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A Tribute for Professor Lowe

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A TRIBUTE FOR PROFESSOR LOWE

*James W. Coleman**

IT is impossible for me to find words to express my gratitude to Professor Lowe for all that he has done for the Dedman School of Law, for the field of oil and gas law, and for my own career.

If you have had the privilege of hearing Professor Lowe speak, the first thing that is immediately clear is the depth of his preparation and the extreme clarity of his remarks. When I started teaching oil and gas law and international petroleum transactions in 2016, Professor Lowe gave me the priceless gift of his PowerPoint slides for both courses, and at times I felt like the class would have been clearer if, rather than even attempt my own approach, I simply presented his slides in series with or without my own dramatic reading.

Given his extreme clarity, what is most remarkable is that Professor Lowe is not presenting some established sequence of material—he is always presenting his own synthesis of the law, and it changes every year as groundbreaking cases shift the underlying structure of the law. His gift for synthesis and explanation is likely why he quickly became and remains one of the most central figures in the history of oil and gas law—nearly synonymous with the field.

Remarkably, Professor Lowe did not take oil and gas law in law school. It was not even offered by Harvard Law School when he attended. Nor did he have a background in oil and gas, growing up in rural Ohio. Instead, after studying to be a labor lawyer, he learned oil and gas law as a practical necessity to find a viable practice in his Columbus, Ohio, law firm.

His practical and analytical approach to oil and gas law has served the field very well, giving him a unique gift for digesting and explaining the law to generations of scholars, practitioners, and students. It is characteristic that his canonical articles on farmout agreements¹ and the oil and gas royalty² have been cited almost equally often by scholars and the state and federal courts—and remain staples of oil and gas instruction around the country. And he has become almost a one-man oil and gas publishing house. Alone or with co-authors, he has authored widely used textbooks such as *OIL AND GAS LAW IN A NUTSHELL*, *CASES AND MATERIALS ON OIL AND GAS LAW*, *INTERNATIONAL PETROLEUM TRANSACTIONS*, and

<https://doi.org/10.25172/smldr.76.1.4>

* Associate Professor, SMU Dedman School of Law.

1. John S. Lowe, *Analyzing Oil and Gas Farmout Agreements*, 41 Sw. L.J. 759 (1987).
2. John S. Lowe, *Defining the Royalty Obligation*, 49 SMU L. REV. 223 (1996).

HEMINGWAY OIL AND GAS LAW AND TAXATION—releasing over twenty editions of these and further texts.

Professor Lowe likes to quote Roscoe Pound's admonition that the law must be "continually repaired, restored, rebuilt and added to in order to meet" the shifting goals of contemporary society.³ Personally, I prefer Professor Lowe's own formulation: Each court should not "apply thousand-year-old common law principles blindly" but instead "make a system that works today and in the future in whatever state that court sits." Inspired by that practical but deeply ambitious goal—it is little wonder that Professor Lowe's scholarship has such an influence on scholars, students, and the courts.

But for those of us who know Professor Lowe personally, perhaps his greatest impact is through the steadfast, energetic, and enduring mentorship he offered to so many students and scholars throughout his career. I am just one among many academics, including my co-author Monika Ehrman, who owe my start in this field to his constant encouragement and assistance. And surely, vanishingly few professors could match his record of successfully supporting students for scholarship funding from professional organizations such as the Foundation for Natural Resources and Energy Law and the Energy and Mineral Law Foundation. Generations of students will always be grateful for all that he did to launch them in their careers.

Together with all those who owe so much to Professor Lowe—all those scholars, students, and practitioners and all the generations of lawyers to come who will benefit from his careful synthesis and explanation of the principles of this challenging field—I am delighted to pay tribute to his one-of-a-kind contribution to the field of energy law and wish him all the best for his retirement.

3. Roscoe Pound, *INTERPRETATIONS OF LEGAL HISTORY* 21 (1923).