

Curriculum Proposal Cover Sheet – form is available on-line as an interactive PDF

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|---------------------------|--|--|
| LSC Use Only Proposal No: | UWUCC Use Only Proposal No: <u>13-100a</u> | |
| LSC Action-Date: | UWUCC Action-Date: <u>AP-1/21/14</u> | Senate Action Date: <u>App-3/25/14</u> |

Curriculum Proposal Cover Sheet - University-Wide Undergraduate Curriculum Committee

| | |
|---|-----------------------------------|
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| | Phone <u>724-465-0040</u> |

Check all appropriate lines and complete all information. Use a separate cover sheet for each course proposal and/or program proposal.

1. Course Proposals (check all that apply)

New Course Course Prefix Change Course Deletion
 Course Revision Course Number and/or Title Change Catalog Description Change

Current course prefix, number and full title: _____

Proposed course prefix, number and full title, if changing: BLAW441/541 The Law of Property Oil & Gas Leasing I

2. Liberal Studies Course Designations, as appropriate

This course is also proposed as a Liberal Studies Course (please mark the appropriate categories below)

Learning Skills Knowledge Area Global and Multicultural Awareness Writing Intensive (include W cover sheet)

Liberal Studies Elective (please mark the designation(s) that applies – must meet at least one)

Global Citizenship Information Literacy Oral Communication
 Quantitative Reasoning Scientific Literacy Technological Literacy

3. Other Designations, as appropriate

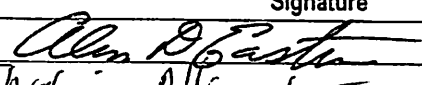
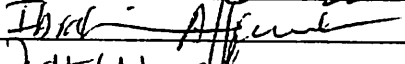
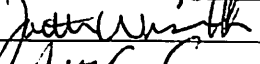

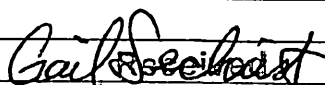
Honors College Course Other: (e.g. Women's Studies, Pan African)

4. Program Proposals

Catalog Description Change Program Revision Program Title Change New Track
 New Degree Program New Minor Program Liberal Studies Requirement Changes Other

Current program name: _____

Proposed program name, if changing: _____

| 5. Approvals | Signature | Date |
|--|--|-----------------|
| Department Curriculum Committee Chair(s) – |  | <u>10-18-13</u> |
| Department Chairperson(s) |  | <u>10-17-03</u> |
| College Curriculum Committee Chair |  | <u>11-5-13</u> |
| College Dean |  | <u>11-5-13</u> |
| Director of Liberal Studies (as needed) | | |
| Director of Honors College (as needed) | | |
| Provost (as needed) | | |
| Additional signature (with title) as appropriate | | |
| UWUCC Co-Chairs |  | <u>3/5/14</u> |

MAR 5 2014

Received
JAN 17 2014

Received
NOV 11 2013

Liberal Studies

Liberal Studies

Liberal Studies

Syllabus of Record

BLAW 440 The Law of Property Oil and Gas Leasing I
3 lecture hours, 0 lab hours, 3 credits

BLAW 540 The Law of Property Oil and Gas Leasing I
3 lecture hours, 0 lab hours, 3 credits

Prerequisites: BLAW 235 (Undergraduate), BLAW 633 (Graduate)

I. Catalog Description

Designed to give students an understanding of fundamental energy law including oil and gas law. Includes analysis of natural resource leases and contracts, rights and ownership of the mineral estate, law of capture, contracts, clauses and covenants of the oil and gas lease, oil and gas operating agreements, title and conveyance of oil and gas leases, pooling and utilization on private and federal lands, easements and right of ways in connection with natural resource exploration, environmental considerations and impacts of natural resource drilling and exploration, the legal structure of the energy industry, (Public Utility Holding Company Act, Federal Energy Regulatory Commission) land use restrictions and eminent domain

II. Course Outcomes:

Students will be able to:

1. Demonstrate an understanding of the dimensions of the legal and regulatory framework in the energy industry.
2. Show application skills in drafting and analyzing various lease, contract and legal documents.
3. Explain the role of the law in energy use and regulation.
4. Analyze and debate a wide range of possible approaches related to issues of global energy regulation.
5. Demonstrate the competence to develop and implement an energy legal structure to manage risk and optimize benefits.

In addition to the above, Graduate students in this course will be able to:

6. Develop and analyze a research paper using the theoretical and applied topics from the legal framework of energy law.
7. Demonstrate the ability to conduct a basic conceptual or applied research project related to energy law such as drafting an oil or gas land lease agreement.

