



Bruce Kramer

Of Counsel

609 Main St., Ste. 2800
Houston, TX 77002

713 615-8508 **O**
713 328-1808 **F**

bkramer@mcginnislaw.com
mcginnislaw.com

PRACTICE AREAS

Oil & Gas / Energy Litigation

INDUSTRIES

Oil & Gas

A long-time professor at Texas Tech University School of Law, Bruce M. Kramer is a nationally known oil, gas, energy and land use legal scholar.

Bruce has advised companies on a wide array of legal issues and strategies in the energy arena for more than 40 years. His areas of experience include state and federal laws, as well as regulations and rules affecting exploration, production and upstream facilities. He is also highly experienced in related contracts and leases, deed and lease interpretation issues, drafting of instruments, pooling and utilization contracts and legal issues, surface user rights (statutory and common law), and local regulation of oil and gas operations.

Bruce is the co-author of several important books that have become the definitive references for energy lawyers, including two multi-volume treatises, *The Law of Pooling and Unitization* and *Williams and Meyers Oil and Gas Law* (since 1996). He is also the co-author of the last four editions of the *Manual of Oil and Gas Terms*. Bruce is an authority on land use, zoning and the conflicts that arise between mineral property owners.

Bruce's books and legal articles have been cited as authority in numerous court rulings and appellate opinions, including decisions of the Supreme Courts of Texas and multiple other states, the U.S. Court of Appeals for the Fifth Circuit, the U.S. Court of Appeals for the Tenth Circuit and numerous Federal District Courts as well as testifying before legislative and administrative bodies. Bruce has prepared papers and spoken at more than 80 continuing education programs for lawyers and other professionals in the oil and gas and real estate/land use industries.

Representative Experience

Oil & Gas/Energy Litigation

Bruce's oil and gas representation includes:

- Advising companies about land use and zoning issues for 30+ years, including homeowner associations, real covenants, planned unit developments, subdivision regulation, rezoning, Constitutional limitations, First Amendment, Fifth Amendment, Fourteenth Amendment, adult entertainment facilities, mineral extraction operations, agricultural zoning, contract and conditional zoning and development agreements.
- Advising companies about international energy law issues, including international oil and gas transactions, as well as resolution of disputes over oil and gas operations in foreign countries.
- Advising about numerous related matters, including water law and the Rule of Capture as viewed from an oil and gas perspective, along with ethics issues in the practice of oil, gas and energy law.
- Providing expert witness testimony in multiple cases involving disputes in oil and gas, land use and zoning, and related matters.
- Serving as Investigator or Principal Investigator on oil, gas, energy, mining and land use legal projects for the U.S. Forest Service and the Texas Energy and Natural Resources Advisory Council.
- Serving as Legal Advisor on projects for the U.S. Environmental Protection Agency and U.S. Corps of Engineers.

Publications & Presentations

- Speaker, *Recent developments in Oil and Gas Law*, Rocky Mountain Mineral Law Foundation, webinar (January 14, 2021)
- Panel Member, *Midstream Contracts in Chapter 11: Covenants Running with the Land?*, American Bankruptcy Institute, webinar (January 7, 2021)
- Speaker, *Musings on the Texas Supreme Court: A Journey Into "Never Never Land"*, Oil, Gas & Mineral Law Section, Houston Bar Association, Webinar (May 28, 2020)
- Oil & Gas Newsletter: Producer's Edge, Vol. 1, Issue 2 (August 1, 2019)
- Speaker, *Recent Developments in Oil and Gas Law*, Texas Tech University School of Law CLE, Roswell, New Mexico (May 2, 2019)
- Speaker, *The Role of Conservation Regulation*, Special Institute on the Law of Fracking, Rocky Mountain Mineral Law Foundation, Westminster, Colorado (January 24, 2019)
- Speaker, *Recent and Emerging Judicial Decisions in Texas Across a Wide Range of Energy Sectors*, 2017 Energy Law Symposium: The Future of Energy, Texas A&M University, Fort Worth, Texas (March 23, 2017)
- Co-Author, *The Law of Oil and Gas*, University Casebook Series, Foundation Press, 10th Edition (June 10, 2016)
- Author, *The State of State and Local Governmental Relations as it Impacts the Regulation of Oil and Gas Operations: Has the Shale Revolution Really Changed the Rules of the Game*, 29 Journal

of Land Use & Environmental Law 1, Florida State University College of Law (2013)

