

15th Annual

CONFERENCE ON STATE AND FEDERAL APPEALS

Earn up to 15.25 Hours of Credit Including 2.25 Hours of Ethics Credit

Specialization Expected for: Civil Appellate Law, Civil Trial Law, Criminal Law, Personal Injury Trial Law



June 1*, 2-3, 2005

*Optional Wednesday Evening Writing Session
with Timothy Terrell, Emory University School of Law

Four Seasons Hotel

Austin, Texas

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WEDNESDAY EVENING, JUNE 1, 2005

6:00 p.m. 3.00 hr

The Principles of Effective Writing and Editing

Writing and editing skills do not improve by searching for discrete "tips," but instead through attention to more fundamental principles that dominate the communication process.

Timothy Terrell, Atlanta, GA

THURSDAY MORNING, JUNE 2, 2005

Presiding Officer: Pamela Stanton Baron

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .42 hr

What's New at the Texas Supreme Court Clerk's Office

What's new with the Web site, e-briefs, the Court's calendar, and more—here's the inside scoop from the clerk of the Texas Supreme Court.

Andrew Weber, Austin
Elana Einhorn, Austin

9:25 a.m. .50 hr

Texas Supreme Court Update

A justice of the Supreme Court of Texas reviews recent decisions and rule changes from that court.

Hon. Nathan L. Hecht, Austin

9:55 a.m. .83 hr

Texas Supreme Court Panel

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

Moderator: Macey Reasoner Stokes, Houston
Chief Justice Wallace B. Jefferson, Austin
Hon. Harriet O'Neill, Austin
Hon. Paul W. Green, Austin
Hon. David M. Medina, Austin

10:45 a.m. Break

11:00 a.m. .75 hr

Presenting the Facts: Making the Law Look Inevitable

Most lawyers treat facts as grubby material to overcome to get to "the law." This mistake can be overcome by a principled approach to storytelling.

Timothy Terrell, Atlanta, GA

11:45 a.m. .75 hr

Court of Appeals Panel

Discussion of various issues with four court of appeals justices.

Moderator – Jane M.N. Webre, Austin
Hon. Sue Walker, Fort Worth
Hon. Amos L. Mazzant, Dallas
Hon. Bea Ann Smith, Austin
Hon. Sarah B. Duncan, San Antonio

12:30 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer: Pamela Stanton Baron

1:45 p.m. .42 hr

What's Clear About Clear and Convincing Evidence

A discussion of the historical development of "clear and convincing" evidence and current guidelines for applying the standard.

Michael A. Hatchell, Austin

2:10 p.m. .67 hr

What's Hot, What's Not

An unscripted panel discussion of the latest trends in the Supreme Court: decisions, grants, and other recent developments.

Moderator – David M. Gunn, Houston
Hon. Deborah G. Hankinson, Dallas
Hon. James A. Baker, Dallas
Hon. Craig T. Enoch, Austin

2:50 p.m. .33 hr

Jury Charge Update

An update of the latest issues related to the court's charge, including issues of form and content.

Karen S. Precella, Fort Worth

3:10 p.m. Break

3:25 p.m. .67 hr

Mock Jury Charge Conference

Following an update on charge law in Texas, watch experienced practitioners argue the charge and make objections/preserve error in a mock charge conference.

Hon. Tracy Christopher, Houston
Daryl L. Moore, Houston
Gwen J. Samora, Houston

4:05 p.m. 1.00 hr ethics

Professional Responsibility

Innocence Project

Discussion will include how the Texas Innocence Network, which is based at the University of Houston Law Center and which has connections with six other Texas universities, pursues claims based on actual innocence on behalf of death-row as well as non-capital inmates. Strategies for seeking relief in state court, federal court, and the clemency process will be covered.

David R. Dow, Houston

Equal Access to Justice

Are our courts accessible to those who have basic civil legal needs, regardless of income? A discussion of where we've been and where we're going in seeing that our courts remain open to those who are least able to afford it.

Hon. Harriet O'Neill

Mediation Issues

A discussion of the limits of mediation confidentiality and the development of a theory of mediator liability.

