

# ADMINISTRATIVE LAW IN TEXAS

INCLUDES IN-DEPTH COVERAGE OF FOIA AND  
THE TEXAS PUBLIC INFORMATION ACT

Earn up to 12.00 Hours of Credit  
Including 3.00 Hours of Ethics Credit

Specialization credit expected for: Administrative Law



REGISTER EARLY — SEATING LIMITED TO 125 — SPECIAL \$200 STATE EMPLOYEE RATE AVAILABLE

July 29-30, 2004

The Eidman Courtroom in the Connally Center at  
The University of Texas School of Law  
Austin, Texas

# ADMINISTRATIVE LAW IN TEXAS

INCLUDES IN-DEPTH COVERAGE OF FOIA AND THE TEXAS PUBLIC INFORMATION ACT

July 29-30, 2004 • The Eidman Courtroom, Connally Center • Austin, Texas

Earn up to 12.00 Hours of Credit Including 3.00 Hours of Ethics Credit

## THURSDAY MORNING, JULY 29

**Presiding Officer:**  
**Edna Ramon Butts**  
Austin

**8:00 a.m. Registration Opens**

Includes continental breakfast.

**8:50 a.m. Welcoming Remarks**

**9:00 a.m. (1.00 hour)**

### The Constitutional and Statutory Basis for Agency Authority

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.

Richard J. Pierce, Jr., Washington, DC

**10:00 a.m. (0.75 hour)**

### Rulemaking: Before Filing a Challenge

Is it a rule, a guideline, or an ad hoc adjudication? What's the applicability of a rule?

Anthony C. Grigsby, Austin

**10:45 a.m. Break**

**11:00 a.m. (0.75 hour)**

### Judicial Challenges to Agency Rules

A discussion of litigation over the validity and applicability of Texas agency rules: how rule challenges are brought and how courts decide them.

Susan G. Conway, Austin

**11:45 a.m. (0.50 hour)**

### Legislative, Judicial, and Interagency Impact on Rulemaking and Interpretation

This unit will examine the effect on the administrative rulemaking process and interpretation of rules of legislative oversight, judicial authority, and interagency opinions.

Jack R. Drews, Austin  
Hon. Bob Pemberton, Austin

**12:15 p.m. Lunch on your own**

## THURSDAY AFTERNOON

**Presiding Officer:**  
**Janet I. Monteros**  
Austin

**1:30 p.m. (0.75 hour including 0.25 hour ethics/PR credit)**

### The Complex Contested Case

How to try a complex matter before Agency Commissioners and Administrative Law Judges.

Lino Mendiola III, Austin

**2:15 p.m. (0.75 hour)**

### Judicial Deference to Agency Action

This presentation will focus on the parameters of *Chevron* deference including its effect on delegated action. In addition, doctrines of state deference will be examined. The presentation will conclude with an analysis concerning whether greater judicial oversight is warranted in light of *Chevron's* broad parameters.

Gerry Pels, Houston

**3:00 p.m. Break**

**3:15 p.m. (1.00 hour)**

### The Definitive Guide to the Freedom of Information Act (FOIA)

The FOIA has become a model for open government laws from Buenos Aires to Shanghai. Noted FOIA expert and author Tom Susman provides an in-depth exploration of how the Act works, what it has accomplished, and what the future holds.

Thomas M. Susman, Washington, DC

**4:15 p.m. (0.50 hour)**

### Understanding and Working with the Texas Public Information Act

The Texas Public Information Act functions as the Texas equivalent of FOIA, and enables access to information generated by and submitted to governmental bodies, including state agencies, local school boards, municipal boards and commissions, law enforcement agencies -- indeed virtually all governmental entities. Larry York, a leading practitioner and expert, explains how to seek and protect information under the Act.

Larry F. York, Austin

**4:45 p.m. (0.50 hour)**

### Current Issues and Strategies for Obtaining and Protecting Information Under the Texas Public Information Act and the FOIA

Open government laws allow media, the public, academics, advocacy organizations, and businesses to obtain from the computers and file cabinets of government not only information about what agencies are doing, but also information submitted by others. This presentation by two experienced users of these statutes will explore practical aspects of how requesters can most effectively use the federal and Texas laws, what submitters of information must do to protect sensitive data, the role of the Attorney General, and litigating Public Information Act and FOIA cases.

Thomas M. Susman, Washington, DC  
Larry F. York, Austin

**5:15 p.m. Adjourn**

## FRIDAY MORNING, JULY 30

**Presiding Officer:**  
**David Méndez**  
Austin

**8:00 a.m.**

Conference room opens; continental breakfast provided.

**8:30 a.m. (0.75 hour)**

### Special Problems Under the Open Meetings Act

This presentation will focus on issues faced by political subdivisions taking their meetings "on the road" as well as other emerging issues. In addition, and just in time for the 2005 Legislative Session. This presentation will include a discussion of legislative meeting notice rules of the legislature and its committees.

