

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

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



September 9–10, 2021

 Live Webcast

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*Times listed are in Central Time*

**THURSDAY MORNING, SEP. 9, 2021**

**Presiding Officer:**

**William D. Dugat III, Bickerstaff Heath  
Delgado Acosta LLP, Austin, TX**

**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.

Matthew Arth, Locke Lord LLP, Austin, TX  
Carrie Collier-Brown, Locke Lord LLP, Austin, TX

**9:00 a.m. 10-Minute Break**

**9:10 a.m. .50 hr**

**Legislative Update**

A focus on select bills enacted by the 87<sup>th</sup> Texas Legislature that impact administrative law practitioners.

Sara J. Ferris, Office of the Attorney General,  
Environmental Protection Division, Austin, TX

**9:40 a.m. 10-Minute Break**

**9:50 a.m. .75 hr**

**Open Government in a Shutdown World**

An update on the Texas Public Information Act, Texas Open Meetings Act, and recent legislative developments.

Brian O'Reilly, Locke Lord LLP, Austin, TX  
Lori Fixley Winland, Ogletree Deakins,  
Oklahoma, OK

**10:35 a.m. 10-Minute Break**

**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 12.75 hours, of which 2.00 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).

**10:45 a.m. .75 hr**

**SOAH Update**

The State Office of Administrative Hearings has adopted an entirely new system for tracking and setting cases. Learn about our new docketing and case-assignment procedures, and how they will allow SOAH to provide high-quality hearings services to Texans.

Hon. Kristofer S. Monson, State Office of  
Administrative Hearings, Austin, TX

**11:30 a.m. Break for Lunch**

Presentation Resumes at 12:00 p.m.

**THURSDAY AFTERNOON**

**Presiding Officer:**

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

**LUNCHEON PRESENTATION**

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

**Agency Spotlight: Texas Behavioral Health  
Executive Council**

The Texas Behavioral Health Executive Council represents a new approach to regulating mental health care providers by balancing regulatory oversight with professional standards.

Darrel D. Spinks, Texas Behavioral Health Executive  
Council, Austin, TX

**12:30 p.m. 10-Minute Break**

**12:40 p.m. .75 hr**

**Exhaustion of Administrative Remedies**

Review the doctrine of exhaustion of administrative remedies with a particular exploration of the impact of the Fifth Circuit's decision in *Nidia Heston, et al v. Austin Independent School District*, 816 Fed. Appx. 977.

Steve Elliot, State Office of Administrative Hearings,  
Austin, TX  
Ian Seth Spechler, State Office of Administrative  
Hearings, Austin, TX

**1:25 p.m. 10-Minute Break**

**1:35 p.m. .50 hr**

**Practical Tips for Remote Depositions**

An advanced tutorial on remote depositions discussing, among other things, witness preparation, lighting, and curating your space.

Johnathan Stone, Office of the Attorney General,  
Austin, TX

**2:05 p.m. 10-Minute Break**

**2:15 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](mailto:ConferenceQA@utcle.org).

**Moderator:**

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

**Panelists:**

Hon. Darlene Byrne, Third Court of Appeals,  
Austin, TX

Hon. Rebeca Huddle, The Texas Supreme Court,  
Austin, TX

Hon. Catherine A. Mauzy, 419<sup>th</sup> Civil District Court,  
Austin, TX

**3:15 p.m. 10-Minute Break**

**3:25 p.m. 1.00 hr ethics**

**The New Texas Disciplinary Rules: New Tools  
for the Practice of Law**

In February 2021, the lawyers of Texas overwhelmingly voted to approve 12 changes to the Disciplinary Rules of Conduct and three Disciplinary Rules of Procedure. Join us to find out: what they are, and how they work; how you can use these new practice tools; and how you can help other lawyers use them. And get ethics credit for finding out!

Claude E. Ducloux, Attorney at Law, Austin, TX

**4:25 p.m. Adjourn**

**FRIDAY MORNING, SEP. 10, 2021****Presiding Officer:**

**Karen L. Watkins, Office of the Attorney General, Austin, TX**

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

**Case Law Update: Part II**

Examine significant administrative law cases issued during the last year.

Matthew Arth, Locke Lord LLP, Austin, TX  
Carrie Collier-Brown, Locke Lord LLP, Austin, TX

**9:00 a.m.** 10-Minute Break

**9:10 a.m.** .50 hr

**A Year of Virtual Open Meetings under the Governor's Disaster Proclamation**

State agencies have operated under the Governor's Emergency Proclamation for a year. Learn best practices of holding virtual open meetings and stakeholder's participation.

Katherine Farrell, Teacher Retirement System of Texas, Austin, TX  
Alice McAfee, Teacher Retirement System of Texas, Austin, TX

**9:40 a.m.** 10-Minute Break

**9:50 a.m.** 1.00 hr

**Regulation of Health Care Mid-Level Practitioners**

The panel compares and contrasts Advanced Practice Registered Nurses and Physicians' Assistants.

