

Texas Tech Administrative Law Journal

Alumni Newsletter



Welcome

*From Editor-in-Chief
Adam T. Whitten*

Hello on behalf of the Volume 13 Board of Editors! We are excited to bring to you the first alumni newsletter for past members of the Texas Tech Administrative Law Journal.

The best part of the journal for me is the people I work with. If the law students on the ALJ have one thing in common, it is a collegial and dedicated attitude. It seems that everyone has fun while working tirelessly to produce a journal we can be proud of. As I took a break from editing an upcoming article earlier today, I started scanning the old group photos from past journals. Inspecting the faces of past members of both the ALJ and the Texas Tech Journal of Administrative Law (we changed in 2007), I couldn't help but feel that had always been true. I think the ALJ's members reflect in microcosm the best qualities of Tech Law—professionalism, commitment, and collaboration.

The ALJ does not work without its members. I couldn't be prouder to be a part of the tradition of excellence established thirteen years ago.

A Message from Professor Brian Shannon

To All ALJ Alums Near & Far

Greetings from Lubbock! We are having another great year at the Texas Tech School of Law – your law school! The ALJ continues to thrive and to enjoy a superlative reputation among the practicing bench and bar. The Law School is thriving as well. We welcomed new Dean Darby Dickerson during the summer. Dean Dickerson joined us after many years of service as the Vice President and Dean at Stetson University College of Law in Florida. She received her B.A. and M.A. from William & Mary and earned her J.D. from Vanderbilt. After a federal judicial clerkship, she practiced for six years in Dallas where in 1995 she was named both the Outstanding Young Lawyer in Dallas and the Outstanding Director of the Texas Young Lawyers Association. Dean Dickerson joined the Stetson law faculty in 1995, became the interim dean in 2003-04, and was named as their dean in 2004. We are thrilled that she opted to return to Texas to take the helm as our new Dean.

In addition to the hiring of Dean Dickerson, we have added a number of new faculty members in the last few years, and several of these professors teach in areas involving administrative or regulatory practice. For example, in 2009 we welcomed Richard “Chip” Murphy as the AT&T Professor of Law. Professor Murphy is the co-author of one of the most widely adopted Administrative Law casebooks in the nation, and he is a member of the Governing Council of the ABA’s Administrative Law and Regulatory Practice Section. In 2010, Professor David Sandino joined the faculty after serving as the Chief Counsel for the California Department of Water Resources from 2006-10 and a twenty-year career with that department. His agency managed the largest state-built water system in the United States. Then, just this fall, among our new hires are three more professors with administrative or regulatory law backgrounds. Professor Christopher Kulander has joined us from practice in Houston. His specialty is oil and gas law, and in addition to his J.D., he also earned a Ph.D. in Geophysics (Petroleum Seismology). Prior to law school, he served as a geophysicist for the U.S. Geological Survey. We also welcomed Professor Elizabeth Kronk this August. Professor Kronk, a graduate of the University of Michigan Law School, taught for the last several years at the University of Montana School of Law. Her specialties include interests in environmental law, natural resources, and Native American law. In addition to teaching, Professor Kronk also currently serves as Chief Judge for the Sault Ste. Marie Tribe of Chippewa Indians Court of Appeals in Michigan. We also were pleased to add Professor Brie Sherwin to our Legal Practice faculty. Professor Sherwin was one of the first students at Tech Law to graduate in the dual degree program with a J.D./M.S. in Environmental Toxicology. Her practice background includes toxic tort litigation, the utilization of scientific evidence in occupational and community exposure cases, and in-house consulting on environmental issues.

As for me, I am now in my 13th year serving as the ALJ Advisor, and I continue to enjoy being associated with an outstanding, student-organized, student-led publication that prides itself on producing a scholarly and professional publication focused on Texas administrative law. Also, since his arrival at Tech Law, Professor Chip Murphy has joined me as an ALJ advisor. I am also now in my fourth year serving the university as Texas Tech’s faculty athletics representative (FAR) to the NCAA and the Big 12 Conference. In that capacity, I was also recently elected to the national board for the 1A FAR Association. Although the NCAA is a private entity, I have found that many of the issues are very similar to a regulatory practice, including legislative rulemaking and the rules compliance and enforcement processes.

