



THE OIL AND GAS LAW CENTER'S MISSION IS TO PROVIDE COURSE OFFERINGS AND EXTRACURRICULAR ACTIVITIES THAT ASSIST STUDENTS IN BECOMING PROFICIENT OIL AND GAS LAWYERS.

DIRECTOR'S ANNUAL REPORT

Leading the Way with Innovative Instruction

Washburn's Oil and Gas Law Center is leading the way in providing innovative curricular and extracurricular instruction that integrates the practice of law with the study of law. *Curricular instruction* includes courses that use full-time faculty together with practicing lawyers to teach skills such as the *Mineral Title Examination* course. Twenty-five lawyers assist in teaching the law and technique associated with identifying and interpreting documents within a chain of title and preparing the various title opinions essential to oil and gas development. This course has received high praise from students and attorneys participating in the course. Seventy-two students completed the course offered in 2014.

The *Oil and Gas Conservation Law and Practice* course is a model for teaching students the law and practical aspects of representing clients before an administrative agency. A group of 34 instructors, consisting of lawyers, technical experts, and decision-



A memorable part of Adeel Syed's summer externship at Chevron U.S.A., Inc., included visiting a production site where a well was being drilled to produce natural gas.

makers assist in teaching the laws administered by the agency mandated to regulate the oil and gas industry in Kansas: the Conservation Division of the Kansas Corporation Commission. The Commission's lawyers, technical staff, and the three Commissioners participate in the course instruction, as do lawyers who routinely represent clients before the Commission.

The course is held each August as a summer intersession course in Wichita, Kan. The capstone event is a re-enactment of a contested hearing before the three commissioners

This course also received high praise from participating students and attorneys. This experience has resulted in a model educational partnership between Washburn Law and the

Kansas Corporation Commission. **Ryan Hoffman**, '07, director of Oil and Gas Conservation at the Kansas Corporation Commission, worked closely with Center faculty to design, coordinate, and present the course.

The *Environmental Regulation of the Oil and Gas Industry* course is team taught by full-time faculty and **David Tripp**, '71, a partner at Stinson Leonard Street LLP, Kansas City, Missouri. David is a former regional counsel for the Environmental Protection Agency. They are assisted by practicing environmental lawyers.

For the *Mining Law* course Washburn partners with the faculty that teaches the Mining Law Short Course for the Rocky Mountain Mineral Law Foundation. This allows students to have contact with lawyers that practice mining law globally together with a full-time faculty member who tests each student's understanding of the material while providing timely feedback as the course progresses.

Extracurricular instruction is designed to extend the education process beyond the classroom and provide students contact with practicing lawyers and other professionals. Students have opportunities each semester to attend educational programs sponsored by leading foundations and associations dedicated to educating lawyers. Field trips provide opportunities to experience first-hand the operational side of the energy industries.

Each year students prepare and present topics in a student symposium where the students are the experts

and members of the practicing bar are the students. In 2014 the student symposium on "Vexatious Title Issues" focused on complex property issues. (See related story on page 6.) The 2015 student symposium will address "Mysteries of the Oil and Gas Lease."

COURSE OFFERINGS

Washburn has a comprehensive oil and gas curriculum:

- Oil and Gas Law (LW 740)
- Advanced Oil and Gas Law (LW 855)
- Mineral Title Examination (LW 952)
- Oil and Gas Conservation Law and Practice (LW 966)
- Environmental Regulation of the Oil and Gas Industry (LW 967)
- Oil and Gas Taxation (LW 968)
- Energy Regulation (LW 803)
- International Petroleum Transactions (LW 973)
- International Petroleum Arbitration (LW 972)
- Independent Study in Oil and Gas Law (LW 969)

Other courses that directly relate to the mineral extraction process include:

- Mining Law (LW 977)
- Public Land Law (LW 947)
- Environmental Law (LW 744)
- Water Rights (LW 742)
- Drafting Contracts and Conveyances (LW 946)
- Independent Readings in Natural Resources Law (LW 826)

Students also have opportunities to pursue externships for credit. For example, Washburn students have participated in the Chevron USA externship with Chevron's legal department in Houston, Texas.

Externship I (LW 921)
Externship II (LW 922)

STUDENT SUCCESS AND RECOGNITION

The final product of this immersion in the law and practice is a graduate that understands oil and gas law and the industry it governs. This equips our students to be successful and enables them to have an impact in whatever they may do following law school.

