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EUGENE KUNTZ AND THE *OIL AND GAS REPORTER*

ARMINE CAROL ERNST*

First impressions are not entirely reliable. They are a frail reed on which to judge the whole person. This is especially true when the impression is not acquired by face-to-face meeting. My introduction to Eugene Kuntz taught me this.

The question naturally arises how anyone with even moderate discernment could but immediately recognize his unusual character on first encounter with Gene Kuntz.

In the fifties, the law of oil and gas was swiftly developing. The courts were inundated with cases in this field and were handing down opinions in increasing numbers. The *Oil and Gas Reporter*¹ found it necessary to enlarge its editorial board, and one day, in late 1954, I was informed that Gene Kuntz had accepted our invitation to become editor for Oklahoma cases. It was a welcome announcement in the editorial office because of the backlog of pending cases.

Then, Gene Kuntz called to express regret that he could not meet his first deadline—but he promised to send material for the next one. The automatic reaction was disappointment and some apprehension about the probable performance and dependability of our new Oklahoma editor. I thought, “Oh, boy, did we ever dial a wrong number on that one!” Being just out of law school, I knew nothing of the reputations of law professors other than those of my own teachers.

Such was my introduction to Eugene Kuntz.

The next month Gene did indeed meet his deadline as promised. That was reassuring. In the year that followed, he reported forty cases! The cases were not merely reported; each was timely sent and carefully analyzed, scholarly evaluated and discussed.

Ever since, I have been totally distrustful of my first impressions.

Without checking the sixty-four volumes in which Gene has written since that time, I know that it would not take the ten fingers on both hands to count the monthly deadlines he has missed.

This statistical accounting graphically illustrates the character of

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¹ A monthly reporter service of cases, statutes, and administrative rulings in oil and gas law and taxation, sponsored and edited by The Southwestern Legal Foundation, with summary and discussion notes by law professors and practitioners analyzing and evaluating the reported decisions.

the man—conscientious, punctual, thorough—unquestionably dependable.

In this issue of the *Oklahoma Law Review*, there are tributes to Kuntz the scholar, Kuntz the teacher, Kuntz the man, and on his other talents. His work on the *Reporter* embraces and embodies all his many facets.

The teacher and scholar are clearly shown in Gene's discussion of cases he reports. Deftly stating the facts, the holding, and the law involved, he skillfully draws his analysis and projects the effect of the decision with keen insight and foresight. His commentary combines the penetration of the scholar and the rare gift of a superior teacher. The most intricate facts and complex issues are sorted and appraised for the experienced practitioner; step by step, they are interpreted for the beginner's understanding.

Every case Gene reports receives unhurried, learned treatment, whether a landmark decision or an inconsequential reiteration of a well-established legal rule. This statement is based on first-hand knowledge. All of his reports are received in original rough draft and clearly reveal the meticulous care, the refining and polishing, the detail with which he writes each case, reworking statements and phrases to insure precision and readability.

In his early years on the *Reporter*, the cases were not only numerous but almost every case required extended examination for its significance in the development of oil and gas law. Although there were many cases, Gene's discussion was nevertheless definitive, never curtailed because of the case load. Thoroughness was not sacrificed because of numbers, discussion notes frequently running several pages in length. All lawyers know the time required for such research and preparation.

Gene's contributions to the *Reporter* have continued for twenty-six years, undiminished in quality and unneglected in responsibility, no matter how varied and demanding his other professional activities—teaching schedule, tenure as Dean, law practice, writing a treatise, numerous lectures, and writing many articles. It must be remembered that this reporting of cases is on an unrelenting monthly basis. Also to be remembered is that it is a purely professional undertaking, performed gratuitously. It has been of incalculable value to the bar.

Gene's exceptional capacity for work and service is matched by his obviously exacting concept of an assumed obligation as nothing less than a trust. In fulfilling his commitments, he unflinchingly discharges them with "the punctilio of an honor the most sensitive."²

² *Meinhard v. Salmon*, 164 N.E. 545, 546 (N.Y. 1928).

In addition to being an integral part of the *Oil and Gas Reporter* for more than a quarter century, Gene has joined us in other activities of The Southwestern Legal Foundation. He has appeared several times as lecturer at our Annual Institute on Oil and Gas Law and Taxation, always drawing a capacity audience. In conjunction with his institute lectures, he wrote comprehensive, annotated papers for the published proceedings. He has also taught at the Oil and Gas Law and Taxation Short Course.

We are indeed indebted to Gene Kuntz for generous and significant contributions to our continuing legal education programs. He has unselfishly and graciously given his time and expertise, not just to us at the Foundation, but through us, to the bar beyond Oklahoma. Similarly, he has taught far beyond the University of Oklahoma College of Law. We are proud and gratified to have been a means of presenting and preserving his teaching and scholarship.

As remarkable and admirable as his mind and character are Gene's spirit and the attitude with which he approaches his undertakings. Never is there complaint that it is burdensome or too time-consuming. Envy his ability to engage in so many activities, including extra-academic and extra-professional interests, and accomplish so much, I once asked him how he did it. His explanation was simple and short: "I *enjoy* everything I do." His work reflects this expressed pleasure.

That spirit pervades and enhances everything Gene does. It is the essence of the man. Without exception, without exaggeration, it makes working with him a truly felicitous experience.

Personally, it has meant more. From this long joint venture has evolved a warm personal friendship with Gene and his dear wife, Rosamond, than which there is no other more highly treasured or more satisfying. It was accomplished mostly long distance, forged by shared interests and sentiments.

In one thing only has Gene disappointed me. The editors of the *Oil and Gas Reporter* meet each year in Dallas to attend the Institute on Oil and Gas Law and Taxation, with a reunion dinner a highlight of the trip. It is a fun-filled evening, and Gene has been a song leader, a cheer leader, and a moderator at that dinner. Despite the liberal and enthusiastic sharing of his talents in the legal realm and his social proclivities, he will not share his musical talent. Ignoring all entreaties, Gene steadfastly remains unpersuaded to bring along and entertain us at dinner on his zither!