

6TH ANNUAL
ADVANCED TEXAS
ADMINISTRATIVE LAW SEMINAR



August 25–26, 2011
AT&T Conference Center ▪ Austin, Texas

Special Government Lawyer Early Registration Fee \$175

Earn up to 12.50 Hours of Credit including 3.00 Hours of Ethics Credit
Specialization Credit Approved for Administrative Law

6TH ANNUAL
ADVANCED TEXAS ADMINISTRATIVE LAW SEMINAR

August 25–26, 2011 • AT&T Conference Center • Austin, Texas

Earn up to 12.50 Hours of Credit including 3.00 Hours of Ethics Credit • Specialization Credit Approved for Administrative Law

THURSDAY MORNING, AUG. 25, 2011

Presiding Officer:

**Ann Bright, Texas Parks and Wildlife
Department, Austin, TX**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:45 a.m. Welcoming Remarks

9:00 a.m. 1.00 hr

Case Law Update

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

Hon. J. Woodfin "Woodie" Jones, Chief Justice,
Third Court of Appeals, Austin, TX
Linda B. Secord, Office of the Attorney General,
Austin, TX

10:00 a.m. .50 hr

Open Government Update

A look at significant issues involving the Texas Public Information Act and Open Meetings Act over the last year, including Attorney General opinions, legislation and court decisions.

Amanda Crawford, Office of the Attorney General,
Austin, TX
Jennie Hoelscher, Office of the Attorney General,
Austin, TX

10:30 a.m. Break

10:45 a.m. .75 hr

Governmental Immunity: Attack and Defend

This presentation includes a case law update and discussion of practical issues that should be considered when suing or defending a governmental entity.

Jeffrey S. Boyd, General Counsel, Office of the
Governor, Austin, TX
Robin A. Melvin, Graves Dougherty Hearon &
Moody, Austin, TX

11:30 a.m. .50 hr

Rulemaking: Interpretive Rules, Agency Interpretations and Reasoned Justifications

A discussion of recent cases and articles on these topics.

Dudley D. McCalla, of Counsel, Jackson Walker L.L.P.,
Austin, TX

12:00 p.m. Break to Pick up Lunch

Included in conference registration fee.

THURSDAY AFTERNOON

Presiding Officer:

**Mary A. Keeney, Graves Dougherty
Hearon & Moody, Austin, TX**

THE 82ND LEGISLATIVE SESSION

LUNCHEON PRESENTATION

12:15 p.m. .50 hr

Overview of the 82nd Legislative Session

Sen. Kirk Watson, Texas State Senate, District 14,
Austin, TX

12:45 p.m. Break

1:00 p.m. .50 hr

Legislative Update

With the budget deficit, redistricting, Sunset legislation impacting several large agencies, and a number of other items, the 2011 session of the Texas Legislature involved many thorny issues. This session focuses on the bills enacted by the 82nd Texas Legislature that will impact administrative law practitioners, followed by a series of updates on the impacts of Sunset and other legislation on the Public Utility Commission, the Electric Reliability Council of Texas, the Railroad Commission, the Texas Commission on Environmental Quality, the Water Development Board and the Texas Department of Insurance.

Thomas M. Pollan, Bickerstaff Heath Delgado
Acosta LLP, Austin, TX

1:30 p.m. .42 hr

Update: Texas Department of Insurance

Alex Gonzales, Winstead PC, Austin, TX

1:55 p.m. .42 hr

Update: Railroad Commission

James E. Mann, Duggins Wren Mann & Romero, LLP,
Austin, TX

2:20 p.m. .42 hr

Update: TCEQ and the Texas Water Development Board

Emily Rogers, Bickerstaff Heath Delgado Acosta LLP,
Austin, TX

2:45 p.m. .33 hr

Update: PUC

John F. Williams, Duggins Wren Mann & Romero, LLP,
Austin, TX

3:05 p.m. .42 hr

ERCOT from an Administrative Law Perspective

Nathan Bigbee, Electric Reliability Council of Texas
(ERCOT), Austin, TX
Steven Baron, Consulting and Legal Services,
Austin, TX

3:30 p.m. Break

3:45 p.m. .50 hr

Selected Jurisdictional Issues

A discussion of recent cases concerning the district court's jurisdiction to review administrative agency determinations and to entertain claims arising from or based in part on agency determinations.

