Administrative and Public Law Section of the State Bar of Texas
Austin Bar Association Administrative Law Section
The University of Texas School of Law

2nd Annual

ADVANCED TEXAS ADMINISTRATIVE LAW SEMINAR

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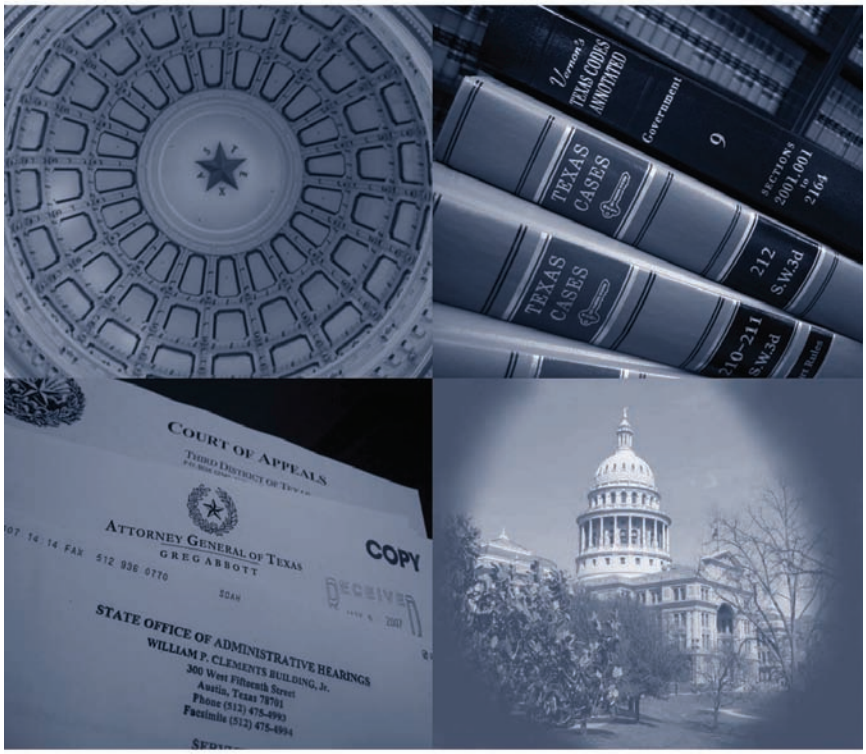
Specialization Credit Expected for Administrative Law



Special Rates! Government Lawyer—$225; Others—$250

August 30-31, 2007
Hyatt Regency on Town Lake
Austin, Texas

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2ND ANNUAL

ADVANCED TEXAS ADMINISTRATIVE LAW SEMINAR

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Earn up to 13.25 Hours of Credit Including 3.50 Hours of Ethics Credit

THURSDAY MORNING, AUGUST 30, 2007

Presiding Officer: Jason Ray, Austin, TX

7:45 a.m. **Registration Opens**

Includes continental breakfast.

8:15 a.m. **Welcoming Remarks**

8:30 a.m. **.75 hr**

Case Law Update

A summary of key issues involving administrative law over the past year.

Alessandra Ziek Beavers, Austin, TX
Claire Dinsmoor, Austin, TX
David DuBose, Austin, TX

STATE CONTRACTING BLOCK
(9:15 A.M. – 11:30 A.M.)

9:15 a.m. **.50 hr**

State Procurement: Basic Requirements and Remedies

This session will provide a general overview of the procurement options available to a state agency and remedies for the purchasing agency and the vendor community.

Susan Maldonado, Austin, TX

9:45 a.m. **.75 hr**

State Contracts and Chapter 2260 Tricks and Traps

Has Chapter 2260 been an effective answer for sovereign immunity in the breach of contract context?

Elizabeth G. "Heidi" Bloch, Austin, TX
Hon. Cathy Egan, Austin, TX
Jack Hohengarten, Austin, TX

10:30 a.m. **Break**

10:45 a.m. **.50 hr**

Policies Related to Privatization and Limits on Governmental Outsourcing

Governments are using outsourcing more and more frequently, sometimes with good results, sometimes with disastrous results. What are the keys to making the outsourcing decision and being successful?

Billy Hamilton, Austin, TX

11:15 a.m. **.25 hr**

Risks and Liability of Outsourcing Governmental Functions

Drawing from recent experience implementing complex outsourcing projects, this session will identify the legal and practical risks inherent in the contracting out of core governmental functions and offer advice on steps a public agency may take to mitigate such risks.

Steve Aragón III, Austin, TX

11:30 a.m. **.50 hr ethics**

Texas Ethics Commission and Lobbyist Registration

Hey, fat cat! Your communications with the government might require you to register as a lobbyist with the Texas Ethics Commission.

Anthony Haley, Austin, TX

Luncheon Presentation

12:00 p.m. **Pick Up Box Lunch**

Included in conference registration fee.

12:30 p.m. **.75 hr**

SOAH ALJs— Litigating at SOAH

Recurring evidentiary issues in administrative hearings at SOAH.

Q&A (15 min) Written questions may be submitted with registration.

