

AGENCY DEFERENCE AT THE TEXAS SUPREME COURT



6 Steps to Agency Deference

Step 1: Is the agency interpretation formal and entitled to deference or informal and not entitled to deference?

Step 2: How long-standing is the agency interpretation?

Step 3: Does the agency have authority to enforce the statute (*i.e.*, is the statute within the agency's area of expertise)?

6 Steps to Agency Deference

Step 4: Does the agency interpretation conflict with the plain language of statute?

Step 5: Is the agency interpretation reasonable?

Step 6: Courts will generally uphold agency interpretation.

6 Steps to Agency Deference



6 Steps to Agency Deference

Step 1: Is the agency interpretation formal and entitled to deference or informal and not entitled to deference?



- Notice and Comment Rules. *Comm'n of Tex. v. Tex. Citizens for a Safe Future & Clean Water.*



- Amicus Briefs. *Id.*
- Comments in Hearings. *Id.*
- Advisories
- Bulletins

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Agency Deference at the Texas Supreme Court

Also available as part of the eCourse

[2016 Hot Topics in Administrative Law: Social Media, Data Breaches, Inaction, Deference, and More](#)

First appeared as part of the conference materials for the
11th Annual Advanced Texas Administrative Law Seminar session
"Agency Deference at the Texas Supreme Court"