

17th Annual

CONFERENCE ON STATE AND FEDERAL APPEALS

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



May 31 – June 1, 2007
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17TH ANNUAL
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THURSDAY MORNING

**Presiding Officer: Pamela Stanton Baron,
Austin, TX**

8:00 a.m. Registration Opens

Includes continental breakfast.

8:30 a.m. Welcoming Remarks

8:45 a.m. .33 hr.

Legislative Update

The regular session has just ended, do you know what the law is? A state senator examines actions taken by the 80th Legislature that may affect your practice.

Senator Kirk Watson, Austin, TX

9:05 a.m. .42 hr

Rules Update

The latest news on changes—past, pending, and proposed—to the rules of procedure and evidence.

Hon. Nathan L. Hecht, Austin, TX

9:30 a.m. .50 hr

Texas Supreme Court Update

Two perspectives on recent decisions from the Texas Supreme Court: a Supreme Court justice reviews the cases and an appellate practitioner explores their impact on Texas law.

Hon. Philip W. "Phil" Johnson, Austin, TX
Jane M.N. Webre, Austin, TX

10:00 a.m. Break

10:20 a.m. .33 hr

Building a Summary-Judgment Record

Tired of dancing around the record on appeal? A look at how to make sure you have everything in the summary-judgment record you need to reverse or affirm the trial court's decision.

Michael A. Shaunessy, Austin, TX

10:40 a.m. .33 hr

**Standard and Scope of Review Spotlight:
"No Evidence" Summary Judgments**

The evolving nature of appellate review of "no evidence" summary judgments in the aftermath of *City of Keller v. Wilson*.

Tim Patton, San Antonio, TX

11:00 a.m. .50 hr

Preservation of Error Spotlight: Jury Selection

Preserving error early and often—it's more difficult than you think. A discussion of recent cases from the

Texas Supreme Court and the courts of appeals addressing error and preservation of error in selecting the jury.

David E. Keltner, Fort Worth, TX

11:30 a.m. .50 hr

Crafting the Court's Charge

Get the charge you want while preserving the error you need. A focus on strategies for each phase of the charge process: the pre-trial proposed charge, the informal charge conference, and the formal charge conference.

Robert B. Gilbreath, Dallas, TX
Brandy M. Wingate, Edinburg, TX

12:00 p.m. Lunch On Your Own

THURSDAY AFTERNOON

**Presiding Officer: Dana Livingston Cobb,
Austin, TX**

1:30 p.m. .33 hr

State of the Judiciary

The Chief Justice of the Supreme Court of Texas reports on the state of the court system and the future of appellate practice.

Hon. Wallace B. Jefferson, Austin, TX

1:50 p.m. .50 hr

**What Are They Thinking? The Court Revealed
Through Oral Argument**

The questions asked by the justices at oral argument do not speak only to the case being argued, but offer significant insights into the process of deciding all cases. This presentation analyzes what oral argument in a series of recent insurance cases reveals about the court's thinking on pending and related legal issues.

Michael W. Huddleston, Dallas, TX

2:20 p.m. .50 hr

Judicial Tort Reform in Texas

Not all tort reform is legislative. A look at how court decisions interpreting the common law and new statutes, as well as applying standards of review and procedural and evidentiary rules, have further restricted tort recovery in Texas.

Richard R. Orsinger, Dallas, TX
Paper by Professor David A. Anderson, Austin, TX

2:50 p.m. Break

3:10 p.m. .50 hr ethics

Maintaining Credibility with The Court

A court of appeals' justice offers advice on how to preserve, protect, and defend your most important asset.

Hon. Jim Moseley, Dallas, TX

3:40 p.m. 1.00 hr

**Practice Before the Courts of Appeals:
Short Topics**

Four justices from four courts of appeals focus on aspects of practice before their courts.

- Getting What You Want: Emergency Relief in the Court of Appeals
Hon. Sue Walker, Fort Worth, TX
- Oral Argument: How to Get It and How to Use It
Hon. Catherine M. Stone, San Antonio, TX
- Making the Court Rethink: Motions for Rehearing and Rehearing En Banc
Hon. Terry Jennings, Houston, TX
- Helping the Courts Help You: Legislative Issues Facing the Courts
Hon. Linda B. Thomas, Dallas, TX

4:40 p.m. .50 hr ethics

**Preserving the Balance: An Attorney's
Ethical Duty to Defend the Courts**

Recent years have seen a dramatic increase in public attacks on attorneys and the judiciary as well as attempts to curtail the role of the courts in our constitutional system. Do attorneys have a duty to defend against these attacks and what role can and should attorneys play in this ongoing debate?

