interpreting these conveyances.

Laura H. Burney, St. Mary's University School of Law,
San Antonio, TX

5:00 p.m. .75 hr

The Joint Operating Agreement (JOA)

An overview of the important components of a JOA, completion of and additions to the form JOA and issues that arise in the application of the JOA provisions to exploration and production activities.

John S. Lowe, SMU Dedman School of Law, Dallas, TX

5:45 p.m. Adjourn Fundamentals

39TH ANNUAL ERNEST E. SMITH
OIL, GAS AND MINERAL LAW INSTITUTE

March 22, 2013 • Omni Houston Galleria • Houston, Texas

▶ Video Replay May 17, 2013 • Cityplace Conference Center • Dallas, Texas

Earn up to 7.50 Hours of MCLE Credit Including 1.00 Hour Ethics Credit

FRIDAY MORNING

Presiding Officer:

Douglas J. Dashiell, Scott Douglass & McConnico, Austin, TX

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .50 hr

Current Surface Use Issues

Current surface use issues impacting operators including surface use agreements, water disposal issues, municipal regulation and damage claims.

Rick G. Strange, Cotton, Bledsoe, Tighe & Dawson, PC, Midland, TX

9:00 a.m. .50 hr

Developing Issues Related to Salt Water Disposal

A discussion of current legal and regulatory issues related to salt water disposal in Texas.

D. Davin McGinnis, Scott, Douglass & McConnico, L.L.P., Austin, TX

9:30 a.m. .75 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.

Ernest E. Smith, The University of Texas School of Law, Austin, TX

10:15 a.m. Break

10:30 a.m. .50 hr

Case Law Update, continued

Ernest E. Smith, The University of Texas School of Law, Austin, TX

11:00 a.m. .50 hr

Buyer Beware—Expanding Reach of Exculpatory Provisions and Releases in Asset Purchase and Joint Operating Agreements

What transactional and trial counsel need to know about recent developments in the law governing contractual limitations on liability.

Joseph G. Thompson III, Watt Beckworth Thompson Henneman & Sullivan LLP, Houston, TX

11:30 a.m. .50 hr

Water Use for Fracking

A critical analysis of the rules and availability of water sources used in oil and gas development, including recycling and alternatives to fresh water.

Russell S. Johnson, McGinnis Lochridge & Kilgore, Austin, TX

12:00 p.m. Pick Up Lunch

Included in Institute registration.

FRIDAY AFTERNOON

LUNCH PRESENTATION

12:30 p.m. .50 hr

Use of Natural Gas for Power Generation

Legal, environmental and practical issues arising from the use of natural gas to generate electricity and the effect on producers, pipelines and generators.

Kathleen E. Magruder, BP Energy Company, Houston, TX

1:00 p.m. Break

1:15 p.m. .75 hr

Horizontal Wells and Commingling

A review of the law of commingling in Texas as it now or may apply to horizontal wells.

Terry E. Hogwood, Houston, TX

2:00 p.m. 1.00 hr ethics

What Lawyers Can Learn About Professionalism and Communication from the Career of Abraham Lincoln

Talmage Boston, Winstead PC, Dallas, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Supreme Court Landowner Condemnation: Landowner Perspective

A review of Supreme Court landowner condemnation cases involving the value of the land and value of the taker, including the use of eminent domain in conjunction with the reach of the common carrier statute.

Luke J. Ellis, Johns Marrs Ellis & Hodge LLP, Austin, TX
Justin A. Hodge, Johns Marrs Ellis & Hodge LLP, Houston, TX

3:45 p.m. .50 hr

Supreme Court Landowner Condemnation: Industry Perspective

The impact of *Denbury* on the industry and eminent domain practice.

James A. Freeman, Zabel Freeman, Houston, TX

4:15 p.m. .50 hr

Drafting Production Sharing Agreements

An overview of the history and purpose of Production Sharing Agreements and recommended provisions.

Robert D. Jowers, Shannon Gracey Ratliff & Miller, LLP, Houston, TX
Mickey R. Olmstead, McElroy Sullivan Miller Weber & Olmstead, LLP, Austin, TX

4:45 p.m. .50 hr

Negotiating and Drafting Joint Development and Exploration Agreements

A timely discussion of joint development agreements and exploration agreements, and the negotiation thereof, in confronting today's issues in the oil patch.

