

Professor Bret Wells

**Law Center
University of Houston**

Oil & Gas

Syllabus

May Semester 2024

OIL AND GAS LAW

Summer Semester 2024

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: Bret Wells, *Texas Oil and Gas Law: Cases and Materials (LiveCarta 3rd Edition 2024)*. 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-copy-9>.
- b) Suggested (but not required) Reading Materials: Joseph Shade and Ronnie Blackwell, *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>. If UHLC allows online attendance, then students can attend online by utilizing Zoom internet video conferencing software accessible at the link in Canvas but should record their attendance as "Remote Presence." 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. Throughout the casebook, there are Problem Sets that test your knowledge and synthesis of the discrete topics covered in the materials. The casebook also has a Form Lease agreement in its appendix. Throughout the course, we will continuously refer to the Form Lease in the appendix 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 the confidence necessary to identify the critical legal issues for oil and gas matters, and you also should have an appreciation for how lawyers draft oil and gas leases to address the risks and rewards of oil and gas development activities.

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

This class will meet on each scheduled date from 5:30 pm to 8:45 pm. 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 11, and in these class sessions we will cover 11 discrete Reading Assignments. Each class session will last approximately 3.25 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. 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. I will post an updated Reading Assignment sheet to my website if a material shift in coverage occurs. 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 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 answer all these questions correctly on your own, 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. These lecture slides will be available on Canvas 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 material covered in this class.

7. 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 due 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. Course Modality.

This course is designated to be taught in-person. It is my desire to teach this course as an in-person course. There may be instruction mode changes to this course up through two weeks before the first day of classes for the term. If such change in modality were made, then notice of this change will be sent to then-registered students. For this course, students are expected to normally be physically present in the classroom. This course has a final examination, and it will be administered as an in-classroom examination requiring your physical presence. Although my preference is to allow students the option to participate via remote presence by Zoom on an occasional basis, it is not known whether or not such flexibility will be authorized. So, students should not rely on an expectation that remote presence will be allowed. Even if this remote presence modality were allowed, as previously stated my desire is to teach this course through an in-person modality. So, please do not expect to regularly attend classes in-person. If remote presence were allowed, I would allow you to attend via remote presence for a valid life exigency reason if my prior approval is obtained at least two hours before the particular class session is to commence. For those who do obtain my prior approval and are then allowed to attend remotely, I will endeavor to stream the course online via the Zoom video conferencing software assigned to the class as indicated in Canvas. Student using the classroom's internet videoconferencing capability must adhere to the following requirements:

- a) you must be connected to the internet videoconference five minutes before class starts;

- b) your computer must have a working video camera and quality audio capability; joining by audio-only due to your lack of video capability will be treated as an absence (you may need an external mic or headset for sufficient audio quality);
- c) if your computer is a laptop, you must not be distracted by traveling or other activities when you join the internet videoconference;
- d) you may not join the class internet videoconference from a phone;
- e) you must identify yourself with your class roll name in the internet videoconferencing software;
- f) you must have your video feed on so that your face and upper body area are visible in gallery mode in Zoom; you must present yourself professionally in the video stream (for example, eating “on-camera” is not a professional presentation);
- g) you must be able to fulfill your responsibilities if called on to discuss a case, a Problem Set, or any of the assigned course materials; and
- h) you must place your audio on “mute” until called upon or until you have a question to ask.

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. Impact of Class Participation. Class participation is expected in this class. Significant class participation may positively impact your grade.

10. Questions to professor.

My office hours are: (i) Monday through Thursday from 4:00 pm to 5:00 pm, (ii) after class, or (iii) at mutually convenient times. If you have questions, please contact me at 343N, or by telephone at 713-743-2502, or by email at bwells@uh.central.edu. I am available to answer questions until the end of the last class day.

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.” The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human mimicking

“intelligence” and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term “assessment” means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not.

12. Counseling Options.

The University of Houston has a number of resources to support students’ mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let’s Talk location in-person or virtually. Let’s Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed. The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment. The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being. If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

13. COVID-19.

Students are encouraged to visit the University’s [COVID-19](#) website for important information including diagnosis and symptom protocols, testing, vaccine information, and post-exposure guidance. Please check the website throughout the semester for updates.

14. Reasonable Academic Adjustments/Auxiliary Aids.

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

15. 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)

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Oil & Gas Reading Assignment			
	Class Date	Topic	Reading Assignment
1	Monday, May 13, 2024	Introduction, Rule of Capture, Prorationing	Preface pp. 11-26, Read Ch. 1 (pp. 27-72); Read. Ch. 2 (pp. 73-136)
2	Tuesday, May 14, 2024	Drilling Permits, Pooling & Unitization	Read Ch.2 (pp. 136-184)
3	Wednesday, May 15, 2024	Surface vs. Mineral Estates, Property Concepts (Wrongful Claimants)	Read Ch.3 (pp.185-240); Read Ch. 4 (pp. 241-290)
4	Thursday, May 16, 2024	Property Concepts (cont.)	Read Ch.4 (pp.290-364)
5	Monday, May 20, 2024	Oil & Gas Lease (Habendum Clause & Delay Rentals)	Read Ch.5 (pp. 365-439)
6	Tuesday, May 21, 2024	Oil & Gas Lease (Pooling)	Read Ch. 5 (pp. 439-492)
7	Wednesday, May 22, 2024	Implied Covenants	Read Ch. 6 (pp. 493-556)
8	Thursday, May 23, 2024	Royalty Clauses	Read Ch. 7 (pp. 557-650)
Monday, May 27, 2024		Holiday - Memorial Day	
9	Tuesday, May 28, 2024	Royalty Clauses (cont.)	Read Ch. 7 (pp. 557-650)
10	Wednesday, May 29, 2024	Obligations of Executive Right Owners	Read Ch.8 (pp.651-707)
11	Thursday, May 30, 2024	Conveyancing Issues	Read Ch. 9 (707-792)
Exam Saturday, June 1, 2024 5:30 P.M. to 8:30 P.M.			