


52ND ANNUAL ERNEST E. SMITH
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April 16–17, 2026
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 Live Webcast April 16–17

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Times listed are in Central Time

THURSDAY MORNING, APR. 16, 2026

Presiding Officer:

**Paul Santoyo, Santoyo Wehmeyer P.C.,
San Antonio, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:40 a.m. .50 hr

Case Law Update: Part One

Review the latest decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation, and related topics.

Owen L. Anderson, The University of Texas School of Law, Austin, TX

9:10 a.m. .75 hr

State Regulatory Agencies Refresher for an Oil and Gas Attorney

Discuss recent and ongoing regulatory developments for energy lawyers at the Railroad Commission of Texas, the Texas Commission on Environmental Quality, and the Public Utility Commission of Texas.

Moderator:

Olga Kobzar, Scott Douglass & McConnico LLP,
Austin, TX

Panelists:

J. Amber Ahmed, Beveridge & Diamond, Austin, TX
Kelli Tieken Kenney, McElroy, Sullivan, Miller &
Weber, LLP, Austin, TX
Rachel Seshan, Public Utility Commission of Texas,
Austin, TX

9:55 a.m. .50 hr

Texas Legislative Update

Discuss energy-related legislation that passed, and didn't pass, during the 2025 Texas legislative sessions.

Gregory S. Mathews, Chevron U.S.A. Inc.,
Houston, TX

10:25 a.m. 15-Minute Break

10:40 a.m. .75 hr

Royalty Overpayments, Self-Help Recoupment, and Division Order Pitfalls

What happens when an operator overpays royalties — and what happens when it tries to get them back? Survey the recoupment toolkit available to Texas operators and zeroes in on the division order issues that can complicate recovery. Drawing on *DDR Weinert v. Ovintiv* (5th Cir. 2025), *Perdido Properties v. Devon Energy* (Tex. App.—Eastland 2023), and *Samson v. Bordages* (Tex. 2024), address self-help recoupment, the risks of paying without a signed division order, and the impact of the Supreme Court's new simple-interest default rule on royalty disputes.

Austin W. Brister, McGinnis Lochridge, Houston, TX

11:25 a.m. .50 hr

Agreeing to Agree: Mutuality of Obligation in Modern Oil and Gas Contracts

Modern oil and gas contracts often contemplate future cooperation between the parties and negotiation of additional agreements, which can lead to enforceability problems. Discuss essential contract formation concepts for complex oil and gas transactions, specifically regarding consideration and mutuality of obligation. The presentation will also include a review of recent cases and suggestions for avoiding common pitfalls.

Jared DeFelice, Jackson Walker LLP, San Antonio, TX
Brandon Durrett, Jackson Walker LLP,
San Antonio, TX

11:55 a.m. Pick Up Lunch

Included in registration.

**M
C
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 11.00 hours, of which 2.00 credit hours 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).

THURSDAY AFTERNOON

Presiding Officer:

**John K. Arnold, Troutman Pepper
Locke, Houston, TX**

KEYNOTE LUNCHEON PRESENTATION

12:15 p.m. .50 hr

Keynote Luncheon Presentation

Presented by:

Kenneth B. Medlock III, Ph.D., James A. Baker III and
Susan G. Baker Fellow in Energy and Resource
Economics, Baker Institute for Public Policy, Rice
University, Houston, TX

12:45 p.m. 15-Minute Break

1:00 p.m. .50 hr

Joint Operating Agreements: Best Practices and Emerging Legal Issues

Explore key legal principles and practical considerations in structuring and negotiating JOAs in oil and gas operations. This session covers various pressing issues, including operator and non-operator rights and obligations, risk allocation, indemnity provisions, and contract modifications in the context of evolving regulatory and market conditions.

