

21st Annual Conference on State and Federal Appeals

June 2-3, 2011 • Four Seasons Hotel • Austin, TX

Thursday Morning, June 2, 2011

Presiding Officer:

Pamela Stanton Baron, Attorney at Law - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:30 am	Welcoming Remarks
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Texas Procedural Update 4-Pack	
8:45 am 0.33 hr	Advanced Summary Judgment Update A brief look at recent summary judgment cases, with ideas for appellate persuasion and for avoiding common pitfalls. Hon. Jane Bland, First Court of Appeals - Houston, TX
9:05 am 0.42 hr	Preservation Update An overview of recent opinions on error preservation, an analysis of current trends, and a few unusual examples for your entertainment. Richard B. Phillips Jr., Thompson & Knight LLP - Dallas, TX
9:30 am 0.33 hr	Interlocutory Appeals Update This presentation addresses recent developments in interlocutory appeals practice, focusing on the scope of interlocutory appellate jurisdiction and the procedural requirements for pursuing an interlocutory appeal. Kristofer S. Monson, Office of the Attorney General - Austin, TX
9:50 am 0.42 hr	Supersedeas Update The course paper includes a comprehensive review of Texas law regarding supersedeas practice. The remarks focus on recent case law that has clarified the practice of posting appellate security based upon the net worth of the judgment debtor as well as the authority of Texas courts to enjoin the debtor from dissipating assets pending appeal. Elaine Carlson, South Texas College of Law - Houston, TX
10:15 am	Break

10:30 am 0.33 hr	Legislative Update This presentation provides an overview of legislation of interest to civil trial and appellate practitioners. Jerry D. Bullard, Adams Lynch & Loftin - Grapevine, TX
10:50 am 0.50 hr ethics	How to Swim and Not Sink in the Trial Court: Tips to Appellate Lawyers from the Trial Court Bench Appellate lawyers are often their own worst enemies when they appear in trial court. Two esteemed trial judges provide guidance on how to avoid the pitfalls. Moderator: Nina Cortell, Haynes and Boone, LLP - Dallas, TX Panelists: Hon. Barbara M.G. Lynn, U.S. District Court, Northern District of Texas - Dallas, TX Panelists: Hon. S. Craig Smith, 192nd District Court - Dallas, TX
11:20 am 0.67 hr	Court of Appeals Panel Candid conversation about topics important to those who regularly practice in the Courts of Appeals. Moderator: Kent Rutter, Haynes and Boone, LLP - Houston, TX Panelists: Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX Panelists: Hon. H. Hollis Horton III, Ninth Court of Appeals - Beaumont, TX Panelists: Hon. Sue Walker, Second Court of Appeals - Fort Worth, TX
12:00 pm	Lunch on Your Own

Thursday Afternoon, June 2, 2011

Presiding Officer:

Kurt Kuhn, Kurt Kuhn, PLLC - Austin, TX

Mandamus Spotlight 3-Pack

1:15 pm 0.42 hr	Discovery Mandamus Practice Fishing expeditions and other adventures—a look at recent case law affecting Texas mandamus practice, with particular emphasis on discovery disputes. Sara Elizabeth Janes Wolf, Fulbright & Jaworski L.L.P. - Austin, TX
1:40 pm 0.33 hr	Mandamus Update A review of the hot topics and trends in mandamus law. Scott Patrick Stolley, Thompson & Knight LLP - Dallas, TX

2:00 pm 0.50 hr	<p>Mandamus Practice: Views from Inside and Outside the Courthouse</p> <p>The Supreme Court mandamus attorney and an appellate practitioner analyze what goes into a mandamus petition on its way to the Court and what the Court will do with it once it's filed.</p> <p>Jennifer Cafferty, Supreme Court of Texas - Austin, TX Jane M. N. Webre, Scott, Douglass & McConnico, L.L.P. - Austin, TX</p>
2:30 pm 0.33 hr	<p>Formation of Judgments</p> <p>Tips on how to draft the best judgment for your client following a jury verdict, including dealing with alternative recoveries and calculation of prejudgment interest.</p> <p>Anne M. Johnson, Haynes and Boone, LLP - Dallas, TX</p>
2:50 pm	Break
3:05 pm 0.50 hr	<p>Electronic Briefs Nuts and Bolts</p> <p>A practical how-to guide on creating simple and advanced electronic briefs, as well as the latest information about what Justices expect from your electronic briefs based on in-depth interviews and surveys.</p> <p>Don Cruse, Law Office of Don Cruse - Austin, TX Blake A. Hawthorne, Supreme Court of Texas - Austin, TX</p>
3:35 pm 0.50 hr	<p>United States Supreme Court Opinions: My Kid Could Do a Better Job Than That</p> <p>Join the fun as we explore the challenges of opinion-writing by dissecting opinions by the U.S. Supreme Court.</p> <p>Hon. William J. Boyce, Fourteenth Court of Appeals - Houston, TX</p>
4:05 pm 0.42 hr	<p>Standard of Review</p> <p>Sufficiency-of-the-evidence standards of review in civil and criminal cases: When the worlds of money and liberty collide.</p> <p>Hon. Sharon Sue McCally, Fourteenth Court of Appeals - Houston, TX</p>
4:30 pm 0.50 hr ethics	<p>Appellate Writing: Ethics and Mechanics</p> <p>A lively discussion of tips to improve appellate briefs, including ethical issues in writing.</p> <p>Chad Baruch, The Law Office Of Chad Baruch - Rowlett, TX</p>
5:00 pm	Adjourn

Friday Morning, June 3, 2011

Presiding Officer:

Elana S. Einhorn, The University of Texas School of Law - Austin, TX

7:45 am	Conference Room Opens Includes continental breakfast.
8:30 am 0.33 hr	The Life of a Noneconomic Damages Award Noneconomic damages require juries to assess and courts to review awards that are among the most difficult to characterize. This session explores how Texas courts have addressed so-called "soft damages" in recent years. Evan Young, Baker Botts L.L.P. - Austin, TX
8:50 am 0.42 hr	Meanwhile, Back at the Ranch: Punitive Damages in the Wake of <i>Bennett v. Reynolds</i> A discussion of the appellate courts' opinions in this widely-publicized "cattle rustling" case, which reflect the trend toward decreased tolerance for large punitive awards, but raise and leave unanswered interesting questions regarding consideration of ancillary conduct and ratio analysis. Susan Schlesinger Vance, Alexander Dubose & Townsend LLP - Austin, TX
9:15 am 0.50 hr ethics	Tech Ethics Learn how to comply with applicable ethical rules dealing with email, websites, social media, electronic file storage and remote file access. Scott Rothenberg, Law Offices of Scott Rothenberg - Houston, TX
9:45 am 0.50 hr	Fifth Circuit Update The Chief Judge of the Fifth Circuit reviews recent decisions of the court. Hon. Edith H. Jones, U.S. Court of Appeals, Fifth Circuit - Houston, TX
10:15 am	Break
10:30 am 0.42 hr	Getting to Per Curiam About one-third of all deciding opinions from the Supreme Court of Texas are unsigned per curiam opinions. This presentation explores how a petition gets on the PC track at the Court, which types of cases the Court is most likely to resolve through a per curiam opinion, and strategies for advocates to suggest a PC disposition to the Court. Kyle Kaiser, Supreme Court of Texas - Austin, TX
10:55 am 0.50 hr	Texