

2006

ADMINISTRATIVE LAW

Earn up to 11.50 Hours of Credit Including 2.00 Hours of Ethics Credit

Specialization Credit Expected for Administrative Law



July 27-28, 2006
Radisson Hotel & Suites
Austin, TX

Special \$250 State Employee Registration Fee

2006 ADMINISTRATIVE LAW

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THURSDAY MORNING, JULY 27, 2006	THURSDAY AFTERNOON	5:30 p.m. Adjourn
Presiding Officer: Roger B. Borgelt, Austin	Presiding Officer: Janet I. Monteros, Austin	FRIDAY MORNING, JULY 28, 2006
8:00 a.m. Registration Opens Includes continental breakfast.	1:30 p.m. .50 hr Agency Standing to Sue and Justiciability of Political Issues How do state and local entities achieve things in the courts that they could not otherwise achieve through their administrative processes? Kristofer S. Monson, Austin	Presiding Officer: William Coe, Austin
9:20 a.m. Welcoming Remarks	2:00 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	9:00 a.m. .50 hr An Agency's Ability to Modify ALJ Findings Set Forth in a Proposal for Decision This session will discuss the power and limitations governing an agency's ability to modify the findings of a SOAH ALJ's proposal for decision. Section 2001.058(e) of the APA and other relevant statutes governing an agency's power to render a final decision will be examined and analyzed, as well as recent case law decisions rendered by the 3rd Court of Appeals. Ron Beal, Waco
9:30 a.m. .75 hr Section 2001.038 Declaratory Judgment Actions Challenging the Validity of a Rule: A Question of Timing This session will discuss the ability of a person to challenge the validity of a rule by way of a declaratory judgment action pursuant to the APA. Current case law will be reviewed demonstrating an inconsistency in interpretation by the 3rd Court of Appeals—as to when a declaratory judgment may proceed when there is a pending agency contested case proceeding or a final order rendered by the agency. The availability of a temporary injunction during the pendency of the declaratory judgment action will also be examined. A suggested resolution of the conflicting case law will be set forth and discussed. Ron Beal, Waco	3:15 p.m. Break	9:30 a.m. .75 hr including .25 hr ethics A Practical Guide For Using the Texas Public Information Act Effectively and Efficiently The best practices for effective and efficient use of the Texas PIA from the perspectives of the requestor, the agency, and a non-governmental entity whose sensitive information is in the possession of a governmental body covered by the PIA. C. Robert Heath, Austin
10:15 a.m. .50 hr Case Law Update A summary of key issues involving administrative law over the past year. Kerry McGrath, Austin	3:30 p.m. .50 hr Select Developments in Occupational Licensing This presentation will review recent developments in the regulation of occupational licenses, with an emphasis on the licensees' due process rights to meaningful notice at hearings. J. Bruce Bennett, Austin	10:15 a.m. Break
10:45 a.m. Break	4:00 p.m. .75 hr Effective Practice Before the State Office of Administration Hearings What are the nuances of advocacy in contested case proceedings; do courtroom trial tactics work? Hon. Cathleen Parsley, Austin	10:30 a.m. .25 hr ethics Shifting Gears: Protecting Confidential Information in Judicial Appeals of Agency Actions Texas administrative agencies often have rules and procedures for protecting the confidentiality of trade secrets and other proprietary information during the agency hearing process. This topic takes the next step, discussing the issues and practical solutions associated with maintaining confidentiality when the record from your contested case proceeding becomes the subject of a lawsuit. John F. Williams, Austin
11:00 a.m. .75 hr State Agency Employment Issues A discussion of recent developments in employment law cases affecting government agencies including discrimination, whistleblowers, and what constitutes "adverse employment action." Philip Durst, Austin	4:45 p.m. .75 hr Working with Legislative Oversight Committees An administrative lawyer cannot ignore the legislature. The legislature exercises tremendous influence over agency rulemaking through its oversight powers, even after a bill has become law. Denise Davis, Austin Anthony Haley, Austin	10:45 a.m. 1.00 hr Judges Panel A distinguished panel of judges will share observations and respond to practitioners' questions about effective advocacy and appellate/administrative law issues. Moderator: Steve Baron, Austin Hon. Suzanne Covington, Austin Hon. Nathan L. Hecht, Austin Hon. Jan P. Patterson, Austin
11:45 a.m. .50 hr Workers Comp Update An examination and exploration of how claims, reviews, and appeals are handled at the Texas Department of Insurance. Jane Lipscomb Stone, Austin		
12:15 p.m. Lunch on Your Own		