David Méndez, Austin

**9:15 a.m. (0.75 hour ethics/PR credit)**

### Ethical Issues in Communications with Agency Decisionmakers

Discussion of the pitfalls and legal considerations affecting a wide variety of agency communications, including ex parte issues, responsible lobbying and due process concerns.

Pamela M. Giblin, Austin

**10:00 a.m. Break**

10:15 a.m. (1.00 hour)

### Judicial Review

A distinguished panel of judges will provide the audience with their perspectives on law and advocacy of administrative law appeals.

Steve Baron, Austin (Moderator)  
Hon. Joseph H. Hart, Austin (Invited)  
Hon. Jan P. Patterson, Austin  
Hon. Suzanne Covington, Austin (Invited)

11:15 a.m. (1.00 hour)

### Sovereign Immunity, Legalese for "I Can't Get No Satisfaction"

Discussion of the scope of protection afforded by sovereign immunity, how sovereign immunity can be waived and what claims can be maintained against governmental entities/officials without obtaining a waiver of immunity. The presentation will address recent developments in the area of immunity, particularly focusing on contract claims, claims for injunctive relief as well as tort claims.

Michael A. Shaunessy, Austin

12:15 p.m. Lunch on your own

## FRIDAY AFTERNOON

1:30 p.m. (2.00 hour ethics/PR credit)

### Ethical, Professional, Fulfilling, and Successful Law Practice In and Out of Government

What can we do as lawyers to live happy and successful professional lives? We can succeed by doing the right thing and seeking justice. Here's how.

Charlotte A. Brauchle,  
San Antonio and Uvalde  
William J. Chriss, Corpus Christi  
Mary F. Keller, Austin

3:30 p.m. Adjourn

## About this Conference

This year's Administrative Law Conference blends presentations by renowned academics, practitioners, and members of the judiciary. Highlights include: an overview of the constitutional and statutory basis for agency authority by noted law professor Richard Pierce; an in-depth exploration of FOIA and the Texas Public Information Act by experts Thomas Susman and Larry York; plus sessions on sovereign immunity, judicial deference to agency action, and a special segment on successful practice — in and out of government. Earn up to 12 hours of MCLE credit, including 3 hours of ethics.

## PLANNING COMMITTEE

EDNA RAMON BUTTS - Co-Chair Austin	DUDLEY D. MCCALLA Austin
DAVID MENDOZ - Co-Chair Austin	JANET I. MONTEROS Austin
STEVE BARON Austin	WENDY E. WAGNER Austin
ROGER BORGELT Austin	DONALD N. WALKER Austin
ANTHONY F. HALEY Austin	MICHAEL ESPOSITO Austin

## Key Dates:

Cancellations & Last Minute Registrations

July 21, 2004, 5 p.m.

•last day for early registration  
add \$50 for registrations  
received after this time

July 23, 2004, 5 p.m.

•last day for full refund

July 26, 2004, 5 p.m.

(Monday before conference)  
•last day for partial refunds  
(\$50 processing fee applied)

July 29, 2004, 9 a.m.

•conference begins

Mail this registration form or fax a copy to: (512) 475-6876

### REGISTRATION FOR AL04

The University of Texas School of Law • Office of Continuing Legal Education

Attn: AL04 • Post Office Box 7759 • Austin TX 78713-7759

### PLEASE PRINT CLEARLY

Bar Card# \_\_\_\_\_ ☐ TX ☐ Other State: \_\_\_\_\_ ☐ N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

### REGISTRATION - Includes printed materials in course binder.

☐ Early Registration Fee due by Wed., July 21, 2004 ..... \$325.00

☐ Registration Fee after Wed., July 21, 2004 ..... \$375.00

☐ State employee discounted rate (\$250 after July 21) ..... \$200.00

### ALSO AVAILABLE - Allow 2-3 weeks from conference date for delivery.

☐ Printed materials in course binder ..... \$200.00

☐ Audio CD Set ..... \$175.00

☐ In-House CLE for 2 - Includes audio CD + printed materials ..... \$750.00

\_\_\_\_\_ Add participants with printed materials at \$200 each ..... \$ \_\_\_\_\_

\_\_\_\_\_ Add participants without printed materials at \$150 each ... \$ \_\_\_\_\_

### METHOD OF PAYMENT

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card #     -     -     -

X \_\_\_\_\_  
Authorized Signature

/    
Exp. Date (mm/yy)

## CONFERENCE FACULTY

STEVE BARON  
Office of the Texas  
Attorney General  
Natural Resources Division  
Austin

CHARLOTTE A. BRAUCHLE  
St. Mary's University School of Law  
and Ceasefire, Inc.  
San Antonio and Uvalde

WILLIAM J. CHRISS  
Law Offices of William J. Chriss, P.C.  
Corpus Christi

SUSAN G. CONWAY  
Graves, Dougherty, Hearon  
& Moody, P.C.  
Austin

HON. SUZANNE COVINGTON (Invited)  
201st District Court  
Austin

JACK R. DREWS  
Texas Legislative Council  
Austin

PAMELA M. GIBLIN  
Baker Botts L.L.P.  
Austin

ANTHONY C. GRIGSBY  
Office of the Texas  
Attorney General  
Natural Resources Division  
Austin

