

14th Annual

CONFERENCE ON STATE AND FEDERAL APPEALS

Earn up to 12.50 Hours of Credit Including 1.00 Hour of Ethics Credit

Specialization credit expected for: Civil Appellate Law, Civil Trial Law, Criminal Law, Personal Injury Trial Law



"Texas Capital Dome" photo by: William Bruzy

June 3-4, 2004

The Four Seasons Hotel
Austin, Texas

CONFERENCE ON STATE AND FEDERAL APPEALS

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THURSDAY MORNING, JUNE 3	THURSDAY AFTERNOON	FRIDAY MORNING, JUNE 4
Presiding Officer: Nina Cortell Dallas	Presiding Officer: David M. Gunn Houston	Presiding Officer: Pamela Stanton Baron Austin
8:00 a.m. Registration Opens Includes continental breakfast.	HOUSE BILL 4 AND ITS IMPACT (1.75 hour total)	8:30 a.m. (0.25 hour)
8:50 a.m. Welcoming Remarks	1:30 p.m. (0.67 hour)	What's New at the Supreme Court Clerk's Office
9:00 a.m. (0.50 hour) Texas Supreme Court Update Texas Supreme Court Justice Priscilla R. Owen reviews recent decisions from that court. Hon. Priscilla R. Owen, Austin	Offers of Settlement and Supersedeas Elaine A. Grafton Carlson, Houston Kimberly R. Phillips, Houston	Clerk's office pet peeves and solutions — what you can do for us and why you would care to. Andrew Weber, Austin
9:30 a.m. (0.50 hour) Tripping on the TRAPs In the six-plus years since the "new" Texas Rules of Appellate Procedure went into effect, appellate judges and practitioners have identified a number of issues that have yet to be resolved by amendment or judicial interpretation. The smartest way to avoid tripping over these TRAPs is to make sure you know they exist. Scott Rothenberg, Houston	2:10 p.m. (0.33 hour)	8:45 a.m. (0.50 hour)
10:00 a.m. (0.50 hour) U.S. Supreme Court Update An overview of this term's decisions, including headline makers and cases that may change the way you practice. Lisa R. Eskow, Austin	Interlocutory Appeals An update, including venue appeals and Supreme Court jurisdiction. Frank Gilstrap, Arlington	Fifth Circuit Update A summary of significant developments and trends of the past year. Gwen J. Samora, Houston
10:30 a.m. Break	2:30 p.m. (0.75 hour) Where Will the Big Cases Come From After House Bill 4? A panel of practitioners discusses hot spots in litigation in light of the recent HB4 legislation. Robert E. Goodfriend, Dallas Hon. Deborah G. Hankinson, Dallas Brent M. Rosenthal, Dallas Speaker TBA	9:15 a.m. (0.33 hour) Formation of the Judgment and Calculation of Interest
10:45 a.m. (0.50 hour) Texas Procedure Update Recent developments in the Texas Rules of Civil Procedure and the case law interpreting them. Alex Wilson Albright, Austin	3:15 p.m. Break	Learn how to form the best judgment for your client, including how to calculate settlement credits and pre-judgment and post-judgment interest. Anne M. Johnson, Dallas Paper by Anne M. Johnson and Kendyl Hanks Darby
11:15 a.m. (1.00 hour) Court of Appeals Panel Appellate judges from across the state discuss their perspectives on advocacy, appellate practice, and the art and science of judicial decision-making. William J. Boyce, Houston (Moderator) Hon. John Cayce, Fort Worth Hon. Susan J. Larsen, El Paso Hon. Jane Bland, Houston Hon. Bob Pemberton, Austin	3:30 p.m. (0.75 hour)	9:35 a.m. (0.33 hour)
12:15 p.m. Lunch On Your Own	Former Appellate Advocacy Fifth Circuit Judge Robert Parker offers observations and insights into practice before the Fifth Circuit. Hon. Robert M. Parker, Tyler Paper by Deborah J. Race	Mandamus & Interlocutory Appeals in Federal Court The latest developments on federal interlocutory appeals and mandamus, including a guide to seeking appellate review before final judgment. Dana Livingston Cobb, Austin
	4:15 p.m. (1.00 hour) Panel Discussion: Arguing Like an Advocate, Thinking Like a Judge A panel of experienced appellate practitioners discusses how to develop a successful strategy for appellate persuasion, particularly when the court is not inclined to go your way. Douglas W. Alexander, Austin (Moderator) Nina Cortell, Dallas Mike A. Hatchell, Tyler P. Michael Jung, Dallas William C. Powers, Jr., Austin	9:55 a.m. Break STATE COURT PROCEDURES TAKE ON A FEDERAL FLAVOR (1.83 hour total) 10:10 a.m. (0.50 hour) Class Actions: Developments at the State and Federal Level An update of significant developments in class action law. Ray N. Donley, Austin

