

45th Annual Ernest E. Smith Oil, Gas and Mineral Law Institute
March 29, 2019 • Royal Sonesta Hotel Houston • Houston, TX
March 29, 2019 • WEBCAST

Friday Morning, Mar. 29, 2019

Presiding Officer:

Katy Wehmeyer, Santoyo Moore Wehmeyer PC - San Antonio, TX

7:15 am In Houston Only	Institute Registration Opens Includes continental breakfast.
8:05 am	Welcoming Remarks
8:15 am 1.00 hr	Case Law Update Review recent decisions dealing with oil and gas leases, royalties, mineral conveyances, joint operating agreements, state regulation, and related topics. Monika U. Ehrman, The University of Oklahoma College of Law - Norman, OK
9:15 am 0.50 hr	The Future of Oil and Gas Law: The Past is Prologue John S. Lowe, Southern Methodist University Dedman School of Law - Dallas, TX Patrick H. Martin, Louisiana State University Paul M. Hebert Law Center - Baton Rouge, LA
9:45 am 0.50 hr	Railroad Commission Update A review of recent regulatory changes and developments at the Railroad Commission of Texas, including new rules for surface commingling, new rules for overlapping proration units with depth severances, and new procedures and requirements for permitting disposal wells. W. Timothy George, McGinnis Lochridge - Austin, TX
10:15 am	Break
10:30 am 0.75 hr	Update on Surface Use Agreements and Disputes With the continuing expansion of the traditional and alternative energy sectors in Texas, surface use agreements must be carefully drafted in order to balance conflicting surface uses of the same property. Hear practical guidance for negotiating agreements and navigating disputes over shared use, including an update on recent cases affecting surface disputes. F. Parks Brown, Uhl, Fitzsimons, Jewett, Burton & Wolff, PLLC - San Antonio, TX Dana B. Deaton, Uhl, Fitzsimons, Jewett, Burton & Wolff, PLLC - San Antonio, TX
11:15 am 0.50 hr	Exploring the Reach of TOAIA Discuss where the oilfield begins and ends under the Texas Oilfield Anti-Indemnity Act, including what are "well or mine services," indemnity agreements, and contractual issues. Tom A. Donaho, Baker & Hostetler LLP - Houston, TX

11:45 am
In Houston Only

Pick Up Lunch

Included in registration.

Friday Afternoon, Mar. 29, 2019

Presiding Officer:

Katy Wehmeyer, Santoyo Moore Wehmeyer PC - San Antonio, TX

LUNCHEON

Thank You to Our Luncheon Sponsor

Scott Douglass & McConnico LLP



12:05 pm
0.50 hr

Oil and Gas Flow Rate Measurement: It's Not That Simple

Hear an overview of the ways oil and gas flow rates are measured in the field, both on land and offshore. Also see how errors in the measurement process can occur, the fiscal impact of such mistakes, and real-world examples of metering gone wrong.

Winsor (Chip) Letton, Letton Hall Group - Houston, TX

12:35 pm

Break

12:50 pm
0.50 hr

Ready! Fire! Aim! "Subject to the PSA" Clause vs. Merger by Deed

Discussion of two recent Texas opinions on the question of what effect, if any, a "subject to the PSA" clause in a closing assignment has on merger of the PSA terms in the event of conflicting terms. The answer may surprise you.

Brandon Durrett, Dykema Cox Smith - San Antonio, TX

1:20 pm
0.50 hr

Allocation of Deal Risk after JPMorgan Chase Bank, N.A., v. Orca Assets GP LLC

Negation of warranties, disclaimers and red flags! What does the decision in *JPMorgan Chase Bank, NA v. Orca Assets GP LLC* mean for allocating risk in future deals?

Jessica B. Pulliam, Baker Botts L.L.P. - Dallas, TX

1:50 pm 0.75 hr	<p>Negotiating Oil & Gas Leases for Horizontal Drilling Projects in a Post-Vertical Well Paradigm - A Look At the Application of Selected Common Lease Provisions to Horizontal Well Operations</p> <p>Understanding the operational and economic context of oil and gas operations encourages more effective lease negotiations between the lessor and lessee, and can lead to collaboration instead of conflict. Failure to relate lease terms to operational reality can result in failed negotiations, stranded minerals, and permanent lost opportunity for all affected parties. Discuss operational and economic considerations in drilling horizontal wells and how selected lease provisions impact development decisions.</p> <p>Michel E. Curry, Henry Resources LLC - Midland, TX</p>
2:35 pm	Break
2:45 pm 0.75 hr 0.25 hr ethics	<p>Traditional Oil and Gas Interests Financing</p> <p>Become reacquainted with, or learn about, some traditional methods of funding oilfield operations by use of farmins, farmouts, production payments, term royalties, carried interests, and similar transactions.</p> <p>W. John English Jr., Baker & Hostetler LLP - Houston, TX David Michael Patton, Locke Lord LLP - Houston, TX</p>
3:30 pm 0.75 hr ethics	<p>Practical Considerations in Arbitration</p> <p>Discuss the practical and ethical considerations involved in planning for and participating in arbitration.</p> <p>David E. Harrell Jr., Locke Lord LLP - Houston, TX</p>
4:15 pm 0.75 hr ethics	<p>Getting Over the Wall - Examining Title to Property in New Mexico - Can I, Should I, and Do I Need a Passport or License?</p> <p>Discuss the ethical issues and obligations faced by title lawyers new to New Mexico and those title lawyers not licensed to practice law in New Mexico, but desire to render title opinions on New Mexico mineral properties. Review ethical implications and the major title issues that are unique to New Mexico that may trip up a title examiner who is not accustomed to New Mexico laws and title issues arising in the state.</p> <p>Jared A. Hembree, Hinkle Shanor LLP - Roswell, NM Gregory J. Nibert, Hinkle Shanor LLP - Roswell, NM</p>
5:00 pm	Adjourn Institute