

THE UNIVERSITY OF TEXAS SCHOOL OF LAW  
ADMINISTRATIVE AND PUBLIC LAW SECTION OF THE STATE BAR OF TEXAS

10<sup>TH</sup> ANNUAL  
**ADVANCED TEXAS  
ADMINISTRATIVE LAW SEMINAR**



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August 31–September 1, 2015  
AT&T Conference Center ■ Austin, Texas

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**\$195 Government Attorney Early Registration Rate**

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Earn up to 14.00 Hours of Credit Including 3.25 Hours of Ethics Credit  
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August 31–September 1, 2015 ■ AT&T Conference Center ■ Austin, Texas

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**MONDAY MORNING, AUG. 31, 2015**

**Presiding Officer:**

**Kimberly L. Kiplin, Duggins Wren Mann  
& Romero, LLP, Austin, TX**

**7:30 a.m. Registration Opens**

Includes continental breakfast.

**8:20 a.m. Welcoming Remarks**

**8:30 a.m. .50 hr**

**Case Law Update: Part I**

A discussion of significant administrative law cases issued during the last year.

Laurie Ratliff, Ikard Golden Jones P.C., Austin, TX  
Elizabeth R. B. Sterling, Office of the Attorney  
General, Austin, TX  
Mark L. Walters, Office of the Attorney General,  
Austin, TX

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

**Open Government Update**

An overview of recent legislation and judicial decisions concerning the Texas Public Information Act and the Texas Open Meetings Act.

Kimberly L. Fuchs, Office of the Attorney General,  
Austin, TX  
Lori Anne Fixley Winland, Locke Lord LLP, Austin, TX

**9:30 a.m. .50 hr**

**Legislative Update**

A focus on the bills enacted by the 84th Texas Legislature that impact administrative law practitioners.

Ann Bright, Texas Parks and Wildlife Department,  
Austin, TX  
April Glass Griffin, Department of Assistive and  
Rehabilitative Services, Austin, TX

**10:00 a.m. .50 hr**

**New Texas Administration:  
The New Governor**

A discussion of the main policies for Governor Greg Abbott.

DeAnn Thomason Walker, Office of the Governor,  
Austin, TX

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

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

**New Texas Administration:  
The New Attorney General**

Analyze the transition in the Office of the Attorney General.

James E. Davis, Office of the Attorney General,  
Austin, TX  
David A. Talbot Jr., Office of the Attorney General,  
Austin, TX

**11:15 a.m. .75 hr ethics**

**Too Many Entities at the State and on the  
Private Side**

Agency attorneys have too many bites at the apple, while private attorneys face too many entities.

Thomas H. Watkins, Husch Blackwell LLP, Austin, TX

**12:00 p.m. .50 hr**

**Doing Business with the State**

A highlight of key issues that are unique to contracting with the government, including the role of sovereign immunity and the Chapter 2260 process as well as the governing law and practice.

Lesli Ginn, Office of the Attorney General, Austin, TX  
Rob Schneider Jr., Office of the Attorney General,  
Austin, TX

**12:30 p.m. Pick Up Lunch**

Included in registration.

**MONDAY AFTERNOON**

**Presiding Officer:**

**Lesli Ginn, Office of the Attorney  
General, Austin, TX**

**LUNCHEON PRESENTATION**

**12:50 p.m. .75 hr ethics**

**Zen and the Art of Advocacy**

When you do something, you should do it with your whole body and mind, you should be concentrated on what you do. You should do it completely, like a good bonfire.

Hon. John K. Dietz, Retired, 250th District Court,  
Austin, TX

**1:35 p.m. Break**

**1:50 p.m. .75 hr**

**Sunset Overview**

Explore the major changes in Sunset legislation from the 84th Texas Legislature, with a look to the upcoming Sunset agency reviews.

Ken Levine, Sunset Advisory Commission, Austin, TX

**2:35 p.m. .50 hr ethics**

**Issues You Ought to Know at the Ethics  
Commission**

What is lobbying? The dos and don'ts of directly communicating with members of the legislative and executive branches of government in Texas.

John D. Moore, Texas Ethics Commission, Austin, TX

**3:05 p.m. .50 hr ethics**

**Revolving Door Issues**

Review the revolving door provisions applicable to Texas state officers and employees.

Edward M. Shack, Attorney at Law, Austin, TX

**3:35 p.m. Break**

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

**Commercial Regulation and the First  
Amendment**

Examine the state of First Amendment law as it applies to commercial speech and the issues that administrative practitioners may encounter when challenging or defending regulations that may impede free speech.

Andres S. Medrano, Gardere Wynne Sewell LLP,  
Austin, TX

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

**SOAH Judicial Panel**

SOAH, Sunset Legislation, and selected other legislation from the 84th Texas Legislature.