Monika U. Ehrman, SMU Dedman School of Law,
Dallas, TX

1:30 p.m. .50 hr

From Cimarex to Cromwell: A Course Correction on Lease Survival for Non-Operating Interests

Analyze the Texas Supreme Court's decision in *Cromwell v. Anadarko* and its rejection of the "washout" theory applied in *Cimarex v. Anadarko*, focusing on how passive-voice habendum clauses affect lease continuation beyond the primary term.

Lad Z. Stricker, Vartabedian Hester & Haynes LLP,
Fort Worth, TX

2:00 p.m. .50 hr

Lessons Learned on Contract Construction Dispute

Guidance for drafting and interpreting oil & gas leases based on recent Texas Supreme Court decisions.

Douglas R. Hafer, Curnutt & Hafer, LLP, Arlington, TX

2:30 p.m. .50 hr

Gas Trading Contracts: Force Majeure and the Fallout from Uri

Cover the basics of NAESB gas trading contracts, the legal issues that arose following Winter Storm Uri, and the NAESB Special Provisions that can make or break your case.

J. McLean Bell III, McGinnis Lochridge, Austin, TX

3:00 p.m. 15-Minute Break

3:15 p.m. 1.00 hr ethics

Generative AI in Litigation: Practical Uses, Pitfalls, and Guardrails

Generative AI is rapidly reshaping litigation for attorneys and experts—from discovery and expert analysis to drafting and research. This session explores current AI trends, provides concrete real-world use cases, and discusses the legal, ethical, and evidentiary risks that need to be managed.

Kristofer Buchan, StoneTurn Group, LLP, Houston, TX

4:15 p.m. .50 hr

Business Court Update

(Almost) two years in, how goes the Court?

Hon. Grant Dorfman, Texas Business Court, Eleventh Division, Houston, TX

4:45 p.m. Adjourn to Reception

NETWORKING RECEPTION

4:45 p.m. – 5:45 p.m.

Join us for a networking opportunity with faculty and colleagues.

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FRIDAY MORNING, APR. 17, 2026

Presiding Officer:

Daniel Mathis, Devon Energy Production Company, L.P., Oklahoma City, OK

8:00 a.m. Conference Room Opens

Includes continental breakfast.

THANK YOU TO OUR BREAKFAST SPONSOR



HOGAN THOMPSON SCHUELKE LLP

8:30 a.m. .50 hr

Case Law Update: Part Two

Review recent decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation, and related topics.

Christopher S. Kulander, The University of Texas School of Law, Austin, TX

9:00 a.m. .75 hr

Lithium Mining in Texas

An overview of the nascent field of lithium mining law in Texas, from leasing, to the governing statutes, to permitting projects under the Railroad Commission's new rules.

John H. H. Bennett, Osborn & Bennett LLP, Austin, TX

9:45 a.m. 15-Minute Break

10:00 a.m. .50 hr

Lost profits damages following ETC Texas Pipeline v. XTO Energy

Look at the court of appeals' decision in *ETC Texas Pipeline v. XTO Energy* and similar cases in Texas and across the United States. Discuss drafting ideas for agreements in light of those decisions.

Christopher Michael Hogan, Hogan Thompson Schuelke LLP, Houston, TX

10:30 a.m. .75 hr

Recent Developments in Federal Permitting of LNG and Natural Gas Projects

Survey recent developments at the Federal Energy Regulatory Commission and the Department of Energy and in federal courts, focusing on the difficulties LNG and other natural gas project developers have historically faced due to environmental challenges raised in the regulatory permitting process and on new initiatives to accelerate federal administrative agency review when permitting energy projects.

Brett A. Snyder, Blank Rome LLP, Washington, DC

11:15 a.m. .50 hr

Natural Gas Storage in Texas: Under-Investment, Stakes, Challenges and Solutions

Underground natural gas storage, the shock absorber for the natural gas system, has not kept pace with the meteoric rise in Texas natural gas production, transportation and consumption. This presentation will survey natural gas storage facilities, the rising need for additional capacity, the stakes of continued under-investment, challenges to new investment, and solutions.

