



**ROCKY MOUNTAIN**  
MINERAL LAW FOUNDATION

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[www.landman.org](http://www.landman.org)

# Advanced Landman's Institute

**A JOINT CONFERENCE OF**

American Association of Professional Landmen and Rocky Mountain Mineral Law Foundation

**November 7–8, 2019**

Hyatt Regency Galleria, Houston, Texas

Landmen are essential to any oil and gas operation, and hydraulic fracturing and other technological innovations have given rise to new opportunities for landmen of all generations. As part of their missions, the American Association of Professional Landmen offers educational courses throughout the year for landmen, and the Rocky Mountain Mineral Law Foundation offers a number of courses each year that are applicable and relevant to landmen and their practices.

Recognizing the need for a course focused on advanced and more in-depth discussions of contractual, legal, and regulatory issues critical to the work of landmen for the modern development of oil and gas and minerals, AAPL and RMMLF have partnered together to offer this course.

This conference will benefit landmen, attorneys, and other professionals by providing an excellent survey of oil and gas contractual, land title, and regulatory issues related to landmen practice. Although the focus of the course is primarily on issues that affect landmen in the oil and gas industry, those landmen and attorneys that work in the mining industry may also benefit from the topics discussed in this course.

**FREE Landman's  
Legal Handbook with  
each registration!  
See inside for details.**



Course materials are available in hard copy and digital formats if you are unable to attend. See inside for details.

# Advanced Landman's Institute

## DAY 1: Thursday, November 7, 2019

### 7:15 am – 8:20 am: Registration

### 8:20 am – 8:40 am: Introduction and Welcomes

ALEX RITCHIE, Executive Director, Rocky Mountain Mineral Law Foundation, Denver, CO

STACEY GARVIN, Director of Education and Member Services, AAPL, Fort Worth, TX

JAY W. BEAVERS, Incoming President, AAPL; Beavers Energy LP, Sanger, TX

REBECCA W. WATSON, Incoming President, Rocky Mountain Mineral Law Foundation; Welborn Sullivan Meck & Tooley, P.C., Denver CO

DAVID W. MILLER, AAPL Program Co-Chair, Miller Land Professionals, LLC, Jackson, MS and Kemah, TX

AMY E. SENESHEN, RMMLF Program Co-Chair, Welborn Sullivan Meck & Tooley, P.C., Denver, CO

### 8:40 am – 9:30 am: Operating Agreements, Farmouts, Term Assignments, AMIs, Reassignment Obligations, and Rights of First Refusal

- How a landman and title examiner should analyze and report on these common agreements and provisions
- Terms and provisions that affect how costs are borne, allocation of production, and the exercise of future rights

WILLIAM B. BURFORD, Kelly Hart & Hallman LLP, Midland, TX

### 9:30 am – 10:20 am: Customizing the Lease from the Lessee's Perspective

- What to do when landowners provide their own lease form and the provisions are not all appropriate for the lessee's operations
- Suggested amendments, necessary additions, and hidden traps in landowner forms
- Provisions that should be added to ensure the operator can effectively develop
- How to ensure the landowner form and added lessee provisions work together in sync

KATY WEHMEYER, Santoyo Moore Wehmeyer P.C., San Antonio, TX

### 10:20 am – 10:40 am: Hosted Refreshment Break

### 10:40 am – 11:30 am: Negotiating the Lease from the Landowner's Perspective

- The landowner's perspective when negotiating the lease or an alternative agreement
- Provisions that the landowner will often seek and what they mean for the lessee, including those that limit the minerals and depths leased and negate warranties of title
- The landowner's position on post production cost deductions, affiliate sales, limiting pooling and unitization, limiting assignments, and force majeure events
- Provisions where the landowner will want to limit the use and mandate remediation of the surface, indemnify and insure against environmental and other risks, and provide specific remedies for default

JOHN B. MCFARLAND, Graves, Dougherty, Hearon & Moody, P.C., Austin, TX

### 11:30 am – 12:20 pm: Dividing, Surrendering, and Assigning the Lease: How Pugh Clauses and Other Provisions Can Alter the Interest Covered by a Lease

- Real property and contractual issues related to dividing or assigning interests in leases
- Drafting tips for horizontal and vertical Pugh clauses, focusing on commonly litigated issues such as the definition of zones and how the provision works with horizontal drilling units
- The lessee's ability to surrender or assign a lease, the effects of entireties clauses or being subject to an area of mutual interest agreement, and royalty apportionment issue

