

CURRICULUM VITAE

ERNEST E. SMITH

Rex G. Baker Centennial Chair in Natural Resources Law
University of Texas School of Law
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Austin, Texas 78705
(512) 232-1268

PERSONAL DATA

Born September 8, 1936, at Gonzales, Texas
Married to Paula Young Smith.
Children: Brian Winters Smith and Carter Patterson Smith

EDUCATION

B.A., Southern Methodist University, 1958 (Summa cum Laude).
LL.B., Harvard Law School, 1962 (Magna cum Laude).

PROFESSIONAL BACKGROUND

Rex G. Baker Centennial Chair in Natural Resources Law, University of Texas School of Law
1983 to present
Edward S. Godfrey Distinguished Visiting Professor of Law, University of Maine School of
Law, Fall 1994
Visiting Professor, Harvard Law School, Spring 1992
Visiting Professor, Centre for Petroleum & Mineral Law Studies, University of Dundee,
Scotland, Fall 1988
Joseph C. Hutcheson Professorship in Law, University of Texas School of Law 1980-83
Dean, University of Texas School of Law, 1974-79
Visiting Professor, University of Colorado, 1972
Professor of Law, University of Texas, 1968 to present
Visiting Associate Professor, University of Minnesota School of Law, 1966
Associate Professor, University of Texas School of Law, 1965-68
Assistant Professor, University of Texas School of Law, 1963-65
Law Clerk to the Honorable John Minor Wisdom, Fifth Judicial United States Court of Appeals,
New Orleans, Louisiana, 1962-63
Editor, Harvard Law Review 1960 - 1962

BAR MEMBERSHIPS AND COURT ADMISSIONS

United States Supreme Court
Fifth U.S. Judicial Court of Appeals
Eleventh U.S. Judicial Court of Appeals
State Bar of Texas

Oil and Gas Law Specialization
American Bar Association

PROFESSIONAL ACTIVITIES

Editorial Board, OIL AND GAS REPORTER.

Board of Trustees, Rocky Mountain Mineral Law Foundation.

Past Chairman, State Bar of Texas Oil, Gas & Mineral Law Section.

Advisory Board, Natural Resources Law Center of the University of Colorado, 1982-87.

Former Chair, Natural Resources Law Teachers Committee, Energy and Mineral Law Foundation.

Academic Advisory Group, International Bar Association Section on Energy and Natural Resources Law (1990 – 1996).

Member, State Bar of Texas Oil, Gas & Mineral Law Section, Council Member 1979-88;
American Bar Association, Natural Resources Section; American Legal Institute (1974-79).

PROFESSIONAL HONORS AND RECOGNITIONS:

Special honor as “Dean of Oil and Gas Law” by the Council on American and International Law (Feb. 2013)

Special honor by Houston Oil, Gas and Energy Law Section at its annual reception in 2012
Massey Teaching Excellence Award (2008)

Texas Super Lawyers 2006 – Energy & Natural Resources (Texas Monthly Oct. 2006)

Texas Super Lawyers 2005 – Energy & Natural Resources (Texas Monthly Nov. 2005)

Texas Super Lawyers 2004 – Oil and Gas (Texas Monthly Nov. 2004)

Texas Super Lawyers 2003 – Oil and Gas (Texas Monthly Nov. 2003)

Texas Excellence Teaching Award, University of Texas Ex-Students Association (School of Law, 2000)

Annual Institute of Oil, Gas and Mineral Law re-named the Ernest E. Smith Oil, Gas and Mineral Law Institute (Texas State Bar Section on Oil, Gas and Energy Law 2000)

Clyde Martz Award for Excellence in Teaching, Rocky Mountain Mineral Law Foundation (July 1998)

Ernest E. Smith Professorship in Law. Endowed by former students (1996)

Ernest E. Smith Endowed Presidential Scholarship in Law. Endowed by former students (1994)

Texas Law Review Leon Green Award for Outstanding Contribution to the Legal Profession (1989)

COURSES AND SEMINARS

First Year Property

Oil and Gas Law

Environmental Law and Natural Resources

International Petroleum Transactions

Wind Energy Law

MEMBERSHIP IN SOCIAL AND PUBLIC SERVICE ORGANIZATIONS

Appalachian Trail Conference

Former member: Board of Directors, Appalachian Mountain Club

Former member: Board of Directors, St. Andrews Episcopal Church

Board of Visitors, Appalachian Mountain Club

Member, Kerrville Chapter Master Naturalists

PUBLICATIONS

Books and Book Chapters (only most recent editions listed)

