

2007 Conference on State and Federal Appeals
May 31 - June 1, 2007 • • Austin,
May 31 - June 1, 2007 • Four Seasons Hotel • Austin, TX

Thursday Morning, May 31, 2007

Presiding Officer:

Pamela Stanton Baron, Austin, TX

| | |
|---------------------------------------|---|
| 8:45 am In Austin Only 0.33 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. Hon. Kirk Watson, K&L Gates LLP - Austin, TX |
| 9:05 am In Austin Only 0.42 hr | Rules Update The latest news on changes--past, pending, and proposed--to the rules of procedure and evidence. Hon. Nathan L. Hecht, Supreme Court of Texas - Austin, TX |
| 9:30 am In Austin Only 0.50 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. Philip W. Johnson, Supreme Court Of Texas - Austin, TX Jane M. N. Webre, Scott, Douglass & McConnico, L.L.P. - Austin, TX |
| 10:00 am | Break Break |
| 10:20 am In Austin Only 0.33 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, Sedgwick, Detert, Moran & Arnold LLP - Austin, TX |
| 10:40 am In Austin Only 0.33 hr | Standard and Scope of Review Spotlight: "No Evidence" Summary Judgment The evolving nature of appellate review of "no evidence" summary judgments in the aftermath of <i>City of Keller v. Wilson</i> . Timothy Patton, Attorney at Law - San Antonio, TX |

| | |
|---------------------------------------|--|
| 11:00 am In Austin Only 0.50 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, Kelly Hart & Hallman LLP - Fort Worth, TX |
| 11:30 am In Austin Only 0.50 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, Hawkins Parnell & Thackston LLP - Dallas, TX Brandy Wingate, Thirteenth Court Of Appeals - Edinburg, TX |

Thursday Afternoon, May 31, 2007

Presiding Officer:

Dana Livingston Cobb, Alexander Dubose Jones & Townsend LLP - Austin, TX

| | |
|--------------------------------------|---|
| 1:30 pm In Austin Only 0.33 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, Supreme Court Of Texas - Austin, TX |
| 1:50 pm In Austin Only 0.50 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, Shannon, Gracey, Ratliff & Miller LLP - Dallas, TX |
| 2:20 pm In Austin Only 0.50 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. David A. Anderson, The University of Texas School of Law - Austin, TX |
| 2:50 pm | Break Break |

| | |
|---|--|
| 3:10 pm In Austin Only 0.50 hr ethics | <p>Maintaining Credibility with the Court</p> <p>A court of appeals' justice offers advice on how to preserve, protect, and defend your most important asset.</p> <p>Hon. Jim Moseley, Fifth Court Of Appeals - Dallas, TX</p> |
| 3:40 pm In Austin Only 1.00 hr | <p>Practice Before the Courts of Appeals: Short Topics</p> <p>Four justices from four courts of appeals focus on aspects of practice before their courts.</p> <ul style="list-style-type: none"> • 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. James T. Worthen, Dallas, TX <p>Hon. Terry Jennings, First Court of Appeals - Houston, TX Hon. Catherine M. Stone, Fourth Court of Appeals - San Antonio, TX Hon. Sue Walker, 2nd Court of Appeals - Fort Worth, TX Hon. James T. Worthen, 12th Court of Appeals - Tyler, TX</p> |
| 4:40 pm In Austin Only 0.50 hr ethics | <p>Preserving the Balance: An Attorney's Ethical Duty to Defend the Courts</p> <p>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?</p> <p>Kurt Kuhn, Brown McCarroll, L.L.P. - Austin, TX</p> |
| 5:10 pm | <p>Adjourn</p> <p>Adjourn</p> |

Friday Morning, June 1, 2007

Presiding Officer:

Pamela Stanton Baron, Austin, TX

| | |
|--------------------------------------|---|
| 8:30 am In Austin Only 0.33 hr | <p>Handling the Monster Record on Appeal (Including Records in Administrative Appeals)</p> <p>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.</p> <p>Leane Capps Medford, ELROD, PLLC - Dallas, TX</p> |
| 8:50 am In Austin Only 0.50 hr | <p>Post-Trial Motion Update</p> <p>A look at recent cases affecting post-trial motions in state and federal court with special focus on avoiding traps for the unwary.</p> <p>Allyson N. Ho, Baker Botts L.L.P. - Dallas, TX</p> |

| | |
|--|---|
| 9:20 am In Austin Only 0.50 hr | <p>Recent Developments in Supersedeas Practice</p> <p>A look at important and rapidly changing aspects of supersedeas practice: the net worth contest, alter ego application, and looming unresolved issues.</p> <p>Elaine A. Carlson, South Texas College of Law - Houston, TX</p> |
| 9:50 am In Austin Only 0.50 hr ethics | <p>Attorney's Fees and Ethics</p> <p>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).</p> <p>Philip Durst, Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX</p> |
| 10:40 am In Austin Only 0.42 hr ethics | <p>Stable, Predictable, and Faithful to Precedent: Why Stare Decisis Matters</p> <p>A former Texas Supreme Court Justice explores the ethical implications of the doctrine of stare decisis.</p> <p>Hon. Deborah G. Hankinson, Hankinson Levinger LLP - Dallas, TX Materials By: Cassandra Burke Robertson, The Supreme Court of Texas - Cleveland, OH</p> |
| 11:05 am In Austin Only 0.33 hr | <p>What's New in the Texas Supreme Court Clerk's Office</p> <p>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.</p> <p>Blake A. Hawthorne, Supreme Court of Texas - Austin, TX</p> |
| 11:25 am In Austin Only 0.67 hr | <p>Texas Supreme Court Panel</p> <p>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.</p> <p>Hon. Scott A. Brister, Supreme Court Of Texas - Austin, TX Hon. Paul W. Green, Supreme Court Of Texas - Austin, TX Hon. David M. Medina, Supreme Court Of Texas - Austin, TX Moderator: Hon. Thomas R. Phillips, Baker Botts L.L.P. - Austin, TX</p> |

Friday Afternoon, June 1, 2007

Presiding Officer:

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

| | |
|---------------------------------------|---|
| 12:05 pm In Austin Only 1.00 hr | <p>Luncheon with the Judiciary</p> <p>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).</p> |
|---------------------------------------|---|

| | |
|---|--|
| 1:30 pm In Austin Only 0.50 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, U.S. Court of Appeals, Fifth Circuit - San Antonio, TX |
| 2:00 pm In Austin Only 0.50 hr ethics | 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. Kendall M. Gray, Andrews Kurth LLP - Houston, TX Priscilla R. Owen, Austin, TX |
| 2:30 pm In Austin Only 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 Rules: 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. Philips, Jr., Dallas, TX Nina Cortell, Haynes and Boone, LLP - Dallas, TX Richard B. Phillips Jr, Thompson & Knight LLP - Dallas, TX Hon. Lee Hyman Rosenthal, Houston, TX |
| 3:30 pm In Austin Only 0.50 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 Frederick, Kellogg, Huber, Hansen, Todd, Evans & Fi - Washington, DC |