

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

14TH ANNUAL
**ADVANCED TEXAS
ADMINISTRATIVE LAW SEMINAR**



August 15–16, 2019
AT&T Conference Center ■ Austin, Texas

Live Webcast August 15–16

Earn up to 13.25 Hours of MCLE Credit, Including 1.50 Hours of Ethics Credit

MCLE Credit Approved in TX, CA, and OK

TX Legal Specialization Credit Approved for Administrative Law

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THURSDAY MORNING, AUG. 15, 2019

Presiding Officer:

**April G. Griffin, Texas Higher Education
Coordinating Board, 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

Examine significant administrative law cases issued during the last year.

Laurie Ratliff, Laurie Ratliff LLC, Austin, TX

9:00 a.m. .50 hr

Legislative Update

A focus on the bills enacted by the 86th Texas Legislature that impact administrative law practitioners.

Sara J. Ferris, Office of Public Utility Counsel,
Austin, TX

9:30 a.m. .75 hr

Ultra Vires Update

Survey recent decisions addressing *ultra vires* claims.

Scott K. Field, Butler Snow LLP, Austin, TX
Mark L. Walters, U.S. Department of Justice,
Environment and Natural Resources Division,
Washington, DC

10:15 a.m. Break

10:30 a.m. 1.00 hr

Pleas to the Jurisdiction

Examine the procedure and standards for determining pleas to the jurisdiction from multiple perspectives, and explore related procedural issues.

Shelby L. O'Brien, Enoch Keever PLLC, Austin, TX
Esteban San Miguel Soto, Office of the Attorney
General, Austin, TX
Hon. Stephen Yelenosky, Senior District Judge,
Austin, TX

11:30 a.m. .75 hr

Death, Taxes, and Alcohol: Or Just Another Day at Sunset

Hear an overview of the Sunset process, recently passed legislation, and a preview of upcoming reviews.

Steven M. Ogle, Sunset Advisory Commission,
Austin, TX

12:15 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

**James W. Checkley Jr., Cross Texas
Transmission, LLC, West Lake Hills, TX**

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Agency Spotlight: Texas Department of Licensing and Regulation

Explore next and best practices for occupational licensing and regulation.

Molly Fudell, Texas Department of Licensing and
Regulation, Austin, TX
Della M. Lindquist, Texas Department of Licensing
and Regulation, Austin, TX

1:20 p.m. Break

1:35 p.m. 1.00 hr

Back to Basics: The Rules of Rulemaking

Rulemaking lies at the heart of the administrative process, but in a rapidly changing landscape it is easy to lose sight of the fundamentals. Make sure your foundations are strong, and review the basics from procedural requirements to opportunities for substantive challenge.

Carrie Collier-Brown, Locke Lord LLP, Austin, TX
John A. Riley, Holland & Knight LLP, Austin, TX

2:35 p.m. .50 hr

ALJ Practice Tips

Hear a brief overview of the best practices and practical tips to use at the State Office of Administrative Hearings from the perspectives of two Administrative Law Judges.

Hon. Meaghan M. Bailey, State Office of
Administrative Hearings, Austin, TX
Hon. Kerrie J. Qualtrough, State Office of
Administrative Hearings, Austin, TX

3:05 p.m. .50 hr ethics

Tips for Avoiding Legal Malpractice and Surviving Grievances

Scott Rothenberg, Law Offices of Scott Rothenberg,
Houston, TX

3:35 p.m. Break

3:45 p.m. .50 hr

Admission of Internet Evidence

Explore the use of social media by companies, employees, and attorneys in employment disputes, including the legal and ethical boundaries being recognized by some and ignored by others, as well as the nuts and bolts of admitting social media data into evidence.

Jason Boulette, Boulette Golden & Marin L.L.P.,
Austin, TX

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**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 13.25 hours, of which 1.50 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#179).

4:15 p.m. 1.00 hr

Judicial Panel

Engage in an unscripted round-robin discussion, with time for questions from the audience. Please submit your questions in advance to ConferenceQA@utcle.org or on-site at the conference registration desk.