III. Course Outline by Week

Topical coverage

| | |
|---|-----------------|
| Week 1: Introduction to energy law, structure of courts, ownership rights in mineral estates | Hours 3 |
| Week 2: Basics of Real Property basics necessary to understand advanced concepts in other weeks including adverse possession, law of capture, landholder's rights and obligations, what it is that you own when buying land. General land use concepts and restrictions | Hours 3 |
| Week 3: Basics of Real Property basics necessary to understand advanced concepts in other weeks including adverse possession, law of capture, landholders rights and obligations, what it is that you own when buying land. General land use concepts and restrictions | Hours 3 |
| Week 4: Basics of Contracts, Offer, Acceptance, Consideration, Obligations, Covenants, Statute of Frauds, Breach, 3 rd party rights | Hours 3 |
| Week 5: Basics of Contracts, offer, acceptance, consideration, obligations, covenants, Statute of Frauds, breach, 3 rd party rights | Hours 3 |
| Week 6: Basics of Leasing, The lease agreement part contract part real property, basics of the natural resource lease | Hours 3 |
| Week 7: (Good Place for Exam) <i>Once basics established now specifics in industry:</i> Ownership rights in mineral estates, title and conveyance of oil and gas lease, easements and right of ways in connection with natural resource exploration | Hours 3: |
| Week 8: Ownership rights in mineral estates, title and conveyance of oil and gas lease, easements and right of ways in connection with natural resource exploration, other natural resource lease examples | Hours 3 |
| Week 9: Oil and gas leases, land use restrictions and eminent domain other natural resource lease examples, analysis of the provisions of the lease, what the provisions mean, | Hours 3 |
| Week 10: Oil and gas leases, land use restrictions and eminent domain other natural resource lease examples, analysis of the provisions of the lease, what the provisions mean, | Hours 3 |
| Week 11: Oil and gas contracts, other natural resource lease examples Drafting and interpreting, clauses, and covenants | Hours 3 |
| Week 12: EXAM Oil and gas contracts, other natural resource lease examples drafting and Interpreting, clauses, covenants, breaches | Hours 3 |
| Week 13: Oil and gas contracts, other natural resource lease examples Drafting and Interpreting, clauses, Covenants, Breaches, remedies | Hours 3 |

Week 14: **Hours 3**
Environmental regulation and liability, From a corporations perspective what are the environmental regulations that must be complied Clean Air Act, Clean Water Act, RCRA, et. al.

Week 15: Final **Hours 2.0**

Hours (3) * 14=42 hours + 2 final= 44 Hours

IV. Evaluation Methods

COURSE OUTCOME

For Undergraduate Students:

| | | |
|--------------------------------------|-----|------------|
| Two tests during the semester | 40% | 1,2,3,5, |
| Final Examination | 30% | 1,2,4,3,5, |
| Two assignments/written case studies | 30% | 3 |

For Graduate Students:

| | | |
|--|-----|------------|
| Two tests during the semester | 30% | 1,2,3,5, |
| Final Examination | 20% | 1,2,4,3,5, |
| Assignments/written case studies | 20% | 3 |
| Drafting a lease agreement/contract for energy use | 20% | 4,6,7, |
| Research Project Report | 10% | 4,6,7, |

Grading scale Undergraduate:

| | | |
|--------------|--------|------------------------------|
| Final Grade: | A..... | greater than or equal to 90% |
| | B..... | 80% to 89% |
| | C..... | 70% to 79% |
| | D..... | 60% to 69% |
| | F..... | <60% |

Grading scale Graduate

| | | |
|---------------|--------|------------------------------|
| Final Grade : | A..... | greater than or equal to 90% |
| | B..... | 80% to 89% |
| | C..... | 70% to 79% |
| | F..... | <70% |

Assignment Description: Undergraduate Assignment/Case study. In One assignment students will analyze two court cases discussing issues with natural resource lease agreements and apply legal reasoning in reaching a decision in the cases. In another assignment Students will analyze an actual lease agreement and be able to identify the important legal issues in the lease.

Assignment Description: Graduate

Assignment/Case Study. In one assignment students will analyze two court cases discussing issues with natural resource lease agreements and apply legal reasoning in reaching a decision in the cases. In another assignment students will analyze an actual lease agreement and be able to identify the important legal issues in the lease.

Assignment Drafting a lease agreement: students will draft a lease agreement for a sample plot of land in order to extract the natural resources such as oil and gas.

Assignment Research Project Report (For Graduate Students only):

Graduate students will conduct an exploratory research related to legal options/risk assessment and strategy used by energy companies based on the theories/models discussed in class and present their findings in a research report. An example would be: legal requirement in a Marcellus drilling program.

Attendance Policy: The Attendance policy complies with the Indiana University of Pennsylvania guidelines.

V. Required Textbook

**Cases and Materials on the Law of Oil and Gas (University Casebook Series) 2011 by Richard C. Maxwell, Stephen F. Williams, Patrick H. Martin and Bruce M. Kramer
ISBN-10: 0882779834 ISBN-13: 978-0882779836**

VI. Special Resource Requirements

Classroom must be equipped with Internet access and display capabilities for the teacher. Students must have access to high speed Internet for 2 hours per week outside of class hours.

VII. Bibliography

Books:

**Oil and Gas Law in a Nutshell, 5th Edition (Nutshell Series) [Paperback]
John S. Lowe 2012**

**Energy Law in a Nutshell (Nutshell Series) [Paperback]
by Joseph P. Tomain and Richard D. Cudahy 2011**

The Law and Regulation of Mining: Minerals to Energy (Law Casebook) by Barlow Burke and Robert Beck (Nov 30, 2009)

Academic Articles and Journals

Abbott, Kevin C. and Snyder, Nicolle R., Recent Decisions Affecting The Development of the Marcellus Shale in Pennsylvania, 72 U. Pitt. L. Rev. 661. (2011).

