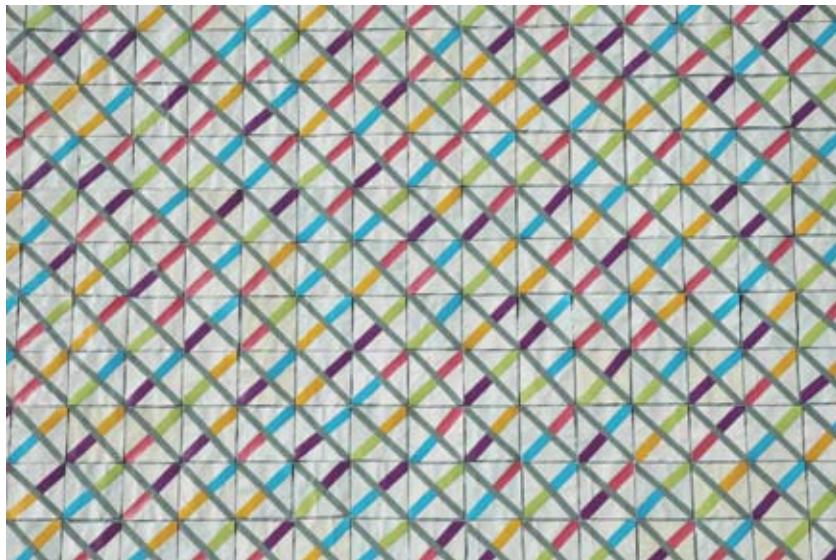


16TH ANNUAL

CONFERENCE ON STATE AND FEDERAL APPEALS

Earn up to 12.00 Hours of Credit Including 2.00 Hours of Ethics Credit

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



June 1-2, 2006
Four Seasons Hotel
Austin, Texas

SPONSORS

ANDREWS KURTH LLP • BAKER BOTTS L.L.P.
FULBRIGHT & JAWORSKI L.L.P. • HAYNES AND BOONE, LLP
TIM PATTON • VINSON & ELKINS L.L.P.

16TH ANNUAL CONFERENCE ON STATE AND FEDERAL APPEALS

June 1-2, 2006 • Four Seasons Hotel • Austin, TX

Earn up to 12.00 Hours of Credit Including 2.00 Hours of Ethics Credit

THURSDAY MORNING, JUNE 1, 2006

Presiding Officer: Dana Livingston Cobb

8:00 a.m. Registration Opens

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:45 a.m. .50 hr

The Role of Judge and Jury

What the appellate courts are saying reasonable jurors can and cannot believe.

Hon. Scott A. Brister, Austin

9:15 a.m. .50 hr

Evolving Standards of Evidentiary Review: A Guide to *City of Keller v. Wilson*

The focus of this presentation is the modification of the traditional scope of no-evidence review in preponderance cases, before and after the *City of Keller* decision, together with a critical analysis and simplification of the review process.

Prof. William V. Dorsaneo III, Dallas

9:45 a.m. .50 hr

The Vanishing Jury Trial

The civil jury is under attack as never before, yet it is the very best way to resolve civil disputes. Why then are we trying to skirt the jury system with other forms of dispute resolution and with tort reform? Isn't it time to remember why the Seventh Amendment is a part of the Constitution?

Hon. W. Royal Furgeson, Jr., San Antonio

10:15 a.m. Break

10:35 a.m. 1.00 hr

Jury Charge Perils and Dilemmas

As a practical matter, does broad-form submission still even exist? How do you submit an error-free charge in the aftermath of *Romero*, *Harris County*, and *Casteel*? A panel of leading experts discusses the practical and substantive difficulties posed by Supreme Court decisions on jury charge issues.

Moderator: Daniel V. Pozza, San Antonio
Hon. Tracy Christopher, Houston
Timothy Patton, San Antonio
Charles R. "Skip" Watson, Jr., Austin

11:35 a.m. .42 hr

Strategic Findings of Facts and Conclusions of Law

When findings are permitted or required, and how to procure them. Tactics regarding findings and conclusions: general v. specific; few v. many; appellate effects of a particular strategy.

