

Oil and Gas, Natural Resources, and Energy Journal

Volume 6 | Number 3

January 2021

Editor's Introduction & Front Pages

Jake Ware

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

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 darinfox@ou.edu.

ONE J

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

VOLUME 6, NUMBER 3

JANUARY, 2021

Editor's Introduction

Welcome to the 3rd issue of Volume 6 of the University of Oklahoma College of Law's Oil and Gas, Natural Resources, and Energy Journal (ONE J). This winter issue contains pieces by a number of talented scholars, including Prof. Owen Anderson, Prof. Norman Nadorff, Mr. Jason Wright, Prof. Hirdan Katarina de Medeiros Costa, et al., Mr. Cody Johnson, and Mr. Charles Hosey.

The first article featured is Part I of a two-part article written by Prof. Owen Anderson, a professor and distinguished oil and gas scholar at the University of Texas School of Law and Eugene Kuntz Chair in Oil, Gas, & Natural Resources Emeritus and George Lynn Cross Professor Emeritus at the University of Oklahoma College of Law. The first part of Prof. Anderson's article honors the life and scholarship of his former student, Nawzad Yasin. The article is an excellent tribute to Yasin's accomplishments amidst his battle with cancer. This article means a lot to our journal, and has inspired many of our editors, myself included. We wish to sincerely thank Prof. Anderson for all of his hard work and for allowing us to publish this piece.

Part II of Prof. Anderson's article discusses the careers and achievements of his former students who serve as full time academics. These students include: Dr. Christopher Kulander, a professor at the South Texas College of Law in Houston, Texas, Dr. Hirdan Katarina de Medeiros Costa, a professor at the University of Sao Paulo, Dr. Carolina Araujo de Azevedo Pizoeiro, a professor at the Federal University of Rio de Janeiro, Dr. Mahmoud Reza Firoozmand, and assistant professor of energy and petroleum law at the University of Technology in Abadan, Iran, Dr. Talal Abdulla Al-Emadi, a professor at Qatar University in Doha, Qatar, Kwon Hong Ryu, a professor at Wonkwang University in Iksan, South Korea, Michelle Phillips, an assistant professor at the University of North Dakota, Prof. Daniel Nicholson, an assistant professor at the University of Oklahoma College of Law, Christine Fritze, a retired professor who taught at the University of North Dakota, and Ensieh Mohajeri and Luciana Palmeira Braga, both aspiring academics. Part II of this article is summed up greatly by one of Anderson's concluding sentences: "My proudest achievements have been to play roles, however small, in encouraging and supporting my students in achieving their career dreams..."

The next piece is by Prof. Norman J. Nadorff. Prof. Nadorff serves as special counsel at Taulil & Chequer, as an adjunct professor at the University of Houston Law Center, and as a Distinguished Practitioner in Residence at The Ohio State University. His work provides a book review

of *International Petroleum Law and Transactions* “(IPLT)”. In this article, Prof. Nadorff explains why this book is a perfect fit for everyone involved in the field, industry, or study of petroleum. It is a masterfully written piece and immensely helpful for anyone interested in the book.

The fourth piece in our winter edition is by Mr. Jason Wright, a solo practitioner at J. Wright Law PLLC in Collin County, Texas. In this piece, Mr. Wright discusses how courts may treat a violation of a consent-to-assign provision. Further, he discusses why he anticipates courts will likely adhere to traditional real property principles to limit applications of freely negotiated consent-to-assign provisions as an improper restraint against alienation. Mr. Wright’s article will serve as an invaluable tool for attorneys handling consent-to-assign provisions, and will also serve as a helpful guide for students studying this area.

The fifth article is by Hirdan Katarina de Medeiros Costa et al. Prof. Hirdan is a professor at the University of Sao Paulo. The article provides an analysis of the current Brazilian regulatory framework regarding the distribution of natural gas. Further, the article considers the innovations introduced by the Gas Law (11.090/2009) and the current debate concerning the New Market Program. The authors point out that the current regulatory framework creates legal uncertainty and prevents greater investment in the gas sector. This article is expertly written and considers numerous other interesting factors regarding the Brazilian Gas Market.

