



## **34th Annual Oil and Gas Law Short Course**

**October 17–21, 2016  
Doubletree Hotel Houston Downtown  
Houston, Texas**

The Rocky Mountain Mineral Law Foundation, the Institute for Energy Law, and the Energy & Mineral Law Foundation are co-sponsoring the 34th Annual Oil and Gas Law Short Course in Houston, Texas. This one-week intensive program, developed in 1983 by a group of practicing attorneys, landmen, and experienced law school professors, is continually reviewed and updated to provide registrants with the fundamentals of, and practical training in, important areas of oil and gas law in the United States, including leasing, contracting, conveyancing, regulation, and practice. This course focuses primarily on the principles of U.S. laws and state regulations. For in-depth treatment of oil and gas issues on U.S. federal lands or international oil and gas topics, see our Upcoming Courses.

Course materials will be presented through lectures, drafting exercises, and workshops by leading law professors and oil and gas practitioners. Topics covered include exploration and production operations; ownership, capture, and correlative rights; conservation regulation; oil and gas leases – function and classification, defining what is granted, and duration of the grant; implied covenants; royalties; division orders; drilling contracts; pooling and unitization; local regulation; split estates; environmental regulations; common interests; joint operating agreements; farmout agreements; marketing; ethical issues; and taxation.

This course is essential for attorneys, landmen, paralegals, government employees, and others who are relatively inexperienced in the legal and/or land problems of the oil and gas industry. More experienced individuals often attend this course for a comprehensive review and update. The course provides 33.5 hours of continuing education credit, including 2.25 hours of ethics.

Enrollment is limited, and paid registrations will be accepted on a first-come, first-served basis. The registration fee includes substantial course materials, coffee breaks, and a hosted reception. Please note that course materials cannot be purchased separately.

For planning purposes, the co-sponsors alternate this course between Texas and Colorado. Next year's Oil and Gas Law Short Course, along with a companion course on Federal Oil and Gas Leasing (offered biennially), is scheduled for October 16–20, 2017 in Colorado.



## PROGRAM

*Program order and topics are subject to change*

### MONDAY, OCTOBER 17

7:15 – 8:20      **Registration**

8:20 – 8:30      **Introductions & Opening Remarks**

8:30 – 9:30

**Exploration and Production Operations** (Ehrman)

- Overview of reservoir mechanics and petroleum geology
- Petroleum exploration, production, completions, and development
- Unconventional (shale) production

9:30 – 10:30

**Ownership, Rule of Capture, and Correlative Rights** (Ehrman)

- Classification of oil and gas minerals and production on a state basis
- Discussion of non-liability for legal production
- Overview of multiple owners sharing a common resource

10:30 – 10:45      **Break**

10:45 – Noon

**Split Estates - The Surface Use Issues** (van de Biezenbos)

- Dominant and surface estates
- Typical surface operations that occur during exploration and production

Noon – 1:30      **Lunch - On Your Own**

1:30 – 2:30

**Common Interests Created in Oil & Gas** (Hall)

- Characteristics of oil and gas interests
- How interests are created
- Using co-owned interests

2:30 – 3:45

**The Oil & Gas Lease: Function and Classification** (Weaver)

- Nature of the lease interest
- Covenants versus conditions
- The habendum clause: production in paying quantities
- Delay rental option

3:45 – 4:00      **Break**

4:00 – 5:15

**The Oil & Gas Lease: Defining the Duration** (Weaver)

- Typical savings clauses
- Recent examples from newer shale states
- Repudiation and force majeure

5:15 – 6:15      **Hosted Reception**

### TUESDAY, OCTOBER 18

8:00 – 9:45

**The Oil & Gas Lease: Defining the Royalty Obligation** (Kulander)

- History and rationale
- Types of royalty
- Market value vs. proceeds valuation
- Covenant to market — time and value legs

9:45 – 10:00      **Break**

10:00 – 11:30

**The Royalty Obligation, Division Orders, and Check Stub Statutes** (Kulander)

- Deductions from royalty
- Purpose and content of division orders
- Common features of check stub statutes

