

Public Law

Andrews Kurth believes that the effective representation of state agencies and local governments, as well as the representation of private parties before such entities, requires special legal knowledge and judgment and special attention to the public policy process. We believe that such representation is best provided by a group of attorneys with diverse skills that are a coordinated team practicing with a focused objective. Andrews Kurth has assembled such a group in its Public Law Section.

The practice of the Public Law Section at Andrews Kurth is generally divided into five areas: public finance; public project development; general and special counsel representation of local government entities; representation of electric power users; and contested proceedings and litigation involving public sector issues.

Public Finance

Attorneys practicing public finance law in the Houston, Dallas and Austin offices of Andrews Kurth serve as Bond Counsel or Disclosure Counsel for state agencies and local governments throughout Texas. In recent years we have served as Bond Counsel for a variety of state agencies, including:

- Texas Water Development Board
- Texas Public Finance Authority
- Texas State Affordable Housing Corporation
- University of Houston

We have also been designated to serve as a Bond Counsel for the Texas Department of Transportation.

Andrews Kurth regularly serves as Bond Counsel, and in certain instances as Disclosure Counsel, for many counties, cities, school districts and special authorities, including:

- Harris County
- City of Houston
- Houston Independent School District
- Austin Independent School District
- Dallas Housing Authority
- North Harris County Regional Water Authority

The public finance group also represents major national and regional investment banking firms as Underwriters Counsel in a wide variety of tax-exempt bonds issued throughout Texas and the Southwest. Among others, such clients include:

- Goldman Sachs
- JPMorgan Securities
- Morgan Stanley
- UBS Financial Services
- Coastal Securities
- First Southwest Company
- Morgan Keegan & Company
- RBC Dain Rauscher

The firm's public finance work involves a full range of tax-exempt bond transactions, including general obligation and revenue bonds, as well as private activity bonds. Many clients are active in the issuance of debt for both new projects and refinancing of existing facilities and programs. Areas of public finance specialization include:

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- Education
- Transportation and toll road
- Water and sewer utilities
- Aviation

- Port
- Convention center
- Sports and entertainment facility
- Housing and tax increment transactions

We are experienced in fixed and variable/adjustable rate structures, commercial paper and auction rate programs, lease/purchases and interest rate swaps and other derivative transactions. We represent domestic and foreign commercial banks as issuers of credit enhancement and liquidity facilities and as trustees in various types of public debt financing. A list of public finance transactions in which Andrews Kurth has participated is available upon request.

Federal income tax and securities laws, as well as state finance laws, are continuously evolving, and we regularly advise clients on those changes. In addition, we have worked with bond issuers to develop alternative and creative financing structures for public improvement programs. These efforts generally require working with financial advisors and investment bankers and federal and state regulatory agencies and in some instances securing statutory changes in the Texas Legislature. The unique and innovative nature of the transactions on which we work sometimes results in relying on the expertise of Andrews Kurth lawyers in other practice areas.

Public Project Development

Andrews Kurth has extensive experience in public/private project development for and with governmental and public entities, including the drafting and negotiation of development agreements, architect agreements, construction contracts, management agreements and leases in connection with sports and entertainment facilities, convention centers, schools and universities, housing projects and assisted living facilities. We have represented the Harris County-Houston Sports Authority (Sports Authority) since its creation in all aspects of the development of Minute Maid Park for the Houston Astros, Reliant Stadium for the Houston Texans and RodeoHouston and the Toyota Center for the Houston Rockets and Houston Comets. A list of public projects in which the firm has participated is available upon request.

General and Special Counsel Representation

In the area of General Counsel representation, we serve as outside counsel to the Sports Authority, the Metropolitan Transit Authority of Harris County (METRO) and the Port of Houston Authority (Port). Work for METRO and the Port includes real estate, environmental, public contracting, administrative, legislative and litigation matters. We have represented METRO since its creation in 1978 and have worked on the full range of its activities, including development of its light rail program.

We also serve as Special Counsel to cities, counties and special districts in a variety of matters, including:

- Elections
- Redistricting
- Civil rights
- Procurement and construction

- Real estate
- Contested annexation issues
- Ethics and conflict of interest issues
- Franchise matters

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We have represented cities in connection with tax rollback elections and challenges, including review of initiative, referendum and recall petitions. We advise governmental entities, as well as private parties, on the legality of policies and practices relating to disadvantaged business enterprise programs, open meetings and public information acts, election laws and political contributions.

Representation of Electric Power Users

Andrews Kurth played a key role in the creation of Texas' deregulated electric power industry. Today we represent an association of large companies in most major electric utility regulatory proceedings before the Public Utility Commission of Texas and help private and public entities develop power supply arrangements, aggregated buying groups and cogeneration projects within the state's deregulated market system. We also advise an association of business customers on electric utility industry restructuring matters that come before the Texas Legislature.

Contested Proceedings and Litigation

Property Rights. Our lawyers have extensive experience in eminent domain and land-use disputes. We have represented public and private clients in connection with the condemnation of property for:

- Street extensions and widenings
- Parks
- Park and ride facilities
- Railroad lines
- Construction of new pipelines
- Light rail transit
- Conversion of existing pipelines
- Telecommunications facilities
- Sports venue facilities

We have also advised clients on inverse condemnation matters, including flooding and regulatory taking litigation, and on annexation challenges, particularly in the Houston area. Among other property-related matters, we have worked on landfill permit applications and hearings throughout Texas and have represented clients in environmental and flooding claims against local governments.

Public Sector Disputes. Andrews Kurth maintains an active litigation practice involving public law issues in state and federal courts at both the trial and appellate levels. We appear regularly before state agencies and the Texas Legislature on non-litigation matters, bringing a trial lawyer's approach and overview to such matters. Our clients include local governments, corporations and individuals. Attorneys in the Public Law Section routinely handle specialized and high-profile disputes involving:

- Voting rights
- Civil rights
- Contract disputes
- Construction and commercial litigation
- Tort litigation
- Election contests