

JOSEPH A. SCHREMMER

University of New Mexico School of Law
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Albuquerque, New Mexico 87131-0001
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ACADEMIC APPOINTMENTS

University of New Mexico School of Law

Albuquerque, NM

Leon Karelitz Oil & Gas Law Professor	2019-present
Associate Professor	2022-present
Assistant Professor	2019-2022

Research Interests: property, commercial, and environmental aspects of oil and gas development; property rights in natural resources; subsurface property rights with special reference to intra-reservoir disputes arising from resource exploitation and carbon capture and storage (CCS); New Private Law jurisprudence

Courses: oil and gas law, advanced oil and gas law, natural resources, property, contracts, business association, secured transactions

Honors & Awards: Judge Leon Karelitz Oil and Gas Law Professorship, 2019–Nominated, UNM New Teacher of the Year, 2020, 2021, 2022
“Wood Award” for funniest professor, from Class of '22

University of Kansas School of Law

Lawrence, KS

Lecturer	2018-2019
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Courses: oil and gas law

Washburn University School of Law

Topeka, KS

Adjunct Professor	2018-19
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Courses: environmental regulation of oil and gas, mineral title examination

Honors & Awards: Adjunct Professor of the Year, 2019

LEGAL EXPERIENCE

Depew Gillen Rathbun & McInteer, LC

Wichita, KS

Member/Partner	2017-2019
Associate	2015-2017

Practice Areas: transactions and administrative and civil litigation in oil and gas, real estate, commercial and business, environmental, and health law

Gressel Oil Field Service, LLC/Balius Energy, Inc. Wichita, KS
Vice President and General Counsel 2014-2015
Practice Areas: general counsel for small integrated oil and gas exploration, production, and service company

Withers, Gough, Pike, Pfaff & Peterson, LLC Wichita, KS
Associate 2013-2014
Practice Areas: transactions and administrative and civil litigation in oil and gas, real estate, commercial and business, environmental, and employment law

PROFESSIONAL LICENSES

Kansas State Courts, September 2013–present
Federal District Court, District of Kansas, September 2013–present

EDUCATION

University of Kansas School of Law

Juris Doctor, 2013
Order of the Coif
Editor-in-Chief, *University of Kansas Law Review*, 2012–13
Samuel Mellinger Award, 2013
Awarded by the faculty to the top overall graduate in the combined areas of scholarship, leadership, and service
Academic Affairs Committee, 2012–13
Shook Hardy & Bacon Scholar, 2013

University of Kansas

Masters of Business Administration, 2013
Bachelor of Science, Journalism, 2009
Bachelor of Arts, Political Science, 2009

SCHOLARLY PUBLICATIONS

Books

Teachers Manual for The Law of Oil and Gas: Cases and Materials (11th ed. Foundation Press) (2021) (with Patrick H. Martin, Bruce M. Kramer, Keith B. Hall, and Tara K. Righetti)

The Law of Oil and Gas: Cases and Materials (11th ed. Foundation Press 2021) (with Patrick H. Martin, Bruce M. Kramer, Keith B. Hall, and Tara K. Righetti)

Book Chapters

Regulation of Refining and Marketing (the "Downstream" Sector), in Law of Environmental Protection, ch. 29 (Thompson Reuters, 2021–22 ed.)

Oil, Gas & Mineral Law, in 2022 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2022) (with Casey L. Jones & Charles A. Steincamp)

Oil, Gas & Mineral Law, in 2021 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2021) (with Casey L. Jones & Charles A. Steincamp)

Oil, Gas & Mineral Law, in 2020 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2020) (with Casey L. Jones & Charles A. Steincamp)

Oil, Gas & Mineral Law, in 2019 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2019) (with Casey L. Jones & Charles A. Steincamp)

Oil & Gas (Kansas), ENVIRONMENT, ENERGY & RESOURCES LAW: THE YEAR IN REVIEW 2018 (Am. B. Assoc. 2018) (with Charles C. Steincamp)

Oil, Gas & Mineral Law, in 2018 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2018) (with Casey L. Jones & Charles A. Steincamp)

Oil & Gas (Kansas), ENVIRONMENT, ENERGY & RESOURCES LAW: THE YEAR IN REVIEW 2017 (Am. B. Assoc. 2017) (with Charles C. Steincamp)