American Institute of CPAs, Entities with oil and Gas Producing Activities, p.7-95 (2011)

Bibikos, George and King, Jeffrey C., "A Primer on Oil And Gas Law in the Marcellus Shale States," 4 Tex. Oil, Gas & Energy L. 155 (2009)

Burnett, Robert. J., "Does Pennsylvania Recognize an Implied Covenant for Further Exploration?," 13 Lawyers J.5. (January 2011).

Fjaer, E. (2008). "Mechanics of hydraulic fracturing". *Petroleum related rock mechanics*. Developments in petroleum science (2 ed.) . p. 369.

Halliburton, "U.S. Shale Gas, An Unconventional Resource. Unconventional Challenges. (2008) available at http://www.halliburton.com/public/solutions/contents/shale/related_docs/H063771.pdf last visited August 2012.

Natural Gas Weekly, Statistics, available at <http://205.254.135.7/naturalgas/weekly/> Last visited July 11 2012

Pifer, Ross H., "Drake Meets Marcellus: A Review of Pennsylvania Case Law Upon the Sesquicentennial of the United States Oil and Gas Industry," 6 Tex. J. Oil Gas & Energy L. 47 (2011).

Pfifer, Ross H. What a Short, Strange Trip It's Been: Moving Forward After Five Years of Marcellus Shale Development, 72 U. Pitt. L. Rev. 615 (2011).

Stevens, Paul., The 'Shale Gas Revolution', Royal Institute of International Affairs London England. A Chatham House Report, (Sept 2010).

United States Chamber of Commerce, Institute for 21st Century Energy, <http://www.energyxxi.org/sites/default/files/NaturalGas101.pdf>, last visited on July 11th, 2012.

Vergano, Dan., "Natural Gas Gold Rush: Is Your State Next," USA Today, June 26, 2012 Front Page.

Walsh, Bryan., The Gas Dilemma, TIME, April 11, 2011 p 40-48.

Wiseman, Hannah Trade Secrets, Disclosure, and Dissent in a Fracturing Energy Revolution, 111 Colum. L. Rev. Sidebar 1, (January 27, 2011)

Yergin, Daniel., America's New Energy Reality, The New York Times, June 10, 2012 p. SR9

B. Course Proposal Format

1. Under Graduate Curriculum Authorization Form

See Cover Page

2. Course Description and Particulars

A: Attachments

B: Bibliography

2b. Rationale: With the increasing interest, profit and employment in the Energy and Shale industry this course will benefit our students and the local economy. This course will be included as a major area elective in our undergraduate and graduate program.

2c. Other Courses and Programs:

a. This course does not overlap with any other courses or programs

b. No other department is planning to use this course as a requirement or elective

2d. Variable Credit: This course will not be offered for variable credit

2e. Teaching Plans: The course will be primarily lecture based with emphasis on projects and legal cases relevant to the industry. The course will be taught by one instructor.

2f. Special Topics. This course has not been offered as Special Topics.

2g. Comparisons.

Similar courses are offered in a number of Universities. For examples see below:

http://vermontlaw.edu/Academics/Degrees/Master's_Degrees/Master_of_Energy_Regulation_and_Law_.htm?gclid=C1bshq-k7bUCFY8WMgodZzwa_Q

http://energy.law.wvu.edu/wvulaw_energy_forward/2012/4/4/wvu-college-of-law-expands-energy-curriculum-to-add-6-new-courses

2h Standards.

No specific recommendation for mandatory inclusion of this type of a course by an accreditation authority or professional society. However, due to the increasing importance of Energy Management in the global economy, there are MBA Programs in the country which have a similar elective course.

3. Implementation

Resources:

i. Faculty: We will be able to offer the course with our current faculty or if the need arises an attorney from this practice area as an adjunct.

ii. Space and Equipment: No additional Space is necessary

iii. Laboratory: None needed

iv. Library: Existing library materials will be sufficient

v. Travel funds: No travel funds will be requested

vi. Miscellaneous: There are no other resources or limitations

3b. Frequency: This course will be offered once during the academic year

3c. Enrollment:

The max expected enrollment will be 35 students

4. Catalogue Description:

Designed to give students an understanding of fundamental energy law including oil and gas law. Includes analysis of natural resource leases and contracts, rights and ownership of the mineral estate, Law of Capture, contracts, clauses and covenants of the oil and gas lease, oil and gas operating agreements, title and conveyance of oil and gas leases, pooling and utilization on private and federal lands, easements and right of ways in connection with natural resource exploration, environmental considerations and impacts of natural resource drilling and exploration, the legal structure of the energy industry, (Public Utility Holding Company Act, Federal Energy Regulatory Commission) land use restrictions and eminent domain.

5. Logistics

- a. Start TERM: Fall 2015**
- b. A review of the Register's web site indicates the course number is available**
- c. CIP code not necessary**
- d. Catalogue Term Spring 2014**

6. Miscellaneous: None