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AND THE OIL, GAS AND ENERGY RESOURCES LAW SECTION OF THE STATE BAR OF TEXAS

35TH ANNUAL ERNEST E. SMITH OIL, GAS & MINERAL LAW

New This Year: One Day Boot Camp

Boot Camp - Thursday, March 26, 2009

Institute - Friday, March 27, 2009

Hyatt Regency • Houston, Texas



AALP Approval for Registered Landman Professional Credit and Certified Professional Landman Credit
Specialization Credit Approved for Oil, Gas and Mineral Law

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Video Replay: Dallas • May 20-21, 2009 • Cityplace Conference Center

Video Replay: Midland • June 4-5, 2009 • Hilton Midland Plaza

NEW THIS YEAR

BOOT CAMP: FUNDAMENTALS OF OIL, GAS AND MINERAL LAW

March 26, 2009 • Hyatt Regency • Houston, Texas

Video Replay: May 20, 2009 • Cityplace Conference Center • Dallas, Texas

Video Replay: June 4, 2009 • Hilton Midland Plaza • Midland, Texas

Earn up to 7.75 Hours of Credit

<p>Presiding Officer: Michael P. Pearson, Jackson Walker L.L.P., Houston, TX</p>	<p>11:15 a.m. 1.00 hr</p>	<p>2:00 p.m. .75 hr</p>
<p>MORNING</p>	<p>The Oil and Gas Lease, Part I: Classification, Scope of Grant, and Duration</p>	<p>The Oil and Gas Lease, Part III: Implied Covenants</p>
<p>8:00 a.m. Registration Opens</p> <p>Includes continental breakfast.</p>	<p>This presentation focuses on how an oil and gas lease is classified in law, and on the key clauses of the lease. Pooling and royalty clauses are covered in other sessions.</p> <p>Owen L. Anderson, University of Oklahoma College of Law, Norman, OK</p>	<p>An outline of the law of implied covenants, including duties imposed, standards applied, and remedies available.</p> <p>Elizabeth N. "Becky" Miller, Scott Douglass & McConico, L.L.P., Austin, TX</p>
<p>8:30 a.m. Welcoming Remarks</p>	<p>AFTERNOON</p>	<p>2:45 p.m. Break</p>
<p>Michael P. Pearson, Jackson Walker L.L.P., Houston, TX</p>	<p>LUNCHEON PRESENTATION</p>	<p>3:00 p.m. .75 hr</p>
<p>8:45 a.m. .75 hr</p> <p>So You Want to Drill Your Own Oil Well? A Hands-On Oil and Gas Drilling Primer</p> <p>An overview of the process of finding oil and gas, and bringing it to the surface.</p> <p>Frank N. Cusimano, Chevron U.S.A. Inc., Houston, TX</p>	<p>12:15 p.m. Pick up Box Lunch</p> <p>Included in course registration.</p>	<p>Voluntary Pooling and Unitization</p> <p>This session covers (1) 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, and (2) the voluntary unitization statute in Texas under which the Railroad Commission approves fieldwide units which may combine acreage from hundreds of different tracts and landowners for the purpose of second recovery or repressuring.</p> <p>Jacqueline Lang Weaver, University of Houston Law Center, Houston, TX</p>
<p>9:30 a.m. .75 hr</p>	<p>12:30 p.m. .50 hr</p> <p>Texas Title Examination Standards—Introduction and Practical Exercises</p> <p>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 in the presentation are some practical examination exercises using actual instruments pulled from the public records.</p> <p>David H.O. Roth, Cox Smith Matthews Incorporated, San Antonio, TX</p>	<p>3:45 p.m. 1.00 hr</p>
<p>The Rule of Capture, Correlative Rights, and Principles of Conservation</p> <p>Examine the effects of the Rule of Capture that has led to extensive regulation of oil and gas drilling and production by state and federal agencies. Discussion of well spacing, production limitations, pooling and unitization, and related environmental regulation. The procedures for establishing units under leases, by separate contract and through agency orders are outlined. 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. Also discussed are the effects of conservation regulation on leases and term interests.</p> <p>Patrick H. Martin, Louisiana State University Paul M. Hebert Law Center, Baton Rouge, LA</p>	<p>1:00 p.m. Break</p>	<p>Oil and Gas Conveyancing</p> <p>This session describes the terms used to convey mineral and royalty interests and the issues that arise in drafting and interpreting these conveyances.</p> <p>Laura H. Burney, Attorney at Law, San Antonio, TX</p>
<p>10:15 a.m. Break</p>	<p>1:15 p.m. .75 hr</p>	<p>4:45 p.m. .75 hr</p>
<p>10:30 a.m. .75 hr</p> <p>Interests in Oil and Gas</p> <p>A look at the types, characteristics, classifications, and ownership issues.</p> <p>Laura H. Burney, Attorney at Law, San Antonio, TX</p>	<p>The Oil and Gas Lease, Part II: The Royalty Clause in an Oil and Gas Lease</p> <p>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. Finally, the impact of division and transfer orders are analyzed to see how such instruments may affect the royalty obligations contained in the lease.</p> <p>Bruce M. Kramer, Maddox Professor of Law Emeritus, Texas Tech University School of Law, and Of Counsel, McGinnis Lochridge & Kilgore, L.L.P., Houston, TX</p>	<p>The Joint Operating Agreement</p> <p>In the oil and gas business, Joint Operating Agreements (JOAs) allow two or more oil and gas lease owners to cooperate and jointly participate in the benefits, risks, and the expense of gas and oil exploration. This session provides 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 everyday exploration and production activities.</p> <p>Allen D. Cummings, Law Offices of Allen D. Cummings, San Antonio, TX</p> <p>5:30 p.m. Adjourn</p>