Finally, I want to express my thanks to all of you. It was your hard work, which is now being continued by the Editors for Volume 13, that helped build the ALJ to what it is today—a terrific and important part of the law school, but also a key resource for administrative practice in this state. Indeed, the ALJ remains as the only journal in Texas, and one of only two student journals nationally, that focuses on administrative law. In addition, the ALJ has also continued its close working relationship with the Administrative and Public Law Section of the State Bar of Texas. All of this has resulted from the efforts by you, our alumni, and our current members. Thank you.

ALJ Alumni Newsletter

Hello ALJ Alumni! My name is Charity Moore and I am the Organizational Development Chair for Volume 13. For the current members of ALJ, I function as an aid in the ever-daunting job search. Additionally, my position allows me to act as a liaison between current and former members. We have decided to create this Alumni Newsletter in an effort to open the lines of communication with alumni, as well as keep everyone that has had a helping hand in creating ALJ informed of the journal's progress. We hope this Newsletter is informative and enjoyable for all of you who have made ALJ the great organization it is today.

Spotlight on 2L Member: Taylor Spalla

Taylor Spalla is a 2L member who attended Southwestern University. Taylor served as a Regional Political Director for Senator Kay Bailey Hutchison's gubernatorial campaign, where he oversaw all political operations in the San Antonio and South Texas region. Taylor has also traveled as an Advance Representative for The White House. Taylor organized and oversaw the execution of events that the Vice President of the United States attended. Additionally, Taylor was a Special Assistant at Worldwide Strategic Partners, where he researched and monitored international relations and international energy issues. This also allowed him to travel to several countries in the Middle East and Asia while overseeing logistics for the traveling party.

Spotlight on 3L Member: Jordan Surratt

Jordan Surratt is a 3L comment editor from Hutto, Texas. Jordan graduated from Texas Tech with a degree in Psychology. Jordan is the President of Phi Delta Phi Honors Fraternity and the Vice President of the Organization of Women Lawyers. Jordan has had numerous clerkships including the Fort Worth Court of Appeals and private firms. When not participating in law school activities, Jordan serves as a volunteer for the Lubbock Rape Crisis Center and works at a local law firm. Jordan's dedication to her academic success as well as the community makes Jordan Surratt a stand-out member of ALJ.



Meet the Editor-in-Chief

Adam T. Whitten

Adam T. Whitten is the Editor-in-Chief for Volume 13 of the Texas Tech Administrative Law Journal. Born and raised in Denton, Texas, he earned his undergraduate degree in Psychology from Texas State University—San Marcos. His professional interests include alternative dispute resolution; professional ethics; and legal research, writing, and advocacy skills. His student comment for the ALJ discussed the application of new judicial recusal standards from *Caperton v. A. T. Massey Coal Co.* to administrative hearing officers and administrative law judges.

Outside of law school, Adam is a voracious *Jeopardy!* viewer known to scold those who watch with him when they don't answer in the form of a question. Adam maintains an interest in music, listening to

everything from Beethoven to The Black Keys (although he holds a particular fondness for all forms of the blues). Adam also supports public efforts to raise awareness of mental health issues in the legal profession, particularly depression and substance abuse.

Lastly, Adam would be lost without the work and support of the ALJ's executive board. Liz Galas, Sierra Redding, Jessi Houghtby, April Prim, Charity Moore, and John Larios, all work tirelessly on all things ALJ. Without their efforts, Adam's life would be a terrible mess, and he cannot imagine a better group of people to run the journal with.

Volume 13 Executive Board

Liz Galas—Executive Managing Editor

The Staff Editors and Articles Editors have finished all their hard work editing the professional articles and student comments for our fall book. Now, Adam and I are working hard on final edits to produce another excellent volume of the ALJ.

Starting last semester, we created a new and updated set of ALJ specific editing rules. We started by addressing all of the grammar and citation rules that we knew were either not mentioned in one of our editing books or were not the same rule in all of the editing books. Since it is was our first semester using these new rules, we continuously updated them as new issues came up during the editing process. We have now accumulated thirty-one ALJ editing rules.

April Prim—Business Manager

The members of the Texas Tech Administrative Law Journal know that the success of a law journal requires more than writing and editing. In mid-November journal members participated in the sale of two styles of Texas Tech School of Law key chains. We had a successful sale and raised enough money to afford a new office printer. There are limited number of key chains still available, so if any Texas Tech Administrative Law Journal Alumni are interested in purchasing a key chain, please contact April Prim, april.leeder@ttu.edu, for more information. Planning is currently underway for the journals annual banquet to be held on March 31st of this year.

