

14th Annual Advanced Texas Administrative Law Seminar
August 15-16, 2019 • AT&T Conference Center • Austin, TX
August 15-16, 2019 • Live Webcast

Thursday Morning, Aug. 15, 2019

Presiding Officer:

April G. Griffin, Texas Higher Education Coordinating Board - Austin, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.50 hr	Case Law Update: Part I Examine significant administrative law cases issued during the last year. Laurie Ratliff, Laurie Ratliff LLC - Austin, TX
9:00 am 0.50 hr	Legislative Update A focus on the bills enacted by the 86th Texas Legislature that impact administrative law practitioners. Sara J. Ferris, Austin, TX
9:30 am 0.75 hr	<i>Ultra Vires</i> Update Survey recent decisions addressing <i>ultra vires</i> claims. Scott K. Field, Butler Snow LLP - Austin, TX Mark L. Walters, U.S. Department of Justice, Environment and Natural Resources Division - Washington, DC
10:15 am	Break
10:30 am 1.00 hr	Pleas to the Jurisdiction Examine the procedure and standards for determining pleas to the jurisdiction from multiple perspectives, and explore related procedural issues. Shelby L. O'Brien, Enoch Kever PLLC - Austin, TX Esteban San Miguel Soto, Office of the Attorney General - Austin, TX Hon. Stephen Yelenosky, Senior District Judge - Austin, TX
11:30 am 0.75 hr	Death, Taxes, and Alcohol: Or Just Another Day at Sunset Hear an overview of the Sunset process, recently passed legislation, and a preview of upcoming reviews. Steven M. Ogle, Sunset Advisory Commission - Austin, TX

12:15 pm In Austin Only	Pick Up Lunch (in Austin) Included in registration.
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Thursday Afternoon, Aug. 15, 2019

Presiding Officer:

James W. Checkley Jr., Cross Texas Transmission, LLC - West Lake Hills, TX

LUNCHEON PRESENTATION

12:35 pm 0.75 hr	Agency Spotlight: Texas Department of Licensing and Regulation Explore next and best practices for occupational licensing and regulation. Molly Fudell, Texas Department of Licensing and Regulation - Austin, TX Della M. Lindquist, Texas Department of Licensing and Regulation - Austin, TX
1:20 pm	Break
1:35 pm 1.00 hr	Back to Basics: The Rules of Rulemaking Rulemaking lies at the heart of the administrative process, but in a rapidly changing landscape it is easy to lose sight of the fundamentals. Make sure your foundations are strong, and review the basics from procedural requirements to opportunities for substantive challenge. Carrie Collier-Brown, Locke Lord LLP - Austin, TX John A. Riley, Holland & Knight LLP - Austin, TX
2:35 pm 0.50 hr	ALJ Practice Tips Hear a brief overview of the best practices and practical tips to use at the State Office of Administrative Hearings from the perspectives of two Administrative Law Judges. Hon. Meaghan M. Bailey, State Office of Administrative Hearings - Austin, TX Hon. Kerrie J. Qualtrough, State Office of Administrative Hearings - Austin, TX
3:05 pm 0.50 hr ethics	Tips for Avoiding Legal Malpractice and Surviving Grievances You spent a lot of time, money, and effort earning your law license and building your professional reputation. Now spend 30 minutes learning how to keep both. Scott Rothenberg, Law Offices of Scott Rothenberg - Houston, TX
3:35 pm	Break
3:45 pm 0.50 hr	Admission of Internet Evidence Explore the use of social media by companies, employees, and attorneys in employment disputes, including the legal and ethical boundaries being recognized by some and ignored by others, as well as the nuts and bolts of admitting social media data into evidence. Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX

4:15 pm 1.00 hr	<p>Judicial Panel</p> <p>Engage in an unscripted round-robin discussion, with time for questions from the audience. Please submit your questions in advance to ConferenceQA@utcle.org or on-site at the conference registration desk.</p> <p>Moderator: Hon. Holly Vandrovec, State Office of Administrative Hearings - Austin, TX</p> <p>Panelists: Hon. Jeff Boyd, The Supreme Court of Texas - Austin, TX Hon. Jeff Rose, Third Court of Appeals - Austin, TX Hon. Amy Clark-Meachum, 201st Judicial District Civil Court - Austin, TX</p>
5:15 pm	Adjourn
In Austin Only	<p>Networking Reception (in Austin from 5:15 p.m. - 6:15 p.m.)</p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>