SAM G. NIEBRUGGE, Davis Graham & Stubbs LLP, Denver, CO

JESSICA K. FREDRICKSON, Davis Graham & Stubbs LLP, Denver, CO

### 12:20 pm – 2:00 pm: Lunch – On Your Own

### 2:00 pm – 2:50 pm: Non-Traditional Lease Terms and When to Use Lease Ratifications

- How to properly draft top lease provisions, including how to provide proper notice of the secondary lessee's rights and how to avoid violating the rule against perpetuities
- How to effectively lease from parties with a temporary interest
- How to properly draft lease options and what is required to properly exercise them
- Timing issues, from the purpose and effect of lease ratifications to how to account for the number of days in a lease term

DEANA ALLEN, Beatty & Wozniak, P.C., Denver, CO

### 2:50 pm – 3:40 pm: Wellbore Assignments

- How to analyze a wellbore assignment and the critical thinking that must take place to ensure the title opinion properly reports title
- Properly limiting the assignment to the depth of the wellbore
- Whether the assignor has the right to drill another well to the existing producing formation
- Discussion of reported decisions on wellbore assignments
- Tips on drafting wellbore assignments and practical advice on addressing the issues that result from such assignments

TIMOTHY C. DOWD, Elias, Books, Brown & Nelson, P.C., Oklahoma City, OK

### 3:40 pm – 4:00 pm: Hosted Refreshment Break

### 4:00 pm – 4:50 pm: Article XVI of the JOA: Additional Provisions in the AAPL Model Form Operating Agreement

- Common provisions of JOAs that address asset and transaction specific issues
- Multi-state variances between JOAs
- Why Article XVI of the AAPL Model Form JOA creates litigation
- Discussion of best practices in drafting and negotiating JOA provisions

TERRY I. CROSS, McClure & Cross LLP, Dallas, Texas

### 4:50 pm – 6:00 pm: Hosted Reception for Registrants, Speakers & Guests

**DAY 2: Friday, November 8, 2019****8:30 am – 9:20 am: The Relationship Between In-House Counsel and Landmen**

- Discussion of the working relationship between landmen and lawyers working in oil and gas companies
- Practice tips on providing better service to the common client

SHERRY H. BURSEY, Senior Counsel, Anadarko Petroleum Corporation, Denver, CO

ERIN K. MURPHY, Senior Attorney, Encana Oil & Gas (USA) Inc., Denver, CO

BLAKE M. PICKETT, General Counsel, Fleur de Lis Energy, LLC, Irving, TX

ERIKA Z. ENGER, Senior Counsel, WPX Energy, Inc., Denver, CO

**9:20 am – 10:10 am: Surface Uses Related to Federal Oil and Gas Development on Public Lands**

- Agency perspectives on BLM and Forest Service surface use management requirements, including split estate and multiple lease, fee-fee-fed scenarios
- Navigating project planning in context of land status, lease stipulations, and authorizing ancillary facilities and uses

PHILIP C. LOWE, Office of the Solicitor, U.S. Department of the Interior, Lakewood, CO

LIANE L. MATTSON, Leasable Minerals Specialist, U.S. Department of Agriculture, Forest Service, Minerals and Geology Management, Lakewood, CO

**10:10 am – 10:30 am: Hosted Refreshment Break****10:30 am – 11:20 am: Applying Title Defect Mechanics Under a Typical Purchase Agreement**

- In-depth look at the typical title defect structures in a purchase and sale agreement, together with variances across basins and assets
- Examples that may constitute title defects under a customary purchase and sale agreement
- Best practices for drafting title defect notices

CHRIS HEASLEY, Kirkland & Ellis LLP, Houston, TX

DAVID WILDES, Newfield Exploration Company, The Woodlands, TX

**11:20 am – 12:10 pm: Single Well Spacing and Pooling: State Spacing and Jurisdiction Over Conservation**

- Single well pooling and the role of state conservation commissions
- State differences
- Role of federal supervision over federal oil and gas leases
- Application of the federal preemption doctrine
- Memoranda of understanding to resolve conflicts in concurrent jurisdictions
- Infill wells in spaced unit

KEITH B. HALL, Campanile Charities Professor of Energy Law, Louisiana State University, Paul M. Hebert Law Center, Baton Rouge, LA

**12:10 pm – 1:40 pm: Lunch – On Your Own****1:40 pm – 2:40 pm: State Law Regimes Governing Surface Use**

- A review of state laws administered by oil and gas regulators related to surface use and impacts, including bonding and adjacent property owner issues
- Mandatory pre-drilling agreements and other requirements for notice, negotiation, and siting of surface disturbances with surface owners in various states

JAMES H. DUPUIS, JR., Kean Miller LLP, The Woodlands, TX

JOSEPH C. PIERZCHALA, Welborn Sullivan Meck & Tooley, P.C., Denver, CO

**2:40 pm – 3:40 pm: The Ethics of Lease Negotiation**

- How to ethically negotiate a lease and prevent any disputes down the road, with references to the ABA Model Rules and the AAPL Code of Ethics and Standards of Practice.
- Whether land professionals and attorneys have a duty of good faith and fair dealing in negotiating oil and gas leases
- What must be offered prior to commencing a compulsory pooling action
- Selling produced hydrocarbons in non-arms-length transactions