Sierra Redding—Executive Student Writing Manager

Texas Tech Administrative Law Journal Volume 13 Fall edition features four student comments with a variety of topic areas. These areas include support of vocational training in Texas schools, the importance of DNA testing, pesticide labels as they relate to negligence per se, and finally the Texas Department of Licensing and Regulation's role in regulation of combative sports. As the Executive Student Writing Editor for Volume 13, I have the privilege to assist this volume's staff editors with their contributions to the area of administrative law. The staff editors 13 are hard at work on their comments, and I am very excited about the range of topics they have chosen. The Spring edition of Volume 13 and the Fall edition of Volume 14 will have relevant and intriguing contributions to Texas administrative law.

Jessi Houghtby—Lead Articles Editor

My name is Jessi Houghtby, and as the Executive Lead Articles Editor I am tasked with soliciting articles written by administrative law practitioners, professors, and other professionals for publication in the Texas Tech Administrative Law Journal. We have secured three great professional articles for publication in the Fall 2011 edition that we feel will significantly contribute to the practice of administrative law in Texas. These include Ron Beal's article, "The Motion for Rehearing Process: A Call for Revision", Scott Houston's article, "Texas Open Meetings Act: Constitutional?", and Stephen Lott's article, "Culture War in the Classroom: A Legal Analysis of the 2010 Curriculum Controversy". Our sincerest thanks go out to the authors of these articles! Finally, I could not successfully do my job without willing writers. If you would like to submit an article for consideration in the Spring edition of the journal, please email me at jessica.houghtby@ttu.edu. I look forward to hearing from those of you with articles relating to topics in Texas Administrative Law!

John Larios—Technology Editor

The Texas Tech Administrative Law Journal is getting a new printer. Those familiar with the former printer know the significant impact of this news. The Executive Board acknowledges the necessity of an efficient machine that assists the editors in creating the journal. As such, the Executive Board made the decision to address a lingering need within the journal. The Executive Board had a new printer installed prior to the beginning of the Spring 2012 semester.

On another note, the Administrative Law Journal website is under construction. The journal would appreciate any updated information from our distinguished alumni so that we may continue to exhibit the professionalism derived in part by participation with ALJ.

Charity Moore—Organizational Development Chair

The Administrative Law Journal Alumni Newsletter is just one step of many that the Volume 13 Executive Board plans to take toward building stronger relationships between alumni and the current members. We have been working closely with the Institutional Advancement Department of the law school to compile a accurate and detailed alumni directory. If you would like to have you information updated, please send any changes to charity.moore@ttu.edu. Additionally, if you are a member of linkedin please request to join our group. We are proud to announce the establishment of the first Administrative Law Journal Endowment through the Texas Tech Foundation. If you are interested in learning more about the ALJ Endowment please see the discussion on page 9.

Alumni Profile: *Y. Danae' Bush*

Editor-in-Chief Vol. I



Y. Danae' Bush attended Texas Tech School of Law from 1997-2000. She served as an associate editor on the Texas Tech Law Review and was selected to serve as the first Editor-in-Chief of the Texas Tech Administrative Law Journal. Establishing Texas Tech as the home of the Administrative Law Journal for the Administrative and Public Law Section of the State Bar of Texas was exhilarating but chaotic for the journal's board of editors and staff during its initial year. With the guidance of Professor Brian Shannon, the board set up office space, located computers and desks, and began soliciting and selecting articles for publication in the journal.

After graduating from Texas Tech School of Law in 2000, Bush moved to Austin and began working as a legislative counsel for the Texas Legislative Council. She is in her 11th year with the agency, and prepares and reviews legislation in many subjects, including judicial, state agencies, amusements, sports, gaming, health and safety, and occupation regulation. She recently celebrated her 25th wedding anniversary with her husband, Boyd Bush, who completed his doctorate degree in Higher Education Administration at Texas Tech University and is serving as a Professional Development Manager for the TLC. They have one daughter, Tanisha, who is a junior at the University of Texas at Austin. Bush has recently rediscovered her love of drawing and painting.