Moderator: Hon. Howard Seitzman, Austin, TX
Hon. Craig Bennett, Austin, TX
Hon. Wendy Harvel, Austin, TX
Hon. Ami Larson, Austin, TX
Author: Dylan Drummond, Dallas, TX

THURSDAY AFTERNOON

Presiding Officer: J. Kay Trostle, Austin, TX

1:30 p.m. **.50 hr**

Legislative Update

A summary of selected legislation from the 80th Texas Legislature of interest to administrative law practitioners.

Thomas M. Pollan, Austin, TX

2:00 p.m. **.50 hr**

Rulemaking Procedures: Voidable Rules and the Power of a Court to Remand Pursuant to § 2001.040

This session will analyze the meaning and legal effect of a "voidable" rule versus a "void" rule. Under what circumstances an agency has the right to cure procedural deficiencies by requesting the court to remand such a "voidable" rule to the agency will be analyzed and discussed.

Ron Beal, Waco, TX

2:30 p.m. **.50 hr**

Occupational Licensing and Criminal Convictions

This session will address barriers to obtaining occupational licenses faced by 2 million Texans with prior convictions and the results of legislation on this subject considered during the 80th session.

Susan Henricks, Austin, TX
Marc Aron Levin, Austin, TX

3:00 p.m. **.50 hr**

Electronic Discovery and Administrative Proceedings

The new federal electronic discovery rules should impact the way state agencies retain and produce information. This will affect your practice.

Nanette Beaird, Austin, TX
Edward D. Burbach, Austin, TX

3:30 p.m. **Break**

3:45 p.m. **.50 hr**

Executive Orders and the Powers of the Texas Governor

A discussion of the constitutional role and power of the governor of Texas and an analysis of the meaning of executive orders.

F. Scott McCown, Austin, TX

4:15 p.m. **.75 hr ethics**

Pro Bono Opportunities in CPS Cases

Imagine being the subject of a lawsuit, being removed from your home, your school, your family, and your doctors. You may need an attorney to help you or at least a guardian to advocate for your best interest. The catch is you are a minor,

with no money, no job, no legal authority to contract for your own services and you are a foster child. This presentation will let you hear firsthand how a volunteer attorney's legal expertise can help.

Hon. Darlene Byrne, Austin, TX
Mary Keeney, Austin, TX
Khai Parker, Austin, TX
Don Walden, Austin, TX

5:00 p.m. **Adjourn**

FRIDAY MORNING, AUGUST 31, 2007

Presiding Officer: Jason Ray, Austin, TX

7:45 a.m. **Conference Room Opens**

Includes breakfast tacos.

8:00 a.m. **Announcements**

ETHICS BLOCK (8:15 A.M. – 9:00 A.M.)

8:15 a.m. **.25 hr ethics**

Representing Candidates and Public Officials Before the Texas Ethics Commission

From late filing penalties to sworn complaints, how to prepare and present your client's position is key to minimizing fines.

Donna García Davidson, Austin, TX

8:30 a.m. **.25 hr ethics**

Political Advertising

This presentation will review regulations by the Texas Ethics Commission of governmental activities involving the use of public funds in political advertising and lobbying.

David Mendez, Austin, TX

8:45 a.m. **.25 hr ethics**

Conflict Rules and Statutes Applicable to Lobbyists

Many lawyers practicing administrative law fail to recognize that their actions are triggering lobbyist registration requirements. Even among those who recognize the need to register, another pitfall awaits: the conflicts of interest rules are different.

Patrick F. Thompson, Austin, TX

9:00 a.m. **.50 hr**

Current Issues in Administrative Law

Steve Baron, Austin, TX

9:30 a.m. **Break**

9:45 a.m. **.75 hr including .25 ethics**

New Open Government Issues and Open Government Changes

The Spirit or the Letter of the Law? Both the public and governmental bodies have developed strategies to deal with some of the more difficult issues in open government, i.e., smaller PIA requests to avoid costs and "meetings" between aides to board members. This topic will explore whether these strategies comply with the letter, if not the spirit, of the law.

Jennifer S. Riggs, Austin, TX

10:30 a.m. **.50 hr**

15 Year Perspective on SOAH

In 15 years, SOAH has become a prominent feature of the administrative law landscape. This presentation will look back at the agency's beginning and trace its path to the present.

Cathleen Parsley, Austin, TX

11:00 a.m. **.50 hr**

Hot Administrative Law Issues Pending on Appeal

This session will examine the cases now making their way through the courts that are most likely to address important issues in administrative law.

Linda Secord, Austin, TX

FRIDAY AFTERNOON

Presiding Officer: J. Kay Trostle, Austin, TX

Luncheon Presentation

11:30 a.m. **Pick Up Box Lunch**

Included in conference registration fee.

11:45 a.m. **.75 hr ethics**

Texas Lawyers' Assistance Program and Justice Mack Kidd Fund

This session features the new video *Practicing from the Shadows: Depression and the Legal Profession* and information about the role and services of the Justice Mack Kidd Fund and the Texas Lawyers' Assistance Program.