HON. JOSEPH H. HART (Invited)  
Of Counsel, Akin, Gump, Strauss, Hauer  
& Feld, L.L.P.  
Austin

MARY F. KELLER  
York, Keller & Field L.L.P.  
Austin

DAVID MÉNDEZ  
Bickerstaff, Heath, Smiley, Pollan,  
Kever & McDaniel, L.L.P.  
Austin

LINO MENDIOLA III  
Andrews & Kurth, L.L.P.  
Austin

HON. JAN P. PATTERSON  
Third Court of Appeals  
Austin

GERRY PELS  
Locke Liddell & Sapp LLP  
Houston

HON. BOB PEMBERTON  
Third Court of Appeals  
Austin

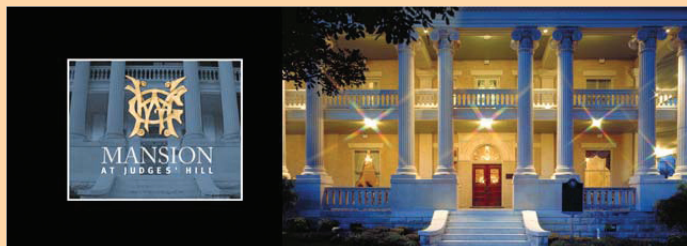
RICHARD J. PIERCE, JR.  
George Washington Law School  
Washington, DC

MICHAEL A. SHAUNESSY  
Shaunessy, Burnett  
& Greenberg, P.C.  
Austin

THOMAS M. SUSMAN  
Ropes & Gray LLP  
Washington, DC

LARRY F. YORK  
York, Keller & Field, L.L.P.  
Austin

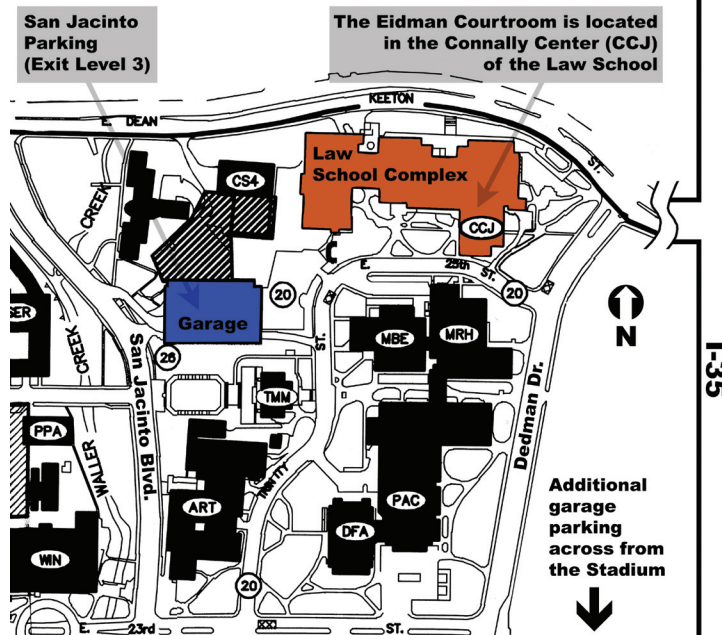
### ★ ★ Mansion at Judges' Hill - Four Star Luxury ★ ★ Special \$80 rate for conference registrants



The Mansion at Judges' Hill is a new four-star 48-room boutique hotel and restaurant in Austin, TX, located about 10 blocks from the University of Texas School of Law. By special arrangement, registrants for the Administrative Law Conference are eligible for a rate of \$80 per night through **June 28, 2004**.

Early hotel and conference registration is highly recommended, as rooms are limited at the Mansion at Judges' Hill and courtroom space at The Law School limits registrations to 125 maximum.

**Mansion at Judges' Hill**  
1900 Rio Grande  
Austin, TX 78705  
1-800-311-1619  
[www.mansionatjudgeshill.com](http://www.mansionatjudgeshill.com)



**M  
C  
L  
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.00 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit.

[www.utcle.org](http://www.utcle.org)  
Online Courses



### ABOUT THE COVER

"Tessere II," acrylic on canvas, is by Esmé Thompson. For information, call (603) 298-2906 or email her at [esme.thompson@dartmouth.edu](mailto:esme.thompson@dartmouth.edu).

**utcle.org**

THE UNIVERSITY OF TEXAS AT AUSTIN  
THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
P.O. Box 7759 • Austin, TX 78713-7759

*This program is not printed or mailed at state expense.*

## ADMINISTRATIVE LAW IN TEXAS

INCLUDES IN-DEPTH COVERAGE OF FOIA AND THE TEXAS PUBLIC INFORMATION ACT

July 29-30, 2004 • The Eidman Courtroom, Connally Center • Austin, Texas

### NON-PROFIT-ORG

U.S. Postage Paid  
The University of  
Texas  
School of Law

E-mail us at

[utcle@mail.law.utexas.edu](mailto:utcle@mail.law.utexas.edu)

or call us at

512-475-6700

for more information