11:30 – 1:00      **Lunch - On Your Own**

1:00 – 2:00

**The Oil & Gas Lease: Implied Covenants** (Hall)

- The rationale for recognizing implied covenants
- The most common implied covenants
- Negating implied covenants with express lease terms
- Remedies available for successful claimants

2:00 – 3:45

**Environmental Regulation of the Oil and Gas Industry** (Ritchie)

- Summary of major federal environmental laws and regulations
- Application of environmental laws and regulations to oil and gas due diligence, drilling, and operations
- Discussion of current environmental developments and pending proposals

3:45 – 4:00      **Break**

4:00 – 5:45

**Conservation Regulation** (Martin)

- State regulation of drilling and production practices
- Compulsory pooling and unitization
- State agency administrative proceedings

## WEDNESDAY, OCTOBER 19

8:00 – 9:45

### **Pooling & Unitization** (Kramer)

- Basic definitions - pooling & unitization distinguished
- How voluntary pooling is accomplished, pooling agreements, leasehold pooling clauses, and allocation well agreements
- Unit agreements and unit operating agreements in voluntary unitization
- Key provisions and allocation of production in voluntary unitization

9:45 – 10:00     **Break**

10:00 – 11:45

### **Local Regulation of Oil & Gas Operations** (Kramer)

- Creature theory and the relationship between state and sub-state units
- Home rule - some autonomy for sub-state units
- Express preemption
- Implied preemption by occupation of the field
- Implied preemption by conflict
- Legislative supremacy and recent state legislative developments

11:45 – 1:15     **Lunch - On Your Own**

1:15 – 3:00

### **Drilling Contracts** (Anderson)

- Types of services agreements and manner of payment
- Macondo contractual risk allocation
- Allocating risk of loss through contract and insurance

3:00 – 3:15     **Break**

3:15 – 5:15

### **Marketing Agreements** (Matlock)

- Crude oil transportation, refining, measurement, quality, pricing, transportation regulation, contracts
- Natural gas gathering, compression, processing, measurement, quality, pricing, transportation regulation, contracts
- Managing price volatility through financial transactions

## THURSDAY, OCTOBER 20

8:00 – 10:00

### **Oil, Gas, and Mineral Conveyances: The Perennial Problems and Lessons for Drafting** (Burney)

- Rules of deed interpretation v. reformation
- Types and role of title opinions
- Perennial issues for interpreting and drafting: Duhig rule, fractions, “other minerals”

10:00 – 10:15     **Break**

10:15 – Noon

### **Farmout and Joint Operating Agreements** (Barber)

- Description of farmout agreements and their origins
- Typical situations where farmout agreements are used
- Tax rulings that encourage farmout agreements
- Standard provisions in farmout agreements
- Relationship of farmouts and JOAs

Noon – 1:30     **Lunch – On Your Own**

1:30 – 3:00

### **Farmout and Joint Operating Agreements** (continued)

- Issues that arise when there is exploration and development among mineral owners and lessees who do not have a JOA, including potential liabilities for joint operations
- Role of forced pooling statutes in joint operations
- Analysis of model form operating agreements for vertical and horizontal well operations
- Common areas of dispute in joint operations and how the JOA addresses them

3:00 – 3:15     **Break**

3:15 – 5:30

### **Ethical Issues in Oil & Gas Law Practice** (Dzienkowski & Peroni)

- Typical ethical dilemmas encountered by oil and gas attorneys
- Examination of core values of confidentiality, loyalty, competent and diligent representation, and obligations to the legal system
- Practicing transactional law across state lines

## FRIDAY, OCTOBER 21

8:00 – 9:30

### **Fundamentals of Oil and Gas Taxation** (Dzienkowski & Peroni)

- Basic federal income tax preferences/tax subsidies given to the oil and gas industry
- Federal income tax consequences of leasing, farmouts, exploration, drilling and development, and production
- Overview of the federal income tax consequences of disposing of oil and gas properties, including the recapture of tax benefits

9:30 – 9:45     **Break**

9:45 – 11:30

### **Fundamentals of Oil and Gas Taxation** (continued)

11:30     **Adjournment**

## FACULTY BIOS

**Owen L. Anderson** began teaching full time at the University of Texas School of Law in January 2016, serving as a Professor at the Kay Bailey Hutchison Center for Energy, Law & Business, where he has taught as a part-time secondee since 2008. He is the Eugene Kuntz Chair Emeritus in Law in Oil, Gas & Natural Resources and the George Lynn Cross Research Professor Emeritus at the University of Oklahoma. He continues to regularly teach at the University of Melbourne and the University of Sydney.

