

**Professor Bret Wells**

**Law Center  
University of Houston**

**Oil & Gas**

**Syllabus**

**Fall Semester 2013**

## Summary Sheet

**1. Class sessions:**

Monday and Wednesday from 2:30 P.M. to 4:00 P.M.

**2. Required materials:**

a) Weaver, *Texas Oil and Gas Law: Cases and Materials (Fall 2013)*. You may purchase a copy at the UHLC Copy Center. The casebook is sold at cost.

**3. Attendance requirement policy:**

Consistent with university policy, 80 percent attendance in class is required. An attendance list will be circulated at each class session. Those individuals not satisfying the attendance requirement will be reported to UH Law Center administrative officials to be dropped from the course.

**4. Course Objective:**

The objective of this course is for you to learn the substantive law of Texas Oil and Gas in a comprehensive manner. To accomplish this goal, we will study the landmark cases that have shaped the substantive law in the order set forth in the Weaver casebook. Throughout the casebook, there are Problem Sets that test your knowledge and synthesis of the discrete topics covered in the materials. You should work through these Problem Sets, and we will work through many of them in our class discussion. The Weaver casebook also has a Form Lease agreement in its appendix. See pages L-1 through L-5 of the Weaver casebook. Throughout the course, we will continuously refer back to the Form Lease and consider drafting issues and lease interpretation issues as we make our way through the various substantive topics. The law of Texas Oil and Gas represents a rich mixture of Property Law concepts and Contract Law concepts, so it builds on principles you learned in your first year classes. After completion of this course, in addition to being well prepared for Bar Exam questions in Real Property/Oil and Gas, you should have confidence in being able to identify the critical legal issues for oil and gas matters and should also have an appreciation for how lawyers draft oil and gas leases to address these legal issues.

**5. Class session coverage, focus & discussion:**

a) Schedule of Coverage for Semester

The Reading Assignment set forth on the last page of this syllabus indicates that our class discussion will proceed at an orderly pace. The number of class sessions anticipated to be held during the semester is 28 (two classes each week except during weeks with holidays), and in these class sessions we will cover 24 discrete Reading

Assignments. Each class session will last approximately 90 minutes. You are expected to be able to discuss the assigned reading in depth, so please make a commitment to be prepared. Your advanced preparation gives you the best opportunity to correctly synthesize our class discussion.

b) Subject Matter Coverage

We will cover 24 Reading Assignments in 28 class sessions. As a result, please be prepared to discuss the Reading Assignment where we left off in the previous class session and please also be prepared to discuss the next succeeding Reading Assignment. As a rule of thumb, you should read about 35 pages ahead of where we ended in the prior class session. We will proceed in the order set forth in the Reading Assignment sheet, but please note that the dates for covering these materials will shift. I will post an updated Reading Assignment sheet to my website as these shifts occur. Please be diligent in monitoring our progress so that you are prepared to discuss the materials that will be covered in each class session.

In your study, please attempt to answer the questions in the Weaver casebook that immediately follow the cases. My expectation is that you will have thought about these questions and Problem Sets and will be prepared to give your answers to them when called upon in class. I don't expect you to always correctly answer all of these questions, but you should try to do so before class so that you can better understand the class discussion.

6. PowerPoint Slides

Professor Wells will regularly use PowerPoint slide presentations in class, and these slides will be available at [www.law.uh.edu/faculty/bwells](http://www.law.uh.edu/faculty/bwells) after completion of the relevant chapter. These slides are designed for the purpose of aiding our class discussion, and so they should not be viewed as a substitute for your own outlining of the cases.

7. Use of personal computers:

The permitted use of personal computers in the classroom is **solely** for the purposes of (i) reviewing preparation notes and (ii) taking notes during class. Specifically **excluded** from in-class computer usage is anything beyond these activities, e.g., “surfing the web” and messaging. Nonparticipation and nonresponsiveness in the classroom discussion attributable to diversionary uses of your personal computer constitutes an absence from the class. In the event this occurs, you are not eligible to sign the attendance sheet and are subject to appropriate action as the professor may determine in his sole discretion.

