

Professor Bret Wells

**Law Center
University of Houston**

Oil & Gas

Syllabus

May Semester 2022

OIL AND GAS LAW

Summer Semester 2022

Professor Wells

1. **Purpose of this Syllabus.** The purpose of the syllabus is to provide details concerning the requirements applicable to this course, including the schedule for class sessions, examination policies, professor availability, and similar matters.

2. **Reading materials for this course:**

- a) Required Reading Materials: Weaver, *Texas Oil and Gas Law: Cases and Materials (2021)*. These materials can be obtained directly from the publisher at this link: <https://app.livecarta.com/catalog/texas-oil-and-gas-law-cases-and-materials-2nd-ed?law=1>
- b) Suggested (but not required) Reading Materials: Joseph Shade, *Primer on the Texas Law of Oil and Gas (5th Ed. LexisNexis 2013)*.

3. **Attendance requirement policy:**

Consistent with university policy, 80 percent attendance is required. Attendance will be taken via an electronic attendance sheet. I will give you a code at the beginning of class, and you need to log-in to the electronic attendance sheet to register your attendance and input "Today's Code" at this link: <https://forms.gle/bEeU8WpnjefVHKQZ7>. Those individuals not satisfying the attendance requirement will be reported to UH Law Center administrative officials to be dropped from the course. If UHLC allows online attendance, then students can attend online by utilizing Zoom internet video conferencing software (accessible at: <https://uhlc.zoom.us/j/91072715724?pwd=QIQvaXhJdEdxdkdOUWk2c1FVVnNvQT09; Meeting ID: 910 7271 5724; Passcode: 2022>). To participate via Zoom, there are several requirements: (1) you must log in no later than 8:55 am, (2) your computer must have a working video camera and quality audio capability (joining by audio-only will be treated as an absence) (3) you must identify yourself with your class roll name in the Zoom videoconferencing software; (4) you must have your video camera on and present yourself professionally in the video stream (both in attire and in conduct); (5) you must be able to fulfill your responsibilities if called on to discuss a case; and (6) you must keep yourself muted when you are not speaking.

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 discreet 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. 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, 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**

This class will meet on each scheduled date from 9:00 am to 11:30 am. 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 14, and in these class sessions we will cover 11 discrete Reading Assignments. Each class session will last approximately 2.5 hours. 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. So, 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 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 on Blackboard 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. **Video Recording of Lectures.**

Barring a technological glitch, I anticipate posting an archive of all class sessions to Blackboard for student viewing after the end of each particular class session. This resource is intended for the benefit of students enrolled in this course only and is not to be reproduced. **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 Ms. Samantha Ary of Student Services at sary@central.uh.edu or 713.743.7466. Alternatively students may 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.

8. **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.

9. Grading for the 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 class session.

b) **Participation.** Class participation may positively count towards your final grade.

10. Questions to professor. Student discussion in the professor's office is welcomed and encouraged. Office hours are after each class until 1:30 p.m., or as otherwise arranged. Please contact Professor Wells as follows:

Room 128, Teaching Unit II (TU-2)
Telephone: 713-743-2502
Email: bwells@central.uh.edu

11. Honor Code.

Students may be asked to sign an honor code statement as part of their submission of any graded work including but not limited to projects, quizzes, and exams. Students acknowledge the following: “I understand and agree to abide by the provisions in the Law Center Honor Code. I understand that academic honesty is taken very seriously and, in the cases of violations, penalties may include suspension or expulsion from the University of Houston.”

12. 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) 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

13. Sexual Misconduct Policy. The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Oil & Gas Reading Assignment

	Class Date	Topic	Reading Assignment
1	Monday, May 16, 2022	Introduction, Rule of Capture, Prorationing	Preface pp. 7-22, Read Ch. 1 (pp. 23-68); Read Ch. 2 (pp. 69-99)
2	Tuesday, May 17, 2022	Drilling Permits, Pooling & Unitization	Read Ch.2 (pp. 75-178)
3	Wednesday, May 18, 2022	Surface vs. Mineral Estates, Property Concepts (Wrongful Claimants)	Read Ch.3 (pp.179-230); Read Ch. 4 (pp. 231-281)
4	Thursday, May 19, 2022	Property Concepts (cont.)	Read Ch.4 (pp.281-354)
5	Friday, May 20, 2022	Oil & Gas Lease (Habendum Clause & Delay Rentals)	Read Ch.5 (pp. 355-427)
6	Monday, May 23, 2022	Oil & Gas Lease (Pooling)	Read Ch. 5 (pp. 428-472)
7	Tuesday, May 24, 2022	Implied Covenants	Read Ch. 6 (pp. 473-534)
8	Wednesday, May 25, 2022	Royalty Clauses	Read Ch. 7 (pp. 535-626)
9	Thursday, May 26, 2022	Royalty Clauses (cont.)	Read Ch. 7 (pp. 535-626)
10	Friday, May 27, 2022	Obligations of Executive Right Owners	Read Ch.8 (pp.627-680)
	Monday, May 30, 2022	Holiday - Memorial Day	
11	Tuesday, May 31, 2022	Conveyancing Issues	Read Ch. 9 (681-752)
12	Wednesday, June 1, 2022	Open	
13	Thursday, June 2, 2022	Open	
14	Friday, June 3, 2022	Open	
Exam	Monday, June 4, 2018	9:00 A.M. to 12:00 P.M.	

Oil & Gas Reading Assignment

	Class Date	Topic	Reading Assignment
1	Monday, May 16, 2022	Introduction, Rule of Capture, Prorating	Preface pp. 7-22, Read Ch. 1 (pp. 23-68); Read Ch. 2 (pp. 69-99)
2	Tuesday, May 17, 2022	Drilling Permits, Pooling & Unitization	Read Ch.2 (pp. 75-178)
3	Wednesday, May 18, 2022	Surface vs. Mineral Estates, Property Concepts (Wrongful Claimants)	Read Ch.3 (pp.179-230); Read Ch. 4 (pp. 231-281)
4	Thursday, May 19, 2022	Property Concepts (cont.)	Read Ch.4 (pp.281-354)
5	Friday, May 20, 2022	Oil & Gas Lease (Habendum Clause & Delay Rentals)	Read Ch.5 (pp. 355-427)
6	Monday, May 23, 2022	Oil & Gas Lease (Pooling)	Read Ch. 5 (pp. 428-472)
7	Tuesday, May 24, 2022	Implied Covenants	Read Ch. 6 (pp. 473-534)
8	Wednesday, May 25, 2022	Royalty Clauses	Read Ch. 7 (pp. 535-626)
9	Thursday, May 26, 2022	Royalty Clauses (cont.)	Read Ch. 7 (pp. 535-626)
10	Friday, May 27, 2022	Obligations of Executive Right Owners	Read Ch.8 (pp.627-680)
	Monday, May 30, 2022	Holiday - Memorial Day	
11	Tuesday, May 31, 2022	Conveyancing Issues	Read Ch. 9 (681-752)
12	Wednesday, June 1, 2022	Open	
13	Thursday, June 2, 2022	Open	
14	Friday, June 3, 2022	Open	
Exam	Monday, June 4, 2018	9:00 A.M. to 12:00 P.M.	