Kurt Kuhn, Austin, TX

5:10 p.m. Adjourn

FRIDAY MORNING

**Presiding Officer: Pamela Stanton Baron,
Austin, TX**

8:30 a.m. .33 hr

**Handling the Monster Record on Appeal
(Including Records in Administrative Appeals)**

New software can greatly simplify the process of reviewing and annotating a large record. A look at the available software options and how they can be used to organize the record, write briefs, and prepare for argument.

Leane Capps Medford, Dallas, TX

8:50 a.m. .50 hr

Post-Trial Motion Update

A look at recent cases affecting post-trial motions in state and federal court with special focus on avoiding traps for the unwary.

Allyson N. Ho, Dallas, TX

9:20 a.m. .50 hr

Recent Developments in Supersedeas Practice

A look at important and rapidly changing aspects of supersedeas practice: the net worth contest, alter ego application, and looming unresolved issues.

Elaine A. Carlson, Houston, TX

9:50 a.m. .50 hr ethics

Attorney's Fees and Ethics

A discussion of recent cases on the ethical duties of lawyers with a special focus on the ethical extraction of attorney's fees from both the client and the other side (and the corresponding duties that go with that).

Philip Durst, Austin, TX

10:20 a.m. Break

10:40 a.m. .42 hr ethics

Stable, Predictable, and Faithful to Precedent: Why Stare Decisis Matters

A former Texas Supreme Court Justice explores the ethical implications of the doctrine of stare decisis.

Hon. Deborah G. Hankinson, Dallas, TX

Paper by: Cassandra Robertson, Austin, TX
and Rick Thompson, Dallas, TX

11:05 a.m. .33 hr

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

The Clerk of the Supreme Court of Texas discusses webcasting of oral arguments, the future of e-filing in Texas appellate courts, and other changes in the Clerk's office.

Blake A. Hawthorne, Austin, TX

11:25 a.m. .68 hr

Texas Supreme Court Panel

Justices of the state's highest court will answer questions from a former chief justice and the audience regarding the court's procedures and administrative activities.

Moderator: Hon. Thomas R. Phillips, Austin, TX
Hon. Scott A. Brister, Austin, TX
Hon. Paul W. Green, Austin, TX
Hon. David M. Medina, Austin, TX

12:05 p.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:

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Tim Patton

FRIDAY AFTERNOON

Presiding Officer: Jeffrey S. Levinger, Dallas, TX

1:30 p.m. .50 hr ethics

Ethical Considerations When Practicing Before the United States Courts of Appeals

A Fifth Circuit judge discusses the ethics of practice

before the federal circuit courts.

Hon. Edward C. Prado, San Antonio, TX

2:00 p.m. .50 hr

Fifth Circuit Update

Get the latest procedural and substantive developments for the civil practitioner from your friendly neighborhood United States Court of Appeals, from both a Fifth Circuit judge and an appellate practitioner.

Hon. Priscilla R. Owen, Austin, TX

Kendall M. Gray, Houston, TX

2:30 p.m. 1.00 hr

Federal Practice: Short Topics

The New Federal Electronic Discovery Rules. A federal judge who helped write the rules explains concepts like metadata, clawback and quick peek agreements, and accessible and inaccessible information.

Hon. Lee H. Rosenthal, Houston, TX

Discretionary Appeals. A look at recent developments in permissive appeals and tips on procuring review.

Nina Cortell, Dallas, TX

Co-author: Ben L. Mesches, Dallas, TX

Certified Questions. Maybe the best way to get into the Texas Supreme Court is to file your suit in federal district court. A look at the expanding use of certified questions and how to get a question certified.

Richard B. Phillips, Jr., Dallas, TX

3:30 p.m. .50 hr

U.S. Supreme Court Update

Do you know your highest court? A look at key cases from the current term, with a view to defining the "new" Roberts court, together with suggestions on effective advocacy in the United States Supreme Court.

David C. Frederick, Washington D.C.

4:00 p.m. Adjourn

REGISTRATION FOR AP07

Mail this registration form to: The University of Texas School of Law,
Attn. AP07, P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

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Registration includes Course Binder

- ☐ Early Registration Fee due by Wed. May 23, 2007..... \$440.00
☐ Registration Fee after Wed. May 23, 2007 \$490.00
☐ Sponsored Lunch with the Judiciary..... \$7.00

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Allow 2-4 weeks from conference date for delivery.

- ☐ Course Binder WITHOUT Conference Registration \$200.00
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May 31 – June 1, 2007

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98 San Jacinto Blvd.
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512-685-8100

Special rate \$209
(subject to availability)
good through May 4, 2007.

Parking: \$7 self-parking;
\$12 valet

KEY DATES

Registration & Cancellation

May 23, 2007–5 p.m.
last day for early registration
add \$50 for registrations
received after this time

May 25, 2007–5 p.m.
last day for full refund

May 28, 2007–5 p.m.
last day for partial refunds
\$50 processing fee applied

May 31, 2007–8:45 a.m.
conference begins

ABOUT THE COVER



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