

40<sup>TH</sup> ANNUAL ERNEST E. SMITH  
**OIL, GAS AND MINERAL LAW**



FUNDAMENTALS—March 27, 2014  
INSTITUTE—March 28, 2014  
Royal Sonesta Hotel ■ Houston, Texas

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▶ Video Replay

May 8–9, 2014

Cityplace Conference Center ■ Dallas, Texas

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2014

# FUNDAMENTALS OF OIL, GAS AND MINERAL LAW

March 27, 2014 ■ Royal Sonesta Hotel ■ Houston, Texas

▶ Video Replay May 8, 2014 ■ Cityplace Conference Center ■ Dallas, Texas

## THURSDAY MORNING

### Presiding Officer:

Chris Aycock, Cotton Bledsoe Tighe & Dawson, PC, Midland, TX

### 7:30 a.m. Registration Opens

Includes continental breakfast.

### 8:35 a.m. Welcoming Remarks

### 8:45 a.m. .75 hr

#### You Have Drilled Your Well, Now What?

Pitfalls to avoid when completing your well. Production and marketing of oil, natural gas and liquids, how that is accomplished and what to worry about while you are doing it.

William D. Griffin, Griffin Consulting, Houston, TX

### 9:30 a.m. .75 hr

#### Lease Perpetuation Issues

An examination of the commencement of the term of the lease and its termination.

Peter E. Hosey, Jackson Walker L.L.P., San Antonio, TX

### 10:15 a.m. Break

### 10:30 a.m. .50 hr

#### Administering State Leases and Relinquishment Act Lands

Classification of state lands and accompanying lease forms; plus key differences in maintaining a state oil and gas lease.

Mark A. Havens, Texas General Land Office, Austin, TX

### 11:00 a.m. .75 hr

#### Implied Covenants

A review of the law of implied covenants and its application to the oil patch.

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

### 11:45 a.m. Pick Up Lunch

Included in registration.

## THURSDAY AFTERNOON

### LUNCHEON PRESENTATION

### 12:05 p.m. .50 hr

#### Horizontal Update:

#### The Resurgence of the Permian Basin

Scott D. Sheffield, Pioneer Natural Resources Company, Irving, TX

### 12:35 p.m. Break

### 12:45 p.m. .75 hr

#### What You Need to Know about the Railroad Commission

An overview of the oil and gas drilling, production, environmental and pipeline regulation by the Railroad Commission of Texas.

W. Timothy George, McGinnis Lochridge, Austin, TX

### 1:30 p.m. .50 hr

#### Basics: Perfection in the Oilfield

A general discussion regarding perfection of your client's interest, lien or security interest in oil, gas and other minerals.

W. John English Jr., Baker & Hostetler LLP, Houston, TX

### 2:00 p.m. .50 hr

#### Same Title, Different Opinion

A discussion of the various types, and differences between, title opinions utilized in all stages of the production of oil and gas.

Rhodes W. Hamilton, Hamilton & Squibb, LLP, Dallas, TX

### 2:30 p.m. Break

### 2:45 p.m. .50 hr

#### The Application of the Statute of Frauds in Oil and Gas Transactions

An overview of the interaction between the Statute of Frauds and the practice of oil and gas law in Texas.

Joe Fenley Flack III, Thompson & Knight LLP, Houston, TX

### 3:15 p.m. .50 hr

#### Division Orders

A discussion of the origins, uses and the statutory provisions governing division orders.

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

### 3:45 p.m. .75 hr

#### Drilling Contracts and Master Service Agreements

Risk allocation issues in drilling contracts and master service agreements are often the most difficult issues. This session provides a broad overview of the indemnity and insurance provisions and some important pitfalls to avoid.

William W. Pugh III, Liskow & Lewis, APLC, Houston, TX

### 4:30 p.m. .50 hr

#### Joint Operating Agreement: Subsequent Operations

Proposals for operations after the initial well, the rights, duties and expectations of the parties, and a comparison of vertical and horizontal well issues.