Russell H. McMains, Corpus Christi

12:00 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer: Brent M. Rosenthal

1:30 p.m. .42 hr

Top 10 Preservation Issues: Nuts and Bolts

Preservation of error in the trial court—a tale of woe?

Hon. David E. Keltner, Fort Worth

1:55 p.m. .33 hr

For the Record

Explore the fine line on what an appellate court can take judicial notice of and what it can't. Can the court look to web sites? Other courts' records? Scientific studies not in the record? An overview of what is and is not fair game.

Dana Livingston Cobb, Austin
Elana S. Einhorn, Austin
William R. (Rick) Thompson II, Dallas

2:15 p.m. .83 hr

Short Topics with Courts of Appeals Justices— A User-Friendly Guide to Practicing in Different Courts of Appeals in Texas

Four justices from four different courts of appeals discuss what the courts of appeals have in common, what they don't, and why their way is the best.

Moderator: Daryl L. Moore, Houston
Hon. Jane Bland, Houston
Hon. Thomas W. Gray, Waco
Hon. James T. Worthen, Tyler
Hon. Linda R. Yáñez, Edinburg

3:05 p.m. Break

3:25 p.m. .42 hr

Recent Developments in Sovereign Immunity and Government Liability

This topic will look at recent appellate case law governing the hot topics of sovereign immunity, government liability, and the special defenses and issues applicable in appeals by or against government entities or officials.

Philip Durst, Austin

3:50 p.m. .50 hr

Effective Legal Writing: Think Hemingway, Not Faulkner

The focus of this session will be on developing an effective writing style for appellate briefs. Topics to be discussed are writing forceful beginnings and endings, referring to parties understandably, preferring

familiar and concrete words, striving for linguistic rhythm, varying sentence length and structure, using footnotes to avoid clutter, creating argumentative headings, using bullets for lists, achieving a relaxed and conversational tone, avoiding jargon, and ending overparticularization.

Beverly Ray Burlingame, Dallas

4:20 p.m. .50 hr ethics

I'm All Verklemt

Coffee talk about conflicts of interest: avoiding them, curing them, and paying through the nose if you don't.

Kendall M. Gray, Houston

4:50 p.m. .50 hr

Technology Tools and Resources for Appellate Advocates

The discussion will include an examination of court web sites, electronic filing in the appellate courts, electronic briefs, and research and writing tools.

Eric J. Magnuson, Minneapolis, MN

5:20 p.m. Adjourn

FRIDAY MORNING, JUNE 2, 2006

Presiding Officer: Jeffrey S. Levinger

8:30 a.m. .42 hr

Jury Trials are Being Outsourced: What is an Appellate Lawyer to Do?

A how-to guide for appellate practice in arbitration, bankruptcy, and intellectual property matters.

Nina Cortell, Dallas
Paper by:
Christopher D. Kratovil, Dallas
Debra J. McComas, Dallas
Benjamin L. Mesches, Dallas

8:55 a.m. .50 hr

Supreme Court of Texas Internal Operating Procedures

How petitions for review, mandamus petitions, and other significant filings and submissions are acted on behind the scenes. Important procedures, timelines, and tricks of the trade that you won't find in the appellate rules.

Moderator: Douglas W. Alexander, Austin
Elizabeth V. Rodd, Austin
Andrew Weber, Austin

9:25 a.m. .33 hr

What Issues are Important to the Jurisprudence of the State?

Insight into the "issues presented" in Texas Supreme Court cases. The author conducted a study of cases granted by the Court in recent years and how issues are being presented to the Court, the type of issues being raised, and how they compare to the issues actually resolved by the Court. Included in the written material is an update of the paper, "What is Important to the Jurisprudence of the State?"

Kurt Kuhn, Austin

9:45 a.m. .50 hr

Texas Supreme Court Update

A review of recent decisions and rule changes from the Texas Supreme Court.

