

EXAM SPECIFICATIONS FOR ADMINISTRATIVE LAW

The purpose of the certification examination is to require applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in administrative law.

DEFINITION. Administrative law is the practice of law dealing with the regulatory, licensing, enforcement, and adjudicative powers of local, state and federal governmental agencies. Applicant must demonstrate substantial involvement and special competence in the practice of Texas administrative law, including, without limitation, representing clients before administrative agencies, practicing law within those agencies, and handling judicial proceedings involving those agencies.

KNOWLEDGE. Applicant must have knowledge of the following: **(Not all of the following exam topics will be covered on the exam. Applicant will be tested on all laws currently in effect at the time of the exam.)**

- I. The Administrative Procedure Act (Chapter 2001, TEX. GOV'T CODE)
- II. The Handling of Contested Cases under the APA
 - A. Agency record
 - B. Agency orders, including enforcement of orders, rules and actions
 - C. Alternative dispute resolution procedures (Chapter 2009, TEX. GOV'T CODE)
 - D. Delegation of powers to agencies
 - E. De novo hearings
 - F. Discovery
 - G. Exhaustion of remedies
 - H. Evidence
 - I. Ex parte communications
 - J. Findings of fact and conclusions of law
 - K. Hearing procedure
 - L. Licensing (Chapter 2005, TEX. GOV'T CODE)
 - M. Proposal for decision, exceptions and replies
 - N. Motions for rehearing
 - O. Representation before state agencies (Chapter 2004, TEX. GOV'T CODE)
- III. Hearings before the State Office of Administrative Hearings
 - A. SOAH, Chapter 2003, TEX. GOV'T CODE
 - B. SOAH Rules of Procedure, 1 TAC Chapter 155
- IV. Judicial review of agency orders, including:
 - A. Declaratory judgments
 - B. De novo hearings
 - C. Texas Rules of Civil Procedure

- D. Texas Rules of Evidence
 - E. Texas Rules of Appellate Procedure
 - F. Travis County District Court Rules
 - G. Res judicata
 - H. Sovereign/legislative immunity
 - I. Permission to sue
 - J. Standing
 - K. Standard/Scope of Judicial Review
- V. Agency Rulemaking including:
- A. APA provisions concerning rulemaking
 - B. Texas Register and Administrative Code (Chapter 2002, TEX. GOV'T CODE)
 - C. Negotiated rulemaking (Chapter 2008, TEX. GOV'T CODE)
- VI. Open Meetings (Chapter 551, TEX. GOV'T CODE)
- VII. Public Information Act (Chapter 552, TEX. GOV'T CODE)
- VIII. Registration of lobbyists (Chapter 305, TEX. GOV'T CODE)
- IX. The Texas Disciplinary Rules of Professional Conduct.
 The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.

SKILLS. Applicant must demonstrate the:

1. Ability to communicate effectively to a variety of audiences (e.g., communications addressed to clients, counsel, courts, administrative agencies, etc.)
2. Ability to develop and evaluate strategies for solving a problem or accomplishing an objective
3. Ability to analyze and apply legal rules and principles
4. Ability to analyze, sort and use facts, and to plan and direct factual investigations
5. Ability to organize and manage a legal task efficiently within time constraints
6. Ability to represent a client consistent with applicable ethical standards
7. Ability to invoke and utilize the procedures normally required in the area of specialty including pleadings and filings