The sixth article is by Mr. Cody Johnson, a student at the University of Texas School of Law. Mr. Johnson’s article discusses patents in the area of fracking fluids. His note argues that patents are untenable as means of protecting fracking fluid formulas for many of the existing operators in the energy industry. Further, he contends that patentability issues like novelty and the public use bar eliminate patents as a viable alternative to trade secret protections for most fracking operators. Mr. Johnson’s article is terrific and serves numerous compelling arguments to support his paper’s proposition.

Our final article in the winter edition is by Mr. Charles Hosey. Mr. Hosey is a student at St. Mary’s University School of Law. His article considers the role of fracking, correlative rights, and legislative action that are necessary to evolve and innovate the common practice of post-fracking waste management. Mr. Hosey’s article is very insightful and is excellent for oil and gas scholars to read and consider.

Lastly, as always, our journal has compiled many recent and relevant cases with issues that are pertinent to our journal. These cases are organized by topic and can be used by any of our readers to quickly catch up on important cases from around the country.

I would like to thank Prof. Owen Anderson for all of his hard work and for the contributions that he has made to our journal. I personally became a fan of Prof. Anderson's by studying the many books that he authored on the subjects of property and oil and gas throughout my 1L and 2L years of school. I never would have thought that I'd have the privilege to work with him and aid in the publishing of his articles. It has been a terrific experience. Thank you, again, Prof. Anderson.

In addition, I would like to thank all of the other writers that were involved with this edition. It was my pleasure to work with you all on this edition—it has been one of my favorites to publish in my capacity as Editor-In-Chief.

Finally, I would like to thank a number of people who made this edition possible. First, I would like to thank our Editorial Advisor, Michael F. Waters, for all of his hard work, advice, and excellent insight. Our journal is very lucky to have him. Next, I would like to thank our faculty advisor, Prof. Alex Pearl, for the excellent leadership that he provides our journal. Lastly, I would like to thank all of our Editors and Candidates for the tremendous job that they have done for this edition. More specifically, I would like to thank Ms. Piper Hampton for all of the help that she provided with editing, technological issues, and for the masterful job that she did composing a document to include all of our case summaries.

Thank you,
Jake B. Ware

ONE J

Oil and Gas, Natural Resources, and Energy Journal

VOLUME 6 - 2020-2021

JAKE WARE
Editor-in-Chief

JARED PLAUDIS
Managing Editor

JOHN SHELDON
JOE LEATHERWOOD
ALYSSA POE
Articles Editors

WILL DAKIL
MODUPE ADAMOLEKUN
SAM MOORE
Case Editors

COLE BROWN
Submissions Editor

SPENCER GILL
Symposium Coordinator

ALEX PEARL
Faculty Advisor

VOLUME 6, NUMBER 3

A Tribute to Nawzad Yasin and Others: Part 1: Nawzad <i>Owen L. Anderson</i>	361
A Tribute to Nawzad Yasin And Others: Part 2: Others <i>Owen L. Anderson</i>	373
Eureka! A Petroleum Transactions Guide That Delivers (book review of <i>International Petroleum Law and Transactions</i> by Owen Anderson et al.) <i>Norman Nadorff</i>	403
Updated Guidance on Consent-to-Assign Provisions in Texas Oil and Gas Leases <i>Jason E. Wright</i>	695
Brazilian Gas Market and Its Regulatory Overview <i>Hirdan Katarina de Medeiros Costa, Karina Ninni Ramos, Israel Lacerda de Araujo, Paola Mercadante Petry, Owen Anderson & Edmilson Moutinho dos Santos</i>	419
Intellectual Property and the Law of Fracking Fluid Disclosures: Tensions and Trends <i>Cody B. Johnson</i>	443
Yours, Mine, Our Water: Where Correlative Rights End and Taking Begins Following Texas House Bill 3246 <i>Charles P. Hosey</i>	477
Recent Case Decisions	513