Fall 2011

A Semester in Review

Case Law Update

Chief Judge Cathleen Parsley of the State Office of Administrative Hearings asked members of the ALJ to provide the case law update at the 23rd Annual Advanced Administrative Law Court hosted by the TexasBarCLE. During the months of March, April, and May 2011, staff members of the ALJ volunteered to write and edit case notes for inclusion in the CLU. These staff members worked on the CLU in addition to all their normal ALJ, law school, and extracurricular activities at the time. The volunteers all worked up to, during, and after finals time, putting in a tremendous amount of effort that none of them were required to do. Our staffers went above and beyond to help put together an outstanding final product.

Two staff members went to Austin on June 30, 2011, to present to the CLE. Jessica Houghtby, the Executive Lead Articles Editor, and Adam T. Whitten, the Editor-in-Chief, were the first speakers at the conference. In addition to holding their first CLE, Jessi and Adam were able to meet a number of administrative practitioners and solicit articles for the upcoming volume of the journal.

The contributing authors to the CLU were: Carah-Beth Bass, Articles Editor; Elizabeth Galas, Executive Managing Editor; Reagan H. "Tres" Gibbs, III, Articles Editor; Sherida Hibbard, Articles Editor; Jessica Houghtby, Executive Lead Articles Editor; John N. Larios, Executive Technology Editor; April Prim, Business Manager; Philip McLemore, Articles Editor; Charity Moore, Organizational Development Chair; Sierra Redding, Executive Student Writing Editor; Adam T. Whitten, Editor-in-Chief. If you wish for a copy of the CLU, please email the Editor-in-Chief. If you have a subscription to TexasBarCLE, you can see the video of Jessi and Adam's presentation.



Annual Mack Kidd Administrative Law Moot Court Competition

The ALJ partially sponsored Texas Tech School of Law's team to the most recent Annual Mack Kidd Administrative Law Moot Court Competition in Austin on October 20–22, 2011. The members of our team this year were speakers Jamee Cotton (2L), Lauren Dorsey (2L), and brief writer Lauren McDivitt (2L). Recent Tech Law graduate Robert Withers ('10) of the Lubbock County District Attorney's office coached the team.

After winning in the preliminary rounds, the team lost in a break round to the eventual winning team from Baylor Law School.

The team received considerable financial support from two sources outside the law school. The Dallas firm of Guida, Slavich & Flores, P.C. and the Austin firm of Herrera & Boyle PLLC both contributed significant funds to help send the team. In addition, the team received funding and guidance from the Director of Tech Law's Advocacy Program, Professor Rob Sherwin. The ALJ wishes to sincerely thank Mr. Boyle, Mr. Guida, Mr. Herrera, and Prof. Sherwin for their support.

Texas Tech Administrative Law Journal Endowment

The current Volume XIII Executive Board worked in conjunction with the Volume XII Executive Board to create the first Administrative Law Journal Endowment. This endowment will foster stability for the Texas Tech Administrative Law Journal and ensure continued operations in the future. The endowment is through the Texas Tech Foundation. The Texas Tech Foundation is a corporation under 501(c)(3) of the Internal Revenue Code.

The end goal of the endowment is for Administrative Law Journal to have enough return on interest from the fund's principle, to ensure the journal's financial stability. Hopefully, one day this endowment would also provide ALJ members with scholarship opportunities. The success of this new venture is based solely on donations so every little bit counts.

Finally, we would like to thank Melia Cait Jones, the Organizational Development Chair for Volume 12. Cait set the foundation for this project before handing the project over to the Volume 13. This project would not have been possible without the help of the Volume XII Executive Board, Lisa Green, the Texas Tech Foundation, Joe Flowers, Gail Alleyne-Bayne, Career Services, Professor Brian Shannon, Professor Richard Murphy, and most importantly the current members who voted the project in.

If you are interested in learning more about the endowment please contact us at alj.ttu.edu

Member Accomplishments of Note

Adam T. Whitten

- Volunteer Mediator at the Office of Dispute Resolution

April Prim

- Teaching Fellow for Legal Practice
- Historian for Phi Delta Phi

Austin Pennington

- Joint degree program, J.D./MBA
- NLLSA National Moot Court Competition: New Haven, Connecticut. Won National Championship (by beating Yale's team in their own court room)
- Wes Craven National Moot Court Competition: Chapel Hill, North Carolina
- Mercer Legal Ethics and Professionalism National Moot Court Competition: Macon, Georgia
- Blakeley Moot Court National Championship: Houston, Texas
- Board of Barristers: Spring 2011 Advanced Moot Court Champion. Additionally, Final Round Best Advocate
- Board of Barristers: Spring 2010 Overall Top Advocate in 1L Moot Court Competition
- Publication, *The Texas Education Agency and the Robin Hood Plan: Is Stealing from the Rich Really Giving More to the Poor?*, TEXAS TECH ADMINISTRATIVE LAW JOURNAL, Volume 12, Fall 2011.

