

TEXAS BOARD OF LEGAL SPECIALIZATION
STANDARDS FOR ATTORNEY CERTIFICATION

PART II
SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

SECTION XI
OIL, GAS AND MINERAL LAW

(Area ID: OG / Year Started: 1986)

- A. **DEFINITION.** Oil, gas and mineral law comprises law applicable to oil, gas and other minerals and interests in oil, gas and other minerals and to the acquisition, ownership, leasing, development, transfer, disposition and financing of these substances. The practice of oil, gas and mineral law requires, without limitation,
- knowledge of land titles and surface use;
 - conveyances, contracts and other documents typically used in oil, gas and other mineral transactions;
 - statutes and regulations affecting oil, gas and minerals;
 - litigation involving oil, gas and mineral rights; and
 - the taxation of oil, gas and other minerals and of transactions concerning them.
- B. **SUBSTANTIAL INVOLVEMENT.** Applicant must show substantial involvement and special competence in Texas oil, gas and mineral law practice by providing such information as may be required by TBLS.
1. **Certification.**
- a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 35% of his or her time practicing Texas oil, gas and mineral law during each year of the 3 years immediately preceding application as defined in Section XI, A of the Specific Area Requirements for Oil, Gas and Mineral Law.
- b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas oil, gas and mineral law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
- (1) Applicant must provide the number of matters or transactions he or she has handled in the following categories within the 3 years immediately preceding application:
- (a) Oil, gas and mineral leases,
 - (b) Lease assignments,
 - (c) Drilling or division order title opinions,
 - (d) Division orders,
 - (e) Gas purchase contracts,
 - (f) Lease ratifications,

- (g) Pooling or unitization agreements,
 - (h) Farmout agreements,
 - (i) Drilling contracts,
 - (j) Operating agreements,
 - (k) Mineral or royalty deeds,
 - (l) Easements,
 - (m) Surface use and /or damage agreements,
 - (n) Oil, gas and mineral deeds of trust,
 - (o) Oil, gas and mineral financing transactions,
 - (p) Sales and purchases of oil, gas and mineral properties,
 - (q) Lease operations disputes,
 - (r) Oil, gas and mineral litigation,
 - (s) Ad valorem tax matters,
 - (t) Environmental agreements or claims,
 - (u) Seismic agreements,
 - (v) Mineral contractor liens,
 - (w) Administration or other regulatory matters, and
 - (x) Other oil, gas and mineral law matters or transactions.
- (2) Applicant must list regulatory agency(s) and the number of clients he or she has represented before that agency within the 3 years immediately preceding application.
 - (3) Applicant must submit a resume or job summary reflecting his or her activities for at least 5 years immediately preceding application.
2. **Recertification.** Applicant must have devoted a minimum of 35% of his or her time practicing Texas oil, gas, and mineral law during each year of the 5 year period of certification as defined in Section XI, A of the Specific Area Requirements for Oil, Gas and Mineral Law except as provided for in Part I—General Requirements, Section VI, C, 1(b).

C. **REFERENCE REQUIREMENTS.** Applicant must submit a minimum of 5 names and addresses of persons to be contacted as references to attest to his or her competence in oil, gas and mineral law. These persons must be substantially involved in oil, gas and mineral law, and be familiar with applicant's oil, gas and mineral law practice.

- 1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving oil, gas and mineral law matters within the 3 years immediately preceding application.
- 2. **Recertification.** Applicant must submit names of persons with whom he or she has had dealings involving oil, gas and mineral law matters since certification or the most recent recertification.
- 3. **Reference Types.** Applicant must submit the names of 5 Texas attorneys who are substantially involved in oil, gas and mineral law.