Hon. Paul W. Green, Austin

10:15 a.m. Break

10:35 a.m. .50 hr ethics

Free Speech for Judges and Fair Appeals for Litigants: Appellate Recusal in a Post-White World

For almost a century, states have promulgated codes regulating judicial conduct, restricting political, charitable, and business activities by sitting judges. In recent years, many of these restrictions have been successfully challenged in court, particularly when they restrict political speech by elected judges. What are the implications for the bench and bar as judges begin to act like, and be regarded as, ordinary politicians?

Hon. Thomas R. Phillips, Austin

11:05 a.m. .83 hr

Supreme Court Panel

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

Moderator: David M. Gunn, Houston
Hon. Wallace B. Jefferson, Austin
Hon. Nathan L. Hecht, Austin
Hon. Philip W. "Phil" Johnson, Austin
Hon. Don R. Willett, Austin

11:55 a.m. Lunch with the Judiciary

A unique opportunity to meet and discuss issues with members of the judiciary. Please select "Sponsored Lunch with the Judiciary" on the registration form if you plan to attend (additional fee).

Special Thanks to Our Sponsors:

Andrews Kurth LLP
Baker Botts L.L.P.
Fulbright & Jaworski L.L.P.
Haynes and Boone, LLP
Tim Patton
Vinson & Elkins L.L.P.

FRIDAY AFTERNOON

Presiding Officer: Jeffrey S. Levinger

1:25 p.m. .50 hr

US Supreme Court Update

It's a new era with a new chief justice. Find out how the first year of the Roberts' Court shapes up.

William J. Boyce, Houston

1:55 p.m. .42 hr

State of the 5th Circuit

The Fifth Circuit—a newcomer's view.

Hon. Priscilla R. Owen, Austin

2:20 p.m. .42 hr

5th Circuit Update

A summary of recent Fifth Circuit civil decisions in the areas of jurisdiction and trial and appellate procedure.

Macey Reasoner Stokes, Houston

2:45 p.m. .33 hr

5th Circuit Statistical Trends—Civil Cases

A statistical analysis of the 5th Circuit decisions and trends in civil cases during 2005.

Gwen J. Samora, Houston

3:05 p.m. Break

3:25 p.m. .50 hr ethics

Confidentiality, Attorney/Client Privilege, and the Electronic Age

It can be quick and painful.

Thomas H. Watkins, Austin

3:55 p.m. .50 hr ethics

Ethics of Fee Arrangements and Billings

When are attorney's fees reasonable under Tex. R. Disc. Conduct 1.04 and the common law? A look at recently decided and pending cases.

Scott Rothenberg, Bellaire

4:25 p.m. Adjourn

Mail this registration form or fax a copy to: (512) 475-6876 Online registration also available at www.utcle.org

REGISTRATION FOR AP06

The University of Texas School of Law • Office of Continuing Legal Education
Attn: AP06 • Post Office Box 7759 • Austin TX 78713-7759

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ TX ☐ Other State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION Includes Course Binder

☐ Early Registration Fee due by Wed., May 24, 2006 \$425.00

☐ Registration Fee after Wed., May 24, 2006 \$475.00

☐ Sponsored Friday Lunch with the Judiciary \$7.00

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)

METHOD OF PAYMENT

TOTAL ENCLOSED \$ _____

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card # - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

AUSTIN

June 1-2, 2006

CONFERENCE LOCATION



Four Seasons Hotel
98 San Jacinto
Austin, Texas 78701
512-685-8100

\$199 (subject to availability) good through **May 10, 2006**

Parking: \$6 self-parking;
\$10 valet
(subject to change)

KEY DATES

Registration & Cancellation

May 24, 2006-5 p.m.

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

May 26, 2006-5 p.m.

last day for full refund

May 30, 2006-5 p.m.

last day for partial refunds

\$50 processing fee applied

June 1, 2006-8:45 a.m.