JOHN S. DZIENKOWSKI, Dean John F. Sutton, Jr. Chair in Lawyering and the Legal Process, The University of Texas School of Law, Austin, TX

**3:40 pm: Course Adjournment****AAPL Professional Development Assistance Program**

AAPL has established a Professional Development Assistance Program that reduces the registration fee up to \$300 for AAPL operated events including Annual Meeting and the NAPE Business Conference. The names of recipients requesting assistance are confidential. To receive assistance, please complete and submit the Professional Development Assistance Form, with the event registration form to [education@landman.org](mailto:education@landman.org).

Please request assistance at least two (2) weeks prior to the event date. You must be an AAPL Active member for 2 years.

Assistance is available for all AAPL operated educational programs including:

- Institutes
- Seminars
- Workshops
- Oil and Gas Land Reviews
- Annual Meeting (\$300 max)
- NAPE Business Conference (includes icebreaker and Job Fair; \$300 max)

Included in the course registration fee (a \$145 value)

## Landman's Legal Handbook, Fifth Edition

The essential landman's reference for over 50 years, the Landman's Legal Handbook provides detailed guidance on the rules, regulations, procedures, and contracts relating to exploration for and production of oil, gas, and other minerals. The Handbook also includes 32 practical forms landmen use on a regular basis, such as affidavits, subordination documents, and releases; and 16 appendices including essential checklists for coal, oil and gas, hard mineral, and geothermal leases; land measurement units and conversions; and notary block requirements by state. Led by Kent Davis, the Handbook was written and revised by expert landmen and attorneys, and edited by the Foundation.

Chapters include:

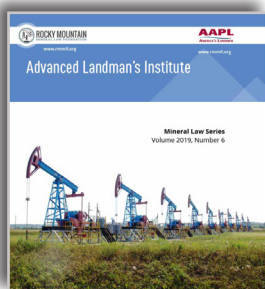
- Unconventional plays and the legal and operational changes related to such development
- Split estate and surface access issues
- NEPA planning
- Examination of title to unpatented mining claims
- Acquisition of minerals other than oil and gas
- Real property records and instruments
- Succession
- Agencies and commissions involved in managing mineral development
- Curative work for leasehold estates
- Spacing, pooling, and unitization

"If there is one word to sum up this book, it is "encyclopedic". . . . the Landman's Legal Handbook contains information that I haven't read in any other books, and the depth in which the material is reviewed is fabulous." Randy Young, <http://landmaninsider.com/book-review-landmans-legal-handbook>

The book will be provided to each registrant at the course. Published August 2013, Softcover Volume, 450 pages.

## CAN'T ATTEND?

You can still order the course materials



## Advanced Landman's Institute

	Non-Member	RMMLF or AAPL Member
Looseleaf Manual	\$275	<b>\$215</b>
Digital Manual	\$275	<b>\$215</b>

Plus shipping, handling, and tax if applicable.

<https://tinyurl.com/land-2019>

# Advanced Landman's Institute

## PROGRAM COMMITTEE

DAVID W. MILLER, AAPL Program Co-Chair,  
Miller Land Professionals, LLC, Jackson, MS  
and Kemah, TX

AMY E. SENESHEN, RMMLF Program  
Co-Chair, Welborn Sullivan Meck & Tooley,  
P.C., Denver, CO

BILL HACKETT, WCM Resources LLC,  
Santa Fe, NM

ANDREW COOPER, Roger A. Soape, Inc.  
Energy Land Services, Houston, TX

DAVID B. HATCH, Holland & Hart LLP,  
Salt Lake City, UT

JARED A. HEMBREE, Hinkle Shanor LLP,  
Roswell, NM

TARA RIGHETTI, University of Wyoming  
College of Law, Laramie, WY

A copy of the Landman's Legal  
Handbook, Fifth Edition, is included  
with your registration fee and will be  
delivered at the course

Mail, fax, or email registration  
form and payment to:

**Rocky Mountain  
Mineral Law Foundation**  
9191 Sheridan Blvd., Ste. 203  
Westminster, CO 80031 USA

Tel: (303) 321-8100  
Fax: (303) 321-7657  
info@rmmlf.org

Questions: info@rmmlf.org

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## REGISTRATION

REGISTER ONLINE  
at [www.rmmlf.org](http://www.rmmlf.org)

### 1. Registrant information – Please type or print legibly

Name \_\_\_\_\_ Badge name \_\_\_\_\_

Employer \_\_\_\_\_

Employer address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

**Please check all that apply:**  Attorney  Landman  Management  
 Consultant  Student  Other (please specify): \_\_\_\_\_