- Author, *Horizontal Drilling and Trespass: A Challenge to the Norms of Property and Tort Law*, 25 Colorado Natural Resources, Energy & Environmental Law Review 2 (2014)
- Panelist, *Changing Regulatory Frameworks for Shale Development and Social License to Operate*, Institute for Energy Law, Oil & Gas Practice Committee, the University of Colorado Law, Denver, Colorado (July 2013)
- Author, *Oil and Gas Leases and Pooling Clauses: A Look Back and a Peak Ahead*, 45 Texas Tech Law Review 1 (July 2013)
- Speaker, *Current Texas Disputes Concerning Indemnification Claims Under the 1989 Form JOA*, 59th Annual Rocky Mountain Mineral Law Institute, IPAA Law Committee Meeting Lunch, Spokane, Washington (July 2013)
- Program Co-chair, *Hydraulic Fracturing: More Information, All Viewpoints*, Water Law Institute 2nd Annual Conference, Houston, Texas (June 2013)
- Author, *History and Current Status of Federal Fracing Regulation*, American Bar Association Energy Litigation Journal, Vol. 12, No. 2 (Spring 2013)
- Speaker, *Legal Update: Recent Developments in Non-Regulatory Oil and Gas Law*, American Association of Professional Landmen Southwest Land Institute, Dallas, Texas (April 2013)
- Speaker, *Critical Lease Terms and Keeping the Lease Alive*, Title and Development Issues in the Utica Shale, Columbus, Ohio (April 2013)
- Speaker, *The Relationship Between a Mineral Owner and a Surface Owner - Common Law and Statutory Developments*, 38th Annual Ernest E. Smith Oil, Gas and Mineral Law Conference, Houston, Texas (March 2013)
- Speaker, *Contractual Considerations*, Hydraulic Fracking Continuing Legal Education Course, The Seminar Group, Santa Barbara, California (February 2013)
- Panelist, *Spring 2013 Environmental Forum: Effectively Governing Shale Gas Development*, Florida State University College of Law and the Journal of Land Use & Environmental Law, Tallahassee, Florida (February 2013)
- Course Director and Speaker, *Environmental Impacts of Oil and Gas Development*, State Bar of Texas/Texas Tech University School of Law, San Antonio, Texas (January 2013)
- Speaker, *Horizontal Drilling and Trespass: A Challenge to the Norms of Property and Tort Law*, Rocky Mountain Mineral Law Foundation Special Institute on Horizontal Drilling, Westminster, Colorado (November 2012)
- Speaker, *Issues Facing the Domestic Oil and Gas Industry: Fracking Regulation, Oil and Gas Agreement "Forms" and State Oil and Gas Jurisprudence*, Energy Law Section, Dallas Bar Association, Dallas, Texas (August 2012)
- Speaker, *Recent Legislative and Judicial Developments*, IPAA Law Committee Meeting Lunch, 58th Annual Rocky Mountain Mineral Law Institute, Newport Beach, California (July 2012)
- Speaker, *Major Issues Facing The Energy Industry*, Gulf States Energy Retreat, Louisiana State University Center for Energy Studies, Baton Rouge, Louisiana (June 2012)
- Panel Chair, *Conventional Fuels in a Low Carbon Future*, Clyde Martz Summer Conference, University of Colorado Law School Natural Resources Law Center, Boulder, Colorado (June 2012)
- Co-chair and Speaker, *Should Best Management Practices be Defined by Regulation?*, 3rd Annual Law of Shale Plays Conference, Center for American and International Law, Institute for Energy Law, Fort Worth, Texas (June 2012)

