

19TH ANNUAL
**ADVANCED TEXAS
ADMINISTRATIVE LAW SEMINAR**



September 17–18, 2024
AT&T Conference Center ■ Austin, Texas
 **Live Webcast September 17–18**

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Times listed are in Central Time

TUESDAY MORNING, SEP. 17, 2024

Presiding Officer:

Karen L. Watkins, Office of the Attorney General, 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.

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

9:00 a.m. .50 hr

Judicial Review

A view from the bench.

Hon. Laurie Rayson Eiserloh, 455th District Court, Austin, TX

9:30 a.m. 15-Minute Break

9:45 a.m. .75 hr | .25 hr ethics

Guide to Representing Impaired Professionals

A discussion of representing impaired professionals, including the prevalence of substance abuse/mental health struggles in professional practice, nuances of representing impaired professionals, and resources for helping impaired professionals. The panelists discuss working with impaired nurses from the defense attorney's perspective and the perspective of the peer assistance program.

Moderator:

Darrin Dest, Lype, Dest & Smith, PLLC, Austin, TX

Panelists:

Brittney Majefski, Texas Nurses Foundation, Austin, TX

Betty Smith, Lype, Dest & Smith, PLLC, Austin, TX

10:30 a.m. 1.00 hr

Hearsay and Evidence at SOAH

Addressing and mastering common evidentiary issues in contested case hearings.

Craig R. Bennett, Jackson Walker LLP, Austin, TX

11:30 a.m. Pick Up Lunch

Included in registration.

TUESDAY AFTERNOON

Presiding Officer:

Kristen L. Worman, Texas Department of Criminal Justice, Austin, TX

LUNCHEON PRESENTATION

12:00 p.m. .50 hr

Secretary of State: Helping Agencies Achieve Transparency for Texas

Learn about the procedures for submitting agency rules and open meetings notices to the Secretary of State and review common questions regarding these processes.

Adam Bitter, Office of the Secretary of State, Austin, TX

12:30 p.m. 15-Minute Break

12:45 p.m. 1.00 hr

Judicial Panel

Engage in an unscripted round-robin discussion, with time for questions from the audience. **No later than Friday, September 6, please submit your questions regarding substantive administrative law issues to ConferenceQA@utcle.org.**

Moderator:

H. Carl Myers, Office of the Attorney General, Austin, TX

Panelists:

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

Hon. James "Jimmy" Blacklock, The Supreme Court of Texas, Austin, TX

Hon. J. Brett Busby, The Supreme Court of Texas, Austin, TX

Hon. Evan A. Young, The Supreme Court of Texas, Austin, TX

1:45 p.m. .50 hr | .25 hr ethics

How to Get it Right: Agendas, Closed Sessions, and Remote Meetings

Go beyond the basics and focus on the often-overlooked aspects the Open Meetings Act. Learn how to avoid common pitfalls and enhance your agendas, closed sessions, and remote meetings.

Rosalind L. Hunt, Office of the Attorney General, Austin, TX

2:15 p.m. 15-Minute Break

2:30 p.m. .75 hr | .25 hr ethics

35 Years with Chief Justice Nathan L. Hecht

A view from The Supreme Court of Texas.

Hon. Nathan L. Hecht, The Supreme Court of Texas, Austin, TX

3:15 p.m. .75 hr

Parallel Investigations: Regulatory and Enforcement (DOJ)

What to consider when caught in the crosshairs of both regulatory and enforcement agency investigations. How to discern the aims and objectives underlying the investigations, balance competing pressures of a criminal or regulatory exposure, and evaluate when (or when not) to disclose information to investigative bodies.

Ashlee Martin, Gerger Hennessy & Martin LLP, Houston, TX

4:00 p.m. .75 hr

History of the Third Court of Appeals

With administrative law jurisdiction moving to the Fifteenth Court of Appeals, it is the end of an era for the Third Court of Appeals. Two retired Chief Justices who led the Third Court of Appeals provide a retrospective discussion of landmark administrative law cases, and their thoughts on the future of administrative law practice.

Moderator:

Laurie Ratliff, Laurie Ratliff LLC, Austin, TX

Panelists:

Hon. Marilyn Aboussie, Chief Justice (Retired), Third Court of Appeals, San Angelo, TX

Hon. James Lee Carroll, Chief Justice (Retired), Third Court of Appeals, Temple, TX

4:45 p.m. Adjourn

NETWORKING RECEPTION

4:45 p.m. to 5:45 p.m.

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

Presiding Officer:

Natasha J. Martin, Graves Dougherty Hearns & Moody, Austin, TX

7:30 a.m. Conference Room Opens
Includes continental breakfast.

8:30 a.m. .50 hr

Case Law Update: Part II

Examine significant administrative law cases issued during the last year.

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

9:00 a.m. 1.00 hr

Agency Hearing Processes

Summaries of bringing and presenting cases before the Public Utility Commission of Texas, the Railroad Commission of Texas, and the State Office of Administrative Hearings. Review filing and providing notice, conducting discovery, and a breakdown of the formal hearing process and appeals.