- ERNEST E. SMITH SELECTED WORKS, published jointly by Oil, Gas and Energy Resources Law Section of the State Bar of Texas; Association of International Petroleum Negotiators; Energy and Mineral Law Foundation; Center for American and International Law Institute for Energy Law; Rocky Mountain Mineral Law Foundation; and the Texas Journal of Oil, Gas & Energy Law (2014)
- CASES AND MATERIALS ON PROPERTY (with Cribbet, Findley & Dzienkowski), Foundation Press (9th ed. 2007)
- CASES AND MATERIALS ON THE LAW OF OIL AND GAS (with Lowe, Anderson, Pierce & Kulander), West (6th ed. 2013)
- ANNUAL POCKET PARTS FOR KUNTZ, A TREATISE ON THE LAW OF OIL & GAS (1997 to 2014 with Anderson, Pierce & Lowe) (Anderson Publishing Co.)
- TEXAS LAW OF OIL AND GAS LAW (with Weaver), LexisNexis-Matthew Bender (2d ed. 1999 and annual updates), 3 vols.
- TEXAS WIND LAW (with DeWolf, Diffen and Wetsel), Lexis (2011 and annual updates)
- INTERNATIONAL PETROLEUM TRANSACTIONS (with Dzienkowski, Anderson, Lowe, Weaver & Kramer), Rocky Mountain Mineral Law Foundation (3d ed. 2010)
- HEMINGWAY OIL AND GAS LAW AND TAXATION (with Anderson, Dzienkowski, Lowe, Peroni and Pierce (4th ed. 2004)
- TEACHER'S MANUAL TO ACCOMPANY CASES & MATERIALS ON PROPERTY (with Cribbet, Johnson & Findley) (Foundation Press 2003)
- FORMS MANUAL ON OIL AND GAS LAW (with Anderson, Lowe & Pierce) (4th ed., 2003)
- TEACHER'S MANUAL TO ACCOMPANY CASES & MATERIALS ON OIL & GAS (with Anderson, Lowe & Pierce) (4th ed., 2002)
- Book Chapter, "The Oil Industry and the Extraterritorial Application of U.S. Environmental Law," Ch. 9 in ENVIRONMENTAL REGULATION OF OIL AND GAS pp. 229-246 (Z. Gao editor, Kluwer Press 1998)
- Book Chapter, "Assuring Compliance with International Reclamation Requirements: A Comparative Study," for 1992 ENERGY LAW, Graham & Trotman & Int'l Bar Ass'n (1993)
- STABILIZING U.S. OIL PRICES, Report by University of Texas Task Force on Oil Price Stabilization (Baughman, Nance, McKie, McDonald, Rostow, Smith & Fisher) (1989)
- OIL AND GAS: CASES AND MATERIALS (2d ed. with W.O.Huie & M.K.Woodward), West Publishing Co., St. Paul, Minn. (1972)
- PROBATE AND DECEDENTS' ESTATES, 2 vols. (with M.K.Woodward), West Publishing Co., St. Paul, Minn. (1971)