- Author, *2012 Survey on Oil & Gas: Texas*, 18 Texas Wesleyan Law Review 627 (Spring 2012)
- Speaker, *Fundamentals of Colorado Oil and Gas Law*, Colorado Bar Association, Denver, Colorado (April 2012)
- Speaker, *Impact of Shale Plays on United States and Global Energy Markets*, Texas Wesleyan School of Law, Fort Worth, Texas (March 2012)
- Co-author, *Manual of Oil & Gas Terms* 10th ed. (1997); 11th ed. (2000); 12th ed. (2003); 13th ed. (2006); 14th ed. (2009); 15th ed. (2012)
- Speaker, *Current Issues in Marcellus Shale Development*, Steptoe & Johnson General Counsel Forum, Pittsburgh, Philadelphia (January 2012)
- Course Director and Speaker, *Environmental Impacts of Oil and Gas Development*, Houston Bar Association, Houston, Texas (January 2012)
- Co-author, *Williams & Meyers Oil & Gas Law* (1996); Abridged 4th ed. (2010); Supplements (1997-2012)
- Co-author, *The Law of Pooling & Unitization Volumes I-IV* (Matthew Bender) (1989); Supplements (1990-2012)
- Author, *Federal Legislative and Administrative Regulation of Hydraulic Fracturing Operations*, 44 Texas Tech Law Review 837 (January 2012)
- Author, *A Renaissance Year for Oil and Gas Jurisprudence*, The Texas Supreme Court, 18 Texas Wesleyan Law Review 620 (January 2012)
- Speaker, *Recent Developments in Oil and Gas Law*, Houston Bar Association, Houston, Texas (January 2011, January 2012)
- Speaker, *Current Issues in Marcellus Shale Development*, Steptoe & Johnson Client Dinner, 32nd Annual Energy & Mineral Law Foundation Institute, Farmington, Pennsylvania (May 2011)
- Speaker, *Cotenancy and Accounting Rules in Oil and Gas*, State Bar of Colorado, Natural Resources Section, Denver, Colorado (January 2011)
- Speaker, *The Legal Framework for Analyzing Multiple Surface Use Issues*, University of Texas Ernest Smith Oil, Gas and Mineral Law Conference, Houston, Texas (April 2010)
- Speaker, *Recent Developments in Land Use Law*, University of Texas Annual Land Use Institute, Austin, Texas (March 2010)
- Author, *Current Decisions on State & Federal Law in Planning & Zoning*, Institute on Planning, Zoning and Eminent Domain 1-1 (1994-2000, 2002-2008, 2010)
- Author, *Keeping Leases Alive in the Era of Horizontal Drilling and Hydraulic Fracturing: Are the Old Workhorses (Shut-in, Continuous Operations and Pooling Provisions) Up to the Task?*, 49 Washburn Law Journal 283 (2010)
- Speaker, *Coastal Oil & Gas Corporation v. Garza Energy Trust: Some New Paradigms for the Rule of Capture and Implied Covenant Jurisprudence*, 30th Annual Energy & Mineral Law Foundation Institute, Hilton Head Island, South Carolina (May 2009)
- Speaker, *Local Land Use Regulation of Oil and Gas Development: Pumpjacks and Preemption*, Louisiana Mineral Law Institute 198, Baton Rouge, Louisiana (April 2009)
- Co-Author, *International Petroleum Transactions*, 2nd ed. (2004), 3rd ed. (2009)
- Speaker, *Pooling for Horizontal Wells: Can They Teach an Old Dog New Tricks?*, 55 Rocky Mountain Mineral Law Institute 8-1, San Francisco, California (2009)
- Author, *The Legal Framework for Analyzing Multiple Surface Use Issues*, 44 Rocky Mountain

Mineral Law Foundation Journal 273 (2007)

- Author, *Compulsory Pooling & Unitization With an Emphasis on the Statutory & Common Law of the Eastern United States*, Energy & Mineral Law Foundation 6-1 (2006)
- Author, *The Legal Framework for Analyzing Multiple Surface Use Issues*, 2 Houston Environmental & Energy Law & Policy Journal, the University of Houston Law Center (2006)
- Co-Author, *The Rule of Capture – An Oil and Gas Perspective*, 35 Environmental Law 699 (2005)
- Author, *Recent Developments in Non-Regulatory Oil & Gas Law*, 57 Institute on Oil & Gas Law 1-1 (2005)
- Author, *Drilling in the Cities and Towns: Rights and Obligations of Lessees, Royalty Owners and Surface Owners in an Urban Environment*, 23 Petroleum Accounting and Financial Management Journal 58, University of North Texas, Denton, Texas (2004)
- Author, *Local Regulation of Oil & Gas Operations: Don't All Homeowners Want a Pumpjack in Their Backyard?*, 41 Rocky Mountain Mineral Law Foundation Journal 213 (2004)
- Author, *Interpreting the Royalty Obligation by Looking at the Express Language: What A Novel Idea*, 35 Texas Tech Law Review 223 (2004)
- Author, *The Pit and the Pendulum: Local Governmental Regulation of Oil & Gas Activities Returns From the Grave*, 50 Institute on Oil and Gas Law and Taxation 5-1 (1999)
- Author, *Amoco Production Company Southern Ute Indian Tribe: Restatement or Revolution?*, 45 Rocky Mountain Mineral Law Institute 7-1 (1999)
- Author, *Recent Developments in Land Use and Environmental Law*, Institute on Planning, Zoning and Eminent Domain 5-1 (1998)
- Author, *Lease Maintenance in This Century and the Next Oil & Gas Law For A New Century: Precedent As Prologue*, (Matthew Bender) (1997)
- Author, *Modern Applications of the Rule Against Perpetuities to Oil and Gas Transactions: What the Duke of Norfolk Didn't Tell You*, 37 Natural Resources Journal 281 (1997)
- Author, *Local Land Use Regulation of Extractive Industries: Evolving Judicial and Regulatory Approaches*, 14 UCLA Journal of Environmental Law & Policy 42 (1996)
- Author, *Lease Maintenance for the Twenty-First Century: Old Oil & Gas Law Doesn't Die, it Just Fades Away*, 41 Rocky Mountain Mineral Law Institute 15-1 (1995)
- Author, *The Interaction Between the Common Law Implied Covenants to Prevent Drainage and Market and the Federal Oil and Gas Lease*, 15 Journal of Energy, Natural Resources and Environmental Law 1-1 (1995)
- Co-author, *Real Property*, Chapter 77 — Accretion (1989); Chapter 79A — Flood Plain Zoning (Matthew Bender) (1994)
- Author, *Royalty Interests in the United States: Not Cut From the Same Cloth*, 29 Tulsa Law Journal 449 (1994)
- Author, *Liability to Royalty Owners for Proceeds from Take or Pay and Settlement Monies*, 15 Eastern Mineral Law Institute 14-1 (1994)
- Author, *Property & Oil & Gas Don't Mix: The Mangling of Common Law Property Concepts*, 33 Washburn Law Journal 540 (1994)
- Author, *Recent Developments in Non-Regulatory Oil & Gas Law*, 42 Institute on Oil & Gas Law and Taxation 1-1 (1993)
- Author, *The Sisyphean Task of Interpreting Mineral Deeds & Leases: An Encyclopedia of Canons*