35TH ANNUAL ERNEST E. SMITH
OIL, GAS & MINERAL LAW INSTITUTE

March 27, 2009 • Hyatt Regency • Houston, Texas

Video Replay: May 21, 2009 • Cityplace Conference Center • Dallas, Texas

Video Replay: June 5, 2009 • Hilton Midland Plaza • Midland, Texas

Earn up to 7.25 Hours of Credit Including 1.00 Hour of Ethics Credit

<p>Presiding Officer: David M. Patton, Locke Lord Bissell & Liddell LLP, Houston, TX</p>	<p>11:30 a.m. .50 hr</p>	<p>2:00 p.m. .50 hr</p>
<p>MORNING</p>	<p>Oil, Gas & Wind? Making Room for Everyone An overview of Texas law regarding the ability to develop oil, gas and wind energy simultaneously, the accommodation doctrine, and other related legal principles. This session analyzes current issues from the perspective of the oil and gas lessee in light of the increasing public support for wind energy. Thomas J. Forestier, Winstead PC, Houston, TX</p>	<p>A Comparison of Texas and Louisiana Oil and Gas Law This session provides a comparison of commonly encountered Louisiana and Texas oil and gas law issues from the perspective of a Texas oil and gas law practitioner. Aaron G. Carlson, Noble Energy, Inc., Houston, TX</p>
<p>7:45 a.m. Registration Opens Includes continental breakfast.</p>	<p>AFTERNOON</p>	<p>2:30 p.m. .50 hr ethics</p>
<p>8:15 a.m. Welcoming Remarks</p>	<p>LUNCHEON PRESENTATION</p>	<p>The Legal Ethics of Negotiations</p>
<p>8:30 a.m. .50 hr The Rule of Capture Trumps Subsurface Trespass—Finally, a Decision in the Garza Case A discussion of the 2008 decision in <i>Coastal Oil & Gas Corp. v. Garza Energy Trust</i>. Everard A. Marseglia, Liskow & Lewis, Houston, TX</p>	<p>12:00 p.m. Pick up Box Lunch Included in course registration.</p>	<p>The ethical dilemmas lawyers face when advocating positions on behalf of clients whether before a court or in a business transaction. When does "bluffing" become an act susceptible to professional censure? Are there ethical differences between telling a lie and withholding the truth? Are misdirected emails to be treated the same way under the rules of ethics as inadvertently delivered faxes? New rules on surreptitious recordings by lawyers. Lawrence L. Foust, San Francisco, CA</p>
<p>9:00 a.m. 1.25 hrs 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, University of Texas School of Law, Austin, TX</p>	<p>12:15 p.m. .50 hr Commodity Prices—Where Will They Go and What to Do about It? While oil has fallen from unsustainable highs to unsustainable lows, natural gas has fallen—but not quite so far. This presentation describes the fundamental forces behind the recent extremes in commodity prices, and how these forces will influence the future. Edward M. (Ed) Kelly, Wood Mackenzie, Houston, TX</p>	<p>3:00 p.m. Break</p>
<p>10:15 a.m. Break</p>	<p>12:45 p.m. Break</p>	<p>3:15 p.m. .50 hr</p>