J. Bruce Bennett, Cardwell, Hart & Bennett, L.L.P.,
Austin, TX

4:15 p.m. .50 hr ethics

Access to Justice for All Texans

A representative from the Texas Access to Justice Commission highlights the many ways attorneys can get involved in increasing access to legal services for poor and low-income Texans.

Hannah Silk Kapasi, Texas Access to Justice
Commission, Austin, TX

4:45 p.m. Adjourn

FRIDAY MORNING, AUG. 26, 2011

Presiding Officer:

**James W. Checkley, Jr., Locke Lord
Bissell & Liddell, Austin, TX**

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .50 hr

Streamlining Enforcement Processes while Maintaining Due Process

A look at the Texas Department of Licensing and Regulation's (TDLR) increasing enforcement workloads and efforts to adjust to budget cuts, and the State Office of Administrative Hearings' (SOAH) efforts to streamline default hearings.

William H. Kuntz, Texas Department of Licensing and
Regulation, Austin, TX

9:30 a.m.

1.00 hr

Issues Out of CREZ

Pursuant to legislation enacted in 2005, the Public Utility Commission identified five areas in Texas where large wind generators committed to construct wind farms, and designated them as Competitive Renewable Energy Zones (CREZ). It then identified more than 100 transmission line projects needed to support the CREZ, and designated eight transmission service providers to implement those projects at an estimated cost of \$5 billion (ultimately to be paid by electric consumers). The exact routes for these transmission lines, primarily through private property, were determined through 30 contested case proceedings conducted by SOAH, many with dozens and some with hundreds of landowners, as well as other state agencies intervening as parties. This session focuses on the variety of procedural and substantive issues that arose from this complex administrative litigation.

Moderator:

J. Kay Trostle, Smith Trostle LLP, Austin, TX

Panelists:

Zach Brady, ZS Brady & Co., Lubbock, TX
Todd George, Texas Parks and Wildlife Department, Austin, TX
Allen Nye, Oncor Electric Delivery Company, Dallas, TX

10:30 a.m.

Break

10:45 a.m.

1.00 hr ethics

Standing in the Light: Transparency in Government

We all agree that open government is a good thing yet understand that certain matters should be kept confidential. How are we to trace the boundary between these two commands and what principles and considerations should guide us? Are the Open Meetings and Public Information Acts the sum of our obligations or are we called further in the project of making state and local government accessible and open to all? Pack up your experiences, observations and opinions and join your colleagues and our two experienced moderators for a lively and illuminating discussion in the third annual Town Hall Meeting.

James E. Cousar, Thompson & Knight LLP, Austin, TX
Kimberly A. Frost, Jack Martin & Associates, Austin, TX

11:45 a.m.

Break for Buffet Lunch

Included in conference registration fee.

FRIDAY AFTERNOON

Presiding Officer:

Hon. Howard S. Seitzman, State Office of Administrative Hearings, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m.

.75 hr

SOAH Update

A look at current events at SOAH, including a legislative update.

Hon. Kerry D. Sullivan, General Counsel, State Office of Administrative Hearings, Austin, TX

1:00 p.m.

Break

1:15 p.m.

.75 hr ethics

Best Practices in the Absence of New Disciplinary Rules

This session addresses best practices for attorneys facing ethics questions in light of the recent defeat of the proposed revisions to the Texas Disciplinary Rules of Professional Conduct.

Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza, Austin, TX

2:00 p.m.

