



THE END OF THE *CHEVRON* DOCTRINE: THE EFFECT ON THE ADMINISTRATIVE STATE



Discussion of the recent U.S. Supreme Court decisions in *Loper Bright/Relentless* and *Jarkesy* and their impact.

Tuesday, September 10, 2024
4:00 PM – 5:40 PM Central Time

via Zoom

Approved for 1.5 hours of Texas MCLE credit

This CLE is part of a series of SCOTUS updates. The 2024 U.S. Supreme Court Update from August 8, 2024, is now available On Demand [here](#).



Agenda

4:00 – 4:10 PM

Welcome Remarks

Leonard M. Baynes
Dean, Hugh Roy and Lillie Cranz Cullen Distinguished Chair
Professor of Law
University of Houston Law Center

4:10 – 4:40 PM

Loper Bright/Relentless Case Discussion and The Impact

Andrew C. Michaels
Associate Professor
University of Houston Law Center

Darren Bush
Leonard B. Rosenberg Professor of Law
University of Houston Law Center

4:40 – 5:10 PM

Jarkesy Case Discussion and Its Impact

Gina S. Warren
Professor of Law
A.L. O'Quinn Chair in Environmental Studies

Tracy Hester
Instructional Professor of Law

Co-Directors of the Environment, Energy, and Natural Resources Center (EENR) at the University of Houston Law Center

5:10 – 5:40 PM

Roundtable Discussion with all panelists and Dean Baynes, as well as questions from the virtual audience

BIOGRAPHIES



LEONARD M. BAYNES

*Dean
Hugh Roy and Lillie Cranz Cullen Distinguished Chair
Professor of Law
University of Houston Law Center*

Serving as the ninth dean of the University of Houston Law Center, Leonard M. Baynes is now the longest serving law dean in the State of Texas. He has a national reputation as a communications law scholar with specializations in business and FCC regulation. He manages almost 60 full-time faculty and oversees 11 centers and institutes, including the No. 7 ranked Health Law & Policy Institute and the No. 8 ranked Institute for Intellectual Property & Information Law as well as the No. 8 ranked Part-Time Program.

Baynes initiated an award-winning Pre-Law Pipeline Program designed to create more opportunities for first-generation, economically challenged, and under-resourced college students who are considering law school. He instituted a voluntary “Community Service Day” during which incoming first-year students, faculty, and staff fan out across the city to work on public service projects. He also has increased the number of scholarships and opportunities for students to serve in school-funded, public service internships at home and abroad.

Baynes was inducted into the Minority Media & Telecommunications Council Hall of Fame. Before becoming Dean at UH Law, Baynes previously served as the inaugural director of the Ronald H. Brown Center for Civil Rights and Economic Development at St. John’s University School of Law.

In 2010, Baynes received the Diversity Trailblazer Award from the New York State Bar Association, and in 2019 he accepted the American Bar Association Alexander Award on behalf of the UH Law Center Pre-Law Pipeline Program.

In 2019, Baynes was the recipient of the Council on Legal Education Opportunity, Inc.’s Edge Award and the John Mercer Legal Education Leadership Award from the National Black Pre-Law Conference and Law Fair. In 2020, Baynes was named to the Lawyers of Color Power List by the Lawyers of Color Foundation. In 2022, he was recognized by the Association of American Law School’s Clyde Ferguson Award and the Columbia University School of Law Paul Robeson Award.

During his deanship, he was named one of the nation’s top 100 most influential lawyers of color, and he was awarded The Houston Lawyer Association’s Robert L. King Excellence in Education Award.

Since 2020, Dean Baynes organized and convened virtual dialogues among corporate counsel and law firm managing partners designed to discuss innovative practices in hiring, recruitment and retention of talent of all backgrounds.

Baynes has written more than 35 law review articles on corporate law, communications law, and diversity and in 2020 published a casebook entitled “Communication Law in the Public Interest” with Hammond and Sandoval published by Wolters Kluwer.



DARREN BUSH

*Leonard B. Rosenberg Professor of Law
University of Houston Law Center*

Professor Darren Bush’s scholarship focuses on antitrust and economic regulation. He received his Ph.D. in economics and J.D., both from the University of Utah. His Ph.D. fields were industrial organization, history of economic thought, labor economics, and political economy, with his dissertation focusing on creating competition in deregulated electricity markets.

While completing his J.D., Professor Bush consulted on issues regarding state deregulation of electric utilities, interned at the U.S. Department of Justice’s Antitrust Division, and taught various economics courses. After receiving his J.D., he served as an Attorney General’s Honor Program Trial Attorney at the Antitrust Division’s

Transportation, Energy, & Agriculture Section, where his primary focus was the investigation of mergers and anticompetitive conduct in wholesale and retail energy markets and airlines. He has testified numerous times on antitrust matters before congressional committees and federal commissions.

