

## Oil & Gas Law Fall 2021 Syllabus

### 1. **Class sessions:**

Monday and Wednesday from 9:00 A.M. to 10:30 A.M.

### 2. **Reading Materials:**

- (a) Required Reading Materials: Jacqueline Weaver and Bret Wells, Texas Oil and Gas Law: Cases and Materials (LawCarta 2nd ed. 2019) Available here: <https://app.lawcarta.com/catalog/texas-oil-and-gas-law-cases-and-materials-2nd-ed>
- (b) Suggested (but not required) Reading Materials: John S. Lowe, Oil and Gas Law in a Nutshell (7th Ed. West Academic Publishing 2019).

### 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 & Wells casebook.

Throughout the casebook, there are Problem Sets that test your knowledge and synthesis of the 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 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, 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:**

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. We will proceed in the order set forth in the reading assignment sheet, but please note that the dates for covering these materials may shift. Please be diligent in monitoring our progress so that you are prepared to discuss the materials that will be covered in each class session. I reserve the right to supplement the assigned reading with recent or otherwise interesting cases not found in the textbook.

To facilitate our discussion and analysis of the assigned reading, I will question students in panels of 4-5 students per class. Based upon historical class size data, each student will likely serve on several panels during the semester. I will provide a link to an online scheduling tool on the second day of class, and each student will be required to sign up for a designated number of panels.

If for some reason you are unable to be present or prepared on your panel day, it is your responsibility to switch days with someone else and to inform me of the switch before the class begins. If a class is cancelled for some reason, the panel for that day will be rescheduled. All other panels will keep their previously-assigned days. In general, panel members will be questioned on the cases and problem sets that were assigned for that particular day. As mentioned, however, reading and problem-solving assignments may be altered based upon the amount of material that we get through in class. If there are any changes to the assigned readings and problems that I expect a panel to be responsible for, I will announce the changes at the conclusion of the prior class session. To this extent, you are on notice that your panel may be responsible for material that was not initially designated for discussion on your particular panel date. Participation by non-panel members is welcomed and encouraged. Pursuant to Law Center guidelines, I reserve the right to lower your final grade by one notch (e.g., from a B+ to a B) if you are absent or unprepared on any of your assigned panel days. Any student who is absent or unprepared on two panel days will be dropped from the course.

In your study, please attempt to answer the questions in the Weaver & Wells 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 if called upon in class or asked about similar constructs on the final exam. I don't expect you to always correctly answer all of these questions in class, but you should try engage them before class so that you can better understand the class discussion.

Oil & Gas Law covers a tremendous amount of material. ***As a consequence, it is essential that – even you are not on a panel for that morning – you prepare for class on a regular basis or you will find yourself overwhelmed at examination time. In addition, because later classes build upon concepts learned in earlier sessions, you will quickly be left behind without regular preparation.*** To this end, I have tried to make the reading assignments manageable and reasonable (i.e., not too short, not too long) without sacrificing coverage of the critical topics of the course. ***You will find that your time spent in class preparation and in class attendance is useful (if not essential) for learning the subject matter of the course and for doing well on the examination.***

## 6. 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 for the last class session.

- (b) Participation. Class participation may positively count towards your final grade, and I reserve the right to lower your final grade by one notch (e.g., from a B+ to a B) if you are absent or unprepared on any of your assigned panel days.

**7. Questions to professor:**

Student discussion after class or in my office is welcomed and encouraged. You may call me or email me at any time. Please contact me as follows:

1301 McKinney St., Suite 3700  
Houston, Texas 77010-3034  
Telephone: 713-286-7178  
Email: [jmason@bakerdonelson.com](mailto:jmason@bakerdonelson.com)

I welcome any comments or suggestions that you may have regarding my teaching style, class presentation, or any other subject. Please feel free to provide me with such comments during the course of the semester as they will help me to improve my teaching. I will carefully consider all of the comments and suggestions that I receive.

**8. Counseling Options:**

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)

**9. Recording of Class:**

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with Disabilities. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

**10. Syllabus Changes:**

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible via email to all registered students.

## Oil & Gas Law - Fall 2021 Reading Assignments

Week		Class Date	Topic	Reading Assignment
1	1	Monday, August 23, 2021	Introduction	Preface
	2	Wednesday, August 25, 2021	<b><u>Class Does Not Meet</u></b>	Sign up for panel dates
2	3	Monday, August 30, 2021	Rule of Capture	Chapter 1 (all)
	4	Wednesday, September 1, 2021	State Regulation of Production	2.1
3		<b>Monday, September 6, 2021</b>	<b>Holiday - Labor Day</b>	
	5	Wednesday, September 8, 2021	Prorationing	2.2
4	6	Monday, September 13, 2021	Drilling Permits	2.3
	7	Wednesday, September 15, 2021	Pooling	2.4
5	8	Monday, September 20, 2021	Unitization	2.5-2.6
	9	Wednesday, September 22, 2021	Surface vs. Mineral Estates	3.1
6	10	Monday, September 27, 2021	Surface vs. Mineral Estates	3.2
	11	Wednesday, September 29, 2021	Property Concepts	4.1
7	12	Monday, October 4, 2021	Property Concepts	4.2-4.3
	13	Wednesday, October 6, 2021	Property Concepts	4.4-4.6
8	14	Monday, October 11, 2021	Oil & Gas Lease	5.1-5.2
	15	Wednesday, October 13, 2021	Oil & Gas Lease	5.3
9	16	Monday, October 18, 2021	Oil & Gas Lease	5.4
	17	Wednesday, October 20, 2021	Implied Covenants	6.1-6.2
10	18	Monday, October 25, 2021	Implied Covenants	6.3-6.4
	19	Wednesday, October 27, 2021	Royalty Clauses	7.1-7.2
11	20	Monday, November 1, 2021	Royalty Clauses	7.3-7.4
	21	Wednesday, November 3, 2021	Royalty Clauses	7.5-7.6
12	22	Monday, November 8, 2021	Obligations of Executive Right Owners	8.1-8.3
	23	Wednesday, November 10, 2021	Obligations of Executive Right Owners	8.4-8.5
13	24	Monday, November 15, 2021	Conveyancing Issues	9.1-9.3
	25	Wednesday, November 17, 2021	Conveyancing Issues	9.4-9.6
14	26	Monday, November 22, 2021	Conveyancing Issues	9.7-9.8
		<b>Wednesday, November 24, 2021</b>	<b>Holiday - Thanksgiving</b>	
15	27	Monday, November 29, 2021	Conveyancing Issues	9.9-9.10
	28	Wednesday, December 1, 2021	Exam Review Session	

Final Exam      Monday, December 13, 2021

9am-12pm