**Phillip D. Barber** practices law in Denver, Colorado. He graduated from the Pueblo public schools, from Dartmouth College in 1975 (magna cum laude, with distinction), and received his J.D. from the University of Colorado School of Law in 1979. His practice has focused on oil and gas law and natural resources and commercial litigation. He is the editor/author of "Oil & Gas Practice in Colorado" for the Colorado Methods of Practice, and is a contributing author to the Law of Federal Oil and Gas Leases treatise.

**Laura H. Burney** is on the faculty at St. Mary's University School of Law in San Antonio, Texas. She has written extensively on oil and gas law issues, and is a frequent speaker at conferences and courses for attorneys and other professionals in the industry. Until 2004, Ms. Burney was the Albert and Helen Herrmann Professor of Natural Resources Law at St. Mary's University School of Law, where she began teaching in 1985. After working in private practice for six years, she returned to the faculty of St. Mary's in 2010.

**John S. Dzienkowski** is the John F. Sutton, Jr. Chair in Lawyering and the Legal Process and a Professor of Law at the University of Texas School of Law in Austin, Texas. He teaches and writes in the areas of professional responsibility of lawyers, real property, international energy transactions, and oil and gas taxation. He also was the recipient of the Texas Exes Faculty Teaching Award at the Law School in 2005. John is a four-term member of the drafting committee of the Multistate Professional Responsibility Examination.

**Monika Ehrman** joined the University of Oklahoma College of Law faculty in Norman, Oklahoma in 2013. Prior to teaching, she served as general counsel for a privately-held oil and gas company in Dallas; senior counsel with Pioneer Natural Resources in Irving, Texas; and associate attorney in the Dallas office of Locke Lord LLP. Professor Ehrman currently serves as an Editor of the Oil and Gas Reporter for the Institute for Energy Law and formerly served as a Trustee-at-Large for the Rocky Mountain Mineral Law Foundation.

**Keith B. Hall** is the Director of the Mineral Law Institute and the Campanile Charities Professor of Energy Law at Louisiana State University Law School in Baton Rouge, Louisiana where he practiced law for 16 years. He is a member of the Board of Editors of the Oil & Gas Reporter, the Board of Trustees of the RMMLF, the Advisory Council of the Institute for Energy Law, and the Board of Trustees of the EMLF. He previously served as Chair of the Louisiana State Bar Association's Environmental Law Section.

**Bruce M. Kramer** taught at the Texas Tech University School of Law from 1974 through his retirement at the end of 2006. He is now the Maddox Professor of Law Emeritus. From 2007 through the present he is of counsel to the Texas-based law firm of McGinnis, Lochridge & Kilgore. He is also the Thompson Visiting Professor at the University of Colorado School of Law. He is the co-author of several treatises including The Law of Pooling and Unitization, Williams & Meyers Oil and Gas Law, Cases and Materials on Oil and Gas Law and International Petroleum Transactions.

**Christopher S. Kulander** joined the South Texas College of Law in Houston in August 2014 as Visiting Associate Professor and Director of the school's new Oil and Gas Law Institute. He is also Of Counsel to Haynes and Boone, LLP, where he practiced full-time in the Houston office. Prior to that, he practiced for two years with Cotton & Bledsoe in Midland, Texas. Before law school, he received his B.S. and M.S. in geology from Wright State in Dayton, Ohio, and his Ph.D. in geophysics (petroleum seismology) from Texas A&M.