Washburn's students have been recognized by national organizations dedicated to natural resources law education. During the 2013 and 2014 scholarship cycles, two major non-profit foundations that focus on education in energy law and natural resources law awarded \$78,600 in scholarship money to Washburn students. Washburn students have received the prestigious David P. Phillips Scholarship both years it has been awarded by the Rocky Mountain Mineral Law Foundation.

STUDENT CONFERENCES

Students attended a number of educational conferences at no charge to the student. Registration fees, hotel expenses, and the cost of travel (airfare, car, or chartered bus) to attend an event were paid by the Center with funds provided by private donors and foundations. Substantial student travel support was provided by the Rocky Mountain Mineral Law Foundation.

The goal is to integrate students with the practicing bar to expand their study of oil and gas law and related subjects. Conferences attended by

Washburn students during the 2013-14 academic year included:

- 76th Annual KIOGA Convention, sponsored by the Kansas Independent Oil & Gas Association, Aug. 18-20, 2013, in Wichita. One student attended.
- KBA/KIOGA 39th Annual Oil & Gas Conference, sponsored by the Kansas Bar Association and the Kansas Independent Oil & Gas Association, Oct. 18, 2013, in Wichita. Twenty-two students attended.
- Kentucky Mineral Law Conference, sponsored by the Energy & Mineral Law Foundation, Oct. 23-25, 2013, in Lexington, Ky. One student attended.
- Renewable Electric Energy Development Special Institute, sponsored by the Rocky Mountain Mineral Law Foundation, Nov. 7-8, 2013, in Las Vegas. One student attended.
- The Eugene Kuntz Conference on Natural Resources Law and Policy, sponsored by the University of Oklahoma College of Law, Nov. 8, 2013, in Oklahoma City. One student attended.
- Advanced Mineral Title Examination – Oil & Gas and Mining Special Institute, sponsored by the Rocky Mountain Mineral Law Foundation, Jan. 23-24, 2014, in Denver. Eleven students attended.
- Oil & Gas Law Conference, sponsored by the Kansas Bar Association, March 7, 2014 in Hays. Eight students attended.

- 61st Annual Mineral Law Institute, sponsored by Louisiana State University Law Center, April 3, 2014 in Baton Rouge. One student attended.
- 2014 Hartrick Symposium: Career Paths for Young Attorneys in the Energy Sector, sponsored by the Center for American and International Law, April 4-5, 2014 in Baton Rouge. One student attended.
- Public Land Law, Regulation, and Management Special Institute, sponsored by the Rocky Mountain Mineral Law Foundation, May 8-9, 2014 in Santa Fe. One student attended.
- 60th Annual Rocky Mountain Mineral Law Institute, sponsored by the Rocky Mountain Mineral Law Foundation, July 17-19, 2014 in Vail. Sixteen students attended.

STUDENT EMPLOYMENT

Washburn students have been successful at obtaining employment with the oil and gas industry, law firms representing industry participants, and regulatory agencies involved with energy development. The Center, working with the Professional Development Office, continues to explore ways to assist students in finding career opportunities in oil and gas law and the related disciplines.

By evaluating each student's career goals early in the process, a course of classroom and extracurricular study can be designed that will equip them to compete for employment opportunities.

GRANTS

During 2014 the Center was awarded \$18,888 in grant money from the Rocky Mountain Mineral Law Foundation. The Foundation awarded \$3,000 to support the Vexatious Title Issues student symposium. The Foundation also awarded \$7,420 to assist Washburn Law students to attend the Mining Law Short Course as a law school credit course (Mining Law, LW 977). Professor Pierce will attend the course with 10 Washburn students. Professor Pierce will administer the course including all assignments, examinations, and grading. This will be the first time that Foundation faculty will participate with law school faculty to offer a law school course in conjunction with a Foundation educational program.

The Foundation provided \$7,468 in travel funds so Washburn students could attend Foundation programs. This assistance consisted of \$3,000 under the Foundation's Law Student Attendance Program, \$2,500 from the Discretionary Law Student Attendance Program, and \$1,968 from the Scholarship Recipient Attendance Program.



SCHOLARLY ACTIVITIES

Part of the Center's mission is to provide outreach to the legal community through useful scholarship. The following continuing legal education and academic presentations were made by Center faculty during the 2013-14 academic year.

