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Editor's Note: Congratulations to **Jay G. Martin**, Chair of the IEL's Strategic Planning Committee and Vice President, Chief Compliance Officer & Senior Deputy General Counsel, Baker Hughes, on receiving the Bette Stead Ethics and Compliance Leadership Award on May 19, 2016 from the Greater Houston Business Ethics Roundtable.

Industry News

In this edition we include articles examining a number of hot issues ranging from the structural changes that the LNG (international gas) market are undergoing to the enforceability of forfeiture clauses in a JOA. We hope you find them helpful and enlightening. If you have an Article you would like to share, please contact the Editor.

Recent moves towards gas trading hubs in Asia: implications for Asian gas buyers and sellers

By: Gavin MacLaren, Nicholas Lingard, Robert Kirkness and David Phua, Freshfields Bruckhaus Deringer LLP

The LNG market appears to be in the midst of a significant transition triggered in part by the drop in oil prices. However the structural changes appear to be much more fundamental than those in play in a typical downturn cycle, with significant short-term oversupply, many new market entrants, greater liquidity and the emergence of new contracting structures. This Article examines one indication of this structural change, namely, the emergence of trading hubs in Asia. [Read more...](#)

When is an Operator a Reasonable and Prudent Operator under English Law?

Matthew J. Salzman
Stinson Leonard Street LLP
Kansas City, Missouri

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Submissions

Industry News

Email [Harry Sullivan](#), Jr. and
[Vickie Adams](#).

Member Announcements

Email [Vickie Adams](#).
Please submit photo with
announcement if possible.

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By: Andrew B. Derman, Anthony Golding and Peter Sloan,
Thompson & Knight LLP

The Reasonable Prudent Operator (RPO) standard is emblematic in the oil and gas law of the producing states of the United States. But exactly what does this term mean under other systems of law? Many countries have no equivalent standard and have no law establishing what an RPO is. This Article examines RPO under English law. [Read more...](#)

Third Party Access to Infrastructure in the United States

By: Jana L. Grauberger and Joshua P. Downer, Liskow & Lewis

This Article, originally printed in the LSU Journal of Energy Law and Resources, explores the landscape of obtaining access to existing third-party offshore infrastructure in the United States. [Read more...](#)

JOA Defaults: Enforcing Forfeiture Clauses Following the UK Supreme Court's Cavendish v Makdessi Decision

By: Mark Stefanini and David Smith, Mayer Brown International LLP

Late payments, defaults and bankruptcy are symptomatic of oil industry downturns. "Free Carrys" are anathema in the oil and gas industry. But what to do about a party in default? Many JOAs include a participating interest forfeiture clause as a default remedy, although there has been considerable debate as to whether such a forfeiture clause is enforceable. This Article examine the enforceability of a forfeiture clause in light of a recent English law decision. [Read more...](#)

Case Note: Coyote Ranch, LLC v. The City of Lubbock, No. 14-0572 (Tex. 2016)

By: Brendan P. Doherty, Gieger, Laborde and Laperouse L.L.C.

We are all familiar with the concept that 'the mineral estate, as the dominant estate' has certain rights to use the surface estate to exploit its minerals. We are also familiar with the fact that such use right is not unlimited, but rather is constrained in several ways, including through the application of the 'accommodation doctrine'. This case examines whether the accommodation doctrine should be applied as between the owner of a groundwater interest and the surface owner. [Read more...](#)

Case Note: Hayes Fund for the First United Methodist Church of Welsh, LLC v. Kerr-McGee Rocky Mt., LLC, 2014-2592 (La. 12/8/15), 2015 WL 8225654

By: Kelly Blocker and Kathryn Gonski, Liskow & Lewis

This case examines the proper application of the manifest error standard of review of factual findings in a downhole damages case, which is inherently an issue of fact. [Read more...](#)

Members in the News

The IEL is excited to welcome a new **Sustaining Member**:

- **EY**, Houston, TX with Scott Clary, Jeff Ferguson, Phil Innes, Ryan Pratt, Doug Tymkiw, Scott Witte, Drew Goodwin and Eric Williams as Advisory Board Representatives.

Please help us welcome IEL's newest **Associate Members** and representatives on the Advisory Board

- **Fernando de Salvidea de Miguel** (De Salvidea Y González Alcántara SC, The Woodlands, TX)
- **Charlotte A. Fields** (Gieger, Laborde & Laperouse, L.L.C., Houston, TX)
- **Xavier Jordan** (Cameron, a Schlumberger Company, Houston, TX)

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

- **Thomas A. Donaho** (Baker & Hostetler LLP, Houston, TX)
- **Jessica Farley** (Norton Rose Fulbright US LLP, Houston, TX)
- **Jonathan Heathman** (Texas A&M University School of Law, Fort Worth, TX)
- **Andrew Riley** (Cranberry Township, PA)

Calendar of Events

4th IEL-ANADE Conference

Mexico City,
Mexico
Aug 25-26,
2016

7th Law of Shale Plays Conference

Pittsburgh, PA
Sep 7-8, 2016

International Oil & Gas Law, Contracts and Negotiations - Part I

Houston, TX
Sep 26-30, 2016

9th Annual YEP General Counsel Forum

Houston, TX
Sep 27, 2016

International Oil & Gas Law, Contracts and Negotiations - Part II

Houston, TX
Oct 3-7, 2016

6th Oilfield Services Law Conference

Houston, TX
Oct 11, 2016



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