Professor Bush is also a fourth-degree black sash (4th degree black belt) in Northern Shaolin/Northern Praying Mantis Kung Fu.

BIOGRAPHIES



TRACY HESTER

Instructional Professor of Law

Co-director of Environment, Energy, and Natural Resources Center (EENR)

University of Houston Law Center

Professor Hester teaches environmental law at the University of Houston Law Center, where he co-directs the Law Center's Environment, Energy & Natural Resources Law Center and the University of Houston's Center for Carbon Management in Energy. He is a recognized expert on the innovative application of environmental laws to emerging technologies and unanticipated risks, including climate engineering, deep decarbonization (particularly in energy production), nanoscale materials and microplastics, and climate liability. In Fall 2019, Professor Hester taught the first U.S. law school course on Climate Intervention Law, which focused on emerging climate engineering technologies and legal challenges. He also originated an innovative Environmental Practicum that matches students with multiple leading environmental attorneys to work on practical projects and to develop creative legal initiatives, and has created an Environmental Appellate Advocacy Institute to identify and participate in cases affecting core interests of environmental law.

Professor Hester was named President-Elect of the American College of Environmental Lawyers in 2023 (and previously served as a Regent from 2018 to 2021). He was also elected as a member of the American Law Institute in 2004, and named the Top Environmental Lawyer in Houston in 2011 by Best Lawyers of America. He was elected to the Council of the American Bar Association's Section on Environment, Energy and Resources (SEER) in 2011 through 2014. Professor Hester is the past chair of SEER's Special Committee on Congressional Relations, its Climate Change and Sustainable Development Committee, and its Environmental Enforcement and Crimes Committee.

Professor Hester serves on the American Bar Association's Climate Change Task Force, and he acted as one of the ABA's delegates to the UN climate conferences in 2021, 2022, and 2023. During the summer of 2014, Professor Hester served as the interim Director of the North America Commission on Environmental Cooperation's Submission on Environmental Matters Unit in Montreal, Canada. The Environmental Law Institute also named him as its Environmental Scholar in Residence for 2015.

Prior to joining the University of Houston Law Center, Professor Hester practiced for 25 years and served as a partner in Bracewell LLP for sixteen years. He led that firm's Houston environmental group.



ANDREW C. MICHAELS

Associate Professor

University of Houston Law Center

Andrew Michaels teaches in the areas of intellectual property and statutory regulation, and his scholarship has focused in the areas of intellectual property law, jurisprudence, and emerging technologies including blockchain and artificial intelligence. Professor Michaels received his J.D. from New York University School of Law, and subsequently clerked for Judge Pauline Newman at the United States Court of Appeals for the Federal Circuit before practicing primarily as a patent litigator for a number of years. Professor Michaels' work has been quoted by multiple federal courts and has appeared in scholarly journals such as *George Mason Law Review*, *Stanford Journal of Blockchain Law & Policy*, and *Brooklyn Law Review*.

He also regularly publishes shorter more practice-oriented pieces in forums such as Law360. Immediately prior to joining the Law Center, Professor Michaels was a Visiting Associate Professor and the Frank H. Marks Intellectual Property Fellow at the George Washington University Law School.



GINA S. WARREN

Professor of Law

A.L. O'Quinn Chair in Environmental Studies

Co-director of Environment, Energy, and Natural Resources Center (EENR)

University of Houston Law Center

Gina S. Warren is the A.L. O'Quinn Chair in Environmental Studies and co-director of the Environment, Energy, and Natural Resources Center. Her teaching and scholarship focus on the nexus between the environment, property, social justice, and energy. Her scholarship has appeared in top 20 law review journals, books, and peer-reviewed journals. She is an internationally recognized scholar with publications in prominent journals such as the *Boston University Law Review*, the *Maryland Law Review*, the *Missouri Law Review*, the *Nebraska Law Review*, the *Idaho Law Review* (peer reviewed), the *University of Cologne (Germany) Business Law Journal*, and the *Columbia Journal of Environmental Law*. Professor Warren's research has also been cited by the Texas Supreme Court, the Colorado Supreme Court, Massachusetts appellate courts, the Oxford Handbook of Sport and Society, and showcased by the *Washington Post*, among others.

Professor Warren was in private practice for several years prior to entering academia. She worked as a litigator in land use, environment, and utility law at Perkins Coie, LLP. Professor Warren also completed a clerkship for the Honorable Michael Winkelstein of the Appellate Division of the Superior Court of New Jersey. She received her Bachelor of Science from the University of Arizona and her Juris Doctorate from Rutgers School of Law. She is admitted to practice law in Pennsylvania, New Jersey, the U.S. Virgin Islands, and Washington.

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