

**42<sup>nd</sup> Annual Ernest E. Smith Oil, Gas and Mineral Law Institute**  
**April 15, 2016 • Royal Sonesta Hotel Houston • Houston, TX**  
**April 15, 2016 • Live Webcast**  
**May 13, 2016 • Webcast Replay**

**Friday Morning, Apr. 15, 2016**

**Presiding Officer:**

**Michael E. McElroy**, McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P. - Austin, TX

7:15 am In Houston Only	<p><b>Registration Opens</b></p> <p>Includes continental breakfast.</p>
8:05 am	<p><b>Welcoming Remarks</b></p>
8:15 am 1.00 hr ethics	<p><b>Ethics in Negotiation: The True Cost of Representation</b></p> <p>When a client discloses a terrible truth or reveals an unspeakable purpose, what obligations do the Texas Rules of Disciplinary Conduct place on an attorney? What happens when it's time for an attorney to move on? Explore the unexpected answers given by the Rules using both recent and historical real world cases.</p> <p>Michael J. Golden, Boulette Golden &amp; Marin L.L.P. - Austin, TX</p>
9:15 am 1.25 hrs	<p><b>Case Law Update</b></p> <p>Review recent decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation and related topics.</p> <p>Ernest E. Smith, The University of Texas School of Law - Austin, TX</p>
10:30 am	<p><b>Break</b></p>
10:45 am 0.50 hr	<p><b>Royalty Clause Construction in Texas: Is <i>Hyder</i> Part of the <i>Heritage</i> or More Surplusage?</b></p> <p>An update on Texas cases discussing post-production costs and lease interpretation.</p> <p>David Drez III, Wick Phillips - Fort Worth, TX  Materials By:  Jacob Fain, Wick Phillips - Fort Worth, TX</p>
11:15 am 0.75 hr	<p><b>The New 2015 JOA: The Model Form Meets the 21st Century</b></p> <p>Discuss both the accepted and rejected changes made in the AAPL 610 Model Form—2015 Joint Operating Agreement.</p> <p>Jeff Weems, Staff Weems LLP - Houston, TX</p>
12:00 pm In Houston Only	<p><b>Pick Up Lunch</b></p>

## Friday Afternoon, Apr. 15, 2016

### Presiding Officer:

**Michael E. McElroy**, McElroy, Sullivan, Miller, Weber & Olmstead, L.L.P. - Austin, TX

### Luncheon Presentation

12:20 pm 0.50 hr	<b>Regulatory and Legislative Developments Affecting Product Disposition</b>  It is not enough to permit, site, and drill a producing well. Quickly review regulation and legislation that affect production after it leaves the wellhead, including topics such as LNG, crude and condensate exports, Jones Act limitations, what the Clean Power Plan means for fossil fuels, rail regulations, and pipeline development.  Kathleen E. Magruder, BP Energy Company - Houston, TX
12:50 pm	<b>Break</b>
1:05 pm 0.50 hr	<b>Texas Oil &amp; Gas Pattern Jury Charges</b>  A summary review of the new State Bar of Texas Oil & Gas Pattern Jury Charges volume.  Ricardo E. Morales, Person, Whitworth, Borchers & Morales, L.L.P. - Laredo, TX
1:35 pm 0.50 hr	<b>Railroad Commission Update</b>  Examine recent activities at the Railroad Commission including: Statewide Rules for UFT Fields, upgrades in special field rules for unconventional development, concerns about induced seismicity and earthquakes, restrictions on disposal well permitting, and shipper challenges to common carrier tariff increases.  W. Timothy George, McGinnis Lochridge - Austin, TX
2:05 pm 0.75 hr	<b>Better, Faster, Economical ... Arbitration?</b>  Contrary to popular belief, those three adjectives can describe arbitration. Discuss creating effective and efficient arbitration strategies for oil and gas disputes, including suggestions for improving arbitration provisions in some standard industry form contracts.  Derrick Carson, Locke Lord LLP - Houston, TX David E. Harrell Jr., Locke Lord LLP - Houston, TX
2:50 pm	<b>Break</b>
3:00 pm 0.75 hr	<b>Production Sharing Agreements and Allocation Wells Update</b>  Update on current status of allocation wells, including legislation and litigation addressing allocation wells; considerations in negotiating production sharing agreements; methods of allocation of production among multiple tracts; effect of production sharing and allocation wells on retained acreage and Pugh clauses; allocation wells and division orders.  Moderator: J. Robert Goldsmith Jr., Goldsmith & Bogisch - Austin, TX Panelists: Gregory S. Mathews, Chevron USA INC. - Houston, TX John B. McFarland, Graves, Dougherty, Hearon & Moody - Austin, TX

3:45 pm  
0.50 hr

**Distress and Bankruptcy in the Oil & Gas Market**

Discuss the risks and opportunities that result from the decline in commodity prices, including counterparty risk and the acquisition of distressed oil & gas assets both inside and outside of bankruptcy.

David M. Bennett, Thompson & Knight LLP - Dallas, TX

4:15 pm  
0.75 hr

**Recent Developments Involving the Conflicting Rights of Mineral Owners and Surface Owners**

Evaluate the *Lightning v. Anadarko* case and other recent issues and developments dealing with conflicts between mineral owners and surface owners regarding the use of the surface and subsurface.

Moderator:

Lisa Vaughn Lumley, Shannon, Gracey, Ratliff & Miller, LLP - Fort Worth, TX

Panelists:

William G. Bredthauer, Harris, Finley & Bogle, P.C. - Fort Worth, TX

Dick Watt, Watt Thompson & Henneman LLP - Houston, TX

5:00 pm

**Adjourn**