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THURSDAY MORNING-MAY 29, 2008		
Presiding Officer: Pamela Stanton Baron, Austin, TX		
8:00 a.m.	Registration Opens	
Includes continental breakfast.		
8:35 a.m.	Welcoming Remarks	
8:45 a.m.		.42 hr
Recent Developments in Arbitration A look at recent developments limiting attacks on arbitration awards with a focus on effective challenges that remain viable. Christopher D. Kratovil, Dallas, TX		
9:10 a.m.		.50 hr
Procedure Update An update of case law affecting Texas civil procedure with an emphasis on decisions implicating appellate practice. Prof. Elaine A. Carlson, Houston, TX		
9:40 a.m.		.33 hr
Jury Charge Update Are recent significant jury charge decisions reconcilable? An examination of the case law with tips for navigating the charge when the law is not entirely clear. Daryl L. Moore, Houston, TX		
10:00 a.m.		.50 hr
Findings of Fact and Conclusions of Law: An Exercise in Frustration Are findings and conclusions really all that helpful or do they just get in the way on appeal? A look at common problems and how to minimize their impact on your mental health and chances of success on appeal. David E. Keltner, Fort Worth, TX		
10:30 a.m.	Break	
10:45 a.m.		.50 hr
Sovereign Immunity/Statutory Construction An unrestrained, no-holds-barred analysis of recent cases and trends involving governmental immunity and statutory construction and how they affect both sides of our appellate practice. Philip Durst, Austin, TX		
11:15 a.m.		.42 hr
The Supremes and the Supremacy Clause: A New Heyday for Federal Preemption Under the Roberts Court? A look at recent decisions from the U.S. Supreme Court and how they impact practice in the Texas courts. Hon. Thomas R. Phillips, Austin, TX Co-Authors: Stephanie Coon, Houston, TX Trisha English, Houston, TX		
11:40 a.m.		.50 hr
Has the Fat Lady Sung? Punitive Damages in an Age of Tort Reform An exploration of developments in the law of punitive damages in the wake of the U.S. Supreme Court's decision in <i>Philip Morris v. Williams</i> , from both the plaintiff and the defense perspectives. J. Brett Busby, Houston, TX Brent M. Rosenthal, Dallas, TX		
12:10 p.m.	Lunch on Your Own	
THURSDAY AFTERNOON		
Presiding Officer: Jane M. N. Webre, Austin, TX		
1:40 p.m.		.67 hr
U.S. Supreme Court Update A leading historian of the Supreme Court, Professor Powe, will examine recent cases and their place, or lack thereof, in history. Prof. Scot Powe, Austin, TX		
2:20 p.m.		.50 hr ethics
Ethical Pitfalls for the Appellate Lawyer Public and private reprimands, suspensions, disbarments, legal malpractice lawsuits, fee forfeiture proceedings, and damage to professional reputation. These are just seven out of the top ten reasons you shouldn't miss this timely review of cutting-edge ethical issues that are of particular interest to appellate attorneys. Scott Rothenberg, Bellaire, TX		
2:50 p.m.		.67 hr
Oral Argument: Anticipating and Handling the Tough Questions at the Supreme Court of Texas An examination of the types of questions frequently asked, the justices who ask them, and strategies for responses, as demonstrated by video clips from recent arguments before the court. Dana Livingston, Austin, TX Amy Schumacher, Austin, TX		
3:30 p.m.	Break	
3:45 p.m.		.50 hr
Mandamus: Not a Four Letter Word <i>AIU</i> and <i>Prudential</i> marked turning points in the way the Texas Supreme Court thinks about and applies mandamus as a procedural tool. But has the viewpoint filtered its way down to the courts of appeals, and how should practitioners adjust their approach accordingly? Kurt Kuhn, Austin, TX		
4:15 p.m.		.33 hr
Effective Strategies for Representing Appellees Cross-points, cross-appeals, and other strategies for appellees to hold on to trial court victories in the court of appeals. Anne M. Johnson, Dallas, TX		

4:35 p.m. .75 hr including .25 ethics

Practice Before the Courts of Appeals:

Short Topics

Three justices from three courts of appeals focus on aspects of practice before their courts.

- Challenging a civil contempt order
Hon. David Gaultney, Beaumont, TX
- Avoidable and unavoidable reversals
Hon. Jane Bland, Houston, TX
- Effective motions for rehearing
Hon. Jan P. Patterson, Austin, TX

5:20 p.m. Adjourn

FRIDAY MORNING-MAY 30, 2008

Presiding Officer:

Hon. Diane M. Henson, Austin, TX

8:45 a.m. .33 hr ethics

Lead Appellate Counsel Opportunities: The Pro Bono Pilot Projects

The State Bar Appellate Section has initiated pilot programs in which the Supreme Court of Texas and the Third Court of Appeals can identify cases where pro bono assistance would be helpful to the court. Find out how you can volunteer, gain experience with the help of a mentor, meet certification requirements, and help others all at the same time.

