

## 2<sup>nd</sup> Annual Advanced Texas Administrative Law Seminar August 30-31, 2007 • Hyatt Regency Austin • Austin, TX

### Thursday Morning, Aug. 30, 2007

#### Presiding Officer:

**Jason Ray**, Riggs, Aleshire & Ray, P.C. - Austin, TX

7:45 am	<b>Registration Opens</b>  Includes continental breakfast.
8:15 am	<b>Welcoming Remarks</b>
8:30 am 0.75 hr	<b>Case Law Update</b>  A summary of key issues involving administrative law over the past year.  Alessandra Ziek Beavers, 3rd Court of Appeals - Austin, TX David D. Dubose, 3rd Court of Appeals - Austin, TX Claire Dinsmoor East, Austin, TX
9:15 am 0.50 hr	<b>State Procurement: Basic Requirements and Remedies</b>  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 Ann Underwood Maldonado, Texas Facilities Commission - Austin, TX
9:15 am 0.00 hr ethics	<b>State Contracting Block (9:15 a.m. - 11:30 a.m.)</b>
9:45 am 0.75 hr	<b>State Contracts and Chapter 2260 Tricks and Traps</b>  Has Chapter 2260 been an effective answer for sovereign immunity in the break of contract context?  Elizabeth G. Bloch, Brown McCarroll LLP - Austin, TX Hon. Catherine Clapsaddle Egan, State Office of Administrative Hearings - Austin, TX John M. Hohengarten, Attorney General's Office - Austin, TX
10:30 am	<b>Break</b>
10:45 am 0.50 hr	<b>Policies Related to Privatization and Limits on Governmental Outsourcing</b>  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, Billy Hamilton Consulting - Austin, TX

11:15 am 0.25 hr	<p><b>Risks and Liability of Outsourcing Governmental Functions</b></p> <p>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.</p> <p>Steve Aragón III, Tx Health &amp; Human Services Com - Austin, TX</p>
11:30 am 0.50 hr ethics	<p><b>Texas Ethics Commission and Lobbyist Registration</b></p> <p>Hey, fat cat! Your communications with the government might require you to register as a lobbyist with the Texas Ethics Commission.</p> <p>Andrew Steven Brown, Gray Cary Ware &amp; Freidenrich LLP - Austin, TX</p>

## Thursday Afternoon, Aug. 30, 2007

### Presiding Officer:

**Kay Trostle**, Casey & Gentz LLP - Austin, TX

12:00 pm	<b>Pick up Box Lunch</b>
12:30 pm 0.75 hr	<p><b>SOAH ALJs -- Litigating at SOAH</b></p> <p>Recurring evidentiary issues in administrative hearings at SOAH.  <i>Q&amp;A (15 min) Written questions may be submitted with registration.</i>  Paper by: Dylan Owen Drummond</p> <p>Hon. Craig R. Bennett, State Office of Administrative Hearings - Austin, TX  Commentator:  Dylan Owen Drummond, Law Offices of Dylan Drummond - Austin, TX  Hon. Wendy Kay Luersen Harvel, State Office of Administrative Hearings - Austin, TX  Hon. Ami L. Larson, State Office of Administrative Hearings - Austin, TX  Moderator:  Hon. Howard S. Seitzman, State Office of Administrative Hearings - Austin, TX</p>
1:30 pm 0.50 hr	<p><b>Legislative Update</b></p> <p>A summary of selected legislation from the 80th Texas Legislature of interest to administrative law practitioners.</p> <p>Thomas M. Pollan, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>
2:00 pm 0.50 hr	<p><b>Rulemaking Procedures: Voidable Rules and the Power of a Court to Remand Pursuant to § 2001.040</b></p> <p>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.</p> <p>Ron Lynn Beal, Baylor Law School - Waco, TX</p>