8. Grading process for this course:
- a) Final Examination. The grade in this course will be entirely dependent upon the final examination (except as noted Paragraph (b) below). The exam is a closed book exam. The examination will occur pursuant to the prescribed examination schedule. We will discuss the final exam in our final review that will be held in the last class session.
  - b) Participation. Class participation may positively count towards your final grade.
9. Questions to professor. Student discussion in the professor's office is welcomed and encouraged. Office hours are Monday and Wednesday from 10:30 a.m. until 12:30 p.m. and Tuesday from 9:00 a.m. until 11:30 a.m., or as otherwise arranged. Please contact Professor Wells as follows:
- Room 128, Bates Law Building (TU-2)
  - Telephone: 713-743-2148
  - Email: [bwells@central.uh.edu](mailto:bwells@central.uh.edu)

# Oil & Gas Reading Assignment

	Class Date	Topic	Reading Assignment
1	Monday, August 26, 2013	Introduction	Preface 1-10 Petroleum Geology.; Ch. 1, pp 1 to 12e
2	Wednesday, August 28, 2013	Rule of Capture	Read pp. 1-1 to 1-30
	Monday, September 2, 2013	<b>Holiday- Labor Day</b>	
3	Wednesday, September 4, 2013	Prorating	Read pp. 2-1 to 2-30
4	Monday, September 9, 2013	Drilling Permits	Read pp. 2-31 to 2-55
5	Wednesday, September 11, 2013	Pooling	Read pp. 2-56 to 2-65
6	Monday, September 16, 2013	Unitization	Read pp. 2-66 to 2-99; Read article on Mandatory Pooling in Ohio in Addendum
7	Wednesday, September 18, 2013	Surface vs. Mineral Estates (Accommodation Doctrine)	Read pp. 3-1 to 3-24
8	Monday, September 23, 2013	Surface vs. Mineral Estates (Who owns Hard Minerals?)	Read pp. 3-25 to 3-41; Read write-up on <u>Butler v. Powers Estate</u> in Addendum
9	Wednesday, September 25, 2013	Property Concepts (Trespass/Wrongful Claimants)	Read 4-1 to 4-23; Read (Ch. 4 Appendix: <u>Coastal O&amp;G v. Garza</u> after p. 4-71)
10	Monday, September 30, 2013	Property Concepts (Cotenants)	Read 4-23 to 4-42; Read write-up of <u>Wagner &amp; Brown Ltd. V. Sheppard</u> in Addendum
11	Wednesday, October 2, 2013	Property Concepts (Adverse Possession)	Read 4-42 to 4-71
12	Monday, October 7, 2013	Oil & Gas Lease (Habendum Clause)	Read 5-1 to 5-40
13	Wednesday, October 9, 2013	Oil & Gas Lease (Delay Rentals/Shut-in Royalties)	Read 5-40 to 5-59
14	Monday, October 14, 2013	Oil & Gas Lease (Pooling Clause)	Read 5-59 to 5-73
15	Wednesday, October 16, 2013	Implied Covenants	Read 6-1 to 6-23
16	Monday, October 21, 2013	Implied Covenant (cont.)	Read 6-24 to 6-46; Read write-up on <u>BP America Production Co. v. Marshall</u> in Addendum)
17	Wednesday, October 23, 2013	Royalty Clauses and Division Orders (Market Value vs. Proceeds)	Read 7-1 to 7-37
18	Monday, October 28, 2013	Royalty Clauses ("At the Well" Language)	Read 7-37 to 7-55
19	Wednesday, October 30, 2013	Royalty Clauses (Division Orders & Covenant to Market)	Read 7-55 to 7-73
20	Monday, November 4, 2013	Obligations of Executive Right Owners	Read 8-1 to 8-25; Read write-up of <u>Lesley v. Veterans Land Board</u> in Addendum)
21	Wednesday, November 6, 2013	Obligations of Executive Right Owners	Read 8-25 to 8-37
22	Monday, November 11, 2013	Conveyancing Issues	Read 9-1 to 9-18
23	Wednesday, November 13, 2013	Conveyancing Issues (cont.)	Read 9-19 to 9-31
24	Monday, November 18, 2013	Conveyancing Issues (cont.)	Read 9-31 to 9-57
25	Wednesday, November 20, 2013	TBD	
26	Monday, November 25, 2013	TBD	
	Wednesday, November 27, 2013	<b>Holiday- Thanksgiving</b>	
27	Monday, December 2, 2013	TBD	
28	Wednesday, December 4, 2013	TBD	
<b>Exam</b>	Friday, December 13, 2013	<b>2:00 P.M. to 5:00 P.M.</b>	