**Please note your first year in practice  
in the legal or natural resources field:** \_\_\_\_\_

**CLE credit** requested for the following states: \_\_\_\_\_

**Other credit** requested from: \_\_\_\_\_

### 2. Registration category – Please pay in U.S. Dollars

	Registrations Received	
	thru 10/18/19	after 10/18/19
Non-Member	<input type="checkbox"/> \$845	<input type="checkbox"/> \$945
AAPL Member	<input type="checkbox"/> \$625	<input type="checkbox"/> \$725
RMMLF Member	<input type="checkbox"/> \$625	<input type="checkbox"/> \$725
AAPL or RMMLF Member School (Full-time faculty)	<input type="checkbox"/> \$345	<input type="checkbox"/> \$445
RMMLF Senior Member (Retired)	<input type="checkbox"/> \$345	<input type="checkbox"/> \$445
RMMLF New Professionals Member	<input type="checkbox"/> \$100	<input type="checkbox"/> \$200
Government Agency (Submit PO # if required)	<input type="checkbox"/> \$575	<input type="checkbox"/> \$675
Non-Profit Organization (IRS tax-exempt status)	<input type="checkbox"/> \$575	<input type="checkbox"/> \$675
Full-Time Student (Proof of status required)	<input type="checkbox"/> \$35	<input type="checkbox"/> \$75

### 3. Course materials

Materials format:  ELECTRONIC ONLY (\$0)  HARD COPY (\$75)

**LANDMAN'S LEGAL HANDBOOK (FREE)**

**TOTAL: \$** \_\_\_\_\_

### 4. Payment information – Prepayment required

- Check drawn on a U.S. bank in U.S. Dollars (Payable to RMMLF)  
 VISA  MasterCard  American Express

Credit card # \_\_\_\_\_

Name on card \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

- Electronic funds transfer: Contact the Foundation at info@rmmlf.org

The Rocky Mountain Mineral Law Foundation is a non-profit, tax-exempt corporation (Tax ID #84-6037688).

By entering your information and registering for this course, you consent and agree to receive communications from us as to our programs, products, and services and certain programs of our nonprofit partners, provided that you may opt out of receiving email notices at any time. You also consent to our providing your contact information to other course registrants on the course registration list, which may be used by course registrants to invite you to events held in connection with the course. If you are a member, you consent to our providing your contact information to other members. For a copy of our privacy policy, go to <https://tinyurl.com/rmmlf-privacy>.

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November 7-8, 2019 Hyatt Regency Galleria, Houston, TX

## General Information

**Room Reservations:** The Hyatt Regency Galleria, 2626 Sage Rd., Houston, TX, 77056, has blocked rooms for this meeting until October 21 at the rate of \$169 (single/double) per night. A limited number of government rate rooms are also available. Ask for special rates for Advanced Landman's registrants.

For reservations, contact the Hyatt at:

- Toll Free: 877-803-7534
- Online: <http://tinyurl.com/rockym146>

Trouble making room reservations? Contact us at [info@rmmlf.org](mailto:info@rmmlf.org)

**Registration Fees:** Include course materials, refreshments, and hosted functions as listed in this brochure. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

**Registration Cancellations:** Refunds, less a \$50 administrative fee, will be given for cancellations received by 3:00pm on Friday, October 18, 2019. No refunds will be given thereafter, although substitution of attendees may be made by contacting the Foundation. Cancellations must be made in writing or email to [info@rmmlf.org](mailto:info@rmmlf.org). Registrants not entitled to a refund will receive a link to the written materials.

**Car Rental:** Hertz is offering special discounts by referencing Meeting CV#03NJ0014 and Rocky Mountain Mineral Law Foundation. Make reservations at <http://tinyurl.com/hertz2019> or call 800-654-2240 (U.S.); 800-263-0600 (Canada); or 405-749-4434 (Int'l).

**CLE & AAPL Credit:** This course consists of approximately 11 hours of continuing education, including 1 hour of ethics. You must let us know, at least 45 days in advance of the conference, the states or organizations for which you will need credit (see registration form). Credit hours for states will vary and are subject to each state's approval and credit rounding rules. Foundation conferences are typically accredited by all mandatory CLE states and Canadian provinces, AAPL, and other professional organizations upon request. Attorneys from certain states may be required to pay an additional fee. The Foundation is a State Bar of California MCLE-approved provider.

**CPE Credit:** NASBA has indicated that if an individual reviews a program and feels that it is relevant to their CPA practice, they can consult with their state accountancy board to request that the course be approved. CPE approval is state-by-state.

**Recording:** Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the Foundation.

**Special Needs:** If you have special needs, please notify us at least two weeks before the program.