Christopher Schulte

- Jurisprudence Award for Superior Academic Achievement, Contracts

James Logue

- Law School Representative for the Student Government Association
- Co-Coordinator for Crawfish for Casa
- Publication in Fall 2011, *Pesticide Labels as a Basis for Negligence per se Liability: Identifying the Benefits if Texas Courts Will Take the Next Step*, 13 TEX. TECH ADMIN. L.J.

Liz Galas

- Joint degree program, J.D./MBA
- ADR Clinic, Spring 2012

Sierra Redding

- Publication, *Covering all the Bases: How Texas can Preserve it's Military Bases in the Face of Department of Defense Budget Cuts*, 12 Tex. Tech Admin. L.J. (Spring 2011).
- Best Comment Award, 2010-2011

Velissa Chapa

- Secretary for the International Law Society
- Community Service Chair for the Hispanic Law Students Association

TEXAS TECH ADMINISTRATIVE LAW JOURNAL

VOLUME 13

2011-2012

BOOKS 1 & 2

EXECUTIVE BOARD

ADAM T. WHITTEN

EDITOR-IN-CHIEF

ELIZABETH GALAS

EXECUTIVE MANAGING EDITOR

SIERRA REDDING

EXECUTIVE STUDENT WRITING EDITOR

JESSICA HOUGHTBY

EXECUTIVE LEAD ARTICLES EDITOR

APRIL PRIM

BUSINESS MANGER

JOHN LARIOS

TECHNOLOGY EDITOR

CHARITY MOORE

ORGANIZATIONAL DEVELOPMENT CHAIR

ARTICLES EDITORS

CARAH-BETH BASS
REAGAN H. GIBBS, III
SHERIDA HIBBARD
MARISSA LOZOYA
PHILIP MCLEMORE
ELIZABETH NIBLO
DEREK PENNARTZ
CASSANDRA PRUSKI
JOHN SHANKLIN

COMMENT EDITORS

JACQUE HOLT
JAMES LOGUE
AUSTIN PENNINGTON
JORDAN SURRETT
J.J. WELLS

STAFF EDITORS

JEFFREY ANDERSON
JONATHAN ANDRING
JOSEPH BEHNKE
VELISSA CHAPA
MICHAEL CHRISTENSEN
RY ELLISON

REESE GARDELL
JONATHAN GROVES
KALIN HARVARD
MANUEL H. HERNANDEZ
MARTA HOES
DANIELLE HOLLIS
STEPHEN HUMENIUK

KATY LOVETT
KAITLYN LUCK
LAUREN MULLINS
SARIKA PATEL
CHRISTOPHER SCHULTE
TAYLOR SPALLA

FACULTY ADVISORS:

PROFESSOR RICHARD W. MURPHY

DEAN DARBY DICKERSON

PROFESSOR BRIAN D. SHANNON

SECRETARY: DONNA B. JONES

STATE BAR OF TEXAS: ADMINISTRATIVE AND PUBLIC LAW SECTION LIAISON COMMITTEE

LINDA SECORD

TOM POLLAN

Update Your Contact Information

You can mail in this form or e-mail it to
alj.law@ttu.edu

Home address: _____

Phone: (day) _____ (evening) _____

E-Mail: _____

Graduation year: _____

Any additional information, comments, or suggestions: _____

Don't forget, donations to the Texas Tech Foundation may be earmarked for the Administrative Law Journal

Name: _____

Any additional names that you would like to be included in the donation:

Is there a specific need to which you would like your contribution applied?

Any additional information you would like to provide: _____

Please make check payable to the "Texas Tech Foundation" and indicate in the memo line that you would like your contribution to be applied to the "Administrative Law Journal" endowment. The Foundation is a 501(c)(3) corporation; any contribution is tax deductible.

Mail to:

Texas Tech Law School Foundation
1802 Hartford Avenue
Lubbock TX 79409

Thank you for your support of the Texas Tech Administrative Law Journal. Please feel free to contact us at alj.law@ttu.edu or (806) 742-3787 x 235