

Oil and Gas, Natural Resources, and Energy Journal

Volume 3 | Number 6

March 2018

Editor's Introduction

Mason W. Smith

Follow this and additional works at: <https://digitalcommons.law.ou.edu/onej>



Part of the [Energy and Utilities Law Commons](#), [Natural Resources Law Commons](#), and the [Oil, Gas, and Mineral Law Commons](#)

Recommended Citation

Mason W. Smith, *Editor's Introduction*, 3 OIL & GAS, NAT. RESOURCES & ENERGY J. (2018), <https://digitalcommons.law.ou.edu/onej/vol3/iss6/1>

This Article is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in Oil and Gas, Natural Resources, and Energy Journal by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

ONE J

*Oil and Gas, Natural Resources,
and Energy Journal*

VOLUME 3, NUMBER 6

MARCH, 2018

Editor's Introduction

Welcome to Volume 3, Number 6 of the University of Oklahoma College of Law's *Oil and Gas, Natural Resources, and Energy Journal* (ONE J). For this volume's final issue, we are thrilled to present seven student articles that cover an eclectic swath of topics. Indeed, these works are the culmination of months of focused research efforts and hours of diligent editorial labor. The student-authors include Megan Conner, Megan Douglah, Collin McCarthy, Slate Olmstead, Patrick Pennella, Sha'Kera Trimble, and Ben Warden. Today's issue also includes summaries of recent cases that are relevant to the energy industry.

Megan Conner is a second-year law student at the University of Oklahoma College of Law. She earned her bachelor's degree in political science from the University of Oklahoma. Her article, *The Death of the Joint Venture Exemption in Oil and Gas Securities Regulation*, discusses the status of the joint venture exemption as it applies to oil and gas investment operations. Megan argues that recent case law—coupled with the idiosyncrasies of the oil and gas industry—has eroded the practicality of the joint venture exemption in the industry.

Megan Douglah is a second-year student at the University of Oklahoma College of Law. Prior to law school, she proudly graduated from Oklahoma State University, earning her bachelor's degree in industrial engineering and management. Upon graduation from law school, she hopes to combine her interests in both science and law by pursuing a career in intellectual property. Her article, *Oil States Energy Services v. Greene's Energy Group: The Future of Inter Partes Review and Its Impact on the Energy Sector*, explores patent law's *inter partes* review process and discusses the potential impacts that the Supreme Court's impending decision may have on the energy sector.

Collin McCarthy is a second-year student at the University of Oklahoma College of Law. He earned a Bachelor of Science degree in political science from Oklahoma State University. His note, *Quaking in Their Boots: Oklahoma Landowners and Regulators Left with an Uncertain Future after Murr v. Wisconsin*, identifies potential implications that the United States Supreme Court's decision in *Murr v. Wisconsin* has for regulatory entities like the Oklahoma Corporation Commission. The note specifically identifies potential implications for the Commission's efforts to combat earthquake activity caused by injection wells.

Slate Olmstead is a second-year student at the University of Oklahoma College of Law. He earned a Bachelor of Science and Master of Education from the University of Oklahoma. His article, *Frac Sand, Hydraulic*

Fracturing, and Implied Covenants: The Potential for Liability, discusses the history and progression of hydraulic fracturing, the role frac sand plays in the process, and the recent development of new sources of frac sand. The article examines implied covenants that arise from an oil and gas lease and explores how the relationship between those obligations and the use of new sources of frac sand could lead to future litigation.

Patrick Pennella is a third-year student at Antonin Scalia Law School, George Mason University. He earned a bachelor's degree in government from the U.S. Coast Guard Academy in 2007 and served as an active-duty Coast Guard officer for the next 11 years in a variety of operational and staff assignments. Upon graduation, Patrick plans to practice law in the energy field. His article, *Interpreting the Oil Pollution Act Of 1990 (OPA 90) as Inapplicable to the Natural Gas Industry and Deepwater LNG Ports*, argues that the Coast Guard's application of oil-related environmental regulations to the natural gas industry threatens development of a natural gas imports/exports infrastructure. He suggests that the current application is questionable and contrary to the text of the statutes and intent of Congress, but proposes an alternate interpretation that recognizes Congress's desire to expand natural gas use without sacrificing its environmental goals.

