


51ST ANNUAL ERNEST E. SMITH
**OIL, GAS AND MINERAL LAW
INSTITUTE**



April 3–4, 2025
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 **Live Webcast April 3–4**

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Times listed are in Central Time

THURSDAY MORNING, APR. 3, 2025

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. .75 hr | .25 hr ethics

Case Law Update: Part One
 Review recent 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

9:25 a.m. .50 hr

The End of Chevron Deference: Implications for the Oil & Gas Industry
 After 40 years, the Chevron doctrine has been overruled, fundamentally changing how the oil and gas industry navigates federal regulations as federal courts stand ready to play a more active role in interpreting regulatory statutes. Explore the impacts of this shift in power on the industry as a whole.
 M. Alejandra Salas, McGinnis Lochridge, LLP, Austin, TX

9:55 a.m. .50 hr

Pore Some More
 Discuss ownership rights in Texas of subsurface pore spaces.
 Peter Hosey, Jackson Walker LLP, San Antonio, TX

10:25 a.m. 15-Minute Break

MCLE
 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 2.50 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).

10:40 a.m. .50 hr

Carbon Capture and Sequestration Permitting and Contract Issues
 Address recent developments in state and federal regulation of the rapidly evolving carbon capture industry in Texas and recent trends in negotiating pore space agreements.
 Thomas M. Weber, McElroy, Sullivan, Miller & Weber, LLP, Austin, TX

11:10 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.
 Owen L. Anderson, The University of Texas School of Law, Austin, TX

11:40 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
**Christopher S. Kulander, South Texas
 College of Law - Houston, Houston, TX**

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KEYNOTE LUNCHEON PRESENTATION

12:00 p.m. .50 hr

Pulling the Brake on Predatory Litigation
 Our legal system is being exploited to generate unreasonable jury verdicts and unjust settlements that are inconsistent with fairness, efficiency, and the rule of law. What are the root causes of this crisis and what strategies are available to counteract these abuses and promote fairness and predictability?
 Justin Anderson, ExxonMobil, Houston, TX

12:30 p.m. 15-Minute Break

12:45 p.m. .50 hr

The Meaning of 'Other Minerals' and Other Incidents of Mineral Ownership
 A reexamination of the granting clause and the meaning of "other minerals" as they pertain to other incidents of the mineral estate, including produced water, lithium, and porous space.
 Monika U. Ehrman, SMU Dedman School of Law, Dallas, TX

1:15 p.m. .50 hr

Recent Developments in Deed Interpretation Issues in Mineral Conveyancing
 Focus on recent developments in deed interpretation issues common to mineral conveyancing, including the "four corners" doctrine and "surrounding circumstances," and examine recent case law implicating such interpretive issues.
 Katy Wehmeyer, Santoyo Wehmeyer P.C., San Antonio, TX

1:45 p.m. .50 hr

Royalty Updates and Issues
 A summary of decisions and emerging issues in royalty-related disputes.
 Ricardo E. Morales, Person, Mohrer, Morales, Boddy, Garcia & Gutierrez, PLLC, Laredo, TX

2:15 p.m. .50 hr

Adverse Possession of a Working Interest by a Non-Operator
 Courts and parties have long struggled with how to apply adverse possession to mineral interests. Discuss one area of this uncertainty that is rapidly evolving: adverse possession claims of working interest by non-operators, including the Amarillo Court of Appeals' recent decision in *PBEX II, LLC v. Dorchester Minerals, L.P.*
 Samantha L. Thompson, Hogan Thompson Schuelke LLP, Houston, TX

2:45 p.m. 15-Minute Break

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3:00 p.m. .50 hr

Leasing and Development of State Lands and Minerals

Broad-ranging discussion regarding the leasing of approximately 13 million acres of state land in Texas managed by the General Land Office. Topics include oil and gas leasing, pooling, allocation wells, and lease audits, as well as brine mining, geothermal leasing, and leasing for carbon sequestration.

Nick Orman, Texas General Land Office, Austin, TX

3:30 p.m. .50 hr

Navigating Lease Termination Claims in Active Development Plays

Review some of the more common varieties of oil and gas lease termination claims, and discuss practical considerations for continued development of disputed properties in the midst of pending litigation.

J. Derrick Price, McGinnis Lochridge, Austin, TX

4:00 p.m. .75 hr ethics

Texas Business Courts: The First 6+ Months

A view from the Business Court & Fifteenth Court of Appeals - Rules, Procedures, Cases & Know-How

Hon. Scott A. Brister, Fifteenth Court of Appeals, Austin, TX

Hon. Sofia Adrogué, Eleventh Business Court Division, Houston, TX

4:45 p.m. Adjourn to Reception

NETWORKING RECEPTION

4:45 p.m. – 5:45 p.m.

