




Institute for
ENERGY LAW

The Energy Law Advisor

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Volume 9, No. 4 - November 2015

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Industry News

Kansas Supreme Court Limits Marketable Product Doctrine in Royalty Cases

By: Daniel M. McClure and Lauren Brogdon, Norton Rose Fulbright US LLP

This case examines the Lessee's implied covenant to market and make gas marketable. The case holds that the implied covenant is satisfied when the producer delivers gas at the wellhead to a gas purchaser. [Read more...](#)

Consequential Loss in Energy Commodity Contracts

By: David Phua, King & Spalding LLP

This Article examines the recovery of damages in commodity contract disputes and the often included provision to waive consequential damages. [Read more...](#)

READ CAREFULLY: When the Royalty Language of an Oil and Gas Lease and an Operator's Failure to Strictly Comply Will Lead to Forfeiture

By: Joseph S. D. Christof, II and Bridget Sasson, Dickie, McCamey & Chilcote, P.C.

This Article examines two recent Ohio cases where lease termination was sought for non-payment of royalty in compliance

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Submissions

Industry News
Email [Harry Sullivan](#) and
[Lilly Hogarth](#).

Member Announcements
Email [Lilly Hogarth](#). Please
submit photo with
announcement if possible.

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with the lease. [Read more...](#)

Oil & Gas: Force Majeure and Natural Gas Sale and Purchase Agreements

By: Philip Ashley, Rob Wilson and Helen Fyfe, CMS Cameron McKenna LLP

This Article examines the recurring question of whether notice is a prerequisite to a claim of force majeure. [Read more...](#)

Texas Railroad Commission Announces Standard of Proof for Induced Seismicity

By: Barclay Nicholson and Emery Gullickson Richards, Norton Rose Fulbright US LLP

The Texas Railroad Commission held, in this case of first impression, that for an injection permit to be revoked, the Commission must find by a preponderance of the evidence that it is "more likely than not that injection is causing seismic activity." [Read more...](#)

IEL News

Larry Simon Honored at IEL's 14th Annual Energy Litigation Conference on November 5

Lawrence P. Simon, Jr. of Liskow & Lewis, IEL Vice Chair and incoming Chair for 2016, was awarded the Lifetime Achievement in Energy Litigation Award on Thursday November 5, 2015 at the IEL 14th Annual Energy Litigation Conference in Houston.

Larry was introduced by Richard Carrell, 2011 recipient of the same award.

Congratulations Larry!



Lawrence P. Simon Jr. graduated from Tulane Law School in 1972, where he was a member of the Tulane Law Review, and has practiced law with Liskow & Lewis in its Lafayette office for the past 43 years.

His extensive experience in energy litigation cases covers all of the major substantive areas affecting the oil and gas industry for these past four decades, including broad experience litigating issues involving regulatory rulings and orders of the Department of Conservation. His litigation practice has emphasized oil and gas royalty and other mineral lease issues, energy marketing contract disputes and cases involving the processing of natural

gas and the contracts affecting those operations. Mr. Simon has been recognized by Chambers USA, Benchmark Litigation, Best Lawyers in America, and Super Lawyers. He is also a fellow of the Litigation Counsel of America.

In addition to his active practice, Mr. Simon has served both in the House of Delegates and on the Board of Governors of the Louisiana State Bar Association and was president of the Young Lawyers section of the Louisiana Bar. He also served on the Board of the Young Lawyer Division of the ABA and on the Board of Directors of the American Judicature Society. He likewise was past president of the American Inn of Court of Acadiana. Mr. Simon has been active in the IEL for many years and is currently Senior Vice-Chair of the IEL.

IEL's 4th Midstream Oil & Gas Law Conference on December 3

The IEL will be presenting its [4th Midstream Oil & Gas Law Conference](#) in Houston's Hilton Post Oak Hotel on Thursday, December 3rd. This year's conference co-chairs are Susan B. Miller of Marathon Oil Company and Amy L. Baird of Jackson Walker L.L.P. The co-chairs have recruited an outstanding faculty to discuss matters of interest to in-house and private practice counsel working in the midstream space.

Highlights will include:

- Federal Midstream Regulatory Update for Liquids Pipelines
- Price Fixing and Bid Rigging in the Oilfield
- Bankruptcy Issues in the Midstream Oil and Gas Sector

You can find more details and register at [this link](#).

Sidley Austin LLP Adds New Restructuring, Energy Partner in Houston



Duston K. McFaul has joined the Houston office of Sidley Austin LLP as a partner in both its Corporate Reorganization and Bankruptcy, and Energy practices. Mr. McFaul is an experienced restructuring lawyer with a concentrated practice built around complex business restructurings, negotiated workouts and contested proceedings.

Members in the News

The IEL is proud to welcome two new **Sponsoring Members**:

- **Crowley Fleck PLLP**, Bozeman, MT with **Brian Holland** as

their Advisory Board Member

- **Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C.**, Houston, TX with **Steven Mitby** as their Advisory Board Member

Please help us welcome IEL's newest **Associate Member** and representative on the Advisory Board:

- **Daniel Charest** (Burns Charest LLP, Dallas, TX)
- **C. Vance Christopher** (Crain, Caton & James, Houston, TX)
- **Sonny Jester** (Gleeds, Atlanta, GA)

The IEL is proud to add three new **Law School Members**:

- **Duquesne University School of Law**, Pittsburgh, PA with Steven Baicker McKee as their Advisory Board Member
- **Oklahoma City University School of Law**, Oklahoma City, OK with Paula Dailey as their Advisory Board Member
- **University of Wyoming College of Law**, Laramie, WY with Tara Righetti as their Advisory Board Member

Our newest **Young Energy Professional Members** are:

- **Jiang Jingfei** (Cocec Subsea Technology Co., Ltd. Shenzhen, China)
- **Jessica Lev** (Lev Intellectual Property Consulting Youngstown OH)
- **Carlos Alberto Chavez Pereda** (J.A. Trevino Abogados, San Pedro Garza Garcia, Mexico)
- **Kelly Ransom** (Kelly Hart & Pitre, New Orleans LA)
- **Marcel de Chermont** (Acteon Group, Ltd., Houston TX)
- **Brittan Bush** (Liskow & Lewis, Lafayette LA)
- **Jimena Klauer** (Control Risks, Houston, TX)

Calendar of Events

[Contract by Email: How to Avoid Costly Claims in Today's Turbulent Market](#)

Houston, TX
Nov 16, 2015

[4th Midstream Oil and Gas Law Conference](#)

Houston, TX
Dec 3, 2015

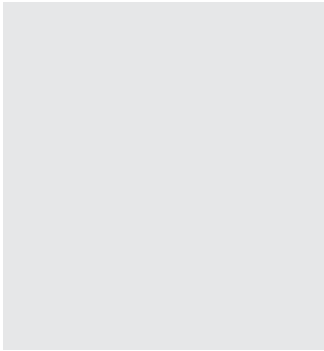
[1st Rockies General Counsel Forum](#)

Denver, CO
Dec 8, 2015

[3rd Annual ITA- IEL-ICC Joint](#)

[67th Annual Oil & Gas Law](#)

[Career Paths for Young Attorneys](#)



**Conference on
International
Energy
Arbitration**

**Houston, TX
Jan 14-15, 2016**

Conference

**Houston, TX
Feb 18-19, 2016**

**in the Energy
Sector**

**Norman, OK
Apr 1-2, 2016**



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