CURRENT DEVELOPMENTS IN AMERICAN LAW:
OIL AND GAS LAW

(LAW 609)

FALL 2016
Course Syllabus

Professor Grindstaff
sgrindstaff@siu.edu
(618) 616-1987

Description

This course, Current Developments in American Law: Oil and Gas will explore the primary aspects of the law of oil and gas set against the backdrop of today's changing energy landscape. It will be presented as an introductory course that explores both traditional concepts and modern developments in the field. The course will explore the basic property concepts and rules associated with acquiring interests in oil and gas and the various interests that can be acquired in oil and gas. It also will focus in on the oil and gas lease as the major development device and the challenges that present themselves for owners, lessors, and lessees in such situations. It will also explore government regulation of the development of oil and gas, as well as other current developments and considerations in this important area of the law.

The course is taught entirely online, reflecting how email, phone, and electronic documents play an integral role in oil and gas leases and other aspects of practice.

Objectives

The specific objectives of the Current Developments in American Law- Oil and Gas course are as follows:

- Discern the role of an attorney in today's oil and gas leasing world, including structural roles of attorneys vs. other professionals, their critical role in crafting legally defensible lease provisions, and how they fit into both transactional and litigation roles
- Know the legal origins and describe the acquisition of titles and conveyances in oil and gas
- Identify the core legal concepts of oil and gas development across the nation
- Learn how the astute attorney can help clients wade through challenges for owners, lessors, and lessees on leases
- Know the basics of state-driven governmental regulation of the development of oil and gas, including differences between states around the country vs. Illinois
- Identify, recite, and draft the key oil and gas lease clauses on leases for federal, state,
and Indian lands

- Recite key challenges on modern exploration and development, and reflect on current events in oil and gas law, including Illinois, national trends on natural gas and other energy sectors.

**Required Texts**

John S. Lowe, Forms Manual to Accompany Cases and Materials on Oil and Gas Law.

**Format**

This course is an asynchronous distance education course. All instruction and course materials are delivered online via Desire 2 Learn ("D2L"). To access D2L, go to https://online.siu.edu. If you need assistance accessing D2L, please call (618) 453-1024 or email mycourse@siu.edu. We have been informed that the University is moving in November to Echo360 instead of Panopto so we will make that transition after the semester begins. More details are to come on this development.

The benefits of this course are that it offers flexibility and autonomy to students, mimicking law practice. However, these benefits make it easy for a student to fall behind. It, therefore, is important to stay organized and keep on schedule with the readings and assignments. You should expect to spend at least the same amount of time you would on any other three-credit hour course.

**Weekly Exercises**

Each week you may be assigned exercises from or related to the Lowe text subjects. You should take these exercises seriously and answer them thoughtfully and thoroughly. After the due date for any exercises, I either will provide feedback for each student individually via D2L or post a sample answer on D2L via the available platforms. Periodically, these exercises will take the form of an ongoing simulation that generates exercises and activities.

In addition to practicing the concepts you learn, these exercises count toward your grade for the course. Each week’s exercises are worth six points: (i) two points for submitting all of the assigned exercises, (ii) two points for submitting exercises that follow the directions and are free of typographical and grammatical errors, and (iii) two points for accuracy and the use and understanding of relevant concepts and terminology.

These exercises are generally due by Sunday, 11:59 p.m. Central Time, the week they are assigned. Deviations from this will be posted on D2L.

In order to receive credit for these exercises, you must submit them in the designated D2L Dropbox each week. DO NOT e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox.
I will not accept exercises submitted after the deadline. In the event that a D2L outage prevents a timely Dropbox submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

**Discussion Board Posts and Weekly News Items**

Periodically during the semester, you must create a thread to a discussion board. Not only must you create your own thread within the discussion board topic, you also must comment on at least one of your classmate’s threads in a meaningful and respectful manner.

Each discussion board assignment is worth six points: (i) two points for submitting a thread that follows the directions, (ii) two points for responding to posts of at least one of your classmates, and (iii) two points for a reflective and thoughtful post and response.