Oil, Gas & Mineral Law, in 2017 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2017) (with Casey L. Jones & Charles A. Steincamp)

Oil, Gas & Mineral Law, in 2016 KANSAS ANNUAL SURVEY OF LAW (Kan. B. Assoc. 2016) (with Hon. John W. Broomes, Casey L. Jones & Charles A. Steincamp)

Law Journal Pieces

Subsurface Trespass: Private Remedies and Public Regulation, 101 Neb. L. Rev. (forthcoming 2023)

Ad Coelum and the Design of Property Rights, Tex. A&M J. Property L. (forthcoming 2022–23) (symposium)

A Unifying Doctrine of Subsurface Property Rights, 46 Harv. Envtl. L. Rev. 525 (2022)

Waste and the Governance of Private and Public Property, 93 U. Colo. L. Rev. 609 (2022) (with Tara K. Righetti)

This article was selected as one of the top 20 articles of the year (2021) by the Environmental Law and Policy Annual Review (ELPAR). ELPAR is a joint effort of the Environmental Law Institute (ELI) and Vanderbilt Law School, and the selection process includes review by Vanderbilt students, ELI experts, and an expert outside advisory panel of NGO, private sector, and academic lawyers. The ELPAR selection process differs from others in its emphasis on the feasibility of the ideas advanced in the article.

Pore Space Property, 2021 Utah L. Rev. 1 (2021)

Regulating Natural Gas Venting and Flaring as Waste: A Review of the New Mexico Approach, Oil, Gas & Energy L. Intelligence 2 (2021) (symposium)

Crystal Gazing: Foretelling the Coming Decade in Oil & Gas Law, 66 Rocky Mtn. Min. L. Inst. 5-1 (2020)

Getting Past Possession: Subsurface Property Disputes as Nuisances, 95 Wash. L. Rev. 315 (2020)

This article was a finalist for republication in Thompson Reuters' 2021 Land Use & Environmental Law Review as one of the top 8 environmental and land use articles of the year.

Imputing Regulatory Failures in Oil and Gas Licensing: A Discussion and Proposal, 57 Washburn L.J. 265 (2018) (with Charles C. Steincamp)

Private Enforcement of the Kansas Wage Payment Act, 62 U. Kan. L. Rev. 1227 (2014) (with Sean M. McGivern)

Avoidable Fraccident: An Argument Against Strict Liability for Hydraulic Fracturing, 60 U. Kan. L. Rev. 1215 (June 2012)

This comment was selected for republication by the Rocky Mountain Mineral Law Foundation in 50 Rocky Mtn. Min. L. Found. J. 141 (2013)

Essays, Book Reviews, and Online Journal Pieces

Book Review: Decarbonisation and the Energy Industry: Law, Policy and Regulation in Low-Carbon Energy Markets, 19 Oil, Gas & Energy L. Intelligence 1 (2021), available at <https://www.ogel.org/article.asp?key=3990>

Join with Me Won't You: Civic Engagement, COVID-19, and the Millennial Generation of Law Professors, 69 J. Legal Educ. 689 (2020)

Laches Held to Be a Cognizable Offensive (As Opposed to Defensive) Claim to Establish Title to Mineral Interests in New Mexico, Oil & Gas E-Report 12 (April 2020), available at

<https://www.cailaw.org/media/files/IEL/Publications/ereport/2020/issue-9-march.pdf>

First Assignee of Oil and Gas Lease Loses Title to a Subsequent Assignee Under New Mexico's Recording Statute Because of a Defective Notary's Acknowledgment, Oil & Gas E-Report 14 (April 2020), available at

<https://www.cailaw.org/media/files/IEL/Publications/ereport/2020/issue-9-march.pdf>

The Curious Policy Implications of In re SemCrude: Do Crude Oil Markets Need a Volcker Rule?, Washburn L.J. Online (Sept. 4, 2018), available at <http://washburnlaw.edu/publications/wlj/blog/2018/09/inresemcrude.html>