Jeffery A. McCarn, Brown & Fortunato, P.C., Amarillo, TX

5:15 p.m. Adjourn

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FUNDAMENTALS—OP13

Includes Course Binder and Luncheon Presentation

HOUSTON: MARCH 21, 2013

- Select Course Binder Format
 - Electronic Course Binder on USB Key ONLY
 - Printed Course Binder ONLY
- Select Type
 - Registration by Wednesday, March 13 \$270
 - Registration after Wednesday, March 13 \$320

DALLAS VIDEO REPLAY: MAY 16, 2013

- Select Course Binder Format
 - Electronic Course Binder on USB Key ONLY
 - Printed Course Binder ONLY
- Select Type
 - Registration by Wednesday, May 8 \$220
 - Registration after Wednesday, May 8 \$270

Fundamentals Registration Total \$ _____

INSTITUTE—OG13

Includes Course Binder and Luncheon Presentation

HOUSTON: MARCH 22, 2013

- Select Course Binder Format
 - Electronic Course Binder on USB Key ONLY
 - Printed Course Binder ONLY
- Select Type
 - Registration by Wednesday, March 13 \$300
 - Registration after Wednesday, March 13 \$350

DALLAS VIDEO REPLAY: MAY 17, 2013

- Select Course Binder Format
 - Electronic Course Binder on USB Key ONLY
 - Printed Course Binder ONLY
- Select Type
 - Registration by Wednesday, May 8 \$250
 - Registration after Wednesday, May 8 \$300

Institute Registration Total \$ _____

REGISTRATION TOTAL \$ _____

PUBLICATIONS AND MEDIA *Allow 3-5 weeks from the conference date for delivery.*

FUNDAMENTALS

- Course Binder WITHOUT Conference Registration \$150
Note: Conference Registration includes Course Binder
- Audio MP3 Speeches on CD \$90
- Audio CD Set \$135
- eBinder on CD (PDF format) \$150/\$50
(\$150 purchased alone, \$50 with Registration or materials purchase)

Fundamentals Publications and Media Total \$ _____

INSTITUTE

- Course Binder WITHOUT Conference Registration \$150
Note: Conference Registration includes Course Binder
- Audio MP3 Speeches on CD \$90
- Audio CD Set \$135
- eBinder on CD (PDF format) \$150/\$50
(\$150 purchased alone, \$50 with Registration or materials purchase)

Institute Publications and Media Total \$ _____

PUBLICATIONS AND MEDIA TOTAL \$ _____

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience. *Allow 3-5 weeks from the conference date for delivery. Approved for Texas MCLE credit.*

FUNDAMENTALS

- In-House CLE for 2 \$625
Includes Audio CD Set and Course Binders
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HOUSTON

March 21–22, 2013

CONFERENCE LOCATION



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Houston, TX 77056
713.871.8181

Special Room Rate: \$169
good through February 25, 2013
(subject to availability)

Parking:

Complimentary daily self-parking in the Brown Lot (Riverway Garage), \$17 overnight. Valet \$16 per day, \$27 overnight

KEY DATES

March 13, 2013

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

March 15, 2013

last day for full refund

March 18, 2013

last day for partial refund
\$50 processing fee applied

March 21, 2013, 8:15 a.m.

Fundamentals begins

March 22, 2013, 8:20 a.m.

Institute begins

DALLAS

May 16–17, 2013

VIDEO REPLAY



Cityplace Conference Center
2711 North Haskell Avenue
Dallas, TX 75204
214.515.5100

Parking:

Complimentary self-parking

KEY DATES

May 8, 2013

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

May 10, 2013

last day for full refund

May 13, 2013

last day for partial refund
\$50 processing fee applied

May 16, 2013, 8:15 a.m.

Fundamentals begins

May 17, 2013, 8:20 a.m.

Institute begins

FUNDAMENTALS ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 8.00 hours. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

Specialization Credit Approved for
Oil, Gas and Mineral Law

AAPL Approved for 8.00 Hours of Registered
Professional Landman (RPL) and
Certified Professional Landman (CPL) Credit

9.50 Hours of Texas CPE Credit for
Accountants (Sponsor #250)

INSTITUTE ACCREDITATION

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.50 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

Specialization Credit Approved for
Oil, Gas and Mineral Law

AAPL Approved for 7.50 Hours of Registered
Professional Landman (RPL) and
Certified Professional Landman (CPL) Credit
including 1.00 Hour of Ethics

9.00 Hours of Texas CPE Credit for
Accountants (Sponsor #250)