Charles McGarry, Dallas

5:05 p.m. Adjourn

FRIDAY MORNING, JUNE 3, 2005

Presiding Officer: Pamela Stanton Baron

8:30 a.m. .42 hr

Preservation of Harm

Harmful error analysis is generally viewed as the exclusive province of the appellate courts, and it is often an exercise in speculation—but why shouldn't lawyers make a record about harm in the trial courts? This presentation offers a different perspective on traditional ideas about preservation, examining the strategy of preservation with a view to improving your odds of reversal on appeal.

Russell S. Post, Houston

8:55 a.m. .33 hr

Summary Judgments: Recent Developments and Unsettled Areas

An analysis of unsettled, confusing and developing aspects of summary judgment practice and procedure.

Tim Patton, San Antonio

9:15 a.m. .50 hr

Appellate Procedure Update

A summary of recent developments and trends affecting appellate procedure.

Elaine A. Grafton Carlson, Houston

9:45 a.m. Break

10:00 a.m. .50 hr ethics

Everything I Needed to Know about Ethics I Learned in Kindergarten

Why do we have the ethical rules we have and why does the law of lawyering work the way it does? Returning to the etiquette of the kindergarten playground will not only keep you out of trouble, it will show you why the law is what it is.

Kendall Gray, Houston

10:30 a.m. .92 hr

Short Topics: Attorney Fees and Damages

These presentations will cover attorney fees on appeal, standards for judicial review of "soft" compensatory damages, and punitive damages.

Phillip Durst, Austin
Brent M. Rosenthal, Dallas
Jeffrey S. Levinger, Dallas

11:25 a.m. .83 hr including .33 Ethics

Lessons Learned the Hard Way

Practitioners reflect on the thrill of victory and the agony of defeat. Victory is more fun, but defeat can be more educational.

William J. Boyce, Houston
David E. Keltner, Ft. Worth
Nina Cortell, Dallas
Douglas W. Alexander, Austin

12:15 p.m. Lunch with the Judiciary

Baker Botts L.L.P.
Haynes and Boone, LLP
Vinson & Elkins L.L.P.

FRIDAY AFTERNOON

Presiding Officer: Dana Livingston Cobb

1:30 p.m. .50 hr ethics

Ethics: A View from the Bench

Hon. Edward C. Prado, San Antonio

2:00 p.m. .50 hr

5th Circuit Clerk's Rules and Procedures You Should Know, But Nobody Ever Told You

How to comply with rules and procedures to get your case to the judges; update on electronic filing with the new appellate CM/ECF system.

Charles Robert "Fritz" Fulbruge,
New Orleans, LA
Dana Livingston Cobb, Austin

2:30 p.m. .50 hr

US Supreme Court Update: Cases and Advocacy

An update on developments and trends in the United States Supreme Court, with an emphasis on high points—and low points—in appellate advocacy.

Jeffrey A. Lamken, Washington, DC

3:00 p.m. .50 hr

Effective Participation as an Amicus in State and Federal Court

Everything you ever wanted to know about amicus curiae briefs—how to obtain them, how to write them, and how to respond to them.

Roger D. Townsend, Houston
Reagan W. Simpson, Houston
R. Ted Cruz, Austin

3:30 p.m. .50 hr

5th Circuit Update: Significant Civil Decisions Since May 2004

The update reviews selected Fifth Circuit civil decisions in the areas of jurisdiction, procedure and appellate practice.

O. Rey Rodriguez, Dallas

4:00 p.m. Adjourn

Mail this registration form or fax a copy to: (512) 475-6876

REGISTRATION FOR AP05

The University of Texas School of Law • Office of Continuing Legal Education
Attn: AP05 • Post Office Box 7759 • Austin TX 78713-7759

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REGISTRATION

Includes Course Binder

- ☐ Early Registration Fee due by Wed., May 25, 2005 \$395.00
☐ Registration Fee after Wed., May 25, 2005 \$445.00
☐ Optional Wednesday Evening Primer \$75.00

ADD LUNCH

- ☐ Sponsored Luncheon with the Judiciary \$5.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2–4 weeks from conference date for delivery.

