

# 2021 Fundamentals of Oil, Gas and Mineral Law

## March 25, 2021 • Live Webcast

**Thursday Morning, Mar. 25, 2021**

**Presiding Officer:**

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

8:00 am	<b>Welcoming Remarks</b>
8:10 am 0.50 hr	<b>So You Want to Drill Your Own Oil Well? An Oil and Gas Drilling Primer</b>  Hear an overview of the process of finding oil and gas and bringing it to the surface, as well as some of the needed agreements.  Frank N. Cusimano III, Attorney at Law - Houston, TX
8:40 am	<b>5-Minute Break</b>
8:45 am 0.50 hr	<b>The Rule of Capture, Correlative Rights and Principles of Conservation</b>  Examine the effects of the Rule of Capture, and discuss well spacing, production limitations, pooling and unitization, and related environmental regulation. Hear a description of agency rules and regulations, rule-making and adjudication procedures, along with a judicial review of agency actions including the concepts of collateral attack, exhaustion of administrative remedies, primary jurisdiction, and standards of deference.  James Coleman, Southern Methodist University - Dallas, TX
9:15 am	<b>5-Minute Break</b>
9:20 am 0.50 hr	<b>What You (Yes, You) Need to Know to Drill and Complete an Oil or Gas Well in Texas</b>  An overview of the key rules, forms and trouble spots involved in obtaining authority from the Railroad Commission of Texas to drill and complete an oil or gas well.  Ana Maria Marsland, Davis, Gerald & Cremer PC - Austin, TX
9:50 am	<b>5-Minute Break</b>
9:55 am 0.75 hr 0.25 hr ethics	<b>The Oil and Gas Lease, Part I: Classification, Scope of Grant and Duration</b>  An in-depth focus on how an oil and gas lease is classified in law and on the key clauses of the lease.  Monika U. Ehrman, UNT Dallas College of Law - Dallas, TX
10:40 am	<b>5-Minute Break</b>

10:45 am 0.75 hr	<p><b>Texas Title Examination Standards: Introduction and Practical Exercises</b></p> <p>Take a look at the use of Title Examination Standards to address common defects, exceptions, and errors found in the chain of title to land. Explore the language of the standards, times when they are applicable, and the commentary of applicable law for each standard. Take part in a few practical examination exercises using actual situations encountered in title examination.</p> <p>Allen D. Cummings, Attorney at Law - Austin, TX</p>
11:30 am	<b>Break for Lunch - Presentations Resume at 12:00 p.m. CST</b>

## Thursday Afternoon, Mar. 25, 2021

### Presiding Officer:

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

### Luncheon Presentation

12:00 pm 0.50 hr	<p><b>A Brief Introduction to TOP Energy Training, a consortium of Colorado School of Mines, Penn State University, and The University of Texas at Austin</b></p> <p>John Beckworth, The University of Texas School of Law - Austin, TX Robert G. Hargrove, Davis, Gerald &amp; Cremer PC - Austin, TX</p>
12:30 pm	<b>5-Minute Break</b>
12:35 pm 0.75 hr 0.25 hr ethics	<p><b>The Oil and Gas Lease, Part II: The Royalty Clause in an Oil and Gas Lease</b></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. Royalty terms in the lease such as "market value at the well" or "amount realized" establish how the royalty payor must measure and calculate royalty, and what post-production costs can be allocated to the lessor interest. This presentation reviews some of the principal phrases used to describe such obligations and how the Texas courts have interpreted them, and examines how that same language has been interpreted differently in other jurisdictions. It analyzes the impact of division and transfer orders and royalty payment statutes on royalty obligations contained in the lease.</p> <p>Tara Righetti, University of Wyoming College of Law - Laramie, WY</p>
1:20 pm	<b>5-Minute Break</b>
1:25 pm 0.75 hr 0.25 hr ethics	<p><b>Oil and Gas Conveyancing - Capturing the Intent of the Parties</b></p> <p>Explore some of the pitfalls related to conveyances of minerals and royalties (both fixed and floating).</p> <p>Jasper Mason, Womble Bond Dickinson (US) LLP - Houston, TX</p>
2:10 pm	<b>10-Minute Break</b>

2:20 pm 0.75 hr	<p><b>The Oil and Gas Lease, Part III: Implied Covenants</b></p> <p>Examine the law of implied covenants, including the duties imposed, elements necessary to establish a claim, and remedies and defenses available.</p> <p>Keith B. Hall, Louisiana State University Paul M. Hebert Law Center - Baton Rouge, LA</p>
3:05 pm	<p><b>5-Minute Break</b></p>
3:10 pm 0.50 hr	<p><b>Voluntary Pooling and Unitization</b></p> <p>Review voluntary pooling as authorized in an oil and gas lease, which provides the lessee a means to combine acreage under one lease with acreage underlying adjacent tracts. Also, explore the voluntary unitization statute in Texas under which the Railroad Commission approves field-wide units, which may combine acreage from numerous tracts and leases for the purpose of enhanced recovery or re-pressuring operations.</p> <p>Bryan D. Lauer, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
3:40 pm	<p><b>5-Minute Break</b></p>
3:45 pm 0.50 hr	<p><b>The Oil and Gas Lease, Part IV: Other Clauses</b></p> <p>Review other clauses in an oil and gas lease, including surface use clauses and riders, retained acreage and proportionate reduction clauses, and savings clauses such as continuous operations, dry hole, force majeure, and shut-in gas royalty clauses.</p> <p>Christopher S. Kulander, South Texas College of Law Houston - Houston, TX</p>
4:15 pm	<p><b>5-Minute Break</b></p>
4:20 pm 0.75 hr	<p><b>Joint Operating Agreements - Understanding and Application</b></p> <p>Understanding the key components of the JOA and a consideration of recurring issues with emphasis on horizontal drilling and allocation wells. How the JOA works, what doesn't work, some suggested Article XVI provisions and some new unanswered questions.</p> <p>Michel E. Curry, Henry Resources LLC - Midland, TX</p>
5:05 pm	<p><b>Adjourn</b></p>