

Caselaw Update

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Disclaimer

The authors are former and currently serving Assistant Attorneys General. This PowerPoint does not reflect the opinions of the Office of the Attorney General and should not be construed as such.

Administrative Record

DPS v. Kennedy

- If you don't get the administrative record into evidence
- You can't win.

Harm

- If you don't show prejudice to your substantial rights
- You can't win
- APA 2001.174(2)

Harm: *New World Car Nissan v. Hyundai*

If you don't

- tender a brief
- seek a continuance so that you can tender a brief

Or

- ask the agency to review prior written exceptions

Harm: *New World Car Nissan v. Hyundai*

- Then you can't win a claim that the agency prohibited you from filing a brief.
- You have not shown prejudice to your substantial rights.

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