Michel E. Curry, Cotton Bledsoe Tighe & Dawson, PC, Midland, TX

### 5:00 p.m. Adjourn Fundamentals

## 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 7.25 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).

TX Legal Specialization Credit Approved for Oil, Gas and Mineral Law

7.25 Hours of AAPL Credit for Registered Professional Landman (RPL) and Certified Professional Landman (CPL) Expected

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

40<sup>TH</sup> ANNUAL ERNEST E. SMITH  
**OIL, GAS AND MINERAL LAW INSTITUTE**

March 28, 2014 ■ Royal Sonesta Hotel ■ Houston, Texas

▶ Video Replay May 9, 2014 ■ Cityplace Conference Center ■ Dallas, Texas

**FRIDAY MORNING**

**Presiding Officer:**

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

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Welcoming Remarks**

**8:30 a.m. .50 hr**

**New Water Funding/Planning Legislation**

Coverage of state funding for water resource development, the reorganized Texas Water Development Board, and other water legislation/ what to expect in 2015.

Russell S. Johnson, McGinnis Lochridge, Austin, TX

**9:00 a.m. 1.25 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**

**Accommodation Doctrine**

The balance of power in accommodation doctrine disputes after *Merriman v. XTO*.

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

**11:00 a.m. 1.00 hr**

**Production Sharing Agreements and Allocation Wells**

This panel addresses the origin and evolution of production sharing agreements and allocation wells, conflicting interests of mineral owners and operators, as well as relevant case law and proceedings before the Railroad Commission of Texas.

**Moderator:**

J. Robert Goldsmith Jr., Goldsmith & Bogisch,  
Austin, TX

**Panelists:**

Bryan D. Lauer, Scott, Douglass & McConnico, L.L.P.,  
Austin, TX

John B. McFarland, Graves Dougherty Hearon &  
Moody, Austin, TX

**12:00 p.m. Pick Up Lunch**

Included in registration.

**FRIDAY AFTERNOON**

**LUNCHEON PRESENTATION**

**12:20 p.m. .50 hr**

**Exploring the New AAPL-610 Horizontal Model Form JOA**

This presentation looks at the initial product of AAPL's JOA revision task force, highlighting changes and additions to the 1982 and 1989 forms appropriate for well development.

Thomas A. Daily, Daily & Woods, P.L.L.C.,  
Fort Smith, AR

**12:50 p.m. Break**

**1:00 p.m. .50 hr**

**Mineral Co-Tenants**

This presentation explores the rights, duties and obligations among mineral co-tenants, including accounting for development costs and limitations on self-development of the jointly owned minerals.

Chris Aycok, Cotton Bledsoe Tighe & Dawson, PC,  
Midland, TX

**1:30 p.m. .75 hr**

**Seven Changes in Oil and Gas Technology**

Seven technological advances in the oil and gas industry that have provoked advancement in oil and gas law and changed the way we practice law, and how Texas law has responded to these advances.

Kevin M. Beiter, Hornberger Sheehan Fuller & Beiter,  
San Antonio, TX

**2:15 p.m. 1.00 hr ethics**

**Multi-Jurisdictional Practices and the Unauthorized Practice of Law**

A focus on the Disciplinary Rules' prohibition of practicing in areas in which an attorney is not qualified, and civil and criminal statutes proscribing the practice of law in various states with active oil and gas practices without being licensed in that jurisdiction.

James C. Winton, Baker & Hostetler LLP, Houston, TX

**3:15 p.m. Break**

**3:30 p.m. .50 hr**

**Additional Insured Provisions in Oil and Gas Contracts: Lessons Learned from Deepwater Horizon**

Julia M. (Adams) Palmer, Looper Reed & McGraw, P.C.,  
Houston, TX

**4:00 p.m. .50 hr**

**Adverse Possession in the Texas Oil Patch**

A practical discussion about litigating adverse possession issues such as those that often arise when working with oil and gas leases, old chains of title, and old deeds and plots.

