

**2004 Advanced Texas Administrative Law Seminar  
July 29-30, 2004 • Eidman Courtroom • Austin, TX  
December 6-7, 2004 • Austin**

**Day 1 Morning**

9:00 am In Austin Only 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.</p> <p>Richard J. Pierce Jr., George Washington Univ. Law School - Washington, DC</p>
10:00 am In Austin Only 0.75 hr	<p><b>Rulemaking: Before Filing a Challenge</b></p> <p>Is it a rule, a guideline, or an ad hoc adjudication? What's the applicability of a rule?</p> <p>Anthony C. Grigsby, Office Of The Attorney General - Austin, TX</p>
11:00 am In Austin Only 0.50 hr	<p><b>Judicial Challenges to Agency Rules</b></p> <p>A discussion of litigation over the validity and applicability of Texas agency rules: how rule challenges are brought and how courts decide them.</p> <p>Susan G. Conway, Graves Dougherty &amp; Hearon Moody - Austin, TX</p>
11:45 am In Austin Only 0.50 hr	<p><b>Legislative, Judicial, and Interagency Impact on Rulemaking and Interpretation</b></p> <p>This unit will examine the effect on the administrative rulemaking process and interpretation of rules of legislative oversight, judicial authority, and interagency opinions.</p> <p>Jack R. Drews, Texas Legislative Council - Austin, TX Hon. Robert Pemberton, 3rd Court of Appeals - Austin, TX</p>

**Day 1 Afternoon**

1:30 pm In Austin Only 0.00 hr 0.25 hr ethics	<p><b>The Complex Contested Case</b></p> <p>How to try a complex matter before Agency Commissioners and Administrative Law Judges.</p> <p>Lino Mendiola III, Andrews &amp; Kurth LLP - Austin, TX</p>
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2:15 pm In Austin Only 0.75 hr	<p><b>Judicial Deference to Agency Action</b></p> <p>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.</p> <p>Gerald J. Pels, Locke Liddell &amp; Sapp LLP - Houston, TX</p>
3:15 pm In Austin Only 1.00 hr	<p><b>The Definitive Guide to the Freedom of Information Act (FOIA)</b></p> <p>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.</p> <p>Thomas M. Susman, Ropes and Gray - Washington, DC</p>
4:15 pm In Austin Only 0.50 hr	<p><b>Understanding and Working with the Texas Public Information Act</b></p> <p>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.</p> <p>Larry Farish York, York, Keller &amp; Field, L.L.P. - Austin, TX</p>
4:45 pm In Austin Only 0.50 hr	<p><b>Current Issues and Strategies for Obtaining and Protecting Information under the Texas Public Information Act and the FOIA</b></p> <p>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.</p> <p>Thomas M. Susman, Ropes and Gray - Washington, DC Larry Farish York, York, Keller &amp; Field, L.L.P. - Austin, TX</p>

## Day 2 Morning

8:30 am In Austin Only 0.75 hr	<p><b>Special Problems under the Open Meetings Act</b></p> <p>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.</p> <p>David Mendez, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
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9:15 am In Austin Only 0.00 hr 0.75 hr ethics	<b>Ethical Issues in Communications with Agency Decisionmakers</b>  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, Baker & Botts - Austin, TX
10:15 am In Austin Only 1.00 hr	<b>Judicial Review</b>  A distinguished panel of judges will provide the audience with their perspectives on law and advocacy of administrative law appeals.  Steve Baron, Consulting and Legal Services - Austin, TX Suzanne Covington, Austin, TX Joseph Hill Hart, Austin, TX Jan Patterson, 3rd Court Of Appeals - Austin, TX
11:15 am In Austin Only 1.00 hr	<b>Sovereign Immunity, Legalese for "I Can't Get No Satisfaction"</b>  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, Shaunessy & Burnett PC - Austin, TX

## Day 2 Afternoon

1:30 pm In Austin Only 0.00 hr 2.00 hrs ethics	<b>Ethical, Professional, Fulfilling, and Successful Law Practices in and out of Government</b>  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, Ceasefire - San Antonio, TX William John Chriss, Law Offices Of William J. Chriss, P.C. - Corpus Christi, TX Mary F. Keller, York Keller & Field - Austin, TX
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