Hon. Cathleen Parsley, Chief Administrative Law  
Judge, State Office of Administrative Hearings,  
Austin, TX

Hon. Thomas H. Walston, General Counsel, State  
Office of Administrative Hearings, Austin, TX

Hon. Suzanne Formby Marshall, Licensing &  
Enforcement, State Office of Administrative  
Hearings, Austin, TX

Hon. William G. Newchurch, Natural Resources,  
State Office of Administrative Hearings, Austin, TX

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

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Administrative and Public Law Section  
of the State Bar of Texas

## TUESDAY MORNING, SEP. 1, 2015

### Presiding Officer:

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

### 7:30 a.m. Conference Room Opens

Includes continental breakfast.

### 8:30 a.m. .50 hr

#### Case Law Update: Part II

A continuation of the discussion of significant administrative law cases issued during the last year.

Laurie Ratliff, Ikard Golden Jones P.C., Austin, TX  
Elizabeth R. B. Sterling, Office of the Attorney  
General, Austin, TX  
Mark L. Walters, Office of the Attorney General,  
Austin, TX

### 9:00 a.m. .75 hr

#### Navigating the Waters of Multi-Agency Regulation: Pointers and Pitfalls for Practitioners

A discussion concerning the challenges that arise from cross-agency regulation and suggested practices for addressing them.

James E. Davis, Office of the Attorney General,  
Austin, TX  
Jon L. Gillum, Locke Lord LLP, Austin, TX  
Leah Gillum, Texas Department of Insurance, Austin, TX  
Catherine Reyer, Texas Department of Banking,  
Austin, TX  
Michael Rigby, Office of Consumer Credit  
Commissioner, Austin, TX

### 9:45 a.m. .50 hr

#### Changing Discovery Rules in Complex Administrative Contested-Case Proceedings

Do complex administrative cases warrant restricted discovery across the board? A look at the Railroad Commission's new discovery rules in its gas utility cases and the potential for similar restrictions in other types of cases.

Robert G. Hargrove, Osborn, Griffith & Hargrove,  
Austin, TX  
J. Kay Trostle, Smith Trostle & Huerta LLP, Austin, TX

### 10:15 a.m. .50 hr

#### Fitness Determinations and Mental Health Diagnoses under the ADA

The Louisiana Supreme Court and the U.S. Department of Justice made a settlement agreement in 2014 requiring the state to revise its inquiries and licensing procedures for applicants with certain mental health diagnoses, shifting the focus from diagnosis to history of related misconduct.

Susan Henricks, Texas Board of Law Examiners,  
Austin, TX

### 10:45 a.m. Break

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

#### Statutory Interpretation

The fundamentals of statutory construction.  
Ron Beal, Baylor Law School, Waco, TX

### 11:30 a.m. .50 hr

#### Ultra Vires and Governmental Entities and Officials: How to Plead It and Can You Prove It?

Issues and cases addressing the doctrine of ultra vires, including ministerial vs. discretionary acts, acting beyond the scope of authority, retrospective vs. prospective relief, and statutory construction.

Ted A. Ross, Office of the Attorney General, Austin, TX

#### Co-Author:

Nichole Bunker-Henderson, Texas Education Agency,  
Austin, TX

### 12:00 p.m. Pick Up Lunch

Included in registration.

## TUESDAY AFTERNOON

### Presiding Officer:

James W. Checkley Jr., Cross Texas  
Transmission, LLC, Austin, TX

### LUNCHEON PRESENTATION

### 12:20 p.m. .75 hr ethics

#### A Law License = \$30,000 to \$250,000 + Opportunities to Give Back through Pro Bono Service = Priceless

Judge Byrne highlights legal challenges faced by ordinary citizens and their struggles in attempting to affordably access the justice system with a focus on the Bar's obligation to keep the doors to the courthouse open and opportunities for attorneys to help provide pro bono legal services to individuals who cannot afford legal services.

Hon. Darlene Byrne, 126th District Court, Austin, TX

### 1:05 p.m. Break

### 1:20 p.m. .50 hr

#### Primary vs. Exclusive Jurisdiction and Pleas to the Jurisdiction Analysis

A focus on recent cases involving issues of primary and exclusive jurisdiction and the process for analyzing pleas to the jurisdiction filed in district court.

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

Hon. J. Woodfin "Woodie" Jones, Alexander  
Dubose Jefferson & Townsend LLP, Austin, TX

### 1:50 p.m. .50 hr

#### Licensing-Related Issues and Updates on Chapter 53, Occupations Code

Learn the nuances of past or pending criminal actions on licensing, including updates on Chapter 53, Occupations Code, such as what constitutes a criminal conviction, how old can a conviction be, when an individual's conviction can be applied to an entity who is the license holder, how can agency determinations be challenged, and what law governs.