"Frack that! Can Investment Treaties Provide Effective Protections Against Fracking Bans?" 2014 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, June 27, 2014.

"Recent Developments in Oil and Gas Law," 2014 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, June 26, 2014.

"Recent Developments in Contracts and Property Law," 2014 Selected Topics and Miscellany CLE, Washburn University School of Law, Topeka, June 26, 2014.

"Kansas Oil & Gas Law and the Register of Deeds," Kansas Register of Deeds Association 2014 Annual Meeting, McPherson, Kan., June 5, 2014.

"Hydraulic Fracturing Regulation and Litigation," Expanding Business Opportunities in the New Energy Environment, Kansas City Metropolitan Bar Association, Kansas City, Mo., May 8, 2014.

"Correlative Rights," 61st Annual Mineral Law Institute, Louisiana State University Law Center, Baton Rouge, La., April 3, 2014.

"High Noon on the Ogallala Aquifer

Revisited," Sierra Club – Kansas Chapter Fortieth Anniversary Conference: Planning the Next Forty! Topeka, March 8, 2014.

"Kansas Oil & Gas Law: Ten Cases Where the Kansas Supreme Court Got It Wrong," 2014 KBA Oil & Gas Conference, Kansas Bar Association, one-hour presentation, Hays, Kan., March 7, 2014.

"Issues Rural Communities Face When Attempting to Maximize Land Usage: The Oil & Gas Resource," 2014 *Kansas Journal of Law & Public Policy* Symposium, Preventing the Ghost Town: What Rural Communities Need to Do to Survive in the Modern Economy, The University of Kansas School of Law, Lawrence, Kan., February 21, 2014.

"Correlative Rights: The Next 100 Years," State Bar of New Mexico, one-hour presentation, Albuquerque, N.M., November 13, 2013.

"Rethinking Oil & Gas Ownership," University of New Mexico School of Law Faculty Presentation, Albuquerque, N.M., November 13, 2013.

"The Ethics of Drafting and the Lawyer Representing Renewable Power Project Developers," Special Institute on Renewable Electric Energy Law, Development and Investment, Rocky Mountain Mineral Law Foundation, Las Vegas, Nev., November 8, 2013.

"Common Interests Created in Oil and Gas," and "Split Estates: The Surface Use Issues," Oil & Gas Law Short Course, Rocky Mountain

Mineral Law Foundation, three hours of presentations, Westminster, Colo., October 22 & 23, 2013.

"The Courts and Kansas Oil & Gas Law," 38th Annual Oil & Gas Law Program, Kansas Bar Association and Kansas Independent Oil and Gas Association, one-hour presentation, Wichita, October 18, 2013.

Presenter, Current Issues in Common Interest Community Law, ABA Real Property, Trust and Estate Law Section's Legal Education and Uniform Laws Group, Professors' Corner Webinar, October 9, 2013.

"Freedom of Contract and the Endangered Right to Transfer," Central States Law Schools Association 2013 Scholarship Conference, University of Arkansas School of Law, Fayetteville, Ark., October 5, 2013.

"Ethics and Oil and Gas Drafting," 31st Annual Advanced Oil, Gas & Energy Resources Law Course, State Bar of Texas, Houston, October 3, 2013.

2013-14 Center Events



C. Michael Lennen, '74



Mark Lawlor, '00



Patricia Moore

August 10-12, 2013 – Oil and Gas Conservation Law and Practice CLE, Wichita, Kan.

Sept. 12, 2013 – Lunch & Learn: Alumni Fellow **C. Michael Lennen, '74**, an attorney at Morris, Laing, Evans Brock & Kennedy, Chtd., co-sponsored with the Center for Law and Government and Business and Transactional Law Center.



Peter Vanderwarder, '98



Randy Pharo

September 24, 2013 – Lunch & Learn: Wind Energy Development Law, presented by **Mark Lawlor, '00**, director of development at Clean Line Energy Partners.

November 11, 2013 – Lunch & Learn: Rethinking Subsurface Ownership of Real Property, presented by Professor David Pierce.

November 18, 2013 – Lunch & Learn: Carbon Dioxide Sequestration, presented by Patricia Moore, assistant general counsel for Denbury Resources, co-sponsored with the Gas, Oil, and Energy Law Society.

