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REMARKS AT THE EUGENE KUNTZ AWARD RECEPTION

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Good evening, everyone. Thank you for coming tonight to share this time together and to perpetuate the legacy of Professor Eugene Kuntz, the premier scholar and authority in oil and gas law in the State of Oklahoma.

My deepest thanks to you, Dean Guzman, Clark Musser, and the University of Oklahoma School of Law for this high honor. I consider the Kuntz award to be the pinnacle of my 47 years of legal practice, and as I'm probably one of the few attorneys left who were privileged to study under Professor Kuntz himself, I'd like to share just a memory or two.

Professor Kuntz was an excellent teacher, even for those of us who weren't excellent students. In 1975, oil and gas exploration was booming in this state, and many of us were eager to jump right into the middle of it! We

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King has taught as Adjunct Professor at the University of Oklahoma College of Law and the Oklahoma City University College of Law and served as President of the Oklahoma City Mineral Lawyers Society and member of the Kuntz Committee on Natural Resources Law and Policy. Professor Eugene Kuntz was his role model and favorite professor at OU Law School. In 2023, King received the University of Oklahoma College of Law Eugene Kuntz Award.

had learned us some torts, and we had learned some habeas corpus, but oil and gas—well, it had its own glossary of terms, its own threads of history and precedent dating back to English common law and profits-a-prendre, for Heaven’s sake! And those terms weren’t just arcane jargon: they signified distinct legal concepts with huge consequences for our clients.

So to help us remember the difference between mineral and royalty interests, the esteemed professor Kuntz gave us this mnemonic aid: He said a mineral interest and a royalty interest are similar, but different, ...like the difference between a cow and a horse.

A *cow* has 4 stander-uppers, 4 puller-downers, 2 hookers, 2 lookers, and one swishy-wishy. A *horse* has 4 stander-uppers, NO puller downs, NO hookers, 2 lookers, and one swishy-wishy.

We collapsed in laughter, but I still remember the analogy 50 years later!

Despite the occasional touch of whimsy, Professor Kuntz taught with dignity, professionalism, complete mastery of his subject, and with respect for all his students—not just the stars. When we left his classroom at OU, we felt confident and well-prepared to practice oil and gas law. We just didn’t appreciate right then what we now know: we were REALLY fortunate to have learned oil and gas law under the master of the subject! So it is with warm memories and a special sense of gratitude that I accept this Eugene Kuntz Award.

In 1975—when I began practicing law, oil and gas law was a stable thing. Beginning with Oklahoma’s constitution, matters such as jurisdiction had been settled; domains established; policies articulated; powers delegated here and there. In the ensuing years, through decades of boom and bust, drought and depression, war and peace, speculation, specialization, litigation, and the ever-marching advance of technology into the “oil patch,” lawyers remained certain that there was a well-established body of oil and gas law in Oklahoma, and we could help our clients anticipate it, comply with it, and negotiate their way through—and sometimes “around” it.

So. We. Thought!

But then things got interesting. You might say, they exploded. The Penn Square debacle happened, with seismic aftershocks impacting the oil and gas industry. Back in 1975, we had wellbore pooling; there was no Surface Damages Act; mineral interests were dominant over surface; there was no Production Revenue Standards Act; NARO and advocates for surface and mineral owners were without much power. There was no required gas market sharing; 3-D seismic was non-existent. So was horizontal drilling. Because there was no internet to locate owners, landmen and lease brokers

were like oldtime gumshoe detectives. Because there were no cellphones, no faxes, and no computers in the law office, document production took place slowly and laboriously—with a typewriter and carbon paper! Sometimes, for less-explored areas of Oklahoma, a title opinion might be only 5 pages long, and half of that was boilerplate. Now, they're seldom under 200 pages long! There was a "standard" Producer's 88 oil and gas lease and there was a standard JOA, and there just wasn't much personalization or tweaking of a deed, a lease, or Corporation Commission application or order. In the old days, you could "walk through" a pooling order and get it out for your client in one day. Can you imagine?! There was no COVID shutdown. There was no Zoom. On top of all that, the wild feast-or-famine extremes of oil and gas development, influenced by everything from interest rates to international cabals, had energy companies, and their lawyers riding the roller coaster so fast it gave us all whiplash!

So . . . it turns out our anticipations of a stable body of law and a staid, predictable practice were SO NAÏVE and SO WRONG. Much, much has changed. And yet—so much has NOT changed.

Because it's a small, specialized segment of the bar, oil and gas lawyers know each other. We cooperate...regularly. We accommodate . . . often. Because our clients' drilling schedules, budgets, and expert availabilities are subject to everything from weather to oil prices in the Middle East, we know that the industry needs us to be flexible, to be able to pivot, follow through dependably when we can and make adjustments when we can't.

Now more than ever—our clients look to us to help them anticipate and strategize—to personalize what we do for them according to their own business needs. *This is an important feature of the landscape in oil and gas law, and to keep up, we gotta know the territory, both legal and practical. So we oil and gas lawyers actually communicate with each other! We call up and ask, "Hey, have you ever seen this set of facts?" and "How might you handle this hypothetical" and "What do you see as the Commission's stance on that?"* In an environment where time is so critical and delay is so costly, where decisions and agreements have to be made quickly and there is little time or money for appeals, we COUNT ON the communication and cooperation of our colleagues—often including the loyal opposition—to reach many a win-win outcome for our clients.

[And we like each other. To maintain such relationships, it sometimes means forgiving and forgetting. It sometimes means teasing. Because I'm from England and still have a trace of accent left, my friend Richard Books would often say as I entered the courtroom, "Ah....Lord King." And once,

when I'd frustrated opposing counsel to no end and the where the Administrative Law Judge had overruled yet another objection, Bob Emery rose and blurted out, "Judge, you don't have to listen to all this English folderol!!!"]

I would like to include a word of gratitude to the Oklahoma Corporation Commission, the judges, attorneys, and staff. We have been through the wars together, haven't we?! Through automation, through sometimes weird/sometimes wonderful legislation. Through a few surprise court decisions. Through rule changes, a move, COVID, and ZOOM! Who knows what tomorrow will bring? And yet through it all, you act with diligence and professionalism, and I salute you.

My family, friends, and colleagues have always liked to goad me about the whole Anglo-American weirdness. There was the time my wife took a 70th birthday cake for me to the Oklahoma Corporation Commission, with the lovely icing inscription of "Half Brit; all Twit." And much schadenfreude has been cast my way as my Man United Reds have continued a death spiral in Premier League Soccer. Sid Dunagan IS being a little nicer to me, though, now that I've introduced him to such English delicacies as Jelly Babies and Licorice Allsorts. And with the success of Ted Lasso and Wrexham, a few folks have whispered to me, "Ah, I get it, now."

Finally, my family has been just the best. Our son Brad runs two emergency rooms in Texas and could not be here tonight. But as many of you know, my wife Linda, my oldest son Bryan, and my daughter Cory are all attorneys. So when I try out my best lines on the family, far be it from me to utter a logical fallacy, a non-sequitur, or an argument ad-absurdum, ad personam, ad-hoc, or ad-ANYTHING. And speaking of family, I have to include Julie Montgomery, my legal assistant, who like family, has been with us every step of the way for 42 years! Isn't that amazing? So all of these have helped me, supported me, corrected me, covered for me, advised me, and made me look better than I am. They keep me going and keep me in check, each in their own way. And I love them for it.

As I close, thank you again for this honor, thank you for coming tonight, and thank you for making decades of oil and gas lawyering in Oklahoma such a pleasure.