Legal Articles

- “Winds of Change: The Creation of Wind Law,” 5 Texas Journal of Oil, Gas and Energy Law pp. 165-217 (2010) (with Diffen)
- “The Growing Demand for Oil and Gas and the Potential Impact Upon Rural Land,” 4 Texas Journal of Oil, Gas and Energy Law pp. 2-25 (2009)
- “Recent Developments in Nonregulatory Oil and Gas Law”, 60th Annual Institute on Oil & Gas Law, pp. 1-38 (Center for American International Law: Institute for Energy Law)
- “Wind Energy: Siting Controversies and Rights in Wind,” i Environmental & Energy Law and Policy Journal 281-317 (2007)
- Foreword to “Recent Developments: Texas, United States, and International Energy Law,” 1 Tex. J. Oil, Gas & Energy L. 101 (2006)
- “Renewable Energy—The Increasing Role of Wind Power: Incentives, Mandates, Siting, and Leasing,” 26 Energy & Min. L. Inst. ch. 2 (2005).
- “U.S. Legislative Incentives for Wind-Generated Electricity: State and Local Law,” 23 J. Energy & Natural Res. L. 173 (2005).
- “A Tribute to Professor Corwin Johnson,” 83 Texas L. Rev. 1801 (2005)
- “Exploratory Unitization Under the 2004 Model Oil and Gas Conservation Act: Leveling the Playing Field,” 24 J. of Land, Resources & Env’tl L. 277 – 291 (2004) (with Anderson)
- “On-Shore Oil and Gas Caselaw Update: 2004,” 55th Oil & Gas Law Inst. 12-1 to 12-48 (Center for American and Int’l Law 2004)
- “The Temporary Cessation of Production Doctrine: The Panhandle Cases,” 22 Petroleum Accounting and Management Journal 1-17 (2003)
- “Developments in Non-Regulatory Oil and Gas Law,” 11-22 Landman (May/June 2003)
- “Legal Issues Involved in Expanding the U.S. Oil and Gas Supply Base,” 52nd Oil & Gas Inst., 4-1 to 4-27 (Center for American and Int’l Law 2001)
- “Preface,” SELECTED WORKS OF A.W. WALKER, JR., compiled by Oil, Gas & Mineral Law Section, State Bar of Texas (2001)
- “The Use of Law to Promote Domestic Exploration and Production” (with Anderson), 50th Oil & Gas Inst. 2-1 to 2-95 (Matthew Bender 1999)
- “Recent Developments in Nonregulatory Oil and Gas Law,” 49th Oil & Gas Inst. 1-1 (Matthew Bender 1998)
- “The New Division Order: Legal and Practical Aspects,” 42 Rocky Mountain Mineral Law Institute Ch. 9 (1996)
- “Environmental Issues for the '90s: Golden-Cheeked Warblers and Yellowfin Tuna,” 47 MAINE L. REV. 346 (1995)
- “GATT, NAFTA and the Trade in Energy: A U.S. Perspective,” (with D. Cluchey), 12 J. Energy & Natural Resources Law 27 (1994)
- “Joint Operating Agreement Jurisprudence,” 33 Washburn Law Journal 1501 (1994)
- “International Petroleum Development Agreements,” Natural Resources & Environment 37 (Fall 1993).
- “From Concessions to Service Contracts,” 27 Tulsa L. J. 493-524 (1992)
- “Abandonment and Reclamation of Energy Sites in the United States” (with D. Zillman), 10 Journal of Energy and Natural Resources Law 46 (1992)
- “Recent Judicial Developments in Oil and Gas Law,” Landman (Nov.-Dec. 1991)

- “Typical World Petroleum Arrangements,” Proceedings of Rocky Mountain Mineral Law Foundation Institute on International Resource Law (1991)
- “Current Developments, Recent Trends and Future Issues in Rights of Surface Use in the United States,” 8 Oil & Gas Law and Taxation Review 97 (1990)
- “A Fifty-Year Perspective on World Petroleum Arrangements” (with J. Dzienkowski), 24 Tex. International L. J. 13 (1989)
- “Developments in Nonregulatory Oil and Gas Law,” 40th Oil & Gas Law & Taxation Inst. (Matthew Bender 1989)
- “Evolution of Oil and Gas Rights in the Eastern United States,” 10 Eastern Mineral Law Institute 16-1 (1989)
- “Royalty Issues: Take-or-Pay Claims and Division Orders,” 24 Tulsa L. J. 509 (1989)
- “Well Abandonment—Legal Issues in the United States,” 6 Oil & Gas Law and Taxation Review 164 (1987/88)
- “Developments in Nonregulatory Oil and Gas Law,” 38th Oil & Gas Law & Taxation Inst. (Matthew Bender 1987)
- “Gas Marketing by Co-Owners: Disproportionate Sales, Gas Imbalances and Lessors' Claims to Royalty,” 39 Baylor L. Rev. 365 (1987)
- “The Immigration Reform and Control Act of 1986: A Commentary and Overview,” 22 Tex. International L. J. 211 (1987)
- “Duties and Obligations Owed by an Operator to Nonoperators, Investors, and Other Interest Owners,” 32 Rocky Mountain Mineral Law Inst. 12-1 (1986)
- “Implications of a Fiduciary Standard of Conduct for the Holder of the Executive Right,” 64 Texas L. Rev. 371 (1985)
- “The 'Subject To' Clause,” Chapter 15, 30th Annual Rocky Mountain Mineral Law Foundation Institute (1984)
- “The Standard of Conduct Owed by Executive Right Holders and Operators to the Owners of Nonparticipating and Nonoperating Interests,” 32nd Oil & Gas Law & Taxation Inst. 241 (Southwestern Legal Foundation, 1981)
- “Oil and Gas,” 30 Sw. L. J. 107 (1976)
- “Oil and Gas,” 29 Sw. L. J. 1090 (1975)
- “Illegitimate Children and Their Fathers: Some Problems with Title 2” (Texas Family Code Symposium), 5 Tex. Tech L. Rev. 613 (1974)
- “Kansas Unitization Statute: Part I,” 16 Kansas L. Rev. 567 (1968)
- “Kansas Unitization Statute: Part II,” 17 Kansas L. Rev. 133 (1968)
- “Appraisers and Appraisements Under the Texas Probate Code,” 45 Tex. L. Rev. (1967).
- “The Texas Compulsory Pooling Act, Part II,” 44 Tex. L. Rev. 387 (1966)
- “The Texas Compulsory Pooling Act, Part I,” 43 Tex. L. Rev. 1003 (1965)
- “Methods for Facilitating the Development of Oil and Gas Lands Burdened with Outstanding Mineral Interests,” 43 Tex. L. Rev. 129 (1964)