<p>10:30 a.m. .50 hr Documenting the Farmout A review of the basic elements and a discussion of the key issues that should be addressed in drafting and negotiating a Farmout Agreement. Mark K. Boling, Southwestern Energy Company, Houston, TX</p>	<p>1:00 p.m. .50 hr</p>	<p>Purchase and Sale Agreements in Hard Times—Termination Provisions and Remedies for Breach A look at the Termination and Remedies Provisions that need to be re-analyzed and possibly re-inserted in your trusty Purchase and Sale Agreement forms in these times of volatility and uncertainty. Willis James McAnelly, Bracewell & Giuliani, LLP, Houston, TX</p>
<p>11:00 a.m. .50 hr ethics Charging an Ethical Fee: It Don't Mean a Thing if It Doesn't Say Ka-Ching Innovative agreements, important fee contract provisions, and handling fee disputes. Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza, Austin, TX</p>	<p>Continuous Drilling Provisions and Horizontal and Vertical Severances A discussion of the history and evolution of partial termination and continuous drilling provisions in oil and gas leases as well as horizontal and vertical severances in modern oil and gas leases. Raul Leal, Person, Whitworth, Borchers & Morales, L.L.P., Laredo, TX</p>	<p>3:45 p.m. .50 hr</p>
<p>Basics of Oil and Gas Taxation Aimed at the non-tax practitioner, this session surveys the key federal income tax provisions affecting investment in and operation of oil, gas and mineral interests, both domestically and internationally. Depending on developments in Washington, legislative changes may also be addressed. George M. Gerachis, Vinson & Elkins L.L.P., Houston, TX</p>	<p>1:30 p.m. .50 hr</p>	<p>What Am I Missing? Selected pitfalls and problems to avoid in title examination and due diligence. Peter E. Hosey, Jackson Walker L.L.P., San Antonio, TX</p>
<p>4:45 p.m. .50 hr Ingress and Egress for Mineral Operations on Landlocked Tracts How do you get there from here? Using easements, licenses, and other lawful means to gain the right of use of the real property of another for mineral operations. Ernest V. Bruchez, Bruchez Goss Thornton Meronoff & Hawthorne, P.C., Bryan, TX</p>	<p>4:45 p.m. Adjourn Institute</p>	<p>4:45 p.m. Adjourn Institute</p>

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Special Invitation

Annual Meeting Oil, Gas and Energy Resources Law Section of the State Bar of Texas

5:00 – 5:45 p.m.

Friday, March 27, 2009

HOUSTON Only

Annual Meeting of the Oil, Gas and Energy Resources Law Section of the State Bar of Texas

Immediately following the Institute in Houston Only – All members of the Oil, Gas and Energy Resources Law Section of the State Bar are invited to join the Section's Council members for the 2009 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 Norma Rosner Iacovo, Chair-Elect and membership chair, at 817-462-1507.

