

6th Annual Advanced Texas Administrative Law Seminar
August 25-26, 2011 • AT&T Conference Center • Austin, TX

Thursday Morning, Aug. 25, 2011

Presiding Officer:

James W. Checkley, Jr., Locke Lord Bissell & Liddell - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:45 am	Welcoming Remarks
9:00 am 1.00 hr	Case Law Update A summary of key cases involving administrative law over the past year. Hon. J. Woodfin "Woodie" Jones, Third Court of Appeals - Austin, TX Linda B. Secord, Office of the Attorney General - Austin, TX
10:00 am 0.50 hr	Open Government Update A look at significant issues involving the Texas Public Information Act and Open Meetings Act over the last year, including Attorney General opinions, legislation, and court decisions. Amanda Crawford, Office of the Attorney General - Austin, TX Jennie Hoelscher, Office of the Attorney General - Austin, TX
10:30 am	Break
10:45 am 0.75 hr	Governmental Immunity: Attack and Defend This presentation includes a case law update and discussion of practical issues that should be considered when suing or defending a governmental entity. Robin A. Melvin, Graves Dougherty Hearon & Moody - Austin, TX
11:30 am 0.50 hr	Rulemaking: Interpretive Rules, Agency Interpretations and Reasoned Justifications A discussion of recent cases and articles on these topics. Dudley D. McCalla, Of Counsel, Jackson Walker L.L.P. - Austin, TX
12:00 pm	Break to Pick Up Box Lunch Included in conference registration fee.

Thursday Afternoon, Aug. 25, 2011

Presiding Officer:

	THE 82nd LEGISLATIVE SESSION
	LUNCHEON PRESENTATION
12:15 pm 0.50 hr	Overview of the 82nd Legislative Session Kirk Watson, Texas State Senate, District 14 - Austin, TX
12:45 pm	Break
1:00 pm 0.50 hr	Legislative Update With the budget deficit, redistricting, Sunset legislation impacting several large agencies, and a number of other items, the 2011 session of the Texas Legislature involved many thorny issues. This session focuses on the bills enacted by the 82nd Texas Legislature that will impact administrative law practitioners, followed by a series of updates on the impacts of Sunset and other legislation on the Public Utility Commission, the Electric Reliability Council of Texas, the Railroad Commission, the Texas Commission on Environmental Quality, the Water Development Board and the Texas Department of Insurance. Thomas M. Pollan, Bickerstaff Heath Delgado Acosta LLP - Austin, TX
1:30 pm 0.42 hr	Update: Texas Department of Insurance Alex Gonzales, Winstead PC - Austin, TX
1:55 pm 0.42 hr	Update: Railroad Commission James E. Mann, Duggins Wren Mann & Romero, LLP - Austin, TX
2:20 pm 0.42 hr	Update: TCEQ and the Texas Water Development Board Emily Rogers, Bickerstaff Heath Delgado Acosta LLP - Austin, TX
2:45 pm 0.33 hr	Update: PUC John F. Williams, Duggins Wren Mann & Romero, LLP - Austin, TX
3:05 pm 0.42 hr	ERCOT from an Administrative Law Perspective Steven Baron, Consulting and Legal Services - Austin, TX Nathan Bigbee, Electric Reliability Council of Texas (ERCOT) - Austin, TX
3:30 pm	Break
3:45 pm 0.50 hr	Selected Jurisdictional Issues A discussion of recent cases concerning the district court's jurisdiction to review administrative agency determinations and to entertain claims arising from or based in part on agency determinations. J. Bruce Bennett, Cardwell, Hart & Bennett, L.L.P. - Austin, TX

4:15 pm 0.50 hr ethics	<p>Access to Justice for All Texans</p> <p>A representative from the Texas Access to Justice Commission highlights the many ways attorneys can get involved in increasing access to legal services for poor and low-income Texans.</p> <p>Hannah Silk Kapasi, Texas Access to Justice Commission - Austin, TX</p>
4:45 pm	Adjourn

