

# 16<sup>th</sup> Annual Advanced Texas Administrative Law Seminar

## September 9-10, 2021 • Live Webcast

**Thursday Morning, Sep. 9, 2021**

**Presiding Officer:**

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

8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.50 hr	<b>Case Law Update: Part I</b>  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 am	<b>10-Minute Break</b>
9:10 am 0.50 hr	<b>Legislative Update</b>  A focus on select bills enacted by the 87th Texas Legislature that impact administrative law practitioners.  Sara J. Ferris, Office of the Attorney General, Environmental Protection Division - Austin, TX
9:40 am	<b>10-Minute Break</b>
9:50 am 0.75 hr	<b>Open Government in a Shutdown World</b>  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 am	<b>10-Minute Break</b>
10:45 am 0.75 hr	<b>SOAH Update</b>  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 am	<b>Break for Lunch—Presentation Resumes at 12:00 p.m. CT</b>

## Thursday Afternoon, Sep. 9, 2021

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:00 pm 0.50 hr	<b>Agency Spotlight: Texas Behavioral Health Executive Council</b>  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 pm	<b>10-Minute Break</b>
12:40 pm 0.75 hr	<b>Exhaustion of Administrative Remedies</b>  Review the doctrine of exhaustion of administrative remedies with a particular exploration of the impact of the Fifth Circuit's decision in <i>Nidia Heston, et al v. Austin Independent School District</i> , 816 Fed. Appx. 977.  Hon. Steve Elliot, State Office of Administrative Hearings - Austin, TX Hon. Ian Seth Spechler, State Office of Administrative Hearings - Austin, TX
1:25 pm	<b>10-Minute Break</b>
1:35 pm 0.50 hr	<b>Practical Tips for Remote Depositions</b>  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 pm	<b>10-Minute Break</b>
2:15 pm 1.00 hr	<b>Judicial Panel</b>  Engage in an unscripted round-robin discussion, with time for questions from the audience. <b>Please submit your questions in advance to <a href="mailto:ConferenceQA@utcle.org">ConferenceQA@utcle.org</a>.</b>  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, 419th Civil District Court - Austin, TX
3:15 pm	<b>10-Minute Break</b>

3:25 pm 1.00 hr ethics	<p><b>The New Texas Disciplinary Rules: New Tools for the Practice of Law</b></p> <p>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!</p> <p>Claude E. Ducloux, Attorney at Law - Austin, TX</p>
4:25 pm	<p><b>Adjourn</b></p>

## Friday Morning, Sep. 10, 2021

### Presiding Officer:

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

8:30 am 0.50 hr	<p><b>Case Law Update: Part II</b></p> <p>Examine significant administrative law cases issued during the last year.</p> <p>Matthew Arth, Locke Lord LLP - Austin, TX Carrie Collier-Brown, Locke Lord LLP - Austin, TX</p>
9:00 am	<p><b>10-Minute Break</b></p>
9:10 am 0.50 hr	<p><b>A Year of Virtual Open Meetings under the Governor's Disaster Proclamation</b></p> <p>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.</p> <p>Katherine Farrell, Teacher Retirement System of Texas - Austin, TX Alice McAfee, Teacher Retirement System of Texas - Austin, TX</p>
9:40 am	<p><b>10-Minute Break</b></p>
9:50 am 1.00 hr	<p><b>Regulation of Health Care Mid-Level Practitioners</b></p> <p>The panel compares and contrasts Advanced Practice Registered Nurses and Physicians' Assistants.</p> <p>Moderator: Taralynn Mackay, McDonald, Mackay, Porter &amp; Weitz, LLP - Austin, TX Panelists: Susan Rodriguez, Texas Medical Board - Austin, TX JoAnna Starr, Texas Board of Nursing - Austin, TX</p>
10:50 am	<p><b>10-Minute Break</b></p>
11:00 am 0.75 hr	<p><b>Texas Commission on Law Enforcement: A Municipal-Administrative Law Perspective</b></p> <p>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?</p> <p>Ann Marie Skowronski, City of Austin - Law Department - Austin, TX</p>

11:45 am

**Break for Lunch—Presentation Resumes at 12:15 p.m.**

## Friday Afternoon, Sep. 10, 2021

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:15 pm  
0.50 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 pm

#### **10-Minute Break**

12:55 pm  
0.50 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 pm

#### **10-Minute Break**

1:35 pm  
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 pm

#### **10-Minute Break**

2:45 pm  
0.75 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 pm

#### **10-Minute Break**

3:40 pm  
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 pm

**Adjourn**