Sha'Kera Trimble is a third-year student at the University of Oklahoma College of Law. Prior to law school, she earned a bachelor's degree in sociology and a minor in legal studies from Texas Tech University. After graduating from law school, Sha'Kera plans to return to Texas and litigate in various areas, including criminal law. Her case note, *Murr v. Wisconsin: A Necessary Evil?*, analyzes the Supreme Court's opinion in the *Murr* case. The note discusses how the Court's ruling imposes further disadvantages on real property owners who may seek to bring a takings claim under the Fifth Amendment.

Ben Warden is a second-year student at the University of Oklahoma College of Law and holds a Bachelor of Science degree from Oklahoma State University. After graduation, Ben plans to litigate in the private sector with a focus on environmental and agricultural tort cases. His article, *Neil Gorsuch: On Energy and Environmental Law*, analyzes the impact the rookie justice might have while deciding cases in these two areas from the nation's highest bench.

We graciously thank these authors for allowing ONE J to publish their materials. The editorial board is pleased to conclude Volume 3 with such a diverse list of topics. Also, the board thanks Professor Monika Ehrman, Michael Waters, Dean Joe Harroz, Dean Darin Fox, Dean Brian McCall, Professor Owen Anderson, Micah Adkison, Hilary Soileau, and many

others for their continued support. The Journal has enjoyed tremendous success over the past year—the product of a truly monumental team effort. To that end, we are proud to hand the reins to next year’s class of leaders; they will no doubt take ONE J to even greater heights. As this chapter closes, we look forward to the first issue of Volume 4 in May.

As always, we welcome your article submissions and topic suggestions for future issues. Please help us promote the Journal by sharing the link to our Digital Commons page. You can also find us on Twitter by searching @ONEJ_OULaw. Please follow us for information about future publications, events, and relevant industry news.

ONE J

Oil and Gas, Natural Resources, and Energy Journal

VOLUME 3 - 2017-2018

MASON W. SMITH
Editor-in-Chief

MARIAH K. BOREK
Managing Editor

DOUGLAS R. BROOKING
SAMUEL R. JIMISON
Articles Editors

JOSHUA J. CONAWAY
SHA'KERA TRIMBLE
JOHN DAVID WEIDMAN
Case Editors

SAMUEL R. JIMISON
Submissions Editor

DOUGLAS R. BROOKING
SAMUEL R. JIMISON
Symposium Editors

TYLER J. BEAN
MEGAN N. CONNER
TRISTAN L. DAVIS
MEGAN K. DOUGLAH
ERICA L. GRAYSON
DILLON J. HOLLINGSWORTH
JULIE E. HUNTER
LINA KHALAF
SCOTT E. KIPLINGER
COLLIN N. MCCARTHY
SLATE W. OLMSTEAD
STEPHAN A. OWINGS
MORGEN D. POTTS
KALEB R. SMITH
MARSHALL L. STONE
BENJAMIN L. WARDEN
JORDAN T. WYBRANT
Members

MONIKA U. EHRMAN
Faculty Advisor

The Death of the Joint Venture Exemption in Oil and Gas Securities Regulation <i>Megan Conner</i>	1309
<i>Oil States Energy Services v. Greene's Energy Group</i> : The Future of Inter Partes Review and Its Impact on the Energy Sector <i>Megan Douglah</i>	1343
Quaking in Their Boots: Oklahoma Landowners and Regulators Left with an Uncertain Future After <i>Murr v. Wisconsin</i> <i>Collin McCarthy</i>	1375
Frac Sand, Hydraulic Fracturing, and Implied Covenants: The Potential for Liability <i>Slate Olmstead</i>	1395
Interpreting the Oil Pollution Act of 1990 (OPA 90) as Inapplicable to the Natural Gas Industry and Deepwater LNG Ports <i>Patrick R. Pennella</i>	1427
<i>Murr v. Wisconsin</i> : A Necessary Evil? <i>Sha'Kera Trimble</i>	1477
Neil Gorsuch: On Energy and Environmental Law <i>Benjamin Warden</i>	1493
Recent Case Decisions	1521