

*Texas Pattern Jury Charges—Oil & Gas (2018 Ed.)*  
**PJC Files Quick Index**

**Chapter 300 Admonitory Instructions**

- 300-1 Instructions to Jury Panel before Voir Dire Examination
- 300-2 Instructions to Jury after Jury Selection
- 300-3 Charge of the Court
- 300-3A Charge of the Court—Twelve-Member Jury
- 300-3B Charge of the Court—Six-Member Jury
  - 300-3 alt addl certificate
- 300-4 Additional Instruction for Bifurcated Trial
  - 300-4 addl instr pre-2003
  - 300-4 alt addl certificate
- 300-5 Instructions to Jury after Verdict
- 300-6 Instruction to Jury If Permitted to Separate
- 300-7 Instruction If Jury Disagrees about Testimony
- 300-8 Circumstantial Evidence (Optional)
- 300-9 Instructions to Deadlocked Jury
- 300-10 Privilege—Generally No Inference
- 300-11 Fifth Amendment Privilege—Adverse Inference May Be Considered
- 300-12 Parallel Theories on Damages
- 300-13 Proximate Cause
- 300-14 Instruction on Spoliation

**Chapter 301 Adverse Possession**

- 301-1 Adverse Possession (Comment)
- 301-2 Question and Instructions on Adverse Possession—Three-Year Limitations Period
  - 301-2 alt def adverse
  - 301-2 def property
- 301-3 Question and Instructions on Adverse Possession—Five-Year Limitations Period
  - 301-3 alt def adverse
  - 301-3 def property
- 301-4 Question and Instructions on Adverse Possession—Ten-Year Limitations Period
  - 301-4 alt def adverse
  - 301-4 def property
- 301-5 Question and Instructions on Adverse Possession—Twenty-Five-Year Limitations Period
  - 301-5 alt def adverse

- 301-5 def property
- 301-6 Question and Instructions on Adverse Possession with Recorded Instrument—Twenty-Five-Year Limitations Period
- 301-6 alt def adverse
- 301-6 def property

### **Chapter 302 Improper Use of Real Property**

- 302-1 Injury to Real Property from Oil and Gas Operations (Comment)
- 302-2 Question and Instruction on Reasonable Use of Surface Estate
- 302-3 Question and Instruction on Accommodation Doctrine
- 302-4 Question and Instruction on Trespass
- 302-5 Question and Instruction on Affirmative Good-Faith Defense to Trespass

### **Chapter 303 Lessor-Lessee Issues**

- 303-1 Claims for Breach of Lease Provisions (Comment)
- 303-2 Question on Breach of Express Pooling Provision
- 303-3 Question and Instruction on Good-Faith Pooling
- 303-4 Question on Breach of Express Royalty Provision
- 303-5 Question on Untimely Payment of Proceeds of Production under Natural Resources Code
- 303-6 Question on Location of Sale
- 303-7 Question and Instruction on Implied Duty to Reasonably Market Production (Proceeds/Amount Realized Royalty Provision)
- 303-8 Question and Instructions on Breach of Express Market Value Royalty Provision
- 303-9 Question and Instruction on Unreasonable Deduction of Postproduction Costs
- 303-10 Implied Covenants (Comment)
- 303-11 Question and Instructions on Breach of Implied Covenant to Protect against Drainage
- 303-12 Question and Instruction on Breach of Implied Covenant to Develop
- 303-13 Lease Termination (Comment)
- 303-14 Question on Failure to Tender Delay Rental Payment
- 303-15 Question and Instruction on Failure to Commence Operations before End of Primary Term
- 303-16 Question and Instruction on Failure to Commence Operations after Cessation of Production
- 303-17 Question and Instruction on Failure to Prosecute Operations without Cessation
- 303-18 Question and Instruction on Failure to Commence Operations after Completion of Dry Hole
- 303-19 Question on Cessation of Production
- 303-20 Question and Instructions on Cessation of Production in Paying Quantities
- 303-20A Question and Instruction on Cessation of Production in Paying Quantities
- 303-20B Question and Instruction on Continued Production by Reasonably Prudent Operator

- 303-21 Question on Date of Cessation of Production
- 303-22 Question and Instruction on Temporary Cessation of Production
- 303-23 Question on Failure to Tender Shut-In
- 303-24 Question and Instruction on Determining Whether Well Qualifies as Shut-In Well
- 303-25 Question on Force Majeure

#### **Chapter 304 Executive Rights**

- 304-1 Breach of Executive Rights Duty (Comment)
- 304-2 Question and Instruction on Breach of Executive Rights Duty