Bar and Trade Journal Pieces

Rediscovering the Doctrine of Waste and Common Law Environmental Governance, ABA Natural Resources & Environment, Winter 2022, at 22 (with Tara K. Righetti), available at

https://www.americanbar.org/groups/environment_energy_resources/publications/n

[atural resources environment/2021-22/winter/rediscovering-doctrine-waste-and-common-law-environmental-governance/](#)

When Engineering Solutions Cause Legal Problems: The Developing Field of Reservoir Rights and Liabilities, SIPES Quarterly, Aug. 2021, at 15

Is it Time to Revisit Qualified Immunity?, J. Kan. Trial Law. Ass'n, Nov. 2020, at 29 (with Sean M. McGivern)

A New Associate's Field Guide to Partner Compensation, J. Kan. B. Assoc., Oct. 2019, at 18

Oil and Gas Secured Transactions in Kansas, J. Kan. B. Assoc., Nov./Dec. 2017, at 23

The Fair Labor Standards Act: A Tool for Those Who Represent Employees, Claimants, and Plaintiffs, J. Kan. Assoc. Justice, Jan. 2014, at 18 (with Sean M. McGivern)

Amicus Briefs

Brief for the National Stripper Well Association as Amicus Curiae, *L. Ruth Fawcett Tr. v. Oil Producers, Inc. of Kansas* (2021) (KAN. SUP. CT. NO. 120,611)

Brief for the Kansas Independent Oil & Gas Association as Amicus Curiae, *Jason Oil Co., LLC v. Little* (2018) (KAN. SUP. CT. NO. 118,387)

Technical Papers

Yevhen "Eugene" Holubnyak, Martin Dubois, Tandis Bidgoli, Dana Wreath, Lynn Watney, Susan Stover, David Newell, Fatameh "Mina" Fazelalavi, Andrew Hollenbach, Jeffrey Jennings, Christopher Steincamp, Joseph Schremmer, Brendan Jordan, Brad Crabtree, Jennifer Christenson, Dane McFarlane, John Doveton, Krish Krishnamurthy, Makini Byron, and Kevin Watts, *Integrated CCS for Kansas (ICKan) Final Technical Report* (Dec. 31, 2018), available at <https://doi.org/10.2172/1491482>

PRESENTATIONS

Academic Presentations, Panels, and Colloquia

The Future of Property: Autonomy, Prosperity, and Conflict Mitigation, Sunwater Institute and Center for Intellectual Property x Innovation Policy (C-IP2) at the Antonin Scalia Law School, Dec. 9, 2022 (roundtable)

Special Institute on Commercial Renewable Energy Project Development, Foundation for Natural Resources and Energy Law, Westminster, CO, Oct. 27–28, 2022 (organizer)

Remedies for Subsurface Trespass in Private and Public Law, University of New Mexico School of Law Faculty Colloquium, Sept. 21, 2022

Estate Severance and the Persistence of Natural Law, 2022 Southeastern Association of Law Schools (SEALS) Annual Conference, Works in Progress, Sandestin, FL, Aug. 1, 2022

Adjudicating Subsurface Trespass—An Illustrated Guide, Foundation for Natural Resources and Energy Law, 4th Annual Natural Resources Law Teachers Workshop, Vail, CO., July 23, 2022

Estate Severance and the Persistence of Natural Law, Lightning Round Workshop, 2022 Natural Resources Law Teachers Institute, June 1, 2022

Ad Coelum and the Design of Property Rights, 2022 American Law Property & Society (ALPS) Annual Conference, Works in Progress, May 29, 2022

A Unifying Doctrine of Subsurface Property Rights, Harvard Environmental Law Review, April 13, 2022 (online because of COVID-19)

Introducing the "Fair Opportunity Doctrine": How to Harmonize the Rule of Capture, Correlative Rights, and Subsurface Trespass for a More Effective System of Property Rights in Oil and Gas and Pore Space, 2022 Institute for Energy Law Academic Webinar, Feb. 10, 2022

Estate Severance and the Persistence of Natural Law, 2022 AALS Annual Conference, Property Law New Voices, Property Law Section, online, Jan. 8, 2022

Pore Space Ownership Under a Natural Law Perspective, 2022 AALS Annual Conference, Works-in-Progress Session of the Energy, Environmental, and Natural Resources and Agricultural Law Sections, online, Jan. 4, 2022

