

University of Houston Law Center
OIL & GAS SYLLABUS
- Fall 2017 -

Contact Information

Instructor:	Gina S. Warren
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Class Schedule and Location: Class is scheduled for Tuesday and Thursday afternoons from 1:00pm to 2:30pm in room TBA.

Office Hours: I am available to meet with students regularly and my office hours are Tuesdays and Thursdays from 10:30am - noon. You should also feel free to call or e-mail me with any questions, concerns, or comments, or to schedule an appointment.

Required Reading Material: Casebook: Lowe, Cases and Materials on Oil and Gas Law (West, Sixth Edition). **Highly Recommended:** Primer: Joseph Shade, *Primer on the Texas Law of Oil and Gas* (5th Edition).

I will regularly use PowerPoint slide presentations in class, and these slides will be posted on the course Blackboard after completion of each class. These slides are designed for the purpose of aiding you in outlining the course, but they should not be viewed as a substitute for your own outlining of the cases.

Course Goals: I have three goals for this course. First, I want you to understand what I think are important and interesting legal issues. It is hard to practice law in this part of the country without knowing the fundamentals of oil and gas law. Market cycles come and go, but the principles of oil and gas law pervade real-property practice in this region. Second, I want this course to provide you with a review of property and contract law principles. Oil and gas law brings together many of the theoretical concepts that you studied in the first year of law school. Third, oil and gas law is regulatory tested on the Texas Bar Examination. While I do not intend to teach a bar review course, we will cover the issues likely to be examined.

Course Attendance and Participation: 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. Students will be expected to have read the assigned readings prior to class and to be prepared to discuss the material in class. Students will be called upon at random to discuss the material.

Grades: Your final grade will be based primarily on two components – quizzes and a final examination. Three (3) in-class, closed book quizzes will be given throughout the semester, which will count for 40% of your overall course grade (I will count your best 2 out of 3 quizzes – each worth 20 points). **Note that I will not allow make-up quizzes, so plan your absences wisely.** A final examination will count for 60% of your overall course grade. It will be a take-home examination and will consist of one or more essay-style questions.

In addition, class participation may also factor into your grade. Class presence, performance, and participation can result in raising or lowering of students' grades by one letter increment (i.e., C+ to a C, or B+ to A). Class participation will be assessed based on your attendance, demonstrated preparedness, and constructive involvement in class discussion.

Use of Laptops: You may use a laptop for taking notes and other purposes directly related to the class. Use of your laptop for any other purpose is prohibited during class meetings (e.g., you may NOT surf the internet, play games or give/receive answers or other aid via any method). 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 her sole discretion.

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) 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

Reading Assignments: What follows is an anticipated reading schedule. As the semester progresses, however, we may fall behind or speed ahead of the schedule requiring that the reading assignments be adjusted. **I therefore reserve the right to change and adjust the assignments (and quizzes) based on the pace and progress of the class, the topics of particular interest to the class, and otherwise, as I deem necessary.**

TENTATIVE COURSE SCHEDULE

Date	Subject	Pages
Chapter 1 – History, Accumulation and Ownership		
08.22	Background	1-52 (skim)
08.24	Nature of Ownership; Rule of Capture; Trespass	53-61; 67-96
08.29	Nature of Ownership; Rule of Capture; Trespass	97-140
08.31	Trespass; Adverse Possession; Abandonment	140-175
Chapter 2 – The Oil & Gas Lease		
09.05	Purpose of the Lease; Granting Clause	176-203
09.07	Habendum Clause: Primary Term	208-229
09.12	Habendum Clause: Secondary Term; Production in Paying Quantities	230-249
09.14	Savings Clauses	249-279
09.19	Pooling Clauses	279-298; 583-588
09.21	QUIZ 1	<i>No reading</i>
09.26	Royalties	298-314; 331-347
09.28	Implied Covenant to Market; Division Orders; Remedies	315-330; 382-394
10.03	Finish Up Royalties	<i>No new reading</i>
10.05	Implied Covenants: Protect From Drainage, To Develop; To Act as RPO	347-382
10.10	QUIZ 2	<i>No reading</i>

Date	Subject	Pages
Chapter 3 – Titles & Conveyances		
10.12	Mineral vs. Royalty Interests	397-429
10.17	Shared Ownership of Minerals	429-461
10.19	Executive Right in Minerals; Meaning of “Minerals”	472-510; skim 588-594
10.24	Catch-all Clauses; Fractional Interests; Overconveyance (Duhig); Proportionate Reduction Clause	511-533; 539-546 (skip <i>Acoma v. Wilson</i>)
10.26	Subject to; Non-apportionment Doctrine; Top Leasing	546-583
10.31	Quiz 3	<i>No reading</i>
Chapter 4 – Oil & Gas Conservation Law & Regulation		
11.02	Movie day – <i>The Prize</i>	<i>No reading</i>
11.07	Rule of Capture Revisited; Conservation Law and Practice	609-617 (review) 647-674
11.09	Regulation of Production	674-696
11.14	Small Tracts; Texas Pooling	696-715; MIPA
11.16	Compulsory Pooling	715-746
11.21	Thanksgiving Holiday – No Class	
11.23	Thanksgiving Holiday – No Class	