

**University of Houston Law Center**  
**OIL & GAS SYLLABUS**  
- Fall 2019 -

**Contact Information**

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**Class Schedule and Location:** Class is scheduled for Monday and Wednesday afternoons from 4:00pm to 5:30pm in room TBA.

**Office Hours:** I am available to meet with students regularly and my office hours are TBA. 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, **Seventh Edition**)

**Highly Recommended:**

Primer: Joseph Shade, *Primer on the Texas Law of Oil and Gas* (5<sup>th</sup> 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 regularly tested on the Texas Bar Examination (through February 2021). 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.

**Grade and Assessment Methods:** Your final grade will be based upon an open book, take home examination given at the end of the semester, consisting of a combination of essay and short answer questions. Grades may be adjusted upwards by one-third for exceptionally strong in-class participation.

**In Class Quizzes:** Three (3) in class, Texas Bar Examination-style (closed book) quizzes will be offered throughout the semester. While you have the opportunity to complete all three (3) quizzes, **you must complete at least two (2) quizzes. A failure to complete two (2) quizzes will result in an “F” in the course (so don’t do that!).** Absent a change in schedule, the quizzes will be administered in class on the day set forth in the syllabus (absent significant extenuating circumstances, I will not allow make-up quizzes). Your quiz answers must be complete and signify a “good faith effort.” Any quiz that is incomplete or shows a lack of a good faith effort will not be accepted toward the two required quizzes.

**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](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)

**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 reading 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
<b>Chapter 1 – History, Accumulation and Ownership</b>		
08.19	Background	1-55 (skim)
08.21	Nature of Ownership; Rule of Capture; Trespass	55-92
08.26	Nature of Ownership; Rule of Capture; Trespass	92-107; 112-118; 130-149
08.28	Trespass; Adverse Possession; Abandonment	150-186
<b>Chapter 2 – The Oil &amp; Gas Lease</b>		
09.04	Purpose of the Lease; Granting Clause	188-220
09.09	Habendum Clause: Primary Term	226-251
09.11	Habendum Clause: Secondary Term; Production in Paying Quantities	251-272
09.16	Savings Clauses	273-305
09.18	Pooling Clauses	305-328; 661-666
<b>09.23</b>	<b>QUIZ 1</b>	<b><i>No reading</i></b>
09.25	Royalties – Part I	328-348;
09.30	Royalties – Part II; Division Orders; Remedies	368-397; 433-446
10.02	Finish Up Royalties; Implied Covenant to Market;	348-368
10.07	Implied Covenants: Protect From Drainage, To Develop; To Act as RPO	397-433
<b>10.09</b>	<b>QUIZ 2</b>	<b><i>No reading</i></b>

Date	Subject	Pages
<b>Chapter 3 – Titles &amp; Conveyances</b>		
10.14	Mineral vs. Royalty Interests	TBA
10.16	Shared Ownership of Minerals	TBA
10.21	Executive Right in Minerals; Meaning of “Minerals”	TBA
10.23	Catch-all Clauses; Fractional Interests; Overconveyance (Duhig); Proportionate Reduction Clause	TBA
10.28	Subject to; Non-apportionment Doctrine; Top Leasing	TBA
<b>10.30</b>	<b>Quiz 3</b>	<b><i>No reading</i></b>
<b>Chapter 4 – Oil &amp; Gas Conservation Law &amp; Regulation</b>		
11.04	Movie day – <i>The Prize</i>	<i>No reading</i>
11.06	Rule of Capture Revisited; Conservation Law and Practice	TBA
11.11	Regulation of Production	TBA
11.13	Small Tracts; Texas Pooling	TBA
11.18	Compulsory Pooling	TBA
11.20	<i>Review</i>	<i>No reading</i>
12.02-12.11	<i>Final Exam Period</i>	