Moderator:

Hon. Holly Vandrovec, State Office of Administrative Hearings, Austin, TX

Panelists:

Hon. Jeff Boyd, The Supreme Court of Texas, Austin, TX

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

Hon. Amy Clark-Meachum, 201st Judicial District Civil Court, Austin, TX

5:15 p.m. Adjourn to Reception

NETWORKING RECEPTION

5:15 p.m. to 6:15 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

FRIDAY MORNING, AUG. 16, 2019

Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:00 a.m.

Board Certification Information Session (Optional Session)

Not board certified? Would you like to be? Come to this information session in which a lawyer board certified in administrative law for 30 years explains the process, the pitfalls, and the importance of becoming board certified in this important area of Texas law.

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

RESEARCH AND SELF-STUDY

Did you know that the quality presentations and papers attendees receive at our conferences are available for self-study as part of our eLibrary? Purchase individual pieces à la carte or subscribe annually for just \$295 at www.utcle.org. See the registration form or email service@utcle.org for more details.

9:00 a.m. .50 hr

Case Law Update: Part II

Examine significant administrative law cases issued during the last year.

Laurie Ratliff, Laurie Ratliff LLC, Austin, TX

9:30 a.m. .75 hr

Conviction Letters and Related Issues

Observe a roundtable discussion on navigating professional licensing complications related to criminal law matters.

Joseph T. Marcee, Law Office of Joseph T. Marcee, Georgetown, TX

Matthew L. Rienstra, Dalrymple, Shellhorse, Ellis & Diamond, LLP, Austin, TX

Timothy E. Weitz, McDonald, Mackay, Porter & Weitz, LLP, Austin, TX

10:15 a.m. Break

10:30 a.m. .75 hr

Texas Citizens Participation Act Update: Implications in Administrative Law Cases

Review the TCPA's application to administrative law cases and ramifications of the 2019 TCPA amendments.

Hon. Bob Pemberton, Third Court of Appeals (Ret.), Austin, TX

Amanda G. Taylor, Butler Snow LLP, Austin, TX

11:15 a.m. .50 hr

Improve Your Legal Writing

Learn techniques for improving your legal writing in the short, medium, and long run.

Kamela Bridges, The University of Texas School of Law, Austin, TX

11:45 a.m. .50 hr

An Overview of Rulemaking under the Administrative Procedures Act

Survey the APA rulemaking process, with particular attention on how the process works at the Public Utility Commission.

Speaker TBD

12:15 p.m. Pick Up Lunch

Included in registration.

EARN YOUR FULL TEXAS MCLE REQUIREMENT

UT Law CLE is committed to helping attorneys meet their annual MCLE requirements. Attendees of this conference will receive a promotional code for a free eSupplement following the event that will bring their total available MCLE hours to 15.00, including 3.00 hours of ethics.

FRIDAY AFTERNOON

Presiding Officer:

Franklin Hopkins, Germer Beaman & Brown PLLC, Austin, TX

LUNCHEON PRESENTATION

12:35 p.m. .50 hr | .25 hr ethics

Investigations in Today's Woke Workplace

A veteran workplace investigator shares critical tips for ensuring that every complaint investigation is thorough, in good faith, and reliable in the midst of the #MeToo movement, instant social media postings, and polarizing employee relations issues.

DeDe Church, DeDe Church & Associates, LLC, Austin, TX

1:05 p.m. Break

1:20 p.m. 1.00 hr | .50 hr ethics

Trends in Open Government

Address the latest developments in open government, including changes from the 2019 legislative session, opportunities and challenges that arise from recent technological advances, along with best practices every open government practitioner should know.

Amanda Crawford, Texas Department of Information Resources, Austin, TX

Justin D. Gordon, Office of the Attorney General, Austin, TX

Kimberly G. Kelley, Bickerstaff Heath Delgado Acosta LLP, Austin, TX

2:20 p.m. .50 hr

Changing Perspectives on Judicial Deference

Judicial deference to administrative agency interpretations has recently been the subject to much discussion and debate – including at the highest levels. Explore the changing perspective on judicial deference, and where those changes may take us.

