

8TH ANNUAL

ADVANCED TEXAS ADMINISTRATIVE LAW SEMINAR



August 29–30, 2013
AT&T Conference Center ▪ Austin, TX

\$180 Government Lawyer Early Registration Rate

Earn up to 13.75 Hours of Credit Including 3.25 Hours of Ethics Credit
Specialization Credit Approved for Administrative Law

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THURSDAY MORNING, AUG. 29, 2013

Presiding Officer:

Linda B. Secord, Office of the Attorney General, Austin, TX

7:45 a.m. Registration Opens

Includes continental breakfast.

8:35 a.m. Welcoming Remarks

Case Law Updates

8:45 a.m. .50 hr

Open Government: Case Law Update and Suggested Best Practices

A review of recent judicial and attorney general opinions concerning the Open Meetings Act and the Public Information Act and discussion of suggested best practices in light of current case law (or lack thereof). Topics addressed include the Fifth Circuit's decision upholding the constitutionality of the Open Meetings Act, use of electronic communication and social media by public officials, and the application of the Public Information Act to private email accounts.

G. Alan Waldrop, Locke Lord LLP, Austin, TX
Lori Anne Fixley Winland, Locke Lord LLP, Austin, TX

9:15 a.m. .75 hr

Sovereign Immunity and Standing in UDJA and APA Declaratory Actions: Declaratory and Related Injunctive Relief Despite AG Opposition

The Attorney General seeks to change standing to sue the government and sovereign immunity law. Is he right?

Pete Schenkkan, Graves Dougherty Hearon & Moody P.C., Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr

Standard of Review

An overview of cases addressing standard of review.

Elizabeth R. B. Sterling, Office of the Attorney General, Austin, TX
Mark L. Walters, Office of the Attorney General, Austin, TX

10:45 a.m. .50 hr

Exhaustion of Administrative Remedies: First Principles and Recent Developments

This presentation examines the exhaustion doctrine in Texas including its rationale, exceptions, consequences and relationship to other legal doctrines; surveys recent and notable cases that apply the doctrine in various substantive areas of the law; identifies unresolved issues raised in pending cases; and comments on problem areas in the doctrine's application.

Steven Baron, Steven Baron Consulting and Legal Services, Austin, TX
Susan A. Kidwell, Locke Lord LLP, Austin, TX

11:15 a.m. .50 hr

Injunctions after eBay, Winter, and Monsanto

A discussion of the standards for granting injunctive relief in the wake of a series of U.S. Supreme Court cases.

John M. Golden, The University of Texas School of Law, Austin, TX

11:45 a.m. .50 hr ethics

Pro Bono Opportunities for Government Attorneys

An exploration of the variety of pro bono opportunities available for government attorneys including an attorney's ethical obligation to provide pro bono services.

Steve Elliot, Volunteer Legal Services of Central Texas, Austin, TX
D'Ann Johnson, Texas RioGrande Legal Aid, Austin, TX

12:15 p.m. Pick Up Lunch

Included in registration.

LUNCHEON PRESENTATION

12:30 p.m. .75 hr

An Overview of the 83rd Texas Legislative Session

Rep. Donna Howard, Texas House of Representatives, Austin, TX

1:15 p.m. Break

THURSDAY AFTERNOON

Presiding Officer:

J. Kay Trostle, Smith Trostle & Huerta LLP, Austin, TX

1:30 p.m. .50 hr

What Is a Rule?

A review of the Court's recent holdings to determine when agency statements are found to be illegal *ad hoc* rules.

Nichole B. Bunker-Henderson, Office of the Attorney General, Austin, TX

2:00 p.m. .75 hr ethics

Public Interest

A unique opportunity to hear from three non-commissioners on their roles representing the public interest for their agencies. The panel discusses what they do and how they do it, including how they identify who is the client, and how they represent the client.

Moderator:

James W. Checkley Jr., Cross Texas Transmission, LLC, Austin, TX

Panelists:

Kergin B. Bedell, Office of Public Insurance Counsel (OPIC), Austin, TX
Blas J. Coy Jr., Public Interest Counsel, Texas Commission on Environmental Quality (TCEQ), Austin, TX
Joseph P. Younger, PhD, Public Utility Commission of Texas (PUC), Austin, TX

2:45 p.m. .50 hr

Motion for Rehearing Update

An examination of recent decisions concerning motions for rehearing of final agency orders in contested case proceedings and a discussion of the effort to amend the APA provisions governing the filing and disposition of such motions.

J. Bruce Bennett, Cardwell, Hart & Bennett, L.L.P., Austin, TX
Dudley D. McCalla, Of Counsel, Jackson Walker L.L.P., Austin, TX

3:15 p.m. Break

3:30 p.m. .75 hr

eDiscovery: Recent Developments and Practical Applications

Learn the latest in the evolving world of eDiscovery with practical management strategies to address those issues.