A Unifying Doctrine of Subsurface Property Rights, Online Workshop for Environmental Scholarship, Nov. 8, 2021

A Unifying Doctrine of Subsurface Property Rights, Louisiana State University School of Law Faculty Colloquium, Sept 17, 2021

Pore Space Severance and Related Problems, 2021 Vermont Law Environmental Colloquium, Sept. 25, 2021

The Role of Legal Doctrine in Furthering Societal Interests in the Use of Subsurface Property, 2021 ALPS (Association of Law Property and Society) Conference (online because of COVID), May 28, 2021

The Role of Legal Doctrine in Furthering Societal Interests in the Use of Subsurface Property, 2021 LSA (Law and Society Association) Conference (online because of COVID), May 29, 2021

Waste and the Governance of Private and Public Property, Online Workshop for Environmental Scholarship, Jan. 25, 2021 (with Tara K. Righetti)

The Role of Doctrine in Furthering Societal Interests in the Use of Subsurface Property, 2020 Rocky Mountain Junior Scholars Conference, Nov. 2020

Waste and the Governance of Private and Public Property, 2020 Vermont Law Environmental Colloquium, Sept. 2020

Crystal Gazing: Foretelling the Coming Decade in Oil & Gas Law, 66th Annual Rocky Mountain Mineral Law Institute, Salt Lake City, Utah, July 23, 2020

Getting Past Possession: Subsurface Property Disputes as Nuisances, University of Oklahoma Faculty Colloquium, Feb. 10, 2020

Pore Space Property, 2020 AALS Annual Conference, Works-in-Progress Session of the Energy, Environmental, and Natural Resources and Agricultural Law Sections, Washington, DC, Jan. 2020

Defining and Defending Correlative Rights in Common Reservoirs (Pore Space Property), 2019 Rocky Mountain Junior Scholars Conference, Provo, Utah, November 2019

Getting Past Possession: Subsurface Property Disputes as Nuisances, University of New Mexico School of Law Faculty Colloquium, Sept. 25, 2019

Continuing Legal Education Presentations

Pore Space Law and its Application to CCUS, Council for Oil & Gas Attorneys, Interstate Oil & Gas Compact Commission (IOGCC), January 20, 2022 (online)

Case Law Update, Kansas Independent Oil and Gas Association and Wichita Bar Association Annual Oil and Gas CLE, Wichita, Kansas, Oct. 18, 2022

Estate Planning Considerations for Oil and Gas Interests, Estate Planning Institute, Las Cruces, NM, Nov. 4, 2022

Participation and Farmout Agreements and Joint Operating Agreements, 38th Annual Oil & Gas Law Short Course, Rocky Mountain Mineral Law Foundation, Energy & Mineral Law Foundation, American Association of Petroleum Landmen, and Institute for Energy Law, Houston, TX, Oct. 18, 2022

From Boom to Bust and Back Again: Taking Stock of Changes in Oil and Gas Law and Regulation, 2022 New Mexico State Bar Association Annual Meeting, Santa Fe, NM Aug. 11, 2022

Hydrogen Energy in New Mexico, Independent Petroleum Association of New Mexico Annual Meeting, Santa Fe, NM July 28, 2022 (panel)

Oil and Gas and Fiduciary Duties, New Mexico State Bar Association, Real Property, Trusts and Estates Sections, June 17, 2022

Commercial and Legal Models for Acquiring Carbon Storage Rights, NAPE Expo, American Association of Petroleum Landmen, Houston, Texas, Feb. 8, 2022

Drought Implications for Oil and Gas, New Mexico State Bar Association, Natural Resources, Environmental, and Energy Law Section, Dec. 17, 2021

Understanding and Acquiring Carbon Sequestration Rights, New Mexico Landman's Association, Roswell, New Mexico, Dec. 8, 2021

Holding Corporations Liable: How to Obtain Damages Against Corporate Defendants and their Shareholders, Damages, New Mexico Trial Lawyers Association (virtual), Nov. 19, 2021 (with Laura Spitz)

Oil and Gas: The Basics Every Trust and Estate Practitioner Should Know, 2021 Probate Institute, New Mexico State Bar Association, Albuquerque, New Mexico, Nov. 18, 2021

