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PROFESSOR JOHN S. LOWE: A MASTER TEACHER WHO NEVER DOUBTED THE CONFIDENCE OF HIS CONVICTIONS EVEN WHEN HE WAS WRONG!

*Owen L. Anderson**

THE title of my tribute has little relationship to the following text. I offer this title because John and I agree on most oil and gas law issues, but we do disagree on a few. I will not bore you with that debate, however, because I want to focus on John's master teaching talents and my personal association with him over the past forty years.

I first corresponded with Professor Lowe in 1982, shortly after I was asked to prepare a paper¹ for the annual institute of the Rocky Mountain Mineral Law Foundation (RMMLF), now the Foundation of Natural Resources and Energy Law (FNREL). When he noticed the program, he wrote to me—at that time using now old-fashioned snail mail—to offer his assistance. I eagerly accepted, and he sent me some lease forms and a short article that he had written on the topic. At that time, he was teaching at the University of Tulsa.

Not long thereafter, he asked me to co-teach CLE classes in oil and gas law that he offered through his own CLE company. We co-taught several one- and two-day CLEs in various locations. About this time, we began outlining what would become an oil and gas law casebook. John had obtained some preliminary materials for an initial chapter from Professor Eugene Kuntz at the University of Oklahoma (OU). We soon asked Professor Ernest Smith at the University of Texas to join us, and we published the first edition of Kuntz, Lowe, Anderson, and Smith, *CASES AND MATERIALS ON OIL AND GAS LAW* (West 1986)—the eighth edition was just published in 2022.

Both John and I became frequent CLE instructors for various non-profit organizations, including the RMMLF (FNREL), the Eastern Mineral Law Foundation (now the Energy and Mineral Law Foundation),

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1. *David v. Goliath: Negotiating the 'Lessors 88' and Representing Lessors and Surface Owners in Oil & Gas Lease Plays*, 27 ROCKY MTN. MIN. L. INST. 1029 (1982).

and the Southwestern Legal Foundation Institute on Oil and Gas Law & Taxation (now the Institute for Energy Law). We also spoke at several law review symposium conferences. At these CLE events, especially the FNREL Oil and Gas Short Course, I was first able to observe and learn from John's teaching techniques. He had a great ability to reduce complex topics to what he often called "Essential Issues." Through this technique, he was able to simplify a complex topic so that the listener could easily grasp the most important issues surrounding a commonly recurring but complex dispute or complex agreement. He wrote a seminal article on farmout agreements—*Analyzing Oil and Gas Farmout Agreements*.² This piece demonstrates his gift as a writer, and he frequently lectured on farmout agreements using the outline of that article as a guide.

After lecturing at these CLE events, John was sometimes tired and occasionally a bit crotchety. One evening in Dallas, several CLE lecturers and their spouses decided to go to the hotel lounge for drinks. John's spouse, Jackie, was eager to participate, but John declined and went to bed. With Jackie's permission, as punishment for John's "party pooper" ways, we charged all the drinks to their room.

In the early 2000s, John and I started to travel the world—sometimes on our own but often together—lecturing on international petroleum law and transactions at various venues, including several law schools. We traveled together to about twenty countries—sometimes multiple times—on six continents—often accompanied by our spouses. On our first trip to Angola, we discovered that no "tourist visas" were offered, so we registered our spouses as our assistants.

On our first trip to Qatar, John's luggage did not arrive on our overnight flight from Bangkok. The hotel said not to be concerned—it would send a driver to pick up John's luggage from a flight that was due after midnight. John went to bed, but his room phone rang at 2:00 a.m. It was the hotel front desk advising him that he would need to go to the airport to claim his luggage in person. He got out of bed, dressed, and was taken to the airport in the hotel's courtesy car. At the airport, he was advised that bringing a bottle of scotch into the country was illegal. He stood by—probably weeping—as the customs official ceremoniously poured his bottle of Highland Park down the drain.

We tailored our international lectures to the desires of the sponsor and to the length of presentations. For several years, we taught week-long intensive classes in the UK at the University of Dundee and in Australia for the University of Melbourne, the University of Sydney, and the Australian Taxation Office. These classes involved about thirty hours of lectures in four and one-half days. During our nightly happy hour of single-malt whiskies, we often accused each other of teaching less than our fair share of these lengthy class sessions.

2. 41 Sw. L. J. (1987), reprinted, 25 PUB. LAND & RES. DIG. 5 (1988).

When teaching a one-week intensive class at the University of Dundee in 2003, I learned that John travels best when accompanied by his spouse, Jackie, who manages all logistics and leisure time. She did not make this trip. The University arranged hotel rooms for us at the Queens Hotel, an old Victorian structure near campus, where Winston Churchill stayed when he served in Parliament. The widely traveled Churchill is said to have declared the Queen's Hotel to be the worst hotel he had ever patronized. The local joke was that the hotel had done its best to ensure that Churchill's opinion would endure. One night I left my room to get a newspaper. When I exited the elevator at the lobby level, John was standing at the front desk in a nightshirt, yelling at the front desk clerk about some problem with his room. He reminded me of how Scrooge is portrayed when meeting Jacob Marley and the ghosts. I quickly got back on the elevator and went back to my room without a newspaper. During this same week, Queen Elizabeth II visited Dundee as part of the year-long celebration of the golden anniversary of her coronation. We dismissed class a bit early to see her. We were surprised that we were able to get within about 100 feet of her and Prince Phillip.

Due to our long association and our many teaching travels, I had the great privilege of observing his teaching style. I have shamelessly copied his teaching techniques to the extent of my abilities. He truly is a master teacher, and he was always willing to share his teaching materials. During our travels together, we exchanged slides and teaching materials so regularly that we lost track of which of us had created them.

John was perhaps most responsible for my decision to leave the University of North Dakota for Texas Tech University. I know that he was recruited by Tech to be the Maddox Professor, but he declined and recommended me. Four years later, he played an important role in my being named the Kuntz Professor (later Chair) at OU. I will always be grateful for his help and support over the years, for his counsel, and especially for his friendship.

With his retirement, Southern Methodist University has lost a great professor. With the previous retirements of Eugene Kuntz, Maurice Merrill, William Flittie, Howard Williams, Charlie Meyers, Richard Maxwell, Richard Hemingway, Ed Horner, Bruce Kramer, Pat Martin, Ernest Smith, Jacqueline Weaver, and David Pierce, I am the last of the old guard oil and gas profs still teaching. Thankfully, several younger professors, including Keith Hall, Monika Ehrman, Joe Schremmer, Freddy Sourgens, Fenner Stewart, James Coleman, Tara Righetti, Bill Keffer, and Chris Kulander, will carry the oil, gas, and energy law flag for some years to come. Oil and gas will remain important primary sources of energy for several decades. It will be up to the new guard, working across disciplines with engineers and geologists, to help facilitate the capture and sequestration of carbon emissions from oil and gas to address climate change.

Professor Lowe was a hard-driving law professor, consultant, and arbitrator, but he always prioritized his health and well-being and Jackie, his

children, and his grandchildren. When relaxing, he loved to talk about his grandchildren. I suspect that he will be an even more attentive grandfather in the coming years.