January 30, 2014 – Lunch & Learn: The Role of In-House Corporate Counsel in a Changing Business Environment, presented by **Peter Vanderwarder, '98**, corporate counsel at Kansas City Power & Light, co-sponsored with the Business and Transactional Law Center and the Center for Law and Government.

February 28, 2014 – Lunch & Learn: Employment Opportunities Associated with the Oil and Gas Industry, presented by Randy Pharo, of counsel at Davis Graham & Stubbs LLP, co-sponsored with the Oil, Gas, and Energy Law Society.

February 28, 2014 – Seminar on “The Purchase and Sale of Producing and Non-Producing Oil and Gas Properties,” presented by Randy Pharo and David Pierce.

March 28, 2014 – Vexatious Title Issues Student Symposium (*see page 6*).

March 31, 2014 – Second Annual Agriculture Law Barbecue, co-hosted with the Agricultural Law Society; Washburn Oil, Gas, and Energy Law Society; and Hispanic American Law Student Association.

A STUDENT SYMPOSIUM ON VEXATIOUS TITLE ISSUES

Title examiners, in Kansas and elsewhere, deal with a number of recurring issues that often defy resolution. On March 28, 2014, the Center sponsored a student symposium on Vexatious Title Issues which provided an in-depth study of many of the commonly encountered issues along with a preview of several new emerging issues.

Each of the 21 student presentations at this Symposium were made by a Washburn Law student who worked with a professor and practitioners to prepare his or her topic. The students directed the Symposium by making presentations and engaging a panel of title examiners, and the audience, in a discussion of the issues.

This symposium exemplifies one of the goals of the Washburn Oil and Gas Law Center: to provide Washburn Law students with meaningful and effective opportunities to continue their study of oil and gas law outside the classroom.



Nathaniel Unruh



Courtney Kelley



Nathan Jiwanlal



Robert Moody



Kathleen Wary



Bret Robinson

COMING MARCH 27, 2015:
STUDENT SYMPOSIUM
"Mysteries of the Oil and Gas Lease"
will focus on complexities
associated with the basic document
used to develop oil and gas
in the United States.

A news article in the *Wichita Eagle* covered a mock trial that was part of the new Oil and Gas Conservation Law and Practice Course, a collaborative effort between the Kansas Corporation Commission and Washburn Law.

TALK TO US: Call Jean Hays, 316-268-6657, or e-mail jhays@wichitaagle.com
WWW.KANSAS.COM/NEWS

LOCAL & STATE

Now you know

Mock trial gives students a view of real oil and gas case

BY DION LEFLER
The Wichita Eagle

The lawyers stood before the members of the Kansas Corporation Commission arguing a case they'd all heard before.

At stake was absolutely nothing. In fact, the case was decided two years ago.

It was a carefully staged re-enactment, part of a new partnership between the commission and the Washburn University School of Law to train students.

Law to train the next generation of oil and gas attorneys, in a state where oil and gas law is becoming an increasingly bigger deal.

Granted, you probably won't see "Law and Order: Special Oil and Gas Unit" coming to NBC anytime soon. But with hydraulic fracturing bringing once-dead oil fields back to life and even proposals to drill underneath Wichita's Century II convention center, it's a growing area of law with major implications pretty much across Kansas.

Washburn Law professor David Pierce, director of the university's Oil and Gas Law Center, said oil and gas cases are a lot like any other property dispute, except, "It's sometimes 5,000 feet underground and you can't see it."

Monday's re-enactment of an Ellis County case highlighted the three main issues that come up in KCC oil and gas cases.

Please see **TRIAL**, Page 5A

Wichita lawyer David Bengston re-enacts his role in a 2011 oil and gas case as part of a collaboration of the Kansas Corporation Commission and the Washburn University School of Law to train students.

Dion Lefler/The Wichita Eagle

Oil and Gas Law Certificate

CERTIFICATE OF CONCENTRATION

Students who desire to concentrate their elective studies on oil and gas law can seek a Certificate in Oil and Gas Law.

COURSE OF STUDY

A student seeking the Certificate must complete 6 hours of required coursework in oil and gas law plus 10 hours of optional curriculum courses.

EXTRACURRICULAR PROGRAMMING

To earn the certificate, students must participate in 100 hours of extracurricular programming related to oil and gas law.

