2005 Conference on State and Federal Appeals
June 2-3, 2005 • Four Seasons Hotel • Austin, TX

Thursday Morning, June 2, 2005

Presiding Officer:
Pamela Stanton Baron, Attorney At Law - Austin, TX

9:00 am 0.42 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. Elana S. Einhorn, Law Offices Of Deborah Hankinson PC - Austin, TX Clarence Andrew Weber, Kelly Hart & Hallman LLP - Austin, TX
9:25 am 0.50 hr	**Texas Supreme Court Update** A justice of the Supreme Court of Texas reviews recent decisions and rule changes from that court. Nathan L. Hecht, Supreme Court Of Texas - Austin, TX
9:55 am 0.82 hr	**Texas Supreme Court Panel** A panel of Texas Supreme Court justices will answer frequently asked questions about practice before the court. Sharon E. Callaway, Crofts & Callaway - San Antonio, TX Paul W. Green, Supreme Court Of Texas - Austin, TX Wallace B. Jefferson, The Supreme Court Of Texas - Austin, TX David M. Medina, Supreme Court Of Texas - Austin, TX Harriet O'Neill, Supreme Court Of Texas - Austin, TX
11:00 am 0.75 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 P. Terrell, Emory University School of Law - Atlanta, GA
11:45 am 0.75 hr	**Court of Appeals Panel** Discussion of various issues with four court of appeals justices. Sarah B. Duncan, Fourth Court Of Appeals - San Antonio, TX Amos L. Mazzant, 5th Dist. Court Of Appeals - Dallas, TX Hon. Bea Ann Smith, 3rd Court Of Appeals - Austin, TX Sue Walker, Fort Worth, TX Jane M. N. Webre, Scott Douglass Luton Et Al - Austin, TX

Thursday Afternoon, June 2, 2005

Presiding Officer:

Pamela Stanton Baron, Attorney At Law - Austin, TX

1:45 pm 0.42 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, Locke Liddell & Sapp LLP - Austin, TX
2:10 pm 0.67 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. James A. Baker, Hughes & Luce - Dallas, TX Craig T. Enoch, Winstead Sechrest Minich - Austin, TX David M. Gunn, Beck, Redden & Secrest LLP - Houston, TX Deborah G. Hankinson, Law Offices Of Deborah Hankinson PC - Dallas, TX
2:50 pm 0.32 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, Haynes And Boone LLP - Fort Worth, TX
3:25 pm 0.67 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. Tracy Christopher, 295th District Court - Houston, TX Daryl L. Moore, Daryl L. Moore, P.C. - Houston, TX Gwendolyn J. Samora, Vinson & Elkins LLP - Houston, TX
4:05 pm 1.00 hr	**Professional Responsibility: Innocence Project; Equal Access to Justice; Mediation Issues** 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, University Of Houston Law Ctr - Houston, TX Charles W. McGarry, Law Office Of Charles McGarry - Dallas, TX Harriet O'Neill, Supreme Court Of Texas - Austin, TX

Friday Morning, June 3, 2005

Presiding Officer:
Pamela Stanton Baron, Attorney At Law - Austin, TX

8:30 am 0.42 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, Beck Redden & Secrest - Houston, TX
8:55 am 0.32 hr	**Summary Judgments: Recent Developments and Unsettled Areas** Unsettled, confusing and developing aspects of summary judgment practice and procedure. Tim Patton, San Antonio, TX
9:15 am 0.50 hr	**Appellate Procedure Update** A summary of recent developments and trends affecting appellate procedure. Elaine Carlson, South Texas College Of Law - Houston, TX
10:00 am 0.50 hr	**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 M. Gray, Andrews & Kurth LLP - Houston, TX
10:30 am 0.92 hr	**Panel on Attorney Fees and Damages** This presentation will cover attorney fees on appeal, standards for judicial review of "soft" compensatory damages, and punitive damages. Philip Durst, Deats, Durst,Owen,& Levy, P.L.L.C. - Austin, TX Jeffrey S. Levinger, Carrington Coleman Sloman & Blumenthal L - Dallas, TX Brent M. Rosenthal, Dallas, TX
11:25 am 0.82 hr	**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. Douglas W. Alexander, Alexander Dubose Jones & Townsend LLP - Austin, TX William J. Boyce, Fulbright & Jaworski, LLP - Houston, TX Nina Cortell, Haynes & Boone - Dallas, TX David E. Keltner, The Keltner Law Firm - Fort Worth, TX

Friday Afternoon, June 3, 2005

Presiding Officer:
Dana Livingston, Alexander Dubose Jones & Townsend LLP - Austin, TX

1:30 pm 0.50 hr	**Ethics: A View from the Bench** Edward C. Prado, United States Circuit Judge - San Antonio, TX
2:00 pm 0.50 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 III, New Orleans, LA Dana Livingston, Alexander Dubose Jones & Townsend LLP - Austin, TX
2:30 pm 0.50 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, Baker Botts LLP - Washington, DC
3:00 pm 0.50 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. R. Ted Cruz, Office Of The Attorney General - Austin, TX Reagan W. Simpson, King & Spalding LLP - Houston, TX Roger D. Townsend, Alexander Debose Jones & Townsend - Houston, TX
3:30 pm 0.50 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, Fulbright & Jaworski L.L.P. - Dallas, TX