.75 hr ethics

Clarifying Ex Parte Communications: Ethics Opinion No. 604

In May 2009, Ethics Opinion No. 587 generated much controversy. In January 2011, the Professional Ethics Committee for the State Bar issued Opinion No. 604, which purported to "clarify and amplify" the committee's earlier opinion. Did it? What are the current parameters for ex parte communications with administrative agencies?

Evan D. Johnson, Duggins Wren Mann & Romero, LLP, Austin, TX
Patrick Keel, Mediator-Arbitrator, Austin, TX

2:45 p.m.

1.00 hr

Judges Panel

Panelists engage in a round-robin discussion and respond to participants in a structured Q&A.

Moderator:

Hon. Pratibha J. Shenoy, State Office of Administrative Hearings, Austin, TX

Panelists:

Hon. Debra Lehrmann, Supreme Court of Texas, Austin, TX
Hon. Bob Pemberton, Third Court of Appeals, Austin, TX
Hon. Stephen Yelenosky, 345th Judicial Civil District Court, Austin, TX

3:45 p.m.

Adjourn

This conference had the best ethics presentation that I have seen and participated in during the 25 years I have been licensed.

This year's topics and speakers were great!

Best selection of topics of any admin law seminar that I have attended.

Excellent as usual.

The program content was excellent. The speakers were knowledgeable. The "town hall" format was the best.

Thank you for UT Law - CLE's contribution to the administrative law practice.

Great content, interesting topics and good speakers.

The speakers were very good and their experience and abilities make the difference for the advanced course.

This seminar was well run and the sessions informative and interesting.

Excellent job!

All speakers were excellent.

This was the most interesting CLE course I've ever attended—and I've been practicing law for 30 years. You all did a superb job presenting a wide variety of subjects. Wonderful speakers.

Best admin law seminar ever!

CONFERENCE FACULTY

STEVEN BARON
Consulting and Legal Services
Austin, TX

KIMBERLY A. FROST
Jack Martin & Associates
Austin, TX

WILLIAM H. KUNTZ
Texas Department of Licensing and
Regulation
Austin, TX

EMILY ROGERS
Bickerstaff Heath Delgado Acosta LLP
Austin, TX

J. BRUCE BENNETT
Cardwell, Hart & Bennett, L.L.P.
Austin, TX

TODD GEORGE
Texas Parks and Wildlife Department
Austin, TX

HON. DEBRA LEHRMANN
Supreme Court of Texas
Austin, TX

LINDA B. SECORD
Office of the Attorney General
Austin, TX

NATHAN BIGBEE
Electric Reliability Council of Texas
(ERCOT)
Austin, TX

ALEX GONZALES
Winstead PC
Austin, TX

JAMES E. MANN
Duggins Wren Mann & Romero, LLP
Austin, TX

HON. PRATIBHA J. SHENOY
State Office of Administrative
Hearings
Austin, TX

JEFFREY S. BOYD
General Counsel
Office of the Governor
Austin, TX

JENNIE HOELSCHER
Office of the Attorney General
Austin, TX

DUDLEY D. MCCALLA
of Counsel, Jackson Walker L.L.P.
Austin, TX

HON. KERRY D. SULLIVAN
General Counsel
State Office of Administrative
Hearings
Austin, TX

