

# 2003 Advanced Texas Administrative Law Seminar

## July 31 - August 1, 2003 • Eidman Courtroom • Austin, TX

### Thursday Morning, July 31, 2003

9:00 am 1.00 hr	<b>Thursday Box Lunch (walk up to purchase)</b>
9:00 am 1.00 hr	<p><b>The Constitutional and Statutory Basis for Agency Authority</b></p> <p>Foundational concepts of federal constitutional law guide both the structure and content of administrative law. This session will outline the concepts pertaining to the major themes of this conference, with attention to translation of the federal doctrines into state constitutional law, including some attention to Texas law.</p> <p>Harold H. Bruff, University of Colorado at Boulder School - Boulder, CO</p>
10:00 am 0.75 hr	<p><b>Rulemaking: Exercising Legislative Powers</b></p> <p>What are the rules for rulemaking, and is there play in the joints? What is the practical effect of the underlying legal theories, especially for smaller, more localized rulemaking bodies?</p> <p>Renea Hicks, Attorney at Law - Austin, TX Robin A. Melvin, Graves Dougherty Hearon &amp; Moody PC - Austin, TX</p>
11:00 am 0.75 hr	<p><b>Exercising Regulatory Powers: Compliance &amp; Restitution</b></p> <p>Discussion of the scope and use of regulatory powers of state agencies as well as the licensing, permitting and other forms of approval to do business or practice professions in Texas. State agency authority over and enforcement against unauthorized activity, as well as the state's power to order restitution in some instances will also be addressed.</p> <p>Edna Ramon Butts, Office of the Attorney General, State of - Austin, TX Mark D. Chouteau, Brown McCarroll, L.L.P. - Austin, TX</p>
11:45 am 0.75 hr	<p><b>The Adjudicatory Role of Agencies: Contested Hearings</b></p> <p>This presentation will address how SOAH gets involved with agency adjudications and what rules apply. In addition, how Administrative Law Judges (ALJs) are assigned SOAH dockets and the procedures that apply from referral of the docket to issuance of the proposal for decision and appeals will be discussed.</p> <p>Eric H. Drummond, Sifuentes Drummond &amp; Smith - Austin, TX William G. Newchurch, State Ofc Of Admin Hearings - Austin, TX</p>

### Thursday Afternoon, July 31, 2003

1:45 pm 1.00 hr	<p><b>Open Records 1973-2003: The Evolution of Texas Public Information Law</b></p> <p>Having served in the Attorney General's public information division at various times since 1973, the panel members trace the evolution of the TPIA on its 30th anniversary.</p> <p>Katherine Minter Cary, Atty General's Office - Austin, TX  Claude Robert Heath, Bickerstaff, Heath, Pollan &amp; Caroom, L.L. - Austin, TX  Jennifer Scott Riggs, Riggs &amp; Aleshire - Austin, TX</p>
2:45 pm 0.50 hr	<p><b>Open Meetings: A Practical Guide for Local Government Officials and Those Appearing before Them</b></p> <p>This session provides an update on the latest court cases and legislative changes in open meetings law, plus practical guidance on spotting and dealing with compliance issues that continue to be the source of recurring problems for public officials.</p> <p>David Mendez, Bickerstaff Heath Pollan &amp; Caroom - Austin, TX</p>
3:30 pm 0.50 hr	<p><b>Crossing the Great Divide</b></p> <p>Ethical considerations for lawyers moving in and out of government service.</p> <p>Mary F. Keller, York Keller &amp; Field - Austin, TX</p>
4:00 pm 0.25 hr	<p><b>Statutory Construction before Administrative Agencies</b></p> <p>Decisions and actions of administrative agencies rest upon statutes. This point applies to adopting a regulation, taking an action, or considering, rendering, and justifying contested rulings. Statutory construction is thus of substantial significance. The theory and practice of statutory construction is therefore always at least in the background of every administrative lawyer's work.</p> <p>Michael Sean Quinn, Quinn Hayes &amp; Quinn - Austin, TX</p>
4:15 pm 1.00 hr	<p><b>Once You've Exhausted Yourself at an Administrative Agency, Here's How You Gear up for Another Bite at the Apple</b></p> <p>This three speaker panel will review the administrative law concepts involved in getting to the courthouse, what kinds of remedies are available in the courthouse, and what to do in the district court and in the appellate courts. The judges on this panel will also provide practice tips on how to prepare an effective brief and oral argument.</p> <p>Lora Jeanette Livingston, Travis County District Court - Austin, TX  Celina Romero, Clark Thomas &amp; Winters - Austin, TX  Bob E. Shannon, Baker &amp; Botts - Austin, TX</p>

## Friday Morning, Aug. 1, 2003

8:15 am 1.50 hrs	<p><b>The Three Cardinal Virtues of the Ethical Lawyer</b></p> <p>The best way for a lawyer to avoid ethical difficulties is to cultivate the right sort of character so that decisions are almost automatic.</p> <p>Michael Sean Quinn, Quinn Hayes &amp; Quinn - Austin, TX</p>
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9:55 am 1.00 hr	<p><b>Parallel Proceedings</b></p> <p>Representing the client who is the subject of criminal, civil and administrative law proceedings.</p> <p>Charles R. Burton, Austin, TX  Janet I. Monteros, Attorney at law - Austin, TX  Patrick D. Redman, Texas County &amp; District Retirement Syste - Austin, TX  Jesus Sifuentes, Sifuentes, Drummond &amp; Smith, LLP - Austin, TX</p>
11:05 am 0.75 hr	<p><b>Contracting Disputes with the State: Procedural Tricks and Traps at the State Office of Administrative Hearings (SOAH)</b></p> <p>How to contract with the state. How to handle contract disputes with the state, state agencies or state universities under Government Code Ch. 2260.</p> <p>Matthew C. Ryan, Allensworth And Porter, L.L.P. - Austin, TX  Linda I. Shaunessy, Attorney General's Office - Austin, TX</p>
11:50 am 0.75 hr	<p><b>Sovereign Immunity</b></p> <p>This presentation will address the elements of sovereign immunity, immunity from suit and immunity from liability. The speakers will also discuss the types of claims and causes of action to which immunity from suit and immunity from liability apply as well as the various ways in which immunity can be waived.</p> <p>Michael A. Shaunessy, Shaunessy &amp; Burnett PC - Austin, TX</p>