

Essential Legal Research Methods and Resources for Colorado Lawyers

Program Description:

To solve any research problem, a researcher needs a research plan and knowledge of resources. In this CLE program, three law librarians from the University of Colorado Law School use a current legal problem to demonstrate research resources and methods to find applicable law and locate background information. The legal facts and issues are about hydraulic fracturing, or fracking, which is a major issue in Colorado. As oil and gas companies utilize this technique to extract natural gas resources trapped in shale rock, state and local governments are grappling with laws to balance the competing interests of companies, consumers and citizens. The instructors teach techniques to develop a research plan for the problem and use various online resources to locate background information. Additionally, the instructors work the research plan to locate appropriate statutes, regulations, cases, and local government law using free, low cost and subscription resources. Throughout the program, the law librarians provide research tips and guidance for efficient and cost effective researching.

RESEARCH FACT PATTERN

Acme Drillers, Inc. is a manufacturer of drills, drilling rigs and other apparatus used in the oil and gas industry. The company is interested in demonstrating the efficiency and environmental benefits of its newly developed small footprint, natural gas-powered drill rig for horizontal drilling in the Niobrara shale of northwest Colorado. Acme believes that major benefits of their drill rig are (1) smaller footprint of land surface disturbance; (2) ability to place the drill rig in close proximity to roads and structures; (3) reduced air emissions; (4) reduced noise; (5) minimizing the water used in drilling and completion; and (6) reduced traffic (due to fewer personnel on site and minimal trucking of water).

The company seeks to demonstrate the rig on an existing lease of one of the drilling operators in the area. It can choose from one of several sites including

- a National Grassland parcel with a split (federal, private) estate (Grassland managed by the US Forest Service);
- a National Grassland parcel where both the minerals and surface are federal (Grassland managed by the US Forest Service; minerals would be managed by BLM);
- a privately owned surface parcel with federal mineral; an
- a private fee-simple parcel in a subdivision

All of the sites are located in Weld County. The two privately owned sites are also located on the outskirts of but within the Longmont city limits.

Our firm has been retained by Acme to evaluate these potential drilling sites. Acme is interested in obtaining permission to demonstrate its rig with the least amount of permitting challenges, but is also interested in demonstrating the drills virtues. While other attorneys in our firm have been tasked to evaluate the other sites, our task is to determine what is legally required to obtain a

permit if drilling on the private fee-simple parcel in a subdivision. To do this, we need to evaluate the various potential drill sites based on:

- the entities involved in permitting decisions (federal, state and local);
- weighing potential impacts and permit requirements related to air quality;
- weighing potential impacts and permit requirements related to water quality and hydraulic fracturing chemicals; and
- weighing other potential impacts of development.

Program Chair

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