Matthew C. Henry, Vinson & Elkins LLP, Dallas, TX

4:15 p.m. 1.00 hr ethics

Administrative Hell: What Would You Do?

An examination of ethical dilemmas in administrative law.

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

5:15 p.m. Adjourn

FRIDAY MORNING, AUG. 30, 2013

Presiding Officer:

Kimberly L. Kiplin, Dykema Gossett PLLC, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Legislative Update

A focus on the bills enacted by the 83rd Texas Legislature that impact administrative law practitioners, including a review of the Sunset legislation.

Thomas M. Pollan, Bickerstaff Heath Delgado Acosta LLP, Austin, TX

9:00 a.m. 1.00 hr ethics

Ethics Lessons from the Michael Morton Wrongful Conviction

A firsthand account of work on this case and the ongoing review into prosecutorial misconduct from a member of the legal team responsible for exonerating Michael Morton after serving 25 years of his life sentence.

Patricia J. Cummings, Law Office of Patricia J. Cummings, Round Rock, TX

10:00 a.m. Break

10:15 a.m. .75 hr

A Case Study

Under Section 39.152, Texas Education Code, SOAH sits in the place of Travis County District Court to exercise final review over school district closures. Hear the pros and cons from two of the litigators.

William C. Bednar, Law Office of William C. Bednar and Of Counsel, Powell & Leon, LLP, Austin, TX
James C. Todd, Office of the Attorney General, Austin, TX

ABOUT THE COVER



Our Time, 32 1/4" x 38", collage on board is by Lance Letscher. Courtesy of d berman gallery.

11:00 a.m. .50 hr

Due Process Rights: What Are They and When Do You Have Them?

The Administrative Procedure Act was enacted to "provide minimum standards of practice and procedure." When do those minimum standards apply and what are the current contours of the right to due process in Texas contested case proceedings?

Susan Henricks, Hull Henricks LLP, Austin, TX

11:30 a.m. .50 hr

When Is a Witness an "Expert" and Associated Ramifications

What makes a witness an expert and how that impacts your case: a review of topics and decisions that should shape your approach.

Thomas B. Hudson Jr., Graves Dougherty Hearon & Moody, Austin, TX
Andrea Moore Stover, Graves Dougherty Hearon & Moody, Austin, TX

12:00 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

James W. Checkley Jr., Cross Texas Transmission, LLC, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. .50 hr

SOAH Update

A review of the legislative session and a preview of what's ahead for SOAH.

Hon. Cathleen Parsley, State Office of Administrative Hearings, Austin, TX

12:45 p.m. Break

1:00 p.m. .50 hr

Cross-Agency Regulation of Service Contracts

Legal and practical issues related to the regulation of risk transfer contracts, including an examination of the authority of the Texas Department of Licensing and Regulation (TDLR), the Texas Real Estate Commission (TREC), the Texas Department of Insurance (TDI), and the Office of the Attorney General (OAG).

James E. Davis, Locke Lord LLP, Austin, TX
Jon L. Gillum, Locke Lord LLP, Austin, TX

1:30 p.m. .50 hr

What Can a Court Do with an Agency Order?

An examination of the procedural relief some Texas courts have granted in conjunction with their reversal of agency orders, and how some courts' treatment of these issues have been inconsistent.

Patrick J. Pearsall, Duggins Wren Mann & Romero, LLP, Austin, TX

Materials by:

Marnie Ann McCormick, Duggins Wren Mann & Romero, LLP, Austin, TX

2:00 p.m. .50 hr

Judicial Review of Contingent Conditions

The interplay between ripeness and finality in administrative appeals.

Ron H. Moss, Winstead PC, Austin, TX

2:30 p.m. 1.00 hr

Judicial Panel

An unscripted round-robin discussion allowing time for questions at the end.

Moderator:

Hon. Diane M. Henson, Ikard Wynne LLP, Austin, TX

Panelists:

Hon. Jeffrey S. Boyd, The Supreme Court of Texas, Austin, TX

Hon. J. Woodfin "Woodie" Jones, Third Court of Appeals, Austin, TX

Hon. Timothy M. Sulak, 353rd Judicial District Civil Court, Austin, TX

3:30 p.m. Adjourn

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The amount of credit and ethics hours is a great value!

Best selection of topics of any admin law seminar that I have attended.

Informative program. This is probably the best one I've attended.

The topics and presentations ran a good spectrum of practical to digging deep on special topics.

This conference had the best ethics presentations that I have seen and participated in during the 25 years I have been licensed.

Thank you for UT Law CLE's contribution to the administrative law practice.

The speakers were very good and their experience and abilities make the difference for this advanced course.

