

10th Annual Advanced Texas Administrative Law Seminar
August 31 - September 1, 2015 • AT&T Conference Center • Austin, TX

Monday Morning, Aug. 31, 2015

Presiding Officer:

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

7:30 am	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.50 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, Jackson Walker L.L.P. - Austin, TX
9:00 am 0.50 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 am 0.50 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 am 0.50 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 am	Break
10:45 am 0.50 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 am 0.75 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 pm 0.50 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 pm	Pick Up Lunch Included in registration.

Monday Afternoon, Aug. 31, 2015

Presiding Officer:

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

LUNCHEON PRESENTATION

12:50 pm 0.75 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 pm	Break
1:50 pm 0.75 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 pm 0.50 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 pm 0.50 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 pm	Break
3:45 pm 0.50 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. <i>This session has moved to 11:30 AM Tuesday.</i> Andres S. Medrano, Gardere Wynne Sewell LLP - Austin, TX
4:15 pm 0.75 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. William G. Newchurch, Natural Resources, State Office of Administrative Hearings - Austin, TX Hon. Pratibha J. Shenoy, State Office of Administrative Hearings - Austin, TX
5:00 pm	Adjourn
	NETWORKING RECEPTION (5:00 p.m. to 6:30 p.m.) THANK YOU TO THE ADMINISTRATIVE AND PUBLIC LAW SECTION Join us for drinks and hors d'oeuvres with program faculty and attendees.

Tuesday Morning, Sep. 1, 2015

Presiding Officer:

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

7:30 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 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, Jackson Walker L.L.P. - Austin, TX

9:00 am 0.75 hr	<p>Navigating the Waters of Multi-Agency Regulation: Pointers and Pitfalls for Practitioners</p> <p>A discussion concerning the challenges that arise from cross-agency regulation and suggested practices for addressing them.</p> <p>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</p>
9:45 am 0.50 hr	<p>Changing Discovery Rules in Complex Administrative Contested-Case Proceedings</p> <p>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.</p> <p>Robert G. Hargrove, Osborn, Griffith & Hargrove - Austin, TX J. Kay Trostle, Smith Trostle & Huerta LLP - Austin, TX</p>
10:15 am 0.50 hr	<p>Fitness Determinations and Mental Health Diagnoses under the ADA</p> <p>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.</p> <p>Susan Henricks, Texas Board of Law Examiners - Austin, TX</p>
10:45 am	Break
11:00 am 0.50 hr	<p>Statutory Interpretation</p> <p>The fundamentals of statutory construction.</p> <p>Ron Beal, Baylor Law School - Waco, TX</p>
11:30 am 0.50 hr	<p>Ultra Vires and Governmental Entities and Officials: How to Plead It and Can You Prove It?</p> <p>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.</p> <p>This session has moved to 3:45 PM Monday.</p> <p>Ted A. Ross, Office of the Attorney General - Austin, TX Co-Author: Nichole Bunker-Henderson, Texas Education Agency - Austin, TX</p>
12:00 pm	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Tuesday Afternoon, Sep. 1, 2015

Presiding Officer:

Linda B. Secord, Office of the Attorney General - Austin, TX

LUNCHEON PRESENTATION

12:20 pm 0.75 hr ethics	<p>A Law License = \$30,000 to \$250,000 + Opportunities to Give Back through Pro Bono Service = Priceless</p> <p>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.</p> <p>Hon. Darlene Byrne, 126th District Court - Austin, TX</p>
1:05 pm	<p>Break</p>
1:20 pm 0.50 hr	<p>Primary vs. Exclusive Jurisdiction and Pleas to the Jurisdiction Analysis</p> <p>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.</p> <p>J. Bruce Bennett, Cardwell, Hart & Bennett, L.L.P. - Austin, TX Hon. J. Woodfin "Woodie" Jones, Alexander Dubose Jefferson & Townsend LLP - Austin, TX Colleen M. Regester, Third Court of Appeals - Austin, TX</p>
1:50 pm 0.50 hr	<p>Licensing-Related Issues and Updates on Chapter 53, Occupations Code</p> <p>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.</p> <p>Franklin Hopkins, Germer Gertz Beaman & Brown PLLC - Austin, TX Della M. Lindquist, Texas Department of Licensing and Regulation - Austin, TX Jennifer S. Riggs, Riggs & Ray, P.C. - Austin, TX</p>
2:20 pm 0.50 hr	<p>Historical Perspective</p> <p>Where we've been and where we're going, the APA from 1975 until now and beyond.</p> <p>Dudley D. McCalla, Jackson Walker L.L.P. - Austin, TX</p>
2:50 pm 1.00 hr	<p>Judicial Panel</p> <p>An unscripted round-robin discussion allowing time for questions at the end.</p> <p>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</p>
3:50 pm	<p>Adjourn</p>