

# 46<sup>th</sup> Annual Ernest E. Smith Oil, Gas and Mineral Law Institute

## March 27, 2020 • Live Webcast

**Friday Morning, Mar. 27, 2020**

**Presiding Officer:**

**Gregory C. Cox**, EOG Resources, Inc. - Houston, TX

8:05 am	<b>Welcoming Remarks</b>
8:15 am 0.75 hr ethics	<p><b>Data Security Incident Response and Attorneys' Obligations</b></p> <p>Effective response to cybersecurity incidents is critical to managing and minimizing regulatory and litigation risks, while protecting your clients and your reputation. Explore developments in incident response, and hear practical guidance from multiple perspectives for managing risk while satisfying legal obligations when the inevitable breach occurs.</p> <p>Caroline Brackeen, Baker &amp; Hostetler LLP - Houston, TX Andy Sawyer, Locke Lord LLP - Dallas, TX</p>
9:00 am	<b>5-Minute Break</b>
9:05 am 0.50 hr	<p><b>Case Law Update: Part One</b></p> <p>Owen L. Anderson, The University of Texas School of Law - Austin, TX</p>
9:35 am	<b>5-Minute Break</b>
9:40 am 0.75 hr 0.50 hr ethics	<p><b>The Limits to Certainty in Title Examination; Bright Lines and Sharp Corners vs. Holistic and Harmonizing, and Those Pesky Fact Questions</b></p> <p>Identify the factual matters that affect or determine ownership but cannot be addressed by an examination of record title, and the presumptions regarding these facts that allow title examiners to render opinions. Analyze the effect on title examination of recent cases that reject "bright lines and sharp corners," magic words, mechanical rules and historic canons of construction in favor of a holistic and harmonizing approach to better discern the intent of the parties as expressed in the four corners of the conveyance.</p> <p>Terry I. Cross, McClure &amp; Cross LLP - Dallas, TX</p>
10:25 am	<b>5-Minute Break</b>
10:30 am 0.50 hr	<p><b>Flaring Issues</b></p> <p>A survey of current gas flaring regulations, practices, and concerns in Texas.</p> <p>Kelli Tieken Kenney, McElroy, Sullivan, Miller &amp; Weber, LLP - Austin, TX</p>
11:00 am	<b>5-Minute Break</b>


<p>11:05 am 0.75 hr</p>	<p><b>MSA Negotiations</b></p> <p>A mock negotiation of a master service agreement with particular attention paid to the insurance and indemnity provisions to ensure an effective risk allocation program.</p> <p>John Gaitskill Almy, Liskow &amp; Lewis - Houston, TX William W. Pugh III, Liskow &amp; Lewis - Houston, TX</p>
<p>11:50 am</p>	<p><b>Break for Lunch - Presentations Resume at 12:15 p.m.</b></p>

## Friday Afternoon, Mar. 27, 2020

### Presiding Officer:

**Gregory C. Cox**, EOG Resources, Inc. - Houston, TX

### LUNCHEON PRESENTATION

	<p><b>Thank You to Our Sponsor</b></p> 
<p>12:15 pm 0.50 hr</p>	<p><b>Recent Developments in Oil &amp; Gas M&amp;A</b></p> <p>Discussion of the latest developments in M&amp;A transactions in the oil and gas industry, including an analysis of the current market, deal term trends and transaction structures, cases studies on recent deals and shareholder activism in the M&amp;A context.</p> <p>Marcel Hewamudalige, Evercore Partners Inc. - Houston, TX Sean T. Wheeler, Kirkland Ellis LLP - Houston, TX</p>
<p>12:45 pm</p>	<p><b>5-Minute Break</b></p>
<p>12:50 pm 0.50 hr</p>	<p><b>Case Law Update: Part Two</b></p> <p>Owen L. Anderson, The University of Texas School of Law - Austin, TX</p>
<p>1:20 pm</p>	<p><b>5-Minute Break</b></p>

<p>1:25 pm 0.75 hr</p>	<p><b>Raiders of the Lost Ark (of the Covenant Running With the Land), And Other Hot Bankruptcy Issues</b></p> <p>Hear a discussion of hot issues and recent developments, including covenants running with the land.</p> <p>Matthew Dudley Cavanaugh, Jackson Walker LLP - Houston, TX Elizabeth Freeman, Jackson Walker LLP - Houston, TX</p>
<p>2:10 pm</p>	<p><b>5-Minute Break</b></p>
<p>2:15 pm 0.50 hr</p>	<p><b>Outlook for Energy: A Perspective to 2040</b></p> <p>The Outlook for Energy is ExxonMobil's global view of energy demand and supply through 2040. It also highlights the dual challenge of providing affordable energy to support prosperity while reducing environmental impacts - including the risks of climate change. ExxonMobil uses the Outlook to help inform its long-term business strategies and investment plans.</p> <p>Energy is fundamental to modern life, and as the world's population approaches 9 billion people in 2040, we are challenged to improve living standards everywhere. Understanding the factors that drive the world's energy needs - and likely choices to meet those needs - is the mission of the Outlook. By sharing the Outlook with the public, ExxonMobil hopes to broaden that understanding. Energy matters to everyone, and we all play a role in shaping its future.</p> <p>Douglas B. Neagli, ExxonMobil Risk Management - Dallas, TX</p>
<p>2:45 pm</p>	<p><b>5-Minute Break</b></p>
<p>2:50 pm 0.50 hr</p>	<p><b>Relinquishment Act Lands, Leasing, and Development</b></p> <p>A discussion of the unique legal issues that arise in conjunction with leasing and horizontal development of Relinquishment Act lands, with a focus on the Delaware Basin.</p> <p>D. Davin McGinnis, Scott Douglass &amp; McConnico LLP - Austin, TX Co-Author: Ross Sutherland, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
<p>3:20 pm</p>	<p><b>5-Minute Break</b></p>
<p>3:25 pm 0.50 hr</p>	<p><b>Split Estate Issues (Mineral, Wind, Solar and Water)</b></p> <p>Explore competing uses, common conflicts, and potential solutions.</p> <p>Robert Matthew Park, Uhl, Fitzsimons, Jewett, Burton, Wolff &amp; Rangel PLLC - San Antonio, TX Co-Author: Ryan Lammert, Uhl, Fitzsimons, Jewett, Burton &amp; Wolff, PLLC - San Antonio, TX</p>
<p>3:55 pm</p>	<p><b>5-Minute Break</b></p>

4:00 pm  
0.75 hr

**Working Interest Disputes under AAPL 2015 Form 610 JOA**

A discussion on whether the AAPL 2015 Form 610 JOA would result different outcomes in prior working interest dispute cases by identifying key areas where disputes have arisen in the past between working interest owners, comparing the JOA provisions from prior cases to the language in the 2015 Form, and explaining whether the result would be the same or different had the parties used the 2015 form. Also, learn about various disputes that can arise between working interest owners.

Michael C. Sanders, Sanders LLP - Houston, TX

4:45 pm

**5-Minute Break**

4:50 pm  
0.50 hr

**The Sand Paper: The Anatomy of Acquiring, Divesting, and Leasing Sand**

Sand has become the new gold in parts of Texas. Discuss the fundamental issues a lawyer must address when structuring an acquisition, a divestiture, or a lease of sand in Texas.

Reagan Marble, Jackson Walker LLP - San Antonio, TX

Co-Author:

Peter E. Hosey, Jackson Walker LLP - San Antonio, TX

5:20 pm

**Adjourn**