**Patrick H. Martin** is Director of the Mineral Law Institute, Emeritus and the Campanile Charities Professor of Mineral Law, Emeritus at LSU Law Center. Professor Martin taught at the LSU Law Center from 1977 to 2011. From 1982 to 1984, he served as the Commissioner of Conservation for the State of Louisiana. His publications include Pooling and Unitization (with B. Kramer) and Williams & Meyers Oil and Gas Law (update and revision author with B. Kramer).

**Judith M. Matlock** is a partner in the Energy Group of the Denver law firm of Davis, Graham & Stubbs LLP. She has practiced in the area of natural resources law for over thirty years. Her practice includes representing clients in connection with regulation, contracting, and litigation as well as royalties and taxes on production. She is a member of Phi Beta Kappa, Order of the Coif, and the Denver, Colorado, and American Bar Associations. She has been named in The Best Lawyers in America (oil and gas) since 1995.

**Alex Ritchie** is an Assistant Professor of Law at the University of New Mexico School of Law in Albuquerque. Before joining the UNM law faculty, Alex was the Senior Corporate Counsel for Suncor Energy (U.S.A.) Inc. based in Denver, Colorado. Alex joined Suncor in September 2009, after almost 10 years in the Energy and Natural Resources and Corporate Transactions practice groups at Bryan Cave LLP (formerly Holme Roberts & Owen LLP), where he became a partner in 2006. Alex is a Trustee of the Rocky Mountain Mineral Law Foundation.

**Robert J. Peroni** is the Fondren Foundation Centennial Chair for Faculty Excellence and a Professor of Law at the University of Texas School of Law in Austin, Texas. His research and teaching interests are in the areas of federal taxation (including natural resource taxation and international taxation), law and economics, and professional responsibility and legal ethics. Bob is the recipient of awards for outstanding law school teaching at Tulane, George Washington University, and the University of Texas.

**Kristen van de Biezenbos** joined the faculty at the University of Oklahoma College of Law as an Associate Professor in 2016. While in Tulane law school, she served as the Senior Notes and Comments Editor of the Tulane Law Review and as an intern for the Honorable Judge Lance Africk at the U.S. District Court. Prior to joining the law faculty at Oklahoma, she was an Assistant Professor at Texas Tech University School of Law and served as a Westerfield Fellow at Loyola New Orleans College of Law.

**Jacqueline L. Weaver** is the A.A. White Professor of Law at the University of Houston Law Center. She has lectured on topics in international petroleum transactions in Africa, Kazakhstan (as a Fulbright scholar), Lisbon, and Bangkok. She is a co-author of Smith and Weaver, The Texas Law of Oil and Gas; a casebook titled Energy, Economics and the Environment; and the treatise International Petroleum Exploration & Exploitation Agreements (Barrows 2009).

## Co-Sponsoring Organizations

**ROCKY MOUNTAIN MINERAL LAW FOUNDATION (RMMLF)**, established in 1955 as a nonprofit corporation, is an international educational organization dedicated to the study of the legal systems and issues affecting mineral and water resources. The Foundation is a cooperative project of law schools, bar associations, and industry associations, and sponsors numerous programs on mining and oil and gas issues. RMMLF, 9191 Sheridan Blvd. #203, Westminster, CO 80031, tel 303-321-8100, fax 303-321-7657, info@rmmlf.org, www.rmmlf.org.

**ENERGY & MINERAL LAW FOUNDATION (EMLF)** is a nonprofit educational organization providing information on legal issues related to the energy and mineral industry through workshops, specialty programs, publications, and electronic information. EMLF, 340 S. Broadway #101, Lexington, KY 40508, tel 859-231-0271, fax 859-226-0485, info@emlf.com, www.emlf.org.

**INSTITUTE FOR ENERGY LAW (IEL)** provides advanced education for lawyers and other professionals in the energy industry through educational programs, scholarly publications, and membership activities. It counts among its membership many of the world's leading energy companies and attorneys. The IEL is a division of The Center for American and International Law (CAIL), a nonprofit organization which since 1947 has served lawyers and law enforcement officials from over 131 countries. IEL, 5201 Democracy Drive, Plano, TX 75024, tel 972-244-3400, fax 972-244-3401, iel@cailaw.org, www.cailaw.org/iel.