conference begins

CONFERENCE FACULTY AND PLANNING COMMITTEE

DOUGLAS W. ALEXANDER*
Alexander Dubose Jones & Townsend LLP
Austin

PAMELA STANTON BARON – CHAIR*
Attorney-at-Law
Austin

HON. JANE BLAND
First Court of Appeals
Houston

WILLIAM J. BOYCE
Fulbright & Jaworski L.L.P.
Houston

HON. SCOTT A. BRISTER
Supreme Court of Texas
Austin

BEVERLY RAY BURLINGAME
Thompson & Knight LLP
Dallas

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

WILLIAM V. DORSANEO III
Southern Methodist University
School of Law
Dallas

PHILIP DURST*
Deats, Durst, Owen & Levy, P.L.L.C.
Austin

ELANA S. EINHORN*
Law Offices of
Deborah Hankinson PC
Austin

HON. W. ROYAL FURGESON, JR.
United States District Court
Western District of Texas
San Antonio

KENDALL M. GRAY
Andrews Kurth LLP
Houston

HON. THOMAS W. GRAY*
10th Court of Appeals
Waco

HON. PAUL W. GREEN
Supreme Court of Texas
Austin

DAVID M. GUNN*
Beck, Redden & Secrest, L.L.P.
Houston

HON. NATHAN L. HECHT
Supreme Court of Texas
Austin

HON. WALLACE B. JEFFERSON
Supreme Court of Texas
Austin

HON. PHILIP W. "PHIL" JOHNSON
Supreme Court of Texas
Austin

HON. DAVID E. KELTNER
Jose, Henry, Brantley & Keltner, L.L.P.
Fort Worth

KURT KUHN
Brown McCarroll L.L.P.
Austin

JEFFREY S. LEVINGER
Carrington, Coleman,
Sloan & Blumenthal, L.L.P.
Dallas

ERIC J. MAGNUSON
Rider Bennett
Minneapolis, MN

RUSSELL H. MCMAINS
Law Offices of Russell H. McMains
Corpus Christi

DARYL L. MOORE*
Moore & Kelly, P.C.
Houston

HON. PRISCILLA R. OWEN
U.S. Court of Appeals, Fifth Circuit
Austin

TIMOTHY PATTON*
Attorney-at-Law
San Antonio

HON. THOMAS R. PHILLIPS
Baker Botts LLP
Austin

DANIEL V. POZZA
San Antonio

ELIZABETH V. RODD*
Supreme Court of Texas
Austin

BRENT M. ROSENTHAL*
Baron & Budd, P.C.
Dallas

SCOTT ROTHENBERG
Law Offices of Scott Rothenberg
Bellaire

GWEN J. SAMORA*
Vinson & Elkins L.L.P.
Houston

MACEY REASONER STOKES*
Baker Botts L.L.P.
Houston

WILLIAM RICHARD (RICK) THOMPSON II
Law Offices of
Deborah Hankinson PC
Dallas

THOMAS H. WATKINS
Brown McCarroll, L.L.P.
Austin

CHARLES R. "SKIP" WATSON, JR.
Locke Liddell & Sapp LLP
Austin

JANE M.N. WEBRE*
Scott, Douglass & McConnico, L.L.P.
Austin

ANDREW WEBER
Supreme Court of Texas
Austin

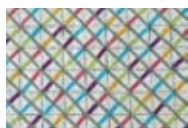
HON. DON R. WILLETT
Supreme Court of Texas
Austin

HON. JAMES T. WORTHEN
Justice - 12th Court of Appeals
Tyler

HON. LINDA REYNA YAÑEZ
Thirteenth Court Of Appeals
Edinburg

*Planning Committee Members

ABOUT THE COVER



"Moralkeule,"
collage (acrylic on grocery
store bags) is by
Philip Durst. For more
information, contact him
at 512-474-6200.

UTCLE

THE UNIVERSITY OF TEXAS AT AUSTIN
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

16TH ANNUAL CONFERENCE ON
STATE AND FEDERAL APPEALS
June 1-2, 2006 • Four Seasons Hotel • Austin, Texas

NON-PROFIT-ORG
U.S. Postage Paid
The University of
Texas
School of Law

M This course has been approved for
C Minimum Continuing Legal Education
L credit by the State Bar of Texas
E Committee on MCLE in the amount
of 12.00 hours, of which 2.00 credit
hours will apply to legal ethics/
professional responsibility credit.

E-mail us at

utcle@mail.law.utexas.edu

or call us at

512-475-6700

for more information