**Moderator:**  
Tarylann Mackay, McDonald, Mackay, Porter & Weitz, LLP, Austin, TX

**Panelists:**  
Susan Rodriguez, Texas Medical Board, Austin, TX  
JoAnna Starr, Texas Board of Nursing, Austin, TX

**10:50 a.m.** 10-Minute Break

**11:00 a.m.** .75 hr

**Texas Commission on Law Enforcement: A Municipal-Administrative Law Perspective**

Despite the establishment of a state regulatory body (TCOLE), the regulation of policing is almost entirely in the hands of the employer. With TCOLE undergoing a Sunset review this session, will the Legislature grant the agency greater power to regulate police misconduct on a state-wide level?

Ann Marie Skowronski, City of Austin - Law Department, Austin, TX

**11:45 a.m.** Break for Lunch

Presentation Resumes at 12:15 p.m.

**FRIDAY AFTERNOON****Presiding Officer:**

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

**LUNCHEON PRESENTATION**

**12:15 p.m.** .50 hr

**Agency Changes of an ALJ's Findings of Fact and Conclusions of Law**

Examining the authority of an administrative agency to make changes to an Administrative Law Judge's proposed findings of fact and conclusions of law.

Paul R. Tough, McElroy, Sullivan, Miller & Weber, LLP, Austin, TX

**Materials By:**  
J. Bruce Bennett, Cardwell, Hart & Bennett, L.L.P., Austin, TX

**12:45 p.m.** 10-Minute Break

**12:55 p.m.** .50 hr

**Effective Cross-Examination at SOAH: I Fought the Law... And the Law Won**

Teaching English in alternative high schools was the best training Sue ever got as a trial lawyer. She shares her top 10 tips for "winning" at cross-examination.

Susan Dillon Ayers, Jackson Walker LLP, Austin, TX

**1:25 p.m.** 10-Minute Break

**1:35 p.m.** 1.00 hr

**Use and Abuse of Public Security Declaratory Judgment Actions**

Chapter 1205 of the Texas Government Code creates an expedited declaratory judgment action regarding public securities and public security authorization. This presentation examines the permissible scope of those actions: how far can they go, and how far is too far?

José de la Fuente, Lloyd Gosselink Rochelle & Townsend, P.C., Austin, TX  
Michael Vance Powell, Locke Lord LLP, Dallas, TX

**2:35 p.m.** 10-Minute Break

**2:45 p.m.** .75 hr

**Hot Topics for General Counsels**

Identifying the challenges and opportunities in advising state agencies in 2021.

John Presley Beauchamp, Texas Commission on Law Enforcement, Austin, TX  
Tracey Beaver, The Texas Department of Motor Vehicles, Austin, TX  
Melissa Juarez, Office of the Attorney General, Austin, TX

**3:30 p.m.** 10-Minute Break

**3:40 p.m.** 1.00 hr ethics

**Technology and Ethics: Adapting to the Post-COVID Practice of Law**

Explore the incorporation of technology into the practice of law in response to the COVID-19 crisis, and moving forward. This presentation discusses the utilization of various types of technologies, and the correlating ethical rules to be aware of as practitioners begin to engage with these technologies in practice.

Jessica Vittorio, The Law Office of Jessica Vittorio PLLC, Dallas, TX

**4:40 p.m.** Adjourn

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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. Visit our website at [www.utcle.org/elibrary](http://www.utcle.org/elibrary) or email [service@utcle.org](mailto:service@utcle.org) for details.

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### Mail:

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School of Law  
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Austin, TX 78713-7759

### Fax:

512.475.6876

Questions? 512.475.6700

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**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the live webcast, 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 webcast.

**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](http://www.utcle.org).

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AL21

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*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

- Individual Registration . . . . . \$545
- Government Attorney Registration . . . . . \$275
- Administrative Public Law Section Member – Individual . . . . . \$520
- Administrative Public Law Section Member – Government Attorney . . . . . \$250

**Printed and Shipped Course Binder** – Available for order through September 10, 2021

*Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted.*

- Printed and Shipped Course Binder . . . . . \$59.54 (\$55\*)

**TOTAL EVENT REGISTRATION \$** \_\_\_\_\_

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## LIVE WEBCAST

September 9–10, 2021

### KEY DATES

**September 3, 2021**

*Last day for full refund cancellation*

**September 7, 2021**

*Last day for partial refund cancellation*

\$50 processing fee applied

**September 9, 2021, 8:20 a.m., CT**

*Webcast begins*

**September 10, 2021**

*Last day to order printed and shipped binder*

*at conference pricing*

## REASONS TO ATTEND

The **Advanced Texas Administrative Law Seminar** virtually brings together members of the judiciary, regulatory, and academic communities to engage with practitioners about the latest legislative and case law updates, rule changes, and other timely topics. 2021 highlights include:

- Updates on significant administrative law cases and legislative activity during the last year, Open Government decisions, and changes at SOAH.
- An exploration of hot topics, including *Exhaustion of Administrative Remedies, A Year of Virtual Open Meetings under the Governor's Disaster Proclamation, and Use and Abuse of Public Security Declaratory Judgment Actions.*
- Tips, considerations, and best practices for *Effective Cross-Examination at SOAH: I Fought the Law... And the Law Won and Practical Tips for Remote Litigation.*
- The always popular unscripted round-robin discussion during the *Judicial Panel*, including a Q&A for attendees.
- 2.00 hours of ethics, including presentations on *The New Texas Disciplinary Rules and Technology and Ethics.*



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We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at [www.utcle.org](http://www.utcle.org).

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