#### **Chapter 305 Oil and Gas Industry Agreements**

- 305-1 Oil and Gas Industry Contracts (Comment)
- 305-2 Basic Question—Existence
  - 305-2 alt Q fail comply
  - 305-2 alt Q bind terms
  - 305-2 alt Q future agree
- 305-3 Basic Question—Compliance (Non-JOA)
  - 305-3 alt Q limited
  - 305-3 alt Qs disjunctive
  - 305-3 addl instrs material
  - 305-3 addl instr code duty
  - 305-3 addl instr good faith
- 305-4 Instruction on Formation of Agreement
- 305-5 Instruction on Authority
- 305-6 Instruction on Ratification
- 305-7 Conditions Precedent (Comment)
- 305-8 Court's Construction of Provision of Agreement (Comment)
- 305-9 Instruction on Ambiguous Provisions
- 305-10 Trade Custom (Comment)
- 305-11 Instruction on Time of Compliance
- 305-12 Instruction on Offer and Acceptance
- 305-13 Instruction on Withdrawal or Revocation of Offer
- 305-14 Instruction on Price
- 305-15 Consideration (Comment)
- 305-19 Question and Instruction on Ambiguous Provisions
- 305-20 Question and Instruction on Reformation as an Affirmative Cause of Action
- 305-21 Question on Main Purpose Doctrine
- 305-22 Third-Party Beneficiaries (Comment)
  - 305-22 Q third party
- 305-23 Question on Promissory Estoppel

- 305-24 Question and Instruction on Quantum Meruit
- 305-25 Money Had and Received (Comment)
- 305-26 Unjust Enrichment (Comment)
- 305-27 Basic Question and Instructions on Breach of Joint Operating Agreement—Compliance
- 305-28 Questions and Instructions on Breach by Operator under Joint Operating Agreement  
Exculpatory Provision

## **Chapter 312 Defenses**

- 312-1 Defenses—Basic Question
- 312-2 Defenses—Instruction on Plaintiff’s Material Breach (Failure of Consideration)  
312-2 addl instr time
- 312-3 Defenses—Instruction on Anticipatory Repudiation
- 312-4 Defenses—Instruction on Waiver
- 312-5 Defenses—Instruction on Equitable Estoppel
- 312-6 Defenses—Instruction on Duress
- 312-7 Defenses—Instruction on Undue Influence
- 312-8 Defenses—Instruction on Mutual Mistake of Fact
- 312-9 Defenses—Instruction on Mutual Mistake—Scrivener’s Error
- 312-10 Defenses—Instruction on Novation
- 312-11 Defenses—Instruction on Modification
- 312-12 Defenses—Instruction on Accord and Satisfaction
- 312-13 Defenses—Instruction on Mental Capacity
- 312-14 Defenses—Statute of Frauds (Comment)
- 312-15 Question on Statute of Limitations—Discovery Rule
- 312-16 Question and Instruction on Repudiation of Title
- 312-17 Question and Instruction on Statutory Defense to Withholding of Payments and  
Prejudgment Interest
- 312-18 Question and Instruction on Bona Fide Purchaser Defense

## **Chapter 313 Damages**

- 313-1 Predicate—Instruction Conditioning Damages Questions on Liability
- 313-2 Instruction on Whether Compensatory Damages Are Subject to Income Taxes (Actions  
Filed on or after September 1, 2003)
- 313-3 Question and Instruction on Damages for Trespass Resulting in Production
- 313-4 Question on Reduction of Damages Resulting from Good-Faith Trespass
- 313-5 Damages Recoverable for Claims Involving Physical Injury to Real Property (Other  
Than by Production) (Comment)
- 313-6 Question on Frequency and Duration of Injury
- 313-7 Question and Instruction on Cost to Repair, Fix, or Restore Temporary Injury
- 313-8 Question and Instruction on Diminution in Market Value

- 313-9 Question and Instruction on Damages for Breach of Express Pooling Provisions and Implied Duty to Pool in Good Faith
- 313-10 Question and Instruction on Damages for Breach of Express Royalty Provision
- 313-11 Question and Instruction on Damages for Breach of Implied Duty to Reasonably Market Production
- 313-12 Question and Instruction on Damages for Breach of Express Market Value Royalty Provision
- 313-13 Question and Instruction on Damages for Unreasonable Deductions
- 313-14 Question and Instruction on Drainage Damages
- 313-15 Question and Instruction on Damages for Breach of Implied Covenant to Develop
- 313-16 Question and Instruction on Actual Damages for Breach of Executive Rights Duty  
313-16 alt instr sep elements
- 313-17 Question on Contract Damages  
313-17 addl instr sep theories  
313-17 alt instr sep elements
- 313-18 Sample Instructions on Direct and Incidental Damages—Contracts  
313-18 addl sample instrs
- 313-19 Instructions on Consequential Damages—Contracts
- 313-20 Question on Promissory Estoppel—Reliance Damages  
313-20 alt instr sep elements
- 313-21 Question on Quantum Meruit Recovery
- 313-22 Defensive Instruction on Mitigation—Contract Damages
- 313-33 Question on Attorney’s Fees  
313-33 addl instr factors

## **Chapter 314 Preservation of Charge Error**

- 314-1 Preservation of Charge Error (Comment)
- 314-2 Broad-Form Issues and the *Casteel* Doctrine (Comment)