ZACH BRADY
ZS Brady & Co.
Lubbock, TX

EVAN D. JOHNSON
Duggins Wren Mann & Romero, LLP
Austin, TX

ROBIN A. MELVIN
Graves Dougherty Hearon & Moody
Austin, TX

J. KAY TROSTLE
Smith Trostle LLP
Austin, TX

JAMES E. COUSAR
Thompson & Knight LLP
Austin, TX

HON. J. WOODFIN "WOODIE"
JONES
Chief Justice
Third Court of Appeals
Austin, TX

ALLEN NYE
Oncor Electric Delivery Company
Dallas, TX

SEN. KIRK WATSON
Texas State Senate, District 14
Austin, TX

AMANDA CRAWFORD
Office of the Attorney General
Austin, TX

HANNAH SILK KAPASI
Texas Access to Justice Commission
Austin, TX

HON. BOB PEMBERTON
Third Court of Appeals
Austin, TX

JOHN F. WILLIAMS
Duggins Wren Mann & Romero, LLP
Austin, TX

CLAUDE E. DUCLOUX
Hill, Ducloux, Carnes & de la Garza
Austin, TX

PATRICK KEEL
Mediator-Arbitrator
Austin, TX

THOMAS M. POLLAN
Bickerstaff Heath Delgado Acosta LLP
Austin, TX

HON. STEPHEN YELENOSKY
345th Judicial Civil District Court
Austin, TX

PLANNING COMMITTEE

ANN BRIGHT—CHAIR
Texas Parks and Wildlife Department
Austin, TX

KIMBERLY A. FROST
Jack Martin & Associates
Austin, TX

JANET I. MONTEROS
El Paso County Attorney's Office
El Paso, TX

STEVEN BARON
Consulting and Legal Services
Austin, TX

SUSAN HENRICKS
Hull Henricks LLP
Austin, TX

THOMAS M. POLLAN
Bickerstaff Heath Delgado Acosta LLP
Austin, TX

J. BRUCE BENNETT
Cardwell, Hart & Bennett, L.L.P.
Austin, TX

MARY A. KEENEY
Graves Dougherty Hearon & Moody
Austin, TX

LINDA B. SECORD
Office of the Attorney General
Austin, TX

LOU BRIGHT
Attorney at Law
Austin, TX

KIMBERLY L. KIPLIN
Texas Lottery Commission
Austin, TX

HON. HOWARD S. SEITZMAN
State Office of Administrative
Hearings
Austin, TX

JAMES W. CHECKLEY, JR.
Locke Lord Bissell & Liddell
Austin, TX

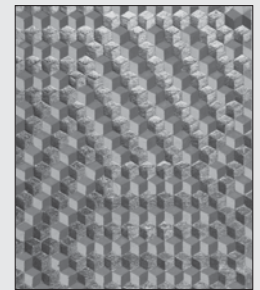
HOLLIS L. LEVY
The University of Texas School of Law
Austin, TX

J. KAY TROSTLE
Smith Trostle LLP
Austin, TX

DAVID C. DUGGINS
Duggins Wren Mann & Romero, LLP
Austin, TX

DUDLEY D. MCCALLA
of Counsel, Jackson Walker L.L.P.
Austin, TX

ABOUT THE COVER



*Infinity Box 2, 6" x 7", gouache
with silver, palladium and
aluminum leaf on paper, is
by Zoe Pettijohn Schade.
For more information, visit
www.zoepettijohnschade.com.
Image acquisition by
Sandra Gregor, art consultant,
512-477-2827.*

HOW TO REGISTER

Mail your registration to:

The University of Texas
School of Law
Attn. CLE—AL11
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Or register online:
www.utcle.org

Questions? Call us at 512-475-6700

**MATERIALS, AUDIO AND
IN-HOUSE CLE**

Printed Materials in Course Binder

Leading practitioners and members of the judiciary, regulatory and academic communities provide the definitive set of materials.

eBinder on CD

Add an electronic version of conference materials to your course registration or purchase of the Course Binder or Audio MP3 Speeches on CD or Audio CD Set for only \$50. eBinders are distributed 3–5 weeks after the conference and include searchable PDF versions of printed materials.

**Audio MP3 Speeches on CD
or Audio CD Set**

Listen to the Advanced Texas Administrative Law Seminar on the go. Informative, topical and entertaining presentations recorded from UT Law's other live CLE programs are also available.

In-House CLE

CLE for two or more participants—as many as you want. Receive full MCLE credit. We'll accredit the course for you* and provide one Audio CD Set plus a Course Binder for each participant.

