



The UAPA, Contested Cases, and Non-UAPA Proceedings:  
Compare & Contrast  
November 22, 2013 – Nashville, TN

**Program Description:** Lawyers who engage in any practice before government agencies understand that there is more than one way to be heard. Agencies conduct contested case proceedings pursuant to the Uniform Administrative Procedures Act, but there are also several agencies, crucial to the workings of government, that have hearing processes that are exempt from the requirement of the UAPA. This program will highlight: the new procurement process and its non-UAPA appeal process; ethical considerations of practicing before agencies in non-UAPA settings and circumstances; and litigating before state agencies in UAPA proceedings.

**Program Producers:** Christy Allen, *State of Tennessee Treasury Department*

Agenda

12:30 – 1:00 p.m.

**Registration**

1:00 – 2:00 p.m.

**State Procurement Processes and Protest Process**

*This program will provide an overview of both the State of Tennessee's procurement process and its non-UAPA protest process. The State of Tennessee's Central Procurement Office was created to centralize procurement functions and create cost savings while ensuring transparency and accountability in the procurement and contracting process. The Lead Attorney and Director of Category Management for the Central Procurement Office will update attendees on the 2013 legislative changes related to the State's procurement and will provide practice tips for navigating the protest process.*

**Paul Krivacka**, *Central Procurement Office of the State of Tennessee*

2:00 - 3:00 p.m.

**Appearing Before a Protest Committee & Non-UAPA Committee (1 Dual)**

*Mr. Lee will discuss how proceedings are conducted before non-UAPA committees and the expectations of attorneys appearing before these committees. He will also explore the ethical considerations of practicing before these entities, including the lobbyist registration law.*

**Tom Lee**, *Frost Brown Todd LLC*

3:00 – 3:15 p.m.

**BREAK**

3:15 – 4:15 p.m.

**Litigating Before Boards and Commissioners**

*This segment will discuss the Uniform Administrative Procedures Act, the Tennessee Department of Environment and Conservation's new administrative appeal procedure and tips for litigating administrative contested cases.*

**Commissioner Robert Martineau, Jr., TN. Dept. of Environment & Conservation**

Credit hours: 2 general, 1 dual