- Marcy Hogan Greer, Austin, TX
- Jeffrey S. Levinger, Dallas, TX

9:05 a.m. .33 hr

Attorney's Fees Update

Can you get them? Can you keep them? An examination of recent developments affecting the recovery of attorney's fees in state court.

- Ronald C. Lewis, Houston, TX

9:25 a.m. .42 hr ethics

When Advocacy Becomes Unethical

In both the trial court and on appeal, an advocate can cross the line. A district judge with the power to sanction offers advice on how to locate the line and stay on the ethical side.

- Hon. Sharon McCally, Houston, TX

9:50 a.m. .50 hr

Petition Practice Before the Supreme Court of Texas: A Decade Under the New Rules

Based on input from the justices and their staff, a look at developments in the petition process over the last 10 years, with a focus on the evolution of effective techniques for both petitioners and respondents.

- Douglas W. Alexander, Austin, TX
- Lori Ploeger, Palo Alto, CA

10:20 a.m. Break

10:35 a.m. .50 hr

Texas Supreme Court Statistics and Trends

Two close watchers of the Texas Supreme Court analyze the state of the Court's docket and debate current trends.

- Pamela Stanton Baron, Austin, TX
- David M. Gunn, Houston, TX

11:05 a.m. 1.00 hr

Practice Before the Supreme Court of Texas: Short Topics

The justices examine four aspects of practice before the court and discuss the effect of pending rule changes.

- Moderator: Sharon E. Callaway, San Antonio, TX
- Effective motions for rehearing
Hon. Wallace B. Jefferson, Austin, TX
- Rules update
Hon. Nathan L. Hecht, Austin, TX
- Per curiam opinions
Hon. Scott A. Brister, Austin, TX
- Making the most of oral argument
Hon. Philip W. "Phil" Johnson, Austin, TX

SPONSORED LUNCH WITH THE JUDICIARY

12:05 p.m.

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).

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1:05 p.m. Break

FRIDAY AFTERNOON

Presiding Officer:

Samara L. Kline, Dallas, TX

1:35 p.m. .42 hr including .25 ethics

Rehearing Procedures Before the Fifth Circuit

A Fifth Circuit judge discusses ethical strategies that will improve your chances for success on rehearing.

- Hon. Edward C. Prado, San Antonio, TX
- Author: Beth E. Klusmann, San Antonio, TX

2:00 p.m. .42 hr

Fifth Circuit Update

A member of the federal appellate court provides an update on significant decisions of the Fifth Circuit from the past year.

- Hon. Jennifer Walker Elrod, Houston, TX
- Author: Edward Cantu, Houston, TX

2:25 p.m. .50 hr ethics

What Are The Ethics in Federal Court?

Are they different than ethics in state court? A guide to good behavior in the federal courts.

- Thomas H. Watkins, Austin, TX

2:55 p.m. Break

3:10 p.m. .67 hr

Effective Use of Appellate Counsel In Federal District Court

Find out what's effective and what's not when appellate counsel venture into federal trial courts.

- Moderator: Hon. William J. Boyce, Houston, TX
- Hon. Xavier Rodriguez, San Antonio, TX
- Hon. T. John Ward, Marshall, TX
- Hon. Lee Yeakel, Austin, TX

3:50 p.m. .33 hr

Challenging Federal Appellate Jurisdiction

Given the limited nature of federal appellate jurisdiction, the court may not have jurisdiction or may lose jurisdiction while the case is pending. An examination of jurisdictional impediments including mootness; standing; lack of a continuing case or controversy; finality; improvident grant of an interlocutory appeal; and settlement, arbitration, or other resolution of related matters.

- Meredith B. Parenti, Austin, TX

4:10 p.m. Adjourn

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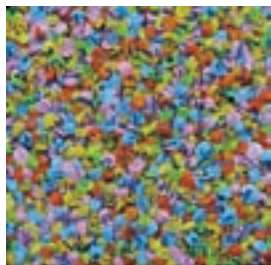
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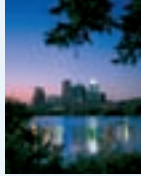
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AUSTIN

May 29-30, 2008



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KEY DATES

Registration & Cancellation

May 21, 2008—5 p.m.

last day for early registration
additional fee for registrations
received after this time

May 23, 2008—5 p.m.

last day for full refund

May 27, 2008—5 p.m.

last day for partial refunds
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May 29, 2008—8:45 a.m.

conference begins

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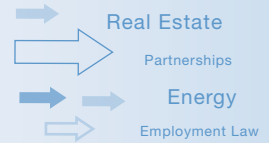
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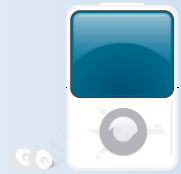
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