Likely subject matter for these discussion board assignments will come from current events that directly interface with the Lowe text or our subject matter regarding oil and gas jurisdictions, public policy, and the challenges of 21st century oil, gas and energy law. To this end, it is recommended that you set up Google news alerts (or some other equivalent service) to keep track of news, media accounts, blogs, and topics related to relevant subjects.

**Drafting Assignments**

You will complete one written assignment during this course. Exercise 1 is due by Sunday, October 23rd, 2016 at 11:59 p.m. Central Time.

Given the flexibility this class provides, there are no exceptions to this due date (not even for interviews, illness, or technical issues). I reserve the right to either refuse to accept a late exercise or to deduct points for a late or non-conforming exercise.

In order to receive a grade for these exercises, you must submit them in the designated D2L Dropbox. **DO NOT** e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox.

In the event that a D2L outage prevents a timely submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

**Calculation of Grade**

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<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Weekly Exercises</td>
<td>15%</td>
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<tr>
<td>Discussion Board Posts</td>
<td>15%</td>
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<tr>
<td>Exercise 1</td>
<td>20%</td>
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<tr>
<td>Final Examination</td>
<td>50%</td>
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**Workload Expectations**
The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310 (b)(1), these formulas for this three hour course equate to basically three hours of class/faculty instruction and 6 hours of out-of-class student work per week or an equivalent amount of work over a different amount of time. All told, applying the ABA standard to this class, you should plan on spending a total of roughly 9 hours a week on course-related work. Please plan accordingly.

**Honor Code**

The Honor Code requires that all students submit their own individual work. Plagiarism, or the submission of someone else's work as your own, is unethical and is in violation of the Honor Code. Moreover, **all work done by you for this class, whether graded or ungraded and whether written or oral, may not be reviewed by anyone**, not even for typographical errors, grammatical errors, or for clarity. Furthermore, **you may not discuss any assignment, graded or ungraded, with anyone except me**. Unauthorized recording of any kind with equipment or devices other than authorized viewing of recorded lectures is prohibited. Any unauthorized creation of a recording or distribution of it is considered a violation of the Honor Code for this course.

**Netiquette Rules**

Netiquette refers to acting in a respectful and professional manner while interacting with your professor and classmates online. Keep the following rules in mind during this course:

- This course is more than learning facts; you are preparing for a career. You are learning to interact with your classmates as you would in your future professional life.
- Everyone is entitled to have an opinion. In discussion forums, everyone is encouraged to share them in a polite and respectful manner.
- People have the right to disagree with you. However, disagreement should never be personal. Review your posts before you publish them, and reread them for unintended meanings.
- Cultural influences can influence communication in terms of phrasing and word choice. The lack of visual and auditory clues may affect meaning, as well. Before jumping to conclusions, ask for clarification.
- Respond honestly but thoughtfully and respectfully, using language which others will not consider foul or abusive.
- Always sign your name to any contribution.
- Respect your own privacy and the privacy of others by not revealing information which you deem private or which you feel might embarrass you or others.
- Be constructive in your responses to your classmates.

If you experience any questionable or outright inappropriate behavior from a classmate, please let me know immediately. I have the sole discretion to deduct points or remove a student from the course for conduct or communications violating these rules.
**Contact Information**
Shawn Grindstaff
Adjunct Professor of Law
sgrindstaff@siu.edu (USE)
(618) 616-1987
I will consult with students on alternative means to communicate as is necessary.

**Office Hours**
Given the online format of this course, I will not hold formal office hours during the semester. However, I will be available via e-mail and telephone as needed. I strongly encourage you to submit questions using the Discussion Board so that your fellow students may benefit from the exchange.

**Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress - physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714 or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is (618) 453-3135.