Friday Morning, Aug. 16, 2019

Presiding Officer:

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

7:30 am In Austin Only	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:00 am	<p>Board Certification Information Session (Optional Session)</p> <p>Not board certified? Would you like to be? Come to this information session in which a lawyer board certified in administrative law for 30 years explains the process, the pitfalls, and the importance of becoming board certified in this important area of Texas law.</p> <p>Linda B. Secord, Office of the Attorney General - Austin, TX</p>
9:00 am 0.50 hr	<p>Case Law Update: Part II</p> <p>Examine significant administrative law cases issued during the last year.</p> <p>Laurie Ratliff, Laurie Ratliff LLC - Austin, TX</p>
9:30 am 0.75 hr	<p>Conviction Letters and Related Issues</p> <p>Observe a roundtable discussion on navigating professional licensing complications related to criminal law matters.</p> <p>Joseph T. Marcee, Law Office of Joseph T. Marcee - Georgetown, TX Matthew L. Rienstra, Dalrymple, Shellhorse, Ellis & Diamond, LLP - Austin, TX Timothy E. Weitz, McDonald, Mackay, Porter & Weitz, LLP - Austin, TX</p>
10:15 am	Break

10:30 am 0.75 hr	<p>Texas Citizens Participation Act Update: Implications in Administrative Law Cases</p> <p>Review the TCPA's application to administrative law cases and ramifications of the 2019 TCPA amendments.</p> <p>Hon. Bob Pemberton, Third Court of Appeals (Ret.) - Austin, TX Amanda G. Taylor, Butler Snow LLP - Austin, TX</p>
11:15 am 0.50 hr	<p>Improve Your Legal Writing</p> <p>Learn techniques for improving your legal writing in the short, medium, and long run.</p> <p>Kamela Bridges, The University of Texas School of Law - Austin, TX</p>
11:45 am 0.50 hr	<p>Administrative Challenges and Appeals</p> <p>A look at common issues raised in challenging administrative orders (Texas and federal), focusing on finality, sovereign immunity, standards of review, deference, and appealing your appeal.</p> <p>Previous topic was "An Overview of Rulemaking Under the Administrative Procedures Act"</p> <p>Linda B. Secord, Office of the Attorney General - Austin, TX Adam Sencenbaugh, Haynes and Boone, LLP - Austin, TX Colleen M. Sullivan, Third Court of Appeals - Austin, TX</p>
12:15 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Friday Afternoon, Aug. 16, 2019

Presiding Officer:

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

LUNCHEON PRESENTATION

12:35 pm 0.50 hr 0.25 hr ethics	<p>Investigations in Today's Woke Workplace</p> <p>A veteran workplace investigator shares critical tips for ensuring that every complaint investigation is thorough, in good faith, and reliable in the midst of the #MeToo movement, instant social media postings, and polarizing employee relations issues.</p> <p>DeDe Church, DeDe Church & Associates, LLC - Austin, TX</p>
1:05 pm	<p>Break</p>
1:20 pm 1.00 hr 0.50 hr ethics	<p>Trends in Open Government</p> <p>Address the latest developments in open government, including changes from the 2019 legislative session, opportunities and challenges that arise from recent technological advances, along with best practices every open government practitioner should know.</p> <p>Justin D. Gordon, Office of the Attorney General - Austin, TX Kimberly G. Kelley, Bickerstaff Heath Delgado Acosta LLP - Austin, TX</p>

2:20 pm 0.50 hr	<p>Changing Perspectives on Judicial Deference</p> <p>Judicial deference to administrative agency interpretations has recently been the subject to much discussion and debate - including at the highest levels. Explore the changing perspective on judicial deference, and where those changes may take us.</p> <p>Craig R. Bennett, Enoch Kever PLLC - Austin, TX</p>
2:50 pm 0.50 hr 0.25 hr ethics	<p>The Role of the Legislative Lawyer</p> <p>Explore the unique role (and ethical responsibilities) of the “legislative lawyer” in guiding businesses in solving their high-stakes problems at the State Capitol and state agencies.</p> <p>Royce Poinsett, Poinsett PLLC - Austin, TX</p>
3:20 pm	<p>Adjourn</p>