

Public Law

Straight Talk Serves the Interest of Public Law

Effective public law representation requires a combination of special legal knowledge and judgment as well as an ability to operate in the public policy process. These skills are applicable whether representing local governments or representing private parties before state regulatory agencies.

Andrews Kurth's Public Law practice group embodies and deploys all these necessary attributes. From leading bond deals that finance major infrastructure developments to counseling electric utilities, counseling on condemnation issues and advocating clients' interests in contested administrative proceedings, our counsel includes:

- Public Finance
- Public Private Partnerships (PPPs)
- Local Government Counsel
- Electric Power User Representation
- Contested Proceedings and Litigation, Private and Public Sectors

Public Finance

The public finance lawyers in our Houston, Dallas and Austin offices 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 counties, cities, school districts and special authorities, including:

- Texas Department of Transportation
- Texas Public Finance Authority
- Harris County
- City of Houston
- Houston Independent School District
- Austin Independent School District
- North Harris County Regional Water Authority

Additionally, we serve as underwriters' and purchasers' counsel in many transactions. The firm's public finance experience involves a full range of tax-exempt bond transactions, which we detail in our Public Finance practice group section.

Public Private Partnerships (PPPs)

Andrews Kurth has extensive experience in public private partnerships. Our PPP counsel includes working with, and working for, governmental and public entities.

We draft and negotiate development agreements, architect agreements and construction contracts. We also handle management agreements and leases involving sports and entertainment facilities, convention centers, schools and universities, housing projects and assisted living facilities.

An example of our PPP counsel is our representation of the Harris County-Houston Sports Authority (Sports Authority). Andrews Kurth lawyers have been counselors since its creation and our advice includes all aspects of the development of:

- Minute Maid Park for the Houston Astros
- Reliant Stadium for the Houston Texans and RodeoHouston
- Toyota Center for the Houston Rockets and Houston Comets

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Local Government Counsel

In our representation of local government entities, we serve as outside counsel to the Metropolitan Transit Authority of Harris County (METRO), Port of Houston Authority (PHA) and the Sports Authority.

Our work for METRO and PHA 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
- Civil rights
- Contested annexation issues
- Ethics and conflict of interest issues
- Franchise matters
- Procurement and construction
- Real estate
- Redistricting

Our counsel to cities has included representation on tax rollback elections and challenges, including review of initiative, referendum and recall petitions.

Additional areas of counsel include advising governmental entities, as well as private parties, on the legality of policies and practices relating to disadvantaged business enterprise programs, open meetings, public information acts, election laws and political contributions.

Electric Power Users Representation

Andrews Kurth represents participants in the electric industry both before the Federal Energy Regulatory Commission (FERC) and state public utility commissions. Our broad experience includes navigating the wide array of statutes and regulations that affect our clients including:

- Power project developers
- Independent power producers
- Power marketers
- Regional transmission organizations (RTOs)
- Electric transmission providers

Andrews Kurth played a key role in the creation of Texas' deregulated electric power industry. In the footprint of that work, we continue our industry counsel with our representation of an association of large companies in most of its major electric utility regulatory proceedings before the Public Utility Commission of Texas.

Our experience includes helping private and public entities develop power supply arrangements, aggregated buying groups and cogeneration projects within the state's deregulated market system. Our counsel also involves representation on rates issues and advising an association of business customers on electric utility industry restructuring matters that come before the Texas Legislature.

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Contested Proceedings and Litigation, Private and Public Sectors

Lawyers in our Public Law and Public Law Litigation practice groups collaborate to mitigate the risks of lawsuits and resolve disputes strategically and efficiently as they play out in public forums.

Andrews Kurth has extensive experience resolving eminent domain and land-use conflicts. 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.

In addition, our Public Law litigation practice group regularly handles specialized and high-profile disputes involving constitutional litigation in the area of voting, elections and civil rights. Leveraging the firm-wide resources of our business Litigation practice group, we also manage a full-range of business torts and commercial disputes within the political overlays these matters can entail.