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FRIDAY MORNING, APR. 4, 2025

Presiding Officer:

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

8:00 a.m. Conference Room Opens

Includes Continental Breakfast.

THANK YOU TO OUR BREAKFAST SPONSOR

SCOTT DOUGLASS McCONNICO

8:30 a.m. .50 hr

Purchase and Sale Agreements: What's New

Discuss recent developments and trends in purchase and sale transactions in the energy sector.

Liz Felicidadario, Haynes Boone, LLP, Houston, TX

9:00 a.m. .50 hr ethics

Updated Texas Disciplinary Rules: What You Should Know

New and amended disciplinary rules took effect in October 2024, adding a number of clarifications and additional provisions. Hear a summary of rule changes relevant to an oil and gas practitioner.

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

9:30 a.m. .50 hr

Accommodating Concurrent Real Estate and Mineral Development in Urban Areas and Beyond

Revisiting surface use agreements and Chapter 92 of the Texas Natural Resources Code.

Ross Sutherland, Scott Douglass & McConnico LLP, Austin, TX

10:00 a.m. .50 hr

Mineral Interest Pooling Act

A short history of the MIPA and discussion of its current application and use.

Robert G. Hargrove, Davis, Gerald & Cremer PC, Austin, TX

10:30 a.m. 15-Minute Break

10:45 a.m. .50 hr

The Curious Case of the Modern Non-Participating Leasehold Co-Tenant

Unlike traditional leasehold co-tenancy, modern leasehold co-tenancy in horizontal wells presents unique challenges. Following the holding in *Apache v. Devon*, where the court determined that an operator not in privity with another leasehold owner has no duty or obligation to pay the royalties on that leasehold owner's leases, practical questions have emerged over the payment of royalty to the non-participating leasehold co-tenant's lessors and mineral owners, which questions include: Who has the obligation to pay the royalty? When does the obligation to pay royalty accrue? What happens if a well doesn't pay out? What is the statute of limitations and how is it measured? How are royalties calculated in absence of production and price information?

Thomas M. "Mike" Murray, McMahan Surovik Suttle, PC, Abilene, TX

Co-Author:

Lauren Coursey, McMahan Surovik Suttle, PC, Abilene, TX

11:15 a.m. .50 hr

Water Use Rights in Oil and Gas Operations

An overview of what you need to know for your next water deal supporting oil and gas operations. Specifically, we will explore water law in the oil patch, acquiring water rights or the right to drill water wells, and structuring water transactions for oil and gas operations.

Taylor Spalla, Kelly Hart & Hallman LLP, Fort Worth, TX

11:45 a.m. 1.00 hr ethics

Use of AI in Litigation

Understanding the basics of how AI works, the dangers and pitfalls with current AI technology, and ways AI can (or should not) be used in litigation.

J. Hoke (Trey) Peacock III, Susman Godfrey LLP, Houston, TX

12:45 p.m. Adjourn

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We are here to support our community. Information and updates regarding our conferences will be posted at www.utcle.org.

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Questions? 512.475.6700

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Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 6–8 weeks after the event.

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- Live, In-Person Event Registration \$625 | \$725 after March 19
 Live Webcast Registration \$725

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, April 4, 2025

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.

- Printed and Shipped Course Binder \$102.84 (\$95*)

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HOUSTON

April 3–4, 2025

CONFERENCE LOCATION



Royal Sonesta Hotel Houston
 2222 West Loop South
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 855.463.3091

Room Rate and Parking:

Please visit
www.utcle.org/conferences/OG25/#venue
 for hotel room block and parking information.

KEY DATES

March 19, 2025

Last day for early registration rates

March 28, 2025

Last day for full refund cancellation

March 31, 2025

Last day for partial refund cancellation
 \$50 processing fee applied

April 3, 2025 8:30 a.m., CT

Institute begins

April 4, 2025

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

REASONS TO ATTEND

Now in its 51st 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.

The Institute will be a day and half programming on April 3-4 in Houston, covering an array of topics including:

- The popular two-part Case Law Updates
- A view from the Business Court & Fifteenth Court of Appeals - Rules, Procedures, Cases & Know-How
- Pulling the Brake on Predatory Litigation, provides insight on the root causes of and strategies available to counteract the abuses and promote fairness and predictability in litigation.
- Coverage of mineral conveyancing, mineral ownership, purchase and sale agreements, pore space ownership, carbon capture and sequestration permitting and much more

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.