Michael P. Pearson, Chair, Oil, Gas and Energy Resources Law Section

REGISTRATION FOR OP09/OG09

Mail this registration form to: The University of Texas School of Law, Attn. OP09/OG09, P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876. Online registration available at www.utcle.org

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REGISTRATION

Includes Course Binder and Box Lunch Presentation

BOOT CAMP

INSTITUTE

HOUSTON, THURSDAY, MARCH 26, 2009

HOUSTON, FRIDAY, MARCH 27, 2009

- Early Registration Fee due by Wed. March 18, 2009 ... \$250.00
Registration Fee after Wed. March 18, 2009 \$300.00

- Early Registration Fee due by Wed. March 18, 2009 ... \$250.00
Registration Fee after Wed. March 18, 2009 \$300.00

DALLAS, WEDNESDAY, MAY 20, 2009, VIDEO REPLAY

DALLAS, THURSDAY, MAY 21, 2009, VIDEO REPLAY

- Early Registration Fee due by Wed. May 13, 2009 \$200.00
Registration Fee after Wed. May 13, 2009 \$250.00

- Early Registration Fee due by Wed. May 13, 2009 \$200.00
Registration Fee after Wed. May 13, 2009 \$250.00

MIDLAND, THURSDAY, JUNE 4, 2009, VIDEO REPLAY

MIDLAND, FRIDAY, JUNE 5, 2009, VIDEO REPLAY

- Early Registration Fee due by Wed. May 27, 2009 \$200.00
Registration Fee after Wed. May 27, 2009 \$250.00

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DVD Set \$150.00
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35th Annual Ernest E. Smith
OIL, GAS & MINERAL LAW

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HOUSTON
CONFERENCE
March 26-27, 2009



LOCATION

Hyatt Regency
1200 Louisiana Street
Houston, TX 77002
713-654-1234

Special Room Rate \$189
good through February 26, 2009
(subject to availability)

Parking: \$12 Valet Event Parking;
Self-parking available nearby
(subject to change)

KEY DATES

Registration & Cancellation

March 18, 2009-5 p.m.
last day for early registration
add \$50 for registrations
received after this time

March 20, 2009-5 p.m.
last day for full refund

March 23, 2009-5 p.m.
last day for partial refunds
\$50 processing fee applied

March 26, 2009-8:45 a.m.
Boot Camp begins

March 27, 2009-8:30 a.m.
Institute begins

DALLAS
VIDEO REPLAY
May 20-21, 2009



LOCATION

Cityplace Conference Center
2711 N Haskell Avenue
Dallas, Texas 75204
214-515-5100

Parking: complimentary
(subject to change)

KEY DATES

Registration & Cancellation

May 13, 2009-5 p.m.
last day for early registration
add \$50 for registrations
received after this time

May 15, 2009-5 p.m.
last day for full refund

May 18, 2009-5 p.m.
last day for partial refunds
\$50 processing fee applied

May 20, 2009-8:45 a.m.
Boot Camp video replay begins

May 21, 2009-8:30 a.m.
Institute video replay begins

MIDLAND
VIDEO REPLAY
June 4-5, 2009



LOCATION

Hilton Midland Plaza
117 West Wall
Midland, TX 79701
432-683-6131

Parking: Event Parking
complimentary; overnight \$5
(subject to change)

KEY DATES

Registration & Cancellation

May 27, 2009-5 p.m.
last day for early registration
add \$50 for registrations
received after this time

May 29, 2009-5 p.m.
last day for full refund

June 1, 2009-5 p.m.
last day for partial refunds
\$50 processing fee applied

June 4, 2009-8:45 a.m.
Boot Camp video replay begins

June 5, 2009-8:30 a.m.
Institute video replay begins

M C L E
Boot Camp

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 7.75 hours, of which 0.00 credit hours will apply to the legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).



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