PRESENTATIONS AND LECTURES (Limited to preceding 10 years)

- “Current Judicial Developments in Oil and Gas Law,” 38th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (Mar. 23, 2012)

- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2011 Southwest Land Institute, Fort Worth, TX (April 14, 2011)
- “Current Judicial Developments in Oil and Gas Law,” 37th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (April 8, 2011)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2010 Southwest Land Institute, Fort Worth, TX. (April 15, 2010)
- “Current Judicial Developments in Oil and Gas Law,” 36th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (April 9, 2010)
- “Wind, Water, Oil, Gas and Whitetails: A Comparison of Property Rights and Theories,” 2010 Wind, Solar and Renewables, U. T. Law School C.L.E., Austin, TX (Feb. 4, 2010).
- “Recent Development in Oil and Gas Law,” Houston Bar Association, Oil, Gas & Energy Law Section, Houston, TX (Jan. 26, 2010)
- “Recent Developments in Texas Wind Law,” Dallas Bar Environmental Law Section, Dallas, TX (Sept. 25, 2009)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2009 Southwest Land Institute, Fort Worth, TX. (April 16, 2009)
- “Current Judicial Developments in Oil and Gas Law,” 35th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX. (March 27, 2009)
- “Assignment of Interests Under the Joint Operating Agreement,” Oklahoma City Mineral Law Society, Oklahoma City, OK., (March 19, 2009)
- “Recent Development in Oil and Gas Law,” Houston Bar Association, Oil, Gas & Energy Law Section, Houston, TX (Jan. 27, 2009)
- “Wildcatting Wind,” 23rd Annual Gulf Coast Power Association, Austin, TX (Oct. 1, 2008)
- “Oil & Gas Issues Affecting Farm and Ranch Operations,” Texas Bar CLE Agricultural Law Course, Lubbock, TX (May 15, 2008)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2007 Southwest Land Institute, Fort Worth, TX (April 24, 2008)
- “Oil and Gas Caselaw Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section, Austin, TX (Apr. 9, 2008)
- “Current Judicial Developments in Oil and Gas Law,” 34th Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX (Apr. 4, 2008)
- “Recent Development in Oil and Gas Law,” Houston Bar Ass’n Oil, Gas & Energy law Section, Houston, TX (Feb. 26, 2008)
- “The Operator’s Rights and Obligations under the Joint Operating Agreement,” Rocky Mountain Mineral Law Foundation Special Institute, Santa Fe, N.M. (May 17, 2007)
- “Recent Developments in Nonregulatory Oil and Gas Law,” American Association of Professional Landmen, 2007 Southwest Land Institute, Dallas, TX (April 12, 2007)
- “Current Judicial Developments in Oil and Gas Law,” 33rd Annual Ernest E. Smith Oil, Gas & Mineral Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, TX (Mar. 30, 2007)
- “Assignment of Interests Under the Joint Operating Agreement” Houston Bar Association Oil, Gas & Mineral Law Section, Houston, TX (Feb. 20, 2007)