Register online at  
[www.rmmlf.org](http://www.rmmlf.org)

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### Oil and Gas Law Short Course



**MAIL or FAX to:**  
**Rocky Mountain**

**Mineral Law Foundation**  
9191 Sheridan Blvd., Ste. 203  
Westminster, CO 80031 USA  
Tel: (303) 321-8100  
Fax: (303) 321-7657

Questions:  
info@rmmlf.org

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*(required for confirmations, advance registration list, and program updates)*

**Please check all that apply:**  Attorney  Landman  Management  
 Consultant  CPA  Other (please specify) \_\_\_\_\_

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**Please pay in U.S. Dollars**

	<i>Registrations &amp; Payment Received thru 9/12/16</i>	<i>after 9/12/16</i>
Non-Member Registration Fee	<input type="checkbox"/> \$1,195	<input type="checkbox"/> \$1,295
Member Registration Fee (check all that apply) ___ RMMLF    ___ IEL/CAIL    ___ EMLF	<input type="checkbox"/> \$955	<input type="checkbox"/> \$1,055
Government Agency / Non-Profit Organization (submit PO# if required)	<input type="checkbox"/> \$595	<input type="checkbox"/> \$695

**REGISTRATION FORM**

Office Use Only  
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Electronic Funds Transfer: Contact the Foundation at info@rmmlf.org for wiring instructions.

# OIL AND GAS LAW SHORT COURSE

## Rocky Mountain Mineral Law Foundation

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Westminster, CO 80031 USA  
(303) 321-8100 / Fax (303) 321-7657

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## GENERAL INFORMATION

**Room Reservations:** The Doubletree by Hilton Houston Downtown, 400 Dallas Street, Houston, Texas 77002 has blocked rooms for this course until October 3 at the rate of \$197 single/double per night. A limited number of government rate rooms also are available. Ask for the special rates for Oil and Gas Law registrants. For reservations, contact the Doubletree at:

- Online <http://tinyurl.com/rockym113>
- Online Government Rate  
<http://tinyurl.com/rockym113gov>  
(government employees only)
- Direct +1 713-759-0202
- Toll Free +1 800-222-8733

Questions or problems: email [info@rmmlf.org](mailto:info@rmmlf.org)

**Car Rental:** Hertz is offering special discounts by referencing Meeting CV#03NJ0011 and Rocky Mountain Mineral Law Foundation. Make reservations at [www.hertz.com](http://www.hertz.com) or call 800-654-2240 (U.S.); 800-263-0600 (Canada); or 405-749-4434 (International).

**Registration Fees:** Include course materials, refreshments, and hosted functions as listed in this brochure. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

**Registration Cancellations:** Refunds, less a \$50 administrative fee, will be given for cancellations received by 3:00pm on Friday, September 30, 2016. No refunds will be given thereafter, although substitution of attendees may be made by contacting RMMLF. A written request must follow a telephone cancellation. Registrants not entitled to a refund will receive a set of the course materials. For questions on refunds, complaints, and/or program cancellations, please contact the Foundation at 303-321-8100.

**Course Materials:** The classroom presentations will be supplemented by extensive written materials that will be distributed at the start of the program.

**CLE Credit:** This course consists of approximately 32.5 hours of continuing education, including 2.25 hours of ethics. You must let the Foundation know, at least 30 days in advance of the conference, the states or organizations for which you will need credit (see registration form). Credit hours for states will vary and are subject to each state's approval and credit rounding rules. Foundation conferences are typically accredited by all mandatory CLE states and Canadian provinces, the AAPL, NADOA and NALTA, and other professional organizations. Attorneys from certain states may be required to pay an additional fee. The Foundation is a State Bar of California MCLE-approved provider.

**CPE Credit:** RMMLF is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: [www.learningmarket.org](http://www.learningmarket.org). There are no prerequisites and no advance preparation is required to attend this course. The delivery method is Group-Live, and up to 38 CPE credits are available, including 2 ethics credits. The program level is "overview."

**Recording:** Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the Foundation.

**Special Needs:** If you have special needs addressed by the ADA, please notify us at least two weeks before the program.