Jaime Santiago Rangel, The Rangel Law Firm, P.C.,  
Corpus Christi, TX

**4:30 p.m. .50 hr**

**To Ratify or Not to Ratify**

Factors a mineral owner should consider in deciding whether to ratify an oil and gas lease and the effects of ratification.

Raul Leal, Raul Leal Incorporated, Laredo, TX

**5:00 p.m. .50 hr**

**Mineral, Royalty or Something In-Between?**

A proper analysis of deeds conveying or reserving an interest—particularly a fractional interest—in minerals in order to determine the interests' character and quantum, with an emphasis on recent developments.

William B. Burford, Hinkle, Hensley, Shanor &  
Martin, L.L.P., Midland, TX

**5:30 p.m. Adjourn Institute**

**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 8.00 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).

TX Legal Specialization Credit Approved for Oil, Gas and Mineral Law

8.00 Hours of AAPL Credit Including 1.00 Hour of Ethics for Registered Professional Landman (RPL) and Certified Professional Landman (CPL) Expected

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

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The University of Texas School of Law  
The Oil, Gas and Energy Resources Law  
Section of the State Bar of Texas

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## REGISTRATION

### FUNDAMENTALS—OP14

*Includes Course Materials and Luncheon Presentation*

**HOUSTON: March 27, 2014**

**1. Select Registration Type**

- Individual registration by Wednesday, March 19, 2014 . . . . . \$325
- Individual registration after Wednesday, March 19, 2014. . . . . \$375

**2. Select Course Materials Format**

- Electronic Course Binder on USB Key ONLY
- Printed Course Binder ONLY

**DALLAS VIDEO REPLAY: May 8, 2014**

**1. Select Registration Type**

- Individual registration by Wednesday, April 30, 2014 . . . . . \$275
- Individual registration after Wednesday, April 30, 2014 . . . . . \$325

**2. Select Course Materials Format**

- Electronic Course Binder on USB Key ONLY
- Printed Course Binder ONLY

**Fundamentals Registration Total** . . . . . \$ \_\_\_\_\_

### INSTITUTE—OG14

*Includes Course Materials and Luncheon Presentation*

**HOUSTON: March 28, 2014**

**1. Select Registration Type**

- Individual registration by Wednesday, March 19, 2014 . . . . . \$350
- Individual registration after Wednesday, March 19, 2014. . . . . \$400

**2. Select Course Materials Format**

- Electronic Course Binder on USB Key ONLY
- Printed Course Binder ONLY

**DALLAS VIDEO REPLAY: May 9, 2014**

**1. Select Registration Type**

- Individual registration by Wednesday, April 30, 2014 . . . . . \$300
- Individual registration after Wednesday, April 30, 2014 . . . . . \$350

**2. Select Course Materials Format**

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**Institute Registration Total** . . . . . \$ \_\_\_\_\_

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**Institute In-House Total** . . . . . \$ \_\_\_\_\_

**IN-HOUSE SUBTOTAL** **\$ \_\_\_\_\_**

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March 27–28, 2014

**KEY DATES****March 19, 2014***last day for early registration*  
add \$50 for registrations received after this time**March 21, 2014***last day for cancellation (full refund)***March 24, 2014***last day for cancellation (partial refund)*  
\$50 processing fee applied**March 27, 2014, 8:35 a.m.***Fundamentals begins***March 28, 2014, 8:20 a.m.***Institute begins***VIDEO REPLAY LOCATION****Cityplace Conference Center**2711 North Haskell Avenue  
Dallas, TX 75204  
214.515.5100**Self-Parking:**Complimentary  
(subject to change)**DALLAS**

May 8–9, 2014

**KEY DATES****April 30, 2014***last day for early registration*  
add \$50 for registrations received after this time**May 2, 2014***last day for cancellation (full refund)***May 5, 2014***last day for cancellation (partial refund)*  
\$50 processing fee applied**May 8, 2014, 8:35 a.m.***Fundamentals begins***May 9, 2014, 8:20 a.m.***Institute begins*