*Texas MCLE credit only.

REGISTRATION FOR AL11

Mail this registration form to:

The University of Texas School of Law, Attn. CLE—AL11
P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

PLEASE PRINT CLEARLY

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION

Includes Course Binder and Thursday and Friday Luncheon Presentations

Standard Registration

- Early Registration Fee due by Wednesday, August 3, 2011\$345
- Registration Fee after Wednesday, August 3, 2011\$395

Government Lawyer

- Early Registration Fee due by Wednesday, August 3, 2011\$175
- Registration Fee after Wednesday, August 3, 2011\$225

Judge

- Please list Title and Court/Agency:** _____
- Registration—complimentaryno charge

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3–5 weeks from the conference date for delivery.

- Course Binder WITHOUT Conference Registration\$250
Note: Conference Registration includes Course Binder.
- Audio MP3 Speeches on CD\$130
- Audio CD Set\$210
- eBinder on CD (PDF format)\$250/\$50
(\$250 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

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

Allow 3–5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

- In-House CLE for 2—Includes Audio CD Set and Course Binders\$825
- _____ Add participants (includes Course Binder) for \$250 each\$ _____

TOTAL ENCLOSED\$ _____

METHOD OF PAYMENT

- Check (make checks payable to: The University of Texas at Austin)
- VISA or MasterCard (sorry, no AMEX or Discover) or P.O.

P.O. or Card number - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)



The University of Texas at Austin
 THE UNIVERSITY OF TEXAS SCHOOL OF LAW
 P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

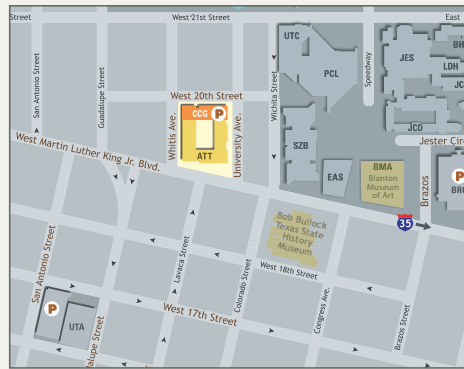
6TH ANNUAL
 ADVANCED TEXAS ADMINISTRATIVE LAW SEMINAR
 August 25–26, 2011 ■ AT&T Conference Center ■ Austin, Texas

NON-PROFIT-ORG
 U.S. Postage
 PAID
 U T School of Law

E-mail us at
utcle@law.utexas.edu
 or call us at
512-475-6700
 for more information

ABOUT THE CONFERENCE

Presented by the Administrative and Public Law Section of the State Bar of Texas and The University of Texas School of Law, the Advanced Texas Administrative Law Seminar brings together practitioners and members of the judiciary, regulatory and academic communities. Come hear relevant presentations and meet with experienced practitioners and judges while



earning up to 12.50 MCLE credit hours including 3.00 hours of ethics credit, all at a great low price!

Join us at the spectacular AT&T Conference Center and Hotel on the campus of The University of Texas at Austin. You'll find great rooms, great restaurants, a great location and free Wi-Fi.

Administrative and Public Law Section of the State Bar of Texas

The Administrative and Public Law Section of the State Bar of Texas 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

August 25–26, 2011

CONFERENCE LOCATION



AT&T Conference Center
 The University of Texas at Austin
 1900 University Avenue
 Austin, TX 78705
 512-404-3600

Parking: Self-parking \$7 per day;
 Valet parking \$10 per day, \$14 overnight

KEY DATES

August 3, 2011, 5 p.m.
last day for early registration
 add \$50 for registrations received after this time

August 5, 2011, 5 p.m.
last day for full refund

August 8, 2011, 5 p.m.
last day for partial refund
 \$50 processing fee applied

August 25, 2011, 9 a.m.
seminar 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 12.50 hours, of which 3.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).