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

2:50 p.m. .50 hr | .25 hr ethics

The Role of the Legislative Lawyer

Explore the unique role (and ethical responsibilities) of the "legislative lawyer" in guiding businesses in solving their high-stakes problems at the State Capitol and state agencies.

Royce Poinsett, Poinsett PLLC, Austin, TX

3:20 p.m. Adjourn

SEMINAR FACULTY AND PLANNING COMMITTEE

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HOW TO REGISTER

Online:

www.utcle.org/conferences/AL19

Mail:

The University of Texas
School of Law
ATTN: CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

REGISTRATION BENEFITS

Full Service Experience: Registration for the live event includes continental breakfasts, Thursday and Friday luncheon presentations, and a Thursday evening reception, along with countless networking opportunities throughout the event.

Comprehensive Course Materials: Access course materials in Your Briefcase approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in Your Briefcase 4–6 weeks after the live event.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at Your Account after you've logged in at www.utcle.org.

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AL19

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Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

LIVE EVENT REGISTRATION

Special group registration rates may be available. Call 512.475.6700.

Individual Registration

- Registration by Wednesday, August 7 \$495
 Registration after Wednesday, August 7 \$545

Government Attorney

- Registration by Wednesday, August 7 \$275
 Registration after Wednesday, August 7 \$325

Administrative Public Law Section Member – Individual

- Registration by Wednesday, August 7 \$470
 Registration after Wednesday, August 7 \$520

Administrative Public Law Section Member – Government Attorney

- Registration by Wednesday, August 7 \$250
 Registration after Wednesday, August 7 \$300

Printed Course Binder – Available Through Wednesday, August 7

Note conference registration includes Electronic Course Binder Download (PDF) in Your Briefcase.

- Printed Course Binder \$37.89 (\$35*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

LIVE WEBCAST REGISTRATION

Includes Electronic Course Binder Download (PDF) in Your Briefcase.

- Individual registration \$445
 Government Attorney registration \$225

TOTAL EVENT REGISTRATION \$ _____

FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.

POST-CONFERENCE PRODUCTS

eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4-6 weeks after live event. Hours may vary depending on actual event runtime.

- Individual eConference \$445

Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$243.56 (\$225*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.
 Printed Post-Course Binder \$297.69 (\$275*)
* Tax-exempt rate for, e.g., government employees and nonprofits. Include a Tax-Exempt Certificate with order.

Annual eLibrary Subscription – For Research and Self-Study

Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

- eLibrary 12 Month Subscription \$319.34 (\$295*)
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AUSTIN

August 15–16, 2019

CONFERENCE LOCATION



AT&T Conference Center
 The University of Texas at Austin
 1900 University Avenue
 Austin, TX
 877.744.8822

Parking:

Daily self-parking will be validated for the AT&T Conference Center garage or surrounding UT garages. Please note Dobie is not a UT garage and parking cannot be validated. Separate fees apply for valet and overnight parking.

KEY DATES

August 7, 2019

Last day to order a printed binder

August 7, 2019

*Last day for early registration
 add \$50 for registrations
 received after this time*

August 9, 2019

Last day for full refund cancellation

August 12, 2019

*Last day for partial refund cancellation
 \$50 processing fee applied*

August 15, 2019 at 8:20 a.m. CST

Seminar and Webcast begin

REASONS TO ATTEND

The **Advanced Texas Administrative Law Seminar** brings together members of the judiciary and regulatory and academic communities to engage with practitioners about the latest legislative and case law updates, rule changes, and other timely topics. This year's highlights include:

- Updates on significant administrative law cases and legislative activity in the past year.
- Tips on improving your writing, learning from the #MeToo movement, practicing before ALJs, and avoiding grievances.
- Discussion of internet judicial deference, internet evidence, rulemaking, and more.
- Insight into the latest round of Sunset, including a preview of upcoming reviews.
- Multiple opportunities to network and connect, including a Happy Hour on Thursday evening!

At the conclusion of the seminar, attendees will receive a bonus eSupplement containing additional programming to ensure attendees can earn their required 15.00/3.00 Texas MCLE hours for the year.

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