- of Construction*, 24 Texas Tech Law Review 1 (1993)
- Author, *Pooling and Unitization Orders - Application of Administrative Law Principles*, 34 Institute on Oil & Gas Law and Taxation 259 (1993)
 - Author, *Transboundary Air Pollution and the Clean Air Act: An Historical Perspective*, 32 Kansas Law Review 181 (1993)
 - Author, *The Mother Hubbard Clause in Mineral Deeds & Leases*, 13 Eastern Mineral Law Foundation 12-1 (1992)
 - Author, *Conveying Mineral Interests - Mastering The Problem Areas*, 27 Tulsa Law Journal 175 (1991)
 - Author, *The Temporary Cessation Doctrine: A Practical Response to an Ideological Dilemma*, 43 Baylor Law Review 519 (1991)
 - Co-author, *Jurisdiction of Commission and Court: The Public Right/Private Right Distinction in Oklahoma Law*, 26 Tulsa Law Journal 535 (1990)
 - Author, *Royalty Obligations for Take or Pay and Settlement Payments: Lessees Under the Gun*, 39 Institute on Oil & Gas Law and Taxation 5-1 (1988)
 - Co-author, *The Implied Marketing Covenant in Oil and Gas Leases: Some Needed Changes for the 80's*, 46 Louisiana Law Review 787 (1986)
 - Author, *Compulsory Pooling and Unitization: State Options in Dealing with Uncooperative Owners*, 7 Journal of Energy Law & Policy 255 (1986)
 - Author, *Section 1983 and Municipal Liability: Selected Issues Two Years After Monell v. Department of Social Sciences*, 12 Urban Lawyer 232 (1980). Reprint *Section 1983: Sword and Shield*, Freilich & Carlisle editors, American Bar Association (1983)

Professional Associations & Community Involvement

- Rocky Mountain Mineral Law Foundation (Trustee 1989-present)
- Energy and Mineral Law Foundation (Trustee 1990-present)
- State Bar of Texas: Oil Gas & Mineral Law Section (Council Member 1991-94); General Practice Digest — Governmental Entities (Contributing Author 1988-1996); Oil, Gas & Mineral Law Specialization Exam Committee (Chair 1990-2001)
- Institute for Energy Law: Center for American and International Law (Executive Committee, Advisory Board)
- Institute for Local Government Studies: Center for American and International Law (Treasurer and Chair)
- Center for American and International Law, Oil & Gas Reporter: Editorial Board (Administrative Editor)
- Southwestern Legal Foundation: Oil and Gas Reporter - Volumes 5-140 (Matthew Bender & Co.) (Indexing Author)

Professional Recognition

- Recipient, Center for American and International Law, Deans of the Oil and Gas Practice Award (2008)
- Recipient, Rocky Mountain Mineral Law Foundation, Clyde O. Martz Award for Service to Natural Resources Legal Education (2007)

- Co-Recipient, Southwestern Legal Foundation, John Rogers Award for Service to the Oil & Gas Industry
- Recipient, Texas Tech University President's Excellence in Teaching Award (1998-1999)
- Recipient, Texas Tech University President's Academic Achievement Award (1995-1996)
- Recipient, State Bar of Texas, Oil, Gas & Mineral Law Section Research Grant (Summer 1991)
- Recipient, Texas Tech University Dub Rushing Research Award (1986-1987, 1992-1993)

Bar Admissions

- Texas
- California

Education/Professional Background

- The University of Colorado School of Law, Adjunct Professor and Thompson Visiting Professor (2009-2013)
- Texas Tech University School of Law, Maddox Professor (1992-2007); Professor (1979-1992); Associate Professor (1977-1979); Assistant Professor (1974-1977)
- University of Illinois College of Law, L.L.M., 1975
- University of California in Los Angeles, J.D., 1972
- University of California in Los Angeles, B.A., 1968