

Burgdorf: UT Regents' "Clear Intent" Was to Oust Powers

The former general counsel for the University of Texas System told members of a legislative committee investigating a UT System regent that some regents' "clear intent" was to "get rid of" UT Austin President Bill Powers.

BY REEVE HAMILTON AND JORDAN GASS-POORE OCT. 23, 2013 5 PM



Former UT System General Counsel, Barry Burgdorf, gives testimony during a House Committee on Transparency in State Agency Operations October 23rd, 2013 Marjorie Kamys Cotera

Barry Burgdorf, the former vice chancellor and general counsel for the University of Texas System, told members of the House Committee on Transparency in State Agency Operations on Wednesday that some system regents' "clear intent" was to "get rid of" Bill Powers, the president of the University of Texas at Austin.

The legislative committee is investigating whether articles of impeachment should be filed against UT Regent Wallace Hall, of Dallas, who has served the board since 2011. Lawmakers have expressed concern that he has misused his power and have alleged that he is on a "witch hunt" targeting Powers.

Wednesday marked the committee's second day of [witness testimony](#) this week. So far, the committee has primarily heard from witnesses who were not

favorable toward Hall. More hearings are tentatively scheduled for November and December.

Burgdorf served as general counsel for the system from 2005 until May of 2013. He resigned under pressure as regents grew increasingly critical of a report he authored regarding a now-defunct forgivable loan program for faculty at the University of Texas at Austin School of Law. Burgdorf told the committee that Hall, who has openly questioned the thoroughness of the report, felt the report was "not critical enough" of the flagship campus.

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During most of his time at the system, Burgdorf told the committee, he had positive working relationships with the regents. But the atmosphere at the system changed, he said, when Gene Powell of San Antonio became board chairman in 2011. Previous regents had set the tone of the board, but Burgdorf said Powell allowed individual regents to pursue any actions they desired.

In addition to approaching the regent position in a way that Burgdorf said was not consistent with the intent of state law, Hall "treated the staff like hired help." Hall has not yet had a chance to testify, though committee members indicated that they would like to hear from him before Thanksgiving.

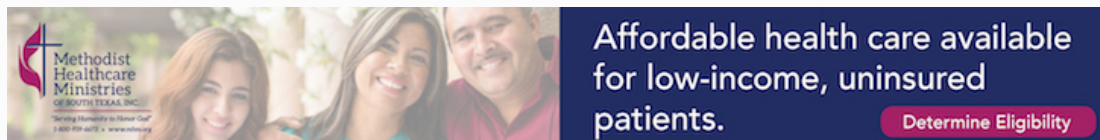
On Tuesday, Hall's lawyer, Allan Van Fleet, said the regent was eager to share his side of the story with lawmakers.

Legislators also heard from Teresa Spears, the former director of Gov. [Rick Perry's](#) appointments office, on Wednesday. One of the charges against Hall is that he may have omitted information from his application to be a regent — a position appointed by the governor — that would have affected his nomination.

Spears said she did not believe Hall tried to mislead the appointments office.

Robert Haley, the director of the Senate Nominations Committee, told the committee it would be hard to retroactively determine if certain information would have altered the course of an individual's confirmation. In the past, he said, the process has largely operated on an honor system, but given the recent concerns, they are working to create a more robust vetting process.

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State Rep. [Trey Martinez Fischer](#), D-San Antonio, asked the UT System to bring Dan Sharporn — Burgdorf's replacement — to testify before the committee, but officials were unable to produce him.

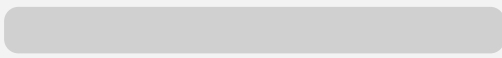
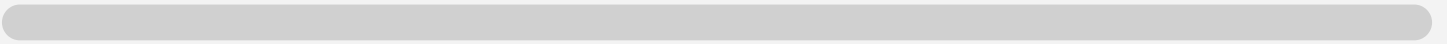
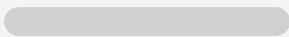
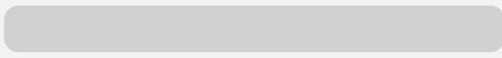
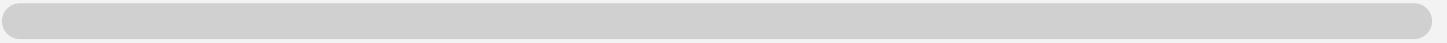
The system had asserted attorney-client privilege with regard to certain aspects of Burgdorf's testimony, preventing him from sharing details of some of his past conversations with regents. Fischer questioned whether the system was allowed to assert such a privilege. But in the absence of Sharporn, the system's current general counsel, the hearing adjourned without resolving that issue.

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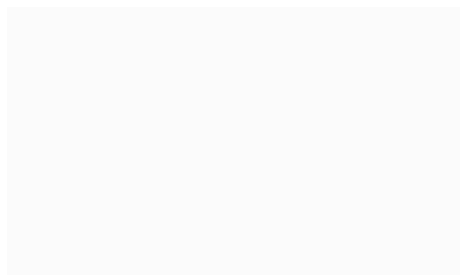
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