Friday Morning, Aug. 26, 2011

Presiding Officer:
Ann Bright, Texas Parks and Wildlife Department - Austin, TX

8:30 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
9:00 am 0.50 hr	<p>Streamlining Enforcement Processes while Maintaining Due Process</p> <p>A look at the Texas Department of Licensing and Regulation's (TDLR) increasing enforcement workloads and efforts to adjust to budget cuts, and the State Office of Administrative Hearings' (SOAH) efforts to streamline default hearings.</p> <p>William H. Kuntz, Texas Department of Licensing and Regulation - Austin, TX</p>
9:30 am 1.00 hr	<p>Issues Out of CREZ</p> <p>Pursuant to legislation enacted in 2005, the Public Utility Commission identified five areas in Texas where large wind generators committed to construct wind farms, and designated them as Competitive Renewable Energy Zones (CREZ). It then identified more than 100 transmission line projects needed to support the CREZ, and designated eight transmission service providers to implement those projects at an estimated cost of \$5 billion (ultimately to be paid by electric consumers). The exact routes for these transmission lines, primarily through private property, were determined through 30 contested case proceedings conducted by SOAH, many with dozens and some with hundreds of landowners as well as other state agencies intervening as parties. This session focuses on the variety of procedural and substantive issues that arose from this complex administrative litigation.</p> <p>Moderator: J. Kay Trostle, Smith Trostle LLP - Austin, TX Panelists: Zach Brady, ZS Brady & Co. - Lubbock, TX Panelists: Todd George, Texas Parks And Wildlife Department - Austin, TX Panelists: E. Allen Nye Jr., Oncor Electric Delivery Company - Dallas, TX</p>
10:30 am	Break

10:45 am
1.00 hr ethics

Standing in the Light: Transparency in Government

We all agree that open government is a good thing yet understand that certain matters should be kept confidential. How are we to trace the boundary between these two commands and what principles and considerations should guide us? Are the Open Meetings and Public Information Acts the sum of our obligations or are we called further in the project of making state and local government accessible and open to all? Pack up your experiences, observations and opinions and join your colleagues and our two experienced moderators for a lively and illuminating discussion in the third annual Town Hall Meeting.

James E. Cousar, Thompson & Knight LLP - Austin, TX
Kimberly A. Frost, Jack Martin & Associates - West Lake Hills, TX

11:45 am

Break for Lunch Buffet

Included in conference registration fee.

Friday Afternoon, Aug. 26, 2011

Presiding Officer:

Hon. Howard S. Seitzman, State Office of Administrative Hearings - Austin, TX

LUNCHEON PRESENTATION

12:15 pm
0.75 hr

SOAH Update

A look at current events at SOAH, including a legislative update.

Hon. Kerry D. Sullivan, State Office of Administrative Hearings - Austin, TX

1:00 pm

Break

1:15 pm
0.75 hr ethics

Best Practices in the Absence of New Disciplinary Rules

This session addresses best practices for attorneys facing ethics questions in light of the recent defeat of the proposed revisions to the Texas Disciplinary Rules of Professional Conduct.

Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza - Austin, TX

2:00 pm
0.75 hr ethics

Clarifying Ex Parte Communications: Ethics Opinion No. 604

In May 2009, Ethics Opinion No. 587 generated much controversy. In January 2011, the Professional Ethics Committee for the State Bar issued Opinion No. 604, which purported to "clarify and amplify" the committee's earlier opinion. Did it? What are the current parameters for ex parte communications with administrative agencies?

Evan D. Johnson, Duggins Wren Mann & Romero, LLP - Austin, TX
Patrick Keel, Mediator-Arbitrator - Austin, TX

2:45 pm
1.00 hr

Judges Panel

Panelists engage in a round-robin discussion and respond to participants in a short structured Q&A.

Moderator:

Hon. Pratibha J. Shenoy, State Office of Administrative Hearings - Austin, TX

Panelists:

Hon. Debra Lehrmann, Supreme Court of Texas - Austin, TX

Panelists:

Hon. Bob Pemberton, Third Court of Appeals - Austin, TX

Panelists:

Hon. Stephen Yelenosky, 345th Judicial Civil District Court - Austin, TX

3:45 pm

Adjourn