Participation and Farmout Agreements and Joint Operating Agreements, 38th Annual Oil & Gas Law Short Course, Rocky Mountain Mineral Law Foundation, Energy & Mineral Law Foundation, American Association of Petroleum Landmen, and Institute for Energy Law, Westminster, Colorado, Oct. 20, 2021

Addressing Oil and Gas Interests in Estate Planning and Administration, American College of Trust and Estate Counsel, 2021 Rocky Mountain Regional Meeting, Albuquerque, New Mexico, Sept. 12, 2021

Virtual Proceedings: Zoom Into the Future, H. Vearle Payne American Inn of Court, Albuquerque, New Mexico, March 9, 2021 (panel)

The COVID-19 Oil Crash and Its Legal Implications, New Mexico State Bar Association, Natural Resources, Environmental, and Energy Law Section, Dec. 18, 2020

Change Is in the Air: The Election, the Supreme Court, and their Implications for the Election, University of New Mexico School of Law, Nov. 17, 2020

Ethics on Demand—Informal Discovery, Wichita Bar Association, July 27, 2020

Ethics of Informal Discovery, 2020 Wichita Bar Association Civil Practice CLE, July 7, 2020

Annual Case Law Update—Kansas Oil & Gas Edition, Wichita Association of Petroleum Landmen, April 2020

Oil and Gas and You in New Mexico, Luncheon Presenter, District 1 Bar Association Meeting, Santa Fe, New Mexico, Jan. 13, 2020

Oil & Gas Case Law Update—New Mexico and Beyond, Oil and Gas Law CLE, New Mexico State Bar Association, Dec. 4, 2019

What Privacy? Technology in Action in Criminal and Civil Trials, H. Vearle Payne American Inn of Court, Albuquerque, New Mexico, Nov. 12, 2019 (panel)

Thou Shall Not Steal & Other Ethics Rules for Probate & Estate Planning Lawyers, Probate Issues for Non-Probate Lawyers, Wichita Bar Association & Wesley E. Brown Inn of Court, June 14, 2019

What's Bubbling Up in Oil, Gas & Mineral Law?, Recent Developments in the Law, University of Kansas School of Law, May 23, 2019

Annual Update: Business & Real Estate Law Ethics, 2019 Wichita Bar Association Business Law CLE, May 10, 2019

Annual Case Law Update—Kansas Oil & Gas Edition, Wichita Association of Petroleum Landmen, May 3, 2019

Oil, Gas & Mineral Law, 2019 Kansas Bar Association Annual Survey of Law, April 23, 2019

Adversarial Ethics, 2019 Wichita Bar Association Civil Practice CLE, April 19, 2019

Relationship Status—It's Complicated: Better Understanding the Lawyer–Client Relationship, 2018 Wichita Bar Association Fall Ethics CLE, Nov. 16, 2018

Ethics for New Lawyer, 2018 Wichita Bar Association Practical Skills for New Attorneys, Oct. 24, 2018

Keeping it Real Estate: An Ethics Update, 2018 Wichita Bar Association Real Estate Law CLE, May 11, 2018

Oil, Gas & Mineral Law, 2018 Kansas Bar Association Annual Survey of Law, April 23, 2018

The Legal Ethics of Mineral Title Examination, 2018 Spring Kansas Bar Association Oil, Gas & Mineral Law CLE, Mar. 2, 2018

Estates and Future Interests 101, Wichita Association of Petroleum Landmen, Jan. 8, 2018

Business Law Ethics Refresher, Kansas Association of Legal Assistants and Paralegals, Dec. 5, 2017

Royalty Mispayments from Multiple Perspectives, 2017 Kansas Bar Association Oil, Gas & Mineral Law CLE, Oct. 6, 2017

The Law of Oil and Gas Mortgages, Security Interests, and Statutory Liens, 2017 Eastern Kansas Oil & Gas Law Conference, Aug. 4, 2017

Recent Topics in Business Law Ethics, 2017 Wichita Bar Association Business Law CLE, May 12, 2017

Oil, Gas & Mineral Law, 2017 Kansas Bar Association Annual Survey of Law, April 24, 2017

Should I Be Scared? Secured Transactions in Mineral Title Examination, 2017 Spring Kansas Bar Association Oil, Gas & Mineral Law CLE, Mar. 3, 2017

Guest Lecturer, Mineral Title Examination Course, Washburn University School of Law, Jan. 2017

Recent Cases in the Ethics of Conflicts of Interest, 2016 Wichita Bar Association Fall Ethics CLE, Nov. 2016

Guest Lecturer, Environmental Regulation of the Oil & Gas Industry Course, Washburn University School of Law, Aug. 2016.