PRACTICAL PROFESSIONAL EXPERIENCE

Students must complete a practical professional experience where they

have the opportunity to experience oil and gas law in action. This requirement may be met through an appropriate externship, internship, or other work-related relationship. It may be fulfilled in conjunction with an approved extracurricular activity. The goal is to bring students together with oil and gas practitioners to actively participate in addressing legal issues as they unfold.

WRITING REQUIREMENT

To earn the Certificate, students must complete the upper-level writing requirement (or equivalent writing project) on a pre-approved oil and gas law topic. They may satisfy the Certificate writing requirement through a Directed Research or an alternative writing opportunity approved in advance by the Center Director.

Certificate in Natural Resources

CERTIFICATE OF CONCENTRATION

Students who desire to concentrate their elective course of study on the general area of natural resources law can seek a Certificate in Natural Resources Law.

COURSE OF STUDY

A student seeking the Certificate must complete 3 hours of required coursework in oil and gas law plus 12 hours of optional curriculum courses.

WRITING REQUIREMENT

The upper-level writing requirement may be satisfied by the Natural Resources Law Seminar, Directed Research, or an alternative writing opportunity approved in advance by the student's certificate advisor.

EXTERNSHIP BUSINESS PARTNERS

Most State Agencies, Entities, and Boards
Banking Entities and Corporations
Chevron U.S.A.
Children and Family Guidance Center
Disability Rights Center
Environmental Protection Agency
Immigration and Customs Enforcement
Internal Revenue Service
Kansas Association of Counties
Kansas Association of School Boards
Kansas Attorney General's Office
Kansas Coalition Against Sexual and Domestic Violence
Kansas Corporation Commission
Oil and Gas Conservation Division
Kansas Court of Tax Appeals
Kansas Department for Children and Families
Kansas Department of Agriculture
Kansas Department of Commerce
Kansas Department of Health and Environment
Kansas Department of Revenue
Kansas Department of Revenue - Alcoholic Beverage Control
Kansas Insurance Department
Kansas League of Municipalities
Kansas Legal Services
Kansas Soybean Association
Kansas State Bankers Association
Local Corporations
Midwest Innocence Project
Non-profit Organizations
Office of the Kansas Securities Commissioner
Payless ShoeSource
Prairie Band Potawatomi Court System
Regional Federal Agencies
Shawnee County Sheriff's Office
State and Federal Courts
Statewide and Nationwide Courts and Prosecutors/Defenders Offices
Statewide Board of Indigents' Defense Services
Topeka Metropolitan Transit Authority
YWCA Center for Safety and Empowerment

*And many others
Placement opportunities vary annually*

Your Assistance is Requested

At Washburn Law, we are dedicated to promoting the study of oil and gas law and assisting our students in becoming successful lawyers. Even for students who will never practice oil and gas law, taking advantage of these Center opportunities will make them better lawyers, with a better understanding of contract law, property law, and the interaction of business and regulation. The things we do at the Center enhance the law school experience for all students and provide opportunities to see the law in action and learn from leading practitioners.

The Center programs require the active involvement of lawyers with expertise in oil and gas law and related disciplines. Currently, the Center uses over 50 practitioners to assist in teaching our students. If you are not currently participating, and you believe your expertise would be relevant to an existing program or a program you think we should be pursuing, contact Professor David

Pierce. *(Please see contact information in the box below.)*

As this report demonstrates, providing many of the extracurricular activities to our students requires considerable funding. The proximity of Topeka to field trip opportunities, conferences, and the practicing oil and gas bar, means students have to travel. Although we always seek the cheapest travel alternatives, it is still expensive. The Center does not charge students to participate in extracurricular activities. Most of the time conference registration fees are waived or substantially reduced by the provider.

Center travel assistance covers the means to get the student to the event and a place to stay. The student is responsible for food (except for food that is part of the event registration) and other travel expenses. This approach makes it possible for all students to participate while maximizing funds available for the

two major travel costs: transport and lodging.

Private donations provide most of the funding to support the Center's extracurricular study programs. Therefore, private donations determine how much we can do. If you would like to support the Center's activities, you can do so by sending your contribution to Professor David Pierce. *(Please see contact information in the box below.)* Make checks payable to: Washburn University School of Law, Oil and Gas Law Center.

We welcome your comments and suggestions about the Washburn Oil and Gas Law Center and its programs.

Thank you.

David E. Pierce
*Director, Oil and Gas Law Center, and
Norman R. Pozez Chair in Business and
Transactional Law*



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