

Judicial Review of Administrative Actions Research Guide

Overview

This research guide contains information and resources about judicial review of administrative actions. Judicial review is “a court’s power to review the actions of other branches or levels of government; especially, the courts’ power to invalidate legislative and executive actions as being unconstitutional.” (*Black’s Law Dictionary, 11th ed.*) This guide focuses mostly on civil resources, but there are some criminal resources too. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes & Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Administrative Code
<https://www.sos.state.tx.us/tac/index.shtml>

Texas Government Code

- Subchapter G Contested Cases: Judicial Review §2001.171 *et seq*
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.2001.htm#G>

United States Code

- 5 USC Ch. 7 Judicial Review
<https://uscode.house.gov/view.xhtml?path=/prelim@title5/part1/chapter7&edition=prelim>

Secondary Resources in Print

Texas Administrative Practice and Procedure KFT 1640 .B42

- Vol. 1, Ch. 4 Judicial Review of Rules
- Vol. 1, Ch. 9 Judicial Review of Contested Case Orders
- Vol. 2, Ch. 10 Ad Hoc Adjudication or Ad Hoc Rule Making
- Vol. 2, Ch. 11 Activating Judicial Review of Contested Case Orders
- Vol. 2, Ch. 13 Administrative Action Not Subject to the APA

Texas Forms Pleading and Practice REF KFT 1730 .A65 T482

- Vol. 2 §40:145 Judicial review of Texas Lemon Law cases
- Vol. 3, Ch. 54 Building and Savings Loan Association §§54:3-4
- Vol. 5A §91:52 Plea to jurisdiction and answer – by defendant state agency – under UDJA – failure to exhaust administrative remedies
- Vol. 6, Ch. 100 Drugs, Narcotics, and Poisons §100:3-4; 100:6
- Vol. 6A, Ch. 108 Employment Relationships §108:56 Judicial review of administrative order
- Vol. 7B §135:3 Judicial review of administrative action (hospitals/health care facilities)
- Vol. 7B, Ch. 139 Incompetent Persons §139:31 Judicial Review
- Vol. 7C, §144:134 to §144:137 Insurance
- Vol. 8, Ch. 148 Intoxicating Beverages
- Vol. 9, Ch. 182 Occupations and Trades §182:3 Judicial Review §148:3 Appeal from administrative decision on permit or license
- Vol. 9B, Ch. 191 Pensions and Retirement Funds
- Vol. 9B, Ch. 194 Physicians, Surgeons and Other Medical Personnel §§194:5-6; 194:27
- Vol. 10, Ch. 197 Pollution and Conservation §§197:14; 197:19; 197:24; 197:28; 197:36; 197:43-197:45

- Vol. 11, Ch. 207 Public Utilities §§207:14; 207:16
- Vol. 11A, Ch. 220 Securities Regulations §220:5 Petition – Judicial review of order prohibiting sale of securities by securities commissioner

Dorsaneo’s Texas Litigation Guide REF KFT 1730 .T4

- Vol. 25, Ch. 423 Judicial Review of Contested Cases §423.01 et seq; §423.04[1] Filing for Judicial Review

Texas Transaction Guide REF KFT 1268 .K45

- Vol. 21, Ch. 89A §89A.130 Real Estate Transactions: Farms, Water Rights, Procedural Guide for Application for Surface Water Permit

Texas Criminal Practice Guide REF KFT 1775 .T49

- Vol. 4, Ch. 92 § 92.05, Postconviction Remedies, Prisoners’ Rights, Disciplinary Procedures

Vernon’s Texas Statutes and Codes Annotated REF KFT 1230.5

- TX GOVT Vol. 9 §2001.171 Judicial Review

Tailoring the Scope of Judicial Remedies in Administrative Law (Admin. Conference of the U.S.)
<https://www.acus.gov/sites/default/files/documents/tailoring-the-scope-of-judicial-remedies-in-administrative-law-final-report.pdf>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

CLE Materials

Advanced Administrative Law Course KFT 1640 .A75S7

- 2020 Ch. 3 Procedural Due Process in Contested Case Proceedings, pp. 12-13, 16-17.
- 2019 Ch. 3 Administrative Case Law Update
- 2018 Ch. 4 Supreme Court of Texas Update, Section II. A. Judicial Review

Online Resources

State Bar of Texas 24th Annual Advanced Administrative Law Course
http://www.texasbarcle.com/Materials/Events/11311/150057_01.pdf

Texas Attorney General Administrative Law Handbook
https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/general-oag/adminlaw_hb.pdf