- “Recent Developments in Wind Energy Law” Texas Journal of Oil, Gas and Energy Law 2007 Symposium, Austin, TX (Feb. 15, 2007)
- “Oil and Gas Caselaw Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section, Austin, TX (Feb. 14, 2007)
- “The Oil and Gas Lease: Defining What is Granted,” Rocky Mountain Mineral Law Foundation Oil & Gas Short Course, Houston, TX (Oct. 16, 2006)
- “Recent Developments in Nonregulatory Oil and Gas Law, AAPL Southwest Land Institute, Fort Worth, TX (April 6, 2006)
- “Current Judicial Developments in Oil and Gas Law,” 32nd Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section, Houston, Texas (Mar. 31, 2006)
- “Recent Title and Conveyancing Issues,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Feb. 28, 2006)
- “Case Law Update,” Austin Bar Ass’n Oil, Gas & Mineral Law Section (Feb. 8, 2006)
- “Renewable Energy: The Increasing Role of Wind Power,” 26th Annual Energy & Mineral Law Institute (Amelia Island, Fla. May 16, 2005)
- “Recent Developments in Nonregulatory Oil and Gas Law, AAPL Southwest Land Institute (Dallas, April 7, 2005)
- “Current Judicial Developments in Oil and Gas Law,” 31st Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Apr. 1, 2005)
- “Recent Issues under Joint Operating Agreements,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Mar. 22, 2005)
- “Current Judicial Developments in Oil and Gas Law,” 30th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Mar. 26, 2004)
- “Update on Recent Developments in U.S. Oil and Gas Law,” 55th Annual Oil and Gas Law Institute, Center for American and International Law Feb. 20, 2004)
- “Some Random Thoughts on Implied Rights, Implied Lease Terms and Implied Covenants,” Houston Bar Ass’n Oil, Gas & Energy Law Section (Feb. 24, 2004)
- “Selected Judicial Developments in Oil and Gas Law,” Travis County Bar Ass’n Oil, Gas & Mineral Law Section (Feb. 11, 2004)
- “Current Legal Issues Affecting Royalty Owners: Problems and Possible Solutions,” National Association of Royalty Owners (Oct. 24, 2003)
- “Oil and Gas Cases in the Texas Supreme Court: 2003,” San Antonio Bar Ass’n Oil and Gas Law Section (Sept. 24, 2003).
- “Private Landowners and the Conservation of Native Plants,” Texas Plant Conservation Conference, Lady Bird Johnson Wildflower Center (Sept. 18, 2003)
- “Developments in U.S. and Canadian Oil and Gas Law,” 49th Rocky Mountain Mineral Law Institute, San Diego, California, July 25, 2003)
- “Developments in Nonregulatory Oil and Gas Law,” 2003 Southwest Land Institute, American Association of Professional Landmen, Fort Worth, Texas (April 10, 2003)
- “Current Judicial Developments in Oil and Gas Law,” 29th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Energy Law Section (Houston, Texas, Mar. 21, 2003)

- “Introduction to Texas Oil and Gas Law,” on-line program sponsored the University of Texas School of Law Continuing Legal Education and the State Bar of Texas Oil, Gas & Energy Law Section, Dec. 9, 2002)
- “Case Law Update,” Oil & Gas Law Section, Travis Co. Bar Ass’n (Austin, Texas, Feb. 12, 2002)
- “Wind Energy Leases,” 24th State Bar of Texas Real Estate Section Advanced Real Estate Law Course (San Antonio, Texas, July 11-13, 2002)
- “Current Judicial Developments in Oil and Gas Law,” 28th Annual Ernest E. Smith Oil & Gas Law Institute, U. T. Law School CLE & State Bar of Texas Oil, Gas & Mineral Law Section (Houston, Texas, Mar. 22, 2002)
- “Wind Energy in Texas: Prospects and Issues,” Houston Bar Association Oil, Gas & Mineral Law Section (Houston, Texas, Feb. 26, 2002)