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AL13

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PO Box 7759, Austin, TX 78713-7759 or fax a copy to: 512.475.6876

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Standard

- Registration by Wednesday, August 21, 2013 \$395
 Registration after Wednesday, August 21, 2013..... \$445

Government Lawyer

- Registration by Wednesday, August 21, 2013 \$180
 Registration after Wednesday, August 21, 2013..... \$230

Judge

- Please list Title and Court/Agency _____
 Registration—complimentary no charge

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AUSTIN

August 29–30, 2013

CONFERENCE LOCATION



AT&T Conference Center
1900 University Avenue
Austin, TX 78705
512.404.3600

Parking:

Free daily self-parking at AT&T Conference Center and UT Garages. Limited self-parking available. Separate fees apply for valet and overnight parking.

KEY DATES

August 21, 2013

last day for early registration
add \$50 for registrations received after this time

August 23, 2013

last day for full refund

August 26, 2013

last day for partial refund
\$50 processing fee applied

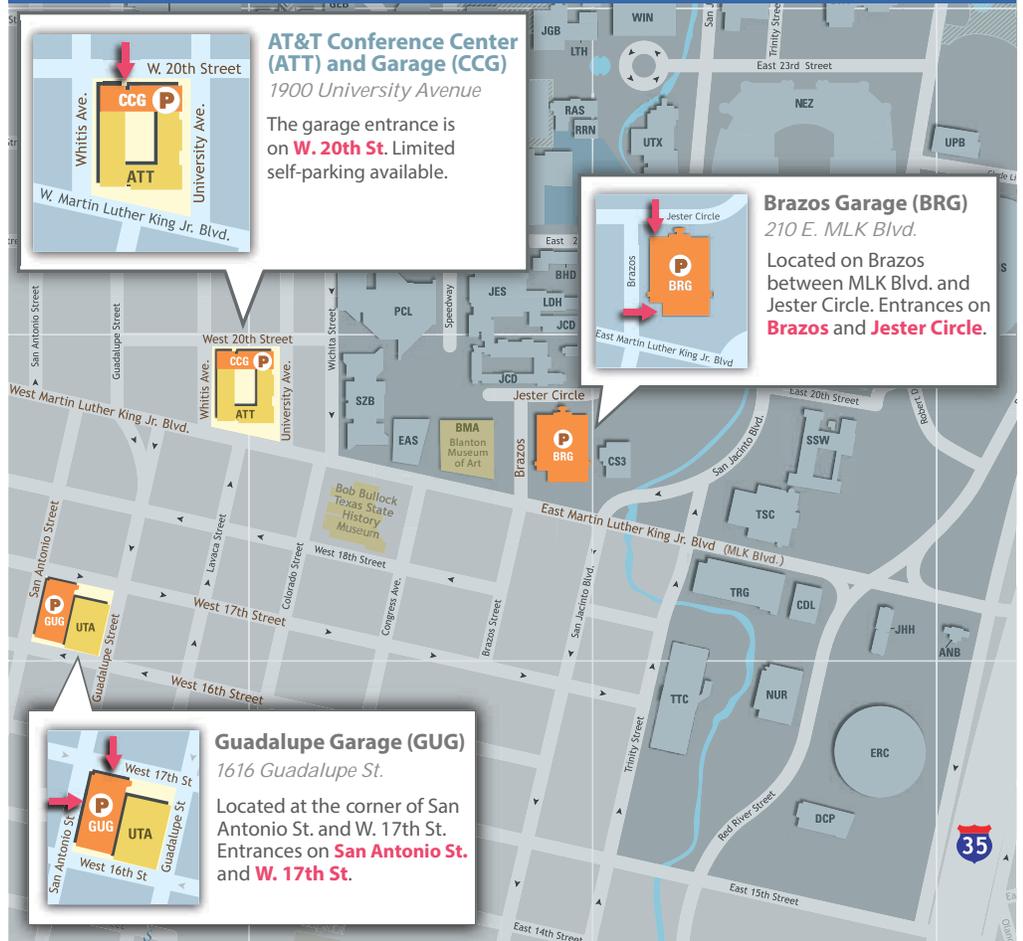
August 29, 2013, 8:35 a.m.

Seminar begins

**M
C
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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 13.25 hours, of which 3.25 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).

AT&T CONFERENCE CENTER AND UT PARKING GARAGES



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The Administrative and Public Law Section of the State Bar of Texas consists of more than 1,000 licensed attorneys throughout Texas who represent clients before, or are employed by, a variety of state and federal agencies, boards and commissions. The Section's members also represent clients in state and federal judicial proceedings in which agency decisions or actions are litigated. The Section sponsors the Mack Kidd Administrative Law Moot Court Competition and also supports the Texas Tech Administrative Law Journal, included in Section membership.

www.adminlaw.org