

2005 ADMINISTRATIVE LAW

Earn up to 11.25 Hours of Credit Including 1.50 Hours of Ethics Credit

Specialization Credit Expected for Administrative Law



SPECIAL \$225 STATE EMPLOYEE REGISTRATION FEE

July 28-29, 2005
Hyatt Regency on Town Lake
Austin, Texas

2005 ADMINISTRATIVE LAW

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THURSDAY MORNING, JULY 28, 2005

Presiding Officer: Robin A. Melvin, Austin

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:15 a.m. 1.00 hr

The Constitutional Underpinnings of Administrative Law

This session will discuss separation of powers and delegation plus a special discussion of the Constitutional underpinnings of due process standards for public participation in hearings and rulemaking.

Ron Beal, Professor, Baylor Law School, Waco

10:15 a.m. 1.00 hr

Working with Texas Administrative Procedures Act (APA)

This session opens with an interview of Dudley McCalla, who played a key role in the development of the Administrative Procedures Act in Texas. The presentation will focus on the factors that led to the adoption of the original Texas APA 30 years ago, the changes to the APA since that time, and the application of the APA to rulemakings and contested cases today.

Dudley D. McCalla, Austin (via videotape)
Robin A. Melvin, Austin

11:15 a.m. Break

11:30 a.m. .75 hr

Public Participation in Contested Cases in Texas—Permitting and Enforcement

This article discusses the right of the public to participate in state penalty and enforcement contested case hearings, focusing on programs administered by the TCEQ.

Jeff Civins, Austin
Co-author—Iris Gibson

12:15 p.m. Lunch On Your Own

THURSDAY AFTERNOON, JULY 28, 2005

Presiding Officer: Janet I. Monteros, Austin

1:30 p.m. 1.25 hr

Sovereign Immunity

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

2:45 p.m. .75 hr

Delegations to SOAH—Hearings, Final Decisions and Overturning an ALJ Recommendation

James Barkley, Houston

3:30 p.m. Break

3:45 p.m. .75 hr

Judicial Deference to Administrative Action

This presentation focuses on the parameters of *Chevron* deference including effect on delegated actions. In addition, doctrines of state deference are examined. The presentation concludes with an analysis concerning whether greater judicial oversight is warranted in light of *Chevron's* broad parameters.

Gerald J. Pels, Houston

4:30 p.m. .50 hr

How to Avoid the Tricks, Traps and Pitfalls of Obtaining Judicial Review

An unwary litigant can easily succumb to various pitfalls in his or her efforts to obtain judicial review of contested administrative decisions. This presentation will show you how to avoid some of the most common and dangerous errors in your quest to obtain judicial review.

Lino Mendiola, III, Austin

5:00 p.m. .50 hr

Rulemaking—How to Make and Challenge Rulemaking

Rulemaking requirements and statutory effect of failure to follow rulemaking requirements.

David C. Mattax, Austin

5:30 p.m. Adjourn

FRIDAY MORNING, JULY 29, 2005

Presiding Officer: Celina Romero, Austin

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. 1.00 hr

Legislative Update Panel

How did the 79th legislature affect the major areas of administrative practice? Several experienced practitioners will review the results.

Moderator: Roger B. Borgelt, Austin
Katherine K. Mudge, Austin
Celina Romero, Austin
Donald N. Walker, Austin
Walsh Anderson Attorney TBD

10:00 a.m. .50 hr

Uses and Abuses of Declaratory Judgments in Suits Involving the Judicial Review of Contested Cases

Exploring the limits of declaratory judgment or a tool for judicial review of agency actions.

Ray Langenberg, Austin

10:30 a.m. Break

10:45 a.m. .50 hr

Open Records—"Protecting Your (Third Party) Confidential Information"

Best practices for submitting information to a governmental body and defending against its disclosure in response to a request under the Texas Public Information Act.

Kimberly A. Frost, Austin

11:15 a.m. .50 hr including .25 hr ethics

Parliamentary Based Legal Challenges to Administrative Statutes

Knowing how the sausage was made is useful in determining legislative intent. Familiarity with rules governing the legislative process is necessary to unravel the mysteries of the record and to successfully challenge agency decisions. Related ethical and professional practice issues will also be covered.

Denise Davis, Austin
Anthony Haley, Austin

11:45 a.m. Lunch On Your Own

FRIDAY AFTERNOON, JULY 29, 2005

Presiding Officer: Celina Romero, Austin

1:00 p.m. 1.25 hr ethics

**Conflicts and Other Ethical Issues Faced
by Administrative Lawyers**

A leading authority on professional practice and conflicts explores conflicts in the context of an administrative law practice.

Michael Sean Quinn, Austin

2:15 p.m. 1.00 hr

Judges Panel

Trial court and appellate judges discuss the practical application of constitutional law principles to administrative law cases.

David Duggins, Austin—Moderator
Hon. Margaret A. Cooper, Austin
Hon. Jan P. Patterson, Austin
Hon. Bea Ann Smith, Austin

3:15 p.m. Adjourn

ABOUT THIS CONFERENCE

This conference brings together practitioners and members of the judiciary, regulatory and academic communities. Special sessions this year include: a legislative update panel on key developments in administrative law practice; overturning an ALJ recommendation; judicial deference to administration action; working with the Texas APA and more.

**COMMENTS FROM PAST
ADMINISTRATIVE LAW
CONFERENCES:**

"Excellent CLE! Keep up the good work, especially on the quality of speakers."

"Great content and speakers!"

"This was a very well-organized and timely program."

"Brilliant speakers."

"Substance was excellent."

"Scholarly and well-prepared speakers."

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- ☐ Early Registration Fee due by Wed. July 20, 2005 \$350.00
☐ Registration Fee after Wed. July 20, 2005 \$400.00
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AUSTIN

July 28-29, 2005

CONFERENCE LOCATION



Hyatt Regency on Town Lake
208 Barton Springs
Austin, TX 78704
800-233-1234

\$125 (subject to availability) good through **July 5, 2005**

Parking: \$4 self-parking
(subject to change)

KEY DATES

Registration and Cancellation

July 20, 2005, 5 p.m.

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

July 22, 2005, 5 p.m.

•last day for full refund

July 25, 2005, 5 p.m.

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

July 28, 2005, 9:15 a.m.

•conference begins

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