J. Woodfin "Woodie" Jones, Austin, TX
Greg Miller, Austin, TX

12:45 p.m. **.50 hr**

Collateral Estoppel, Administrative Adjudication, and Civil/Criminal Actions

Ever worry how that agreed order in a SOAH hearing might affect a later civil or criminal action, or vice versa?

Jason Ray, Austin, TX

1:15 p.m. **.50 hr**

UDJA and Administrative Law

When is a UDJA statute or contract declaratory judgment better than an APA rule declaratory judgment?

Pete Schenkkan, Austin, TX

1:45 p.m. **.50 hr ethics**

Ethical Obligations of Lawyers after Sarbanes-Oxley

This presentation will discuss how a lawyer's ethical obligations have changed since the passage of the Sarbanes-Oxley Act of 2002 and will address the ethical obligations of lawyers in both the public and private sectors.

Jo Ann Biggs, Dallas, TX

2:15 p.m. **.75 hr**

Judicial Panel

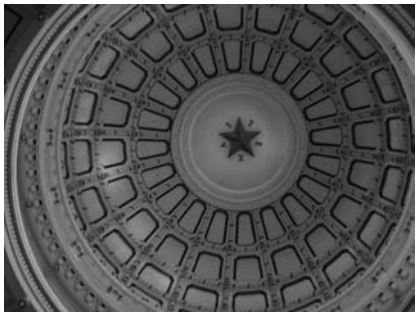
Appeals of administrative proceedings before Travis County District Court, Third Court of Appeals, and the Supreme Court.

Moderator: Hon. Penny Wilkov, Austin, TX
Hon. Scott A. Brister, Austin, TX
Hon. G. Alan Waldrop, Austin, TX
Hon. Stephen Yelenosky, Austin, TX

3:00 p.m. **Adjourn**

ABOUT THE COVER

Cover photo by Jason Ray. For more information, email jray@r-alaw.com



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Please submit your written questions for the SOAH ALJ panel scheduled for Thursday, 12:30 p.m., with your registration.

REGISTRATION:
Includes Course Binder and Thursday/Friday Box Lunch Presentations

Standard Registration

❑ Early Registration Fee due by August 24, 2007 ..... $250.00

❑ Registration Fee after August 24, 2007 ..... $300.00

Government Lawyer

❑ Early Registration Fee due by August 24, 2007 ..... $225.00

❑ Registration Fee after August 24, 2007 ..... $275.00

Judge

Please list title and court/agency: _____

❑ Early Registration Fee Comped by APL Section (by Aug. 24) ..... n/c

❑ Registration Fee after August 24, 2007 ..... $275.00

CONFERENCE PUBLICATIONS AND MEDIA
Allow 2–4 weeks from the conference date for delivery.

❑ Course Binder *Without* Conference Registration $200.00
Note: Conference registration includes Course Binder.

❑ 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.
Allow 2–4 weeks from the conference date for delivery.

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_____ Add participants (includes Course Binder) for $200 each ..... $ _____

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AUSTIN

August 30-31, 2007

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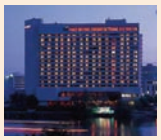

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Parking: $3 self-parking at Hyatt; free parking in Embassy Suites lot across the street (subject to change)

KEY DATES

Registration & Cancellation

August 24, 2007–5 p.m.
last day for early registration
add $50 for registrations received after this time

August 27, 2007–5 p.m.
last day for full refund

August 28, 2007–5 p.m.
last day for partial refunds
$50 processing fee applied

August 30, 2007–8:30 a.m.
conference begins

MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 3.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

About the Conference

The Advanced Texas Administrative Law Seminar brings together practitioners and members of the judiciary, regulatory, and academic communities. Topics include state contracts and Chapter 2260 traps; privatization and limits on governmental outsourcing; legislative updates; rulemaking procedures; occupational licensing and criminal convictions; electronic discovery; executive order and powers of the Texas governor; new open government issues; practicing at SOAH; and much more. Earn up to 13.25 hours of credit, including 3.5 hours of ethics!

Administrative and Public Law Section of the State Bar of Texas

The Administrative & Public Law section of the State Bar consists of more than 1,000 licensed attorneys throughout Texas who represent clients before, or are employed by, a variety of state and federal agencies, boards and commissions. The Section's members also represent clients in state and federal judicial proceedings in which agency decisions or actions are litigated. The section sponsors the Mack Kidd Administrative Law Moot Court Competition and also supports the *Texas Tech Administrative Law Journal,* included in section membership.

www.adminlaw.org

Austin Bar Association Administrative Law Section

Everyone knows that Austin is the administrative law "capital" of Texas. The 450 members of the Austin Bar Administrative Law section are dedicated to serving administrative lawyers in the central Texas area by organizing CLE opportunities, attending social functions, volunteering legal services, and raising thousands of dollars in donations for local charities all year long. Thanks to UTCLE and the State Bar section for helping us serve our members through this CLE event!

www.austinbar.org/sectionadmin.shtml

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