

# TEXAS CASE LAW UPDATE

## covering 2022 and early 2023 cases

**ERNEST E. SMITH CLE**

**APRIL 2023**

**Owen L. Anderson**

Distinguished Oil & Gas Scholar & Co-Academic Director



The University of Texas at Austin  
**KBH Energy Center for  
Business, Law and Policy**

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## The KBH Center for Energy Business, Law, and Policy: Our Mission

The KBH Energy Initiative seeks to be the pre-eminent energy initiative at the intersection of energy business, law, and policy. We will pursue this mission by leveraging the resources of the McCombs Business and Law Schools, their alumni, and supporters to expand our knowledge and understanding of this crucial industry; to engage, inform, and connect leaders in that industry, in government, and at UT on core energy issues; to educate and inspire students to be the next generation of leaders; to grow the network and reach of the University of Texas throughout the world of energy.

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## Professor Owen L. Anderson

- Distinguished Oil & Gas Law Scholar and Co-Academic Director of the Kay Bailey Hutchison (KBH) Energy Center for Business, Law & Policy at the University of Texas School of Law and McCombs School of Business
- Eugene Kuntz Chair in Oil, Gas, & Natural Resources Emeritus and George Lynn Cross Research Professor Emeritus at the University of Oklahoma College of Law.
- Honorary Senior Fellow at the University of Melbourne Faculty of Law
- Global Faculty for the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee
- Visiting Fulbright Scholar at the University of São Paulo in 2019.
- Former Jack F. Maddox Professor at Texas Tech and former Professor at the University of North Dakota
- Consulted, taught, or lectured in Angola, Australia, Canada, China, Brazil, Colombia, Italy, Jordan, Korea, Mexico, Namibia, The Netherlands, New Zealand, Portugal, Qatar, Russia, Peru, Thailand, The UK, and The USA
- Authored or co-authored over 100 articles, several books, and treatises on water law and domestic and global petroleum law, including *Cases and Materials on Oil and Gas Law* (West Acad. 8<sup>th</sup> ed. 2022 and seven prior editions), *International Petroleum Law and Transactions* (RMMLF 2020), *A Students Guide to Estates in Land and Future Interests* (Carolina Acad. 3<sup>rd</sup> and 4<sup>th</sup> ed. 2020), *Oil and Gas Law and Taxation* (West Acad. Hornbook 2017), and the supplements to *Kuntz on Oil and Gas Law* (Lexis Nexis 1995 – Present).
- Editor in Chief of the *Texas Title Standards*
- Lifetime Honorary Trustee of the Foundation for Natural Resources and Energy Law
- Trustee of the Energy and Mineral Law Foundation
- Member of the Academic Advisory Board of the Institute for Energy Law
- Member and twice former Vice President of the Association of International Energy Negotiators (AIEN), form and style editor of AIEN model contracts, and founding member of the Editorial Board of the AIEN-Oxford University *Journal of World Energy Law and Business*.
- Faculty advisor to the *Texas Journal of Oil and Gas Law* and the *Oil and Gas* and the *Natural Resources and Energy Journal (ONE J)*
- Life commissioner for the Uniform Law Conference, member of the American Law Institute, and member of the Texas, Oklahoma, and North Dakota bars.

## The KBH Center for Energy Business, Law, and Policy: Owen L. Anderson, Co-Academic Director

- Although I am Co-Academic Director of the Center, my opinions are my own.

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## Part I

# Title Examiner Indigestion Cases



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First appeared as part of the conference materials for the  
49<sup>th</sup> Annual Ernest E. Smith Oil, Gas and Mineral Law Institute session  
"Case Law Update: Part One"