10:40 a.m. (0.33 hour)

MDL Comes To Texas

One of the unheralded provisions of House Bill 4 was the creation of a multidistrict litigation procedure for Texas. Texas MDL has arrived, and the differences from the federal model are already apparent.

Stephen G. Tipps, Houston

11:00 a.m. (0.67 hour)

Broad-Form Submission

State issues by:

Richard P. Hogan, Jr., Houston

Federal issues by:

Russell S. Post, Houston

11:40 a.m. (0.33 hour)

Review of Damages for Excessiveness

Macey Reasoner Stokes, Houston

12:00 p.m.

Sponsored Luncheon with the Judiciary

A unique opportunity for informal conversation over lunch with members of the state and federal appellate judiciary. The Luncheon with the Judiciary is generously sponsored by the following firms:

Baker Botts L.L.P.

Fulbright & Jaworski L.L.P.

Gardere Wynne Sewell LLP

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FRIDAY AFTERNOON, JUNE 4

Presiding Officer:

Marcy Hogan Greer
Austin

1:15 p.m. (1.00 hour)

Supreme Court Panel

A panel of Supreme Court justices will answer frequently asked questions about practice before the court.

David M. Gunn, Houston (Moderator)

Hon. Thomas R. Phillips, Austin

Hon. Harriet O'Neill, Austin

Hon. Wallace B. Jefferson, Austin

Hon. Scott A. Brister, Austin

ETHICS ROUNDUP

(1.00 hour total ethics/PR credit)

2:15 p.m. (0.33 hour ethics/PR credit)

The Attorney Discipline System

There's a new attorney discipline system in town. Learn the significant procedural changes to the processing, investigation, and litigation of grievance matters.

Linda Acevedo, Austin

2:35 p.m. (0.67 hour ethics/PR credit)

Breach of Ethical Duty as Malpractice

Clark Richards, Austin

3:15 p.m. (0.75 hour)

What *Jalapeño Hal* Can Teach Appellate Practitioners About Brief Writing: Using Techniques from Children's Books to Make Your Brief More Interesting and More Persuasive

Justice Wanda Fowler and children's author Jo Harper offer insights and examples of writing techniques to give your briefs more punch.

Jo Harper, Houston

Hon. Wanda McKee Fowler, Houston

4:00 p.m. Adjourn

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☐ Registration Fee after Wed., May 26, 2004 \$425.00
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☐ Friday Sponsored Luncheon with the Judiciary \$7.00

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About the Hotel



The Four Seasons Hotel

98 San Jacinto
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\$190 single or double special group rate good through **May 12, 2004**

Parking: \$5 self-parking with validation

Key dates:

Cancellations & last-minute registrations

May 26, 2004, 5 p.m.

- last day for early registration add \$50 for registrations received after this time

May 28, 2004, 5 p.m.

- last day for full refund

June 3, 2004, 9 a.m.

- conference begins

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MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.50 hours, of which 1.00 credit hours will apply to legal ethics/professional responsibility credit.



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