**Disability Policy**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Emergency Procedures:** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or**
sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Course Schedule
The Course Schedule is broken down by weekly readings, lectures, exercises, discussion boards, and other possible assignments. References to anything other than the Adler texts are available on the D2L course site. You are required to perform each week’s assignments, which include, but are not limited to, reading from the texts, simulation activities, discussions, watching a recorded lecture, and reviewing other materials posted to D2L. Students may not distribute, post, or reproduce any material posted to D2L via any medium (email, Internet, hardcopy, or otherwise) for any purpose or reason. Each week's materials will post to D2L no later than the Sunday before the respective week.
Assignments (Tentative, but assume reading, D2L discussions and an activity each week)

Week 1- History, Accumulation, and Ownership
Week 2- History, Accumulation, and Ownership
Week 3- Oil and Gas Lease
Week 4- Oil and Gas Lease- Exercises, Forms
Week 5- Oil and Gas Lease- Exercises, Forms
Week 6- Oil and Gas Conservation Law and Regulation
Week 7- Environmental Regulation of the Oil and Gas Industry
Week 8- Contracts and Transfers by the Lessee
Week 9- Contracts and Transfers by the Lessee
Week 10- Illinois Oil and Gas Law (compare and contrast)
Week 11- Forms
Week 12- Federal, State and Indian Lands
Week 13- Current Developments
Week 14- Future of Oil and Gas Law
Final week- On-line Semester Review Class (TBA)

**Week 1-** History, Accumulation, and Ownership (Aug. 22-27)

Assigned reading: Lowe, pp. 1-48 (history, geology, technical background)
Lowe, pp. 49-115 (land descriptions, ownership and capture)
D2L materials and tutorials as needed

Discussion Topic for Week 1

Post a brief description of your interests, background and experience with oil and gas or emerging issues associated with the class. You should also tell me what you hope to learn from the course. Postings are due by noon on Saturday, Aug. 29th. You are not required to post comments on postings of your classmates for this week’s assignment.
**Week 2**- History, Accumulation, and Ownership (Aug. 28-Sept. 3)

Assigned reading: Lowe, pp. 115-175 (patterns of ownership, trespass and loss)
Lowe Forms Manual, pp. 48-55

Discussion Topic for Week 2

Post your initial response to this week’s discussion topics by noon on Friday, Sept. 4 by 5 p.m. Post responses to a classmate’s posting by Sunday, Sept. 6th. Your initial postings and reply postings should display your comprehension of the subject. You are encouraged to offer comments based on your personal experiences and/or provide links or citations to law and non-law related articles or other materials.

Drop Box Assignment for Week 2

Week 3- The Oil and Gas Lease (Sept. 4-10)
Lowe- 176-208, Forms 146-176

Week 4- Oil and Gas Lease Forms and Exercises (Sept. 11-17)
Lowe- 208-298, Forms 176-203

Week 5- Oil and Gas Lease Forms and Exercises: Illinois (Sept. 18-24)

Week 6- Titles and Conveyances: Oil and Gas Interests (Sept. 25-Oct. 1)
Lowe- 397-608 (selected readings)

Week 7- O and G Conservation Law and Regulation (Oct. 2-8)
Lowe- 609-796 (selected readings)

Week 8- Environmental Regulation of the Oil and Gas Industry (Oct. 9-15)
Lowe- 797-912 (selected readings)

Week 9- Illinois Law Materials and Panel Debrief (Oct. 16-22) and start Contracts and Transfers by the Lessee
Lowe- 912-962, 970-989
DO Problem on page 978 by Sunday, Oct. 23rd at 11:59 p.m. (Discussion with no classmate responses needed)

Week 10- Contracts and Transfers, Illinois Oil and Gas Law (compare and contrast) (Oct. 23-29)
Lowe- 989-1042, 1064-1067, Illinois cases of importance

Week 11- Forms and Current Policy and Events Discussion on D2L (Oct. 30-Nov. 5)
Lowe Forms Manual (review of certain forms/questions to be posted on D2L by November 1st)

Week 12- Federal, State and Indian Lands (Nov. 6-12)
Lowe- 1079-1118, 1161-1168, 1179-1202

Week 13- State Land Wrap-Up and Current Developments (Nov. 13-19)
Lowe- 1285-1314, outside materials

Week 14- Future of Oil and Gas Law (Nov. 20-26)
Outside materials

Week 15- Review and Final Thoughts (Nov. 27-Dec. 2)(Finals review in Carbondale TBD)
Reading Day- December 5th, 2016
Final Exam- TBD (finals online with ExamSoft)