11:45 p.m. Lunch on Your Own

FRIDAY AFTERNOON

Presiding Officer: Laura L. LaValle, Austin

1:00 p.m. 1.00 hr

Commissioners Panel: Effective Advocacy for Rulemaking and Other Agency Action

What do commissioners at major representative agencies find persuasive in evaluating contested cases, rulemaking and other agency actions?

- Moderator: Roger B. Borgelt, Austin
Commissioner Julie Caruthers Parsley, PUC, Austin
Dr. Bruce A. Scudday, Podiatric Medical Examiners, El Paso
Commissioner Larry R. Soward, TCEQ, Austin

2:00 p.m. .50 hr including .25 hr ethics

Ethical Considerations when Attorneys Submit and Certify Complex Factual Statements: How Much Diligence is Due?

Discussion and analysis of an attorney's ethical duties and obligations when submitting complex factual statements to agencies. How much diligence is due? What to advise your clients.

Rodman Johnson, Austin

2:30 p.m. 1.25 hrs ethics

Administrative Practice: Ethics and the Law Governing Lawyers

This session covers the law governing lawyers, with particular focus on issues relevant to administrative practice, such as ex parte communications, privilege, conflicts, and more.

Michael Sean Quinn, Austin

3:45 p.m. Adjourn

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The University of Texas School of Law, Attn. AL06
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PLEASE PRINT CLEARLY

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Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION (Includes Course Binder)

- Early Registration Fee due by Wed., July 19, 2006 \$375.00
Registration Fee after Wed., July 19, 2006 \$425.00
State Employee Registration Fee (\$300 after July 19, 2006) \$250.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

- Course Binder WITHOUT Conference Registration \$200.00
Audio CD Set \$175.00
eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

IN-HOUSE CLE: Bring the conference in-house and learn at your convenience.

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- In-House CLE for 2—Includes Audio Set and 2 Course Binders \$750.00
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TOTAL ENCLOSED \$

METHOD OF PAYMENT

- Check (make checks payable to: The University of Texas at Austin)
Purchase Order VISA or Mastercard (sorry, no AMEX or Discover)

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Authorized Signature

Exp. Date (mm/yy)

About the 2006 Administrative Law Conference

Bringing together practitioners and members of the judiciary, regulatory and academic communities, don't miss:

- Updates: Case law, state agency employment, and workers' comp issues
The scope of protection afforded by sovereign immunity
Select developments in occupational licensing
A practical guide for using the Texas Public Information Act

...and much more!

AUSTIN

July 27-28, 2006

CONFERENCE LOCATION



Radisson Hotel & Suites

111 E. Cesar Chavez Street
Austin, Texas 78701
1-800-333-3333
512-478-9611

SPECIAL RATE \$139

(subject to availability)
good through June 26, 2006

Parking: \$5 self-parking (per entry);
\$13 self-parking (with in/out
privileges); \$17 valet

KEY DATES

Registration & Cancellation

July 19, 2006-5 p.m.

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

July 21, 2006-5 p.m.

last day for full refund

July 24, 2006-5 p.m.

last day for partial refunds
\$50 processing fee applied

July 27, 2006-9:30 a.m.

conference begins

M
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 11.50 hours, of which 2.00 credit hours will apply to legal ethics/professional responsibility credit.

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