Environmental Law Primer for the Business Lawyer, 2016 Wichita Bar Association Business Law CLE, May 13, 2016

Current Status Update of Federal Environmental Laws, 2016 Spring Kansas Bar Association Oil, Gas & Mineral CLE, Mar. 4, 2016

Lease Drafting, Structuring, & Negotiating, 2015 Landlord-Tenant Law CLE, Sept. 2015

Employment Law for the Business Lawyer, 2015 Wichita Bar Association Business Law CLE, May 2015

Lesser Prairie-Chicken Conservation Plan, Mid-America Association of Division Order Analysts Meeting, July 2014

RESEARCH FUNDING

San Juan CarbonSAFE III, U.S. Dep't of Energy	2020–present
CarbonSAFE/Integrated CCS for Kansas (ICKan), U.S. Dep't of Energy	2016–2019

SELECTED HONORS & RECOGNITIONS

Judge Leon Karelitz Oil and Gas Law Professorship, UNM School of Law, 2019–
Nominated, UNM New Teacher of the Year, 2020, 2021, 2022
Adjunct Professor of the Year, Washburn University School of Law, 2019
Super Lawyers Rising Star—Missouri and Kansas, 2018, 2019
President's Award, Wichita Bar Association, 2019
Outstanding Service Award, Kansas Independent Oil & Gas Association, 2019
40 Under 40, Wichita Business Journal, Class of 2018
Influencer, Wichita Business Journal, 2018
Emerging Leader, Wichita Business Journal, 2017
Samuel Mellinger Award, University of Kansas School of Law, 2013
Order of the Coif, 2013
Shook Hardy & Bacon Scholar, 2013
Eagle Scout, Boy Scouts of America, 2001

COMMITTEES, MEMBERSHIP & AFFILIATIONS

New Mexico Supreme Court Rural Justice Initiative Ad Hoc Committee, 2022–present
State Bar of New Mexico, Board of the Natural Resources, Energy, and Environmental Law
Section, 2021–present
New Mexico Supreme Court Ad Hoc Committee for the Recruitment and Retention of
Lawyers for Rural New Mexico, 2020–21
American Bar Association
 Section of Environment, Energy, and Resources, Member
Kansas Bar Association
 Oil, Gas & Mineral Section, Member
 President, 2018–19
 Executive Committee, 2015–19
Wichita Bar Association
 Wichita Bar Association Nominating Committee, 2018–19
 Chair, Real Estate & Business Law Committee, 2016–19
 Complaint Investigator, Ethics & Disciplinary Committee, 2017–19
 Young Lawyers Society
 Treasurer, 2018–19
 Social Outreach Chair, 2013–14
Foundation for Natural Resources and Energy Law (formerly Rocky Mountain Mineral Law
Foundation)
 Nape Program Committee, 2022–
 Natural Resources Law Education Committee, 2021–

Institute for Energy Law
Academic Outreach Committee, 2020–
Law School Advisory Board, 2019–
H. Vearle Payne American Inn of Court (Albuquerque, NM), Member
Kansas Independent Oil & Gas Association
Board of Directors, 2015-22
Chair, Legislative Committee, 2016-19
Environmental Law Committee, 2015-19
Mid-America All-Indian Center
Treasurer, 2017–19
Board of Trustees, 2016–19
Kansas Legal Services—Pro Bono Volunteer
Kansas Audio-Reader Network, Volunteer
Ronald McDonald House—Red Shoe Society
Knights of Columbus, 4th Degree Member
Deputy Grand Knight, Immaculate Conception, Albuquerque 2020–21
University of Kansas Alumni Association, Life Member
Grace Church, Albuquerque, NM, Member