Hon. Hunter Burkhalter, Public Utility Commission of Texas, Austin, TX
William "Bill" Hayenga II, McElroy, Sullivan, Miller & Weber, LLP, Austin, TX
Johnathan Stone, Office of the Attorney General, Austin, TX

10:00 a.m. 15-Minute Break

10:15 a.m. 1.00 hr ethics

ChatGPT Ethics

Topic description generated by ChatGPT: Using ChatGPT for legal purposes promises efficient information processing, yet raises ethical concerns including client confidentiality and the risk of providing inaccurate advice. It is paramount that attorneys ensure adequate supervision, maintain professional discretion, and stay vigilant about the tool's limitations to uphold their ethical obligations.

Henson Adams, Haynes Boone, LLP, San Antonio, TX
Adam Sencenbaugh, Haynes Boone, LLP, Austin, TX

11:15 a.m. .50 hr

Recent Changes and Updates to the Public Information Act

An overview of the recent changes to the Public Information Act during the 88th Legislative Session and their practical application. Also, a look at any recent court cases and rule changes that affect the Public Information Act.

Tamara Smith, Office of the Attorney General, Austin, TX

11:45 a.m. Pick Up Lunch

Included in registration.

Presiding Officer:

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

LUNCHEON PRESENTATION

12:15 p.m. .75 hr | .25 hr ethics

Your Hearing/Deposition Will Be "Remote" But You Can't Be "Distant"

Sue Ayers remembers using a mimeograph machine to copy final exams for her high school students. She got her first email address in law school. She cried when her family made her give up her Blackberry. If she can take a virtual deposition, or participate in a two week contested hearing at SOAH remotely, so can you!

Susan Dillon Ayers, Jackson Walker LLP, Austin, TX

1:00 p.m. 15-Minute Break

1:15 p.m. .50 hr

The New Fifteenth Court of Appeals

Focus on the new Fifteenth Court of Appeals: the legislation, what we know, and where we go from here.

Kellie E. Billings-Ray, Office of the Attorney General, Austin, TX

1:45 p.m. .50 hr

Readable Legal Writing

Cover 10 writing techniques legal writers can implement to make their writing more concise, easier to skim, and more pleasing to readers. Each tip comes with a short "how to" recommendation for implementing the technique in your own writing.

Wayne Schiess, The University of Texas School of Law, Austin, TX

2:15 p.m. 1.00 hr

Agency Deference, Federal and Texas Developments

SCOTUS recently overruled the *Chevron* doctrine, under which federal agencies' interpretations of ambiguous federal laws within their areas of expertise were granted deference. What is—or was—the *Chevron* doctrine, how did it come to be, and how will its being overruled affect agencies in their implementation of their enabling acts? Does Texas have its own state-law *Chevron*-like doctrine, and if so, how does it differ from *Chevron*? What is the current and future role of Texas agencies in the interpretation and implementation of Texas law?

Hon. Kristofer S. Monson, State Office of Administrative Hearings, Austin, TX
David F. Brown, Ewell, Brown, Blanke & Knight LLP, Austin, TX
Linda B. Secord, Austin, TX

3:15 p.m. Adjourn

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UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, registrants will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

M C L E 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).

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Austin, TX

*Planning Committee member

HOW TO REGISTER

Online:

www.utcle.org/conferences/AL24/signup

Mail:

The University of Texas
School of Law
ATTN: CLE
P.O. Box 12883
Austin, TX 78711

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

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" 6–8 weeks after the 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.

TROUBLE LOGGING IN?

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AL24

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EVENT REGISTRATION

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

Please select location type:

- Live, In-Person Event Registration
 Live Webcast Registration

Please select registration type:

- Individual Registration \$595 | \$695 after Sept. 3
 Government Attorney Registration \$325 | \$425 after Sept. 3
 Administrative Public Law Section Member – Individual \$570 | \$670 after Sept. 3
 Administrative Public Law Section Member – Government Attorney \$300 | \$400 after Sept. 3

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Wednesday, September 18, 2024

Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$81.19 (\$75*)

Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

- Webcast Add-on \$75

TOTAL EVENT REGISTRATION \$ _____

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- Electronic Post-Course Download (PDF) \$297.69 (\$275*)
 Printed Post-Course Binder \$351.81 (\$325*)

TOTAL POST-CONFERENCE PRODUCTS \$ _____

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- Check (make check payable to The University of Texas at Austin)
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AUSTIN

September 17–18, 2024

CONFERENCE LOCATION

**AT&T Conference Center**

The University of Texas at Austin

1900 University Avenue

Austin, TX 78705

877.744.8822 (reservations)

Parking:Please visit www.utcle.org/conferences/AL24
for daily and overnight rates

KEY DATES

September 3, 2024*Last day for early registration rates***September 11, 2024***Last day for full refund cancellation***September 13, 2024***Last day for partial refund cancellation*

\$50 processing fee applied

September 17, 2024 8:20 a.m., CT*Conference begins***September 18, 2024***Last day to order a printed and shipped course binder
with in-person or webcast conference registration.*

REASONS TO ATTEND

The **Advanced Texas Administrative Law Seminar** 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. Expected topics include:

- 35 Years with Chief Justice Nathan L. Hecht
- Case Law Update: Part I and Part II
- Parallel Investigations: Regulatory and Enforcement (DOJ)
- History of the Third Court of Appeals
- Hearsay and Evidence at SOAH
- Judicial Panel
- Readable Legal Writing
- ChatGPT Ethics

Following the seminar, attendees will receive a free, on-demand eSupplement containing additional programming, ensuring attendees can earn their required 15.00/3.00 Texas MCLE hours for the year.

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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.

