

# SYLLABUS TEXAS OIL AND GAS, Fall 2019

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## COURSE INFORMATION

Course # 5355 Section 14736  
Fridays 9:00 am – 11:30 am; Room \_\_\_\_\_

## COURSE DESCRIPTION

A study of oil and gas law with emphasis upon the interests that may be created in oil and gas, the transfer and conveyance of such interests, rights of operators and landowners, provisions in the oil and gas lease, the rights of assignees, and regulations dealing with exploration, production, and conservation.

Prerequisite: One year of law school in the full-time or part-time program, including Real Property.

## COURSE MATERIAL

### Required:

*Cases & Materials in Oil & Gas, 7th Edition, Lowe, Anderson, Smith, Pierce, Kuhlander & Ehrman ("Casebook")*

*Primer on the Texas Law of Oil and Gas, 5th Edition, Blackwell & Shade ("Primer")*

## ASSIGNMENT FOR FIRST CLASS

Skim pages 1-55 (for your technical background and information)

Read pages 56-79 (no need to read concurring opinions) and 92-116 (**be prepared to fully discuss the cases**)

Primer 1-23; 110-111

## ASSIGNMENTS FOR SUBSEQUENT CLASSES

See attached Reading Assignments.

As the syllabus indicates, I have assigned the reading material related to each particular class. Due to the limited number of classes offered this semester, it is imperative that you come to class fully prepared to discuss the assigned reading material. This class will move at a fast pace, and one missed reading assignment may cause you to fall extremely far behind. In the event we are unable to completely review the assigned reading material during the corresponding class, we will begin the next class where we left off and proceed accordingly.

## **EVALUATION AND GRADING POLICY**

90% of your grade will be based on your final examination (the “Exam”). The Exam will be closed book and closed notes. The Exam will be comprised of three (3) essays questions.

10% of your grade will be based on class participation. As discussed above, I expect you to be fully prepared to discuss the assigned reading material. I will call on multiple students (randomly) for each class to participate in class discussions and case reviews. You will be given the opportunity to use **one** pass during the entire semester; however, the pass must be used **before** we begin class that day and must be given to me in writing. If you are called upon and are not adequately prepared, your class participation grade will be reduced. If I call on you a second time and you are not adequately prepared, you will be dismissed from my class for that day and will receive an absence for that class period. I hope everyone understands the emphasis on being *fully* prepared for each class.

## **ATTENDANCE POLICY**

Consistent with university policies, 80 percent attendance is required.

## **CLASSROOM ETIQUETTE AND PROFESSIONALISM**

Please arrive to class on time, and unless you have an emergency, please remain for the entire class to avoid being marked absent. Arriving late or leaving early will be noted and may be marked as an absence. Repeated tardiness will result in dismissal from my class.

## **INSTRUCTIONAL METHODS**

The instructional method for this class will be a combination of Socratic Method, group problem solving, and lecture.

## **COURSE OBJECTIVES**

After completion of this course students should have the basic legal knowledge to identify legal issues concerning oil and gas property rights and analyze the issues by applying relevant law. Students should be able to answer Texas oil and gas bar questions without referring to any written material.

## **COUNSELING AND PSYCHOLOGICAL SERVICES**

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html)

## **DISCLAIMER**

Course syllabi are intended to provide students with basic information concerning the course. The syllabi can be viewed as a “blueprint” for the course; changes in the syllabus can be made and students

will be informed of any substantive changes concerning examinations, the grading or attendance policies and changes in project assignments.

## READING ASSIGNMENTS

<u>Class</u>	<u>Subject</u>	<u>Pages</u>
1	Background; Rule of Capture; Nature of Ownership; . . . .	1-55 (skim); 56-79; 92-116 Primer 1-23; 110-111
2	Trespass and Adverse Possession.....	116-170 Primer 105-120
3	Shared Ownership.....	485-522 Primer 77-81
4	Oil and Gas Lease (Granting Clause).....	188-220 Primer 25-31
5	Habendum Clause.....	226-251 (skip cases, read notes); 251-307 Primer 32-42
6	Pooling Clause.....	307-328 Primer 42
7	Royalty Provision.....	328-348; 433-449 Primer 52-64
8	Discuss Implied Covenants..... (skip <i>Garmon v Conoco</i> , but read the notes that follow)	348-433 Primer 44-51
9	Finish Lease Review/ Mid-Semester Review (question/answer).....	no reading
10	Royalty/Mineral Distinction.....	452-485 Primer 67-75
11	Executive Right; Meaning of Minerals; Conveyances .....	530-561; 575-591 Primer 82-91
12	Duhig Rule; Proportionate Reduction.....	591-623 Primer 91-97
13	Conservation Law and Practice.....	689-596; 703-708; 721-730

14 Pooling and Unitization/Final Review.....661-683; 761-782; 806-813