Della M. Lindquist, Texas Department of Licensing  
and Regulation, Austin, TX  
Jennifer S. Riggs, Riggs & Ray, P.C., Austin, TX

### 2:20 p.m. .50 hr

#### Historical Perspective

Where we've been and where we're going, the APA from 1975 until now and beyond.

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

### 2:50 p.m. 1.00 hr

#### Judicial Panel

An unscripted round-robin discussion allowing time for questions at the end.

#### Moderator:

Hon. Craig R. Bennett, State Office of Administrative  
Hearings, Austin, TX

#### Panelists:

Hon. Jeffrey S. Boyd, The Supreme Court of Texas,  
Austin, TX

Hon. Lora J. Livingston, 261st District Court, Austin, TX

Hon. Jeffrey L. Rose, Third Court of Appeals, Austin, TX

### 3:50 p.m. Adjourn

All speakers are knowledgeable and the topics are appropriate.

I enjoy the panel discussions.

Good diversity of topics and speakers across the board.

This is a great CLE. Very informative.

The variety is always good! I like the interesting topics. Every year there is something new and interesting!

It's great to be able to get three full ethics hours in one CLE.

## CONFERENCE FACULTY

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**Fax:**  
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## REGISTRATION BENEFITS

**Before the Conference:** Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

**After the Conference:** Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

**Bonus eCourses:** Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit (TX, CA) you may have missed at the conference. Available in *Your Briefcase* 6–8 weeks after the conference.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

**Your Account:** Activate *Your Account* online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

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Bring the conference in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

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### REGISTRATION—Includes Course Materials, Monday and Tuesday Luncheon Presentations and Monday Evening Networking Reception

Special group registration rates available. Call 512.475.6700.

#### 1. Select Registration Type

##### Individual

- Registration by Friday, August 21 . . . . . \$425  
 Registration after Friday, August 21 . . . . . \$475

##### Government Attorney

- Registration by Friday, August 21 . . . . . \$195  
 Registration after Friday, August 21 . . . . . \$245

##### APLS Member

- Registration by Friday, August 21 . . . . . \$410  
 Registration after Friday, August 21 . . . . . \$460

##### Judge

- Please list Title and Court/Agency \_\_\_\_\_  
 Registration—complimentary . . . . . no charge

#### 2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY  
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ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

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#### CONFERENCECOMPLETE<sup>†</sup> MATERIALS—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 3–5 weeks after conference date. Shipping included.

- eBinder Download (PDF) . . . . . \$225  
 Printed Binder . . . . . \$275  
 Audio Download (MP3) . . . . . \$175  
 Audio CD Set . . . . . \$225

<sup>†</sup>Texas customers—add 8.25% sales tax or include an Exemption Certificate . . . . . \$ \_\_\_\_\_  
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**AUSTIN**

**August 31–September 1, 2015**

**CONFERENCE LOCATION**



**AT&T Conference Center**

1900 University Avenue  
 Austin, Texas  
 512.404.3600

**Parking:**

Free daily self-parking at UT garages. Separate fees apply for valet and overnight parking.

**KEY DATES**

**August 21, 2015**

*last day for early registration*

add \$50 for registrations received after this time

**August 24, 2015**

*last day for cancellation (full refund)*

**August 26, 2015**

*last day for cancellation (partial refund)*

\$50 processing fee applied

**August 31, 2015, 8:20 a.m.**

*Seminar 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 14.00 hours, of which 3.25 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).

**REASONS TO ATTEND**

The Advanced Texas Administrative Law Seminar brings together members of the judiciary, regulatory and academic communities to engage with practitioners for discussion of the latest legislative and case law updates, rule changes and other timely topics.

2015 program highlights:

- A discussion of significant administrative law cases issued during the last year
- **Ann Bright** and **April Glass Griffin** discuss the bills enacted by the 84th Texas Legislature that impact administrative law practitioners
- A look at the new Texas administration, including Governor Greg Abbott and the new Attorney General
- Director of the Sunset Advisory Commission, **Ken Levine**, explores major changes in Sunset legislation from the past year
- **John D. Moore** of the Texas Ethics Commission provides the dos and don'ts of communicating with Texas branches of government
- Multiple SOAH Judges discuss legislation from the 84th Texas Legislature
- **Hon. Darlene Byrne** highlights opportunities for attorneys to provide pro bono legal services to individuals who cannot afford them
- **Hon. Craig R. Bennett** moderates the always popular Judicial Panel round-robin discussion with Q&A for attendees
- Earn up to 3.25 hours of ethics credit
- Interact and network with program faculty and attendees during the **Monday Evening Networking Reception**

Registration includes course materials, luncheon presentations on both days, networking reception, 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](http://www.adminlaw.org)