2:30 pm 0.50 hr	<b>Occupational Licensing and Criminal Convictions</b>  This session will address barriers to obtaining occupational licenses faced by two million Texans with prior convictions and results of legislation on this subject that was considered during the 80th session.  Susan Henricks, Hull Henricks & MacRae - Austin, TX Marc Aron Levin, Potts & Reilly, L.L.P. - Austin, TX
3:00 pm 0.50 hr	<b>Electronic Discovery in Administrative Proceedings</b>  The new federal electronic discovery rules should impact the way state agencies retain and produce information. This will affect your practice.  Nanette K. Beaird, Gardere, Wynne, Sewell LLP - Austin, TX Edward D. Burbach, Gardere Wynne Sewell LLP - Austin, TX
3:30 pm	<b>Break</b>  Break
3:45 pm 0.50 hr	<b>Executive Orders and the Powers of the Texas Governor</b>  A discussion of the constitutional role and power of the governor of Texas and analysis of the meaning of executive orders.  F. Scott McCown, Austin, TX
4:15 pm 0.75 hr ethics	<b>Pro Bono Opportunities in CPS Cases</b>  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 first hand how a volunteer attorney's legal expertise can help.  Hon. Darlene Byrne, Austin, TX Mary A. Keeney, Graves Dougherty Hearon & Moody PC - Austin, TX Khai Parker, Austin, TX Don E. Walden, Attorney at Law - Austin, TX
5:00 pm	<b>Adjourn</b>

## Friday Morning, Aug. 31, 2007

### Presiding Officer:

**Jason Ray**, Riggs, Aleshire & Ray, P.C. - Austin, TX

7:45 am	<b>Breakfast Tacos</b>  Breakfast Tacos
8:00 am	<b>Announcements</b>  Announcements

	<b>Ethics Block (8:15a.m. - 9:00a.m.)</b>  Ethics Block (8:15a.m. - 9:00a.m.)
8:15 am 0.25 hr	<b>Representing Candidates and Public Officials Before the Texas Ethics Commission</b>  From late filing penalties to sworn complaints, how to prepare and present your client's position is key to minimizing fines.  Donna Garcia Davidson, Potts & Reilly LLP - Austin, TX
8:30 am 0.25 hr ethics	<b>Political Advertising</b>  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, Bickerstaff Heath Delgado Acosta - Austin, TX
8:45 am 0.25 hr ethics	<b>Conflict Rules and Statutes Applicable to Lobbyists</b>  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, Graves Dougherty Hearon & Moody PC - Austin, TX
9:00 am 0.50 hr	<b>Current Issues in Administrative Law</b>  Steven Baron, Consulting and Legal Services - Austin, TX
9:30 am	<b>Break</b>  Break
9:45 am 0.75 hr 0.25 hr ethics	<b>New Open Government Issues and Open Government Changes</b>  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 Scott Riggs, Riggs, Aleshire & Ray P.C. - Austin, TX
10:30 am 0.50 hr	<b>15 Year Perspective on SOAH</b>  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.  Hon. Cathleen Parsley, State Office of Administrative Hearings - Austin, TX
11:00 am 0.50 hr	<b>Hot Administrative Law Issues Pending on Appeal</b>  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 Booth Secord, Office of the Attorney General - Austin, TX

11:30 am	<b>Pick up Box Lunch</b>
11:45 am 0.75 hr ethics	<b>Texas Lawyer's Assistance Program and Justice Mack Kidd Fund</b>  This session features a new video <i>Practicing from the Shadows: Depression and the Legal Profession</i> and information about the role and services of the Justice Mack Kidd Fund and the Texas Lawyer's Assistance Program.  Hon. J. Woodfin (Woodie) Jones, 3rd Court of Appeals - Austin, TX Greg Miller, Austin, TX

## Friday Afternoon, Aug. 31, 2007

### Presiding Officer:

**Kay Trostle**, Casey & Gentz LLP - Austin, TX

12:45 pm 0.50 hr	<b>Collateral Estoppel, Administrative Adjudication, and Civil/Criminal Actions</b>  Ever worry how that agreed order in a SOAH hearing might affect a later civil or criminal action, or vice versa?  Jason Ray, Riggs, Aleshire & Ray, P.C. - Austin, TX
1:15 pm 0.50 hr	<b>UDJA and Administrative Law</b>  When is a UDJA statute or contract declaratory judgment better than an APA rule declaratory judgment?  Pete Schenkkan, Graves Doughery Hearon & Moody, P.C. - Austin, TX
1:45 pm 0.50 hr ethics	<b>Ethical Obligations of Lawyers After Sarbanes Oxley</b>  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, Vinson & Elkins LLP - Dallas, TX
2:15 pm 0.75 hr	<b>Judicial Panel</b>  Appeals of Administrative Proceedings Before Travis County District Court, Third Court of Appeals and Supreme Court.  Hon. Scott A. Brister, Supreme Court of Texas - Austin, TX Hon. G Alan Waldrop, Third Court of Appeals - Austin, TX Moderator: Hon. Penny Wilkov, State Office Of Admin Hearings - Austin, TX Hon. Stephen Yelenosky, 345th District Court - Austin, TX
3:00 pm	<b>Adjourn</b>  Adjourn