Edmund Knolle, Gulf Coast Midstream Partners, Houston, TX

11:45 a.m. 1.00 hr ethics

Ethics Involved in Using a Landman

What ethics rules govern a lawyer's use of landmen? What can landmen do, and what does the law prohibit landmen from doing?

Keith B. Hall, Louisiana State University Paul M. Hebert Law Center, Baton Rouge, LA

12:45 p.m. Adjourn

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James A. Baker III and Susan G. Baker Fellow in
Energy and Resource Economics, Baker Institute for
Public Policy, Rice University
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512.475.6876

Questions? 512.475.6700

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Live Webcast Registration \$750

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, April 17, 2026

Please note that the printed binder will arrive 2–3 weeks after the conclusion of the live event. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

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HOUSTON

April 16–17, 2026

CONFERENCE LOCATION



Royal Sonesta Hotel Houston

2222 West Loop South
Houston, TX 77027-3502
855.463.3091

Room Rate and Parking:

Please visit
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for hotel room block and parking information.

KEY DATES

April 2, 2026

Last day for early registration rates

April 10, 2026

Last day for full refund cancellation

April 13, 2026

Last day for partial refund cancellation

\$50 processing fee applied

April 16, 8:30 a.m., CT

Conference begins

April 17, 2026

Last day to order a printed and shipped course binder with in-person or webcast conference registration.

For more information regarding refunds, complaints, and/or program cancellation policies please contact Customer Service at 512.475.6700.

REASONS TO ATTEND (THIS IS FROM 2025 - PLEASE UPDATE)

Now in its 52nd year, the **Ernest E. Smith Oil, Gas and Mineral Law Institute** continues to be the definitive course for attorneys, corporate lawyers, E&P operators, and landmen, and it brings together a distinguished faculty of academics and practitioners for presentations on the latest oil and gas developments. Program highlights include:

- Essential legal updates, including two sessions reviewing “the latest decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation, and related topics.”
- Timely regulatory and legislative intelligence, featuring a full State Regulatory Agencies Refresher and a Texas Legislative Update covering the 2025 session.
- Emerging industry trends, such as “an overview of the nascent field of lithium mining law in Texas” and a survey of “recent developments in federal permitting of LNG and natural gas projects.”
- Ethics and technology insights, including the session noting that “Generative AI is rapidly reshaping litigation” and a dedicated hour on the ethical boundaries of using landmen.

Plus, join faculty, planning committee, section members and attendees for the Thursday evening Networking Reception.

ABOUT ERNEST E. SMITH

A specialist in oil and gas law, Professor Emeritus Smith co-authored seven editions of the leading casebook of Cases and Materials on Oil and Gas Law (West Academic, 8th ed., 2022), and the leading treatise on Texas Law of Oil and Gas (3 volumes, 2nd ed., LEXIS, 1998). Other co-authored books on oil and gas law include Hemingway Oil and Gas Law and Taxation (4th ed., 2004), and International Petroleum Transactions (3rd ed., 2010). He is also co-author of Cases and Materials on Property (Foundation, 9th ed., 2007) and (Texas) Wind Law (Lexis 2011). In 2008 Professor Emeritus Smith received the Massey Teaching Excellence Award. Earlier teaching awards include the Clyde Martz Award for Excellence in Teaching from the Rocky Mountain Mineral Law Foundation in 1998, and the Texas Excellence Teaching Award for the School of Law from the Ex-Students Association in 2000. In the same year, Annual Institute of Oil, Gas and Mineral Law, which is co-sponsored by the Texas State Bar Section on Oil, Gas and Energy Law and the University of Texas School of Law was re-named the Ernest E. Smith Oil, Gas and Mineral Law Institute. The Ernest E. Smith Endowed Presidential Scholarship in Law was established in 1994, and the Ernest E. Smith Professorship in Law was established in 1996. Before retirement, Professor Smith taught classes in the areas of property, oil and gas, international petroleum transactions, and wind energy law. A former Dean of the Law School, Professor Smith has also been a Visiting Professor at several law schools including Harvard.