- ☐ Course Binder *Without* Conference Registration \$200.00
☐ Audio CD Set \$175.00
☐ eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

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AUSTIN

June 1*, 2-3, 2005

CONFERENCE LOCATION



Four Seasons Hotel

98 San Jacinto
Austin, TX 78701
512-685-8100

\$195 (subject to availability) good
through **May 11, 2005**

Parking: \$6 self-parking
(subject to change)

KEY DATES

Registration and Cancellation

May 25, 2005, 5 p.m.

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

May 27, 2005, 5 p.m.

•last day for full refund

May 31, 2005, 5 p.m.

(Monday before conference)
•last day for partial refunds
\$50 processing fee applied

June 1, 2005, 6 p.m.

•optional primer begins

June 2, 2005, 9 a.m.

•conference begins

CONFERENCE FACULTY

Douglas W. Alexander
Alexander Dubose Jones & Townsend LLP
Austin

Hon. James A. Baker
Former Justice, Supreme Court of Texas
Hughes & Luce, LLP
Dallas

William J. Boyce
Fulbright & Jaworski L.L.P.
Houston

Elaine A. Grafton Carlson
South Texas College of Law
Houston

Hon. Tracy Christopher
295th District Court
Harris County
Houston

Dana Livingston Cobb
Alexander Dubose Jones &
Townsend LLP
Austin

Nina Cortell
Haynes and Boone, LLP
Dallas

R. Ted Cruz
Office of the Attorney General
Austin

David R. Dow
University of Houston Law Center
Houston

Hon. Sarah B. Duncan
Fourth Court of Appeals
Bexar County Justice Center
San Antonio

Philip Durst
Deats, Durst, Owen & Levy, P.L.L.C.
Austin

Elana Einhorn
Law Offices of Deborah Hankinson PC
Austin

Hon. Craig T. Enoch
Winstead Sechrest & Minick P.C.
Austin

Charles Robert "Fritz" Fulbruge
5th Circuit Court of Appeals
New Orleans, LA

Kendall Gray
Andrews Kurth LLP
Houston

Hon. Paul W. Green
Supreme Court of Texas
Austin

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Houston

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Locke, Liddell & Sapp, LLP
Austin

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Supreme Court of Texas
Austin

Hon. Wallace B. Jefferson
Supreme Court of Texas
Austin

David E. Keltner
Jose, Henry, Brantley & Keltner, L.L.P.
Fort Worth

Jeffrey A. Lamken
Baker Botts, L.L.P.
Washington, DC

Jeffrey S. Levinger
Carrington, Coleman, Sloman &
Blumenthal, L.L.P.
Dallas

Hon. Amos L. Mazzant
Fifth District Court of Appeals
Dallas

Charles McGarry
Law Offices of Charles McGarry
Dallas

Hon. David M. Medina
Supreme Court of Texas
Austin

Daryl L. Moore
Storey, Moore & McCally
Houston

Hon. Harriet O'Neill
Supreme Court of Texas
Austin

Tim Patton
Attorney at Law
San Antonio

Russell S. Post
Beck, Redden & Secrest, L.L.P.
Houston

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United States Court of Appeals for the
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San Antonio

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Baron & Budd, P.C.
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Vinson & Elkins L.L.P.
Houston

Reagan W. Simpson
King & Spalding LLP
Houston

Hon. Bea Ann Smith
Third Court of Appeals
Austin

Macey Reasoner Stokes
Baker Botts L.L.P.
Houston

Timothy Terrell
Emory University School of Law
Atlanta, GA

Roger D. Townsend
Alexander Dubose Jones & Townsend LLP
Houston

Hon. Sue Walker
2nd District Court of Appeals
Fort Worth

Andrew Weber
Supreme Court of Texas
Austin

Jane M.N. Webre
Scott, Douglass & McConnico, L.L.P.
Austin

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 15.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit.



"Snap, Crackle, Pop, We Hardly Knew Ye," collage, is by Philip Durst. For more information, contact him at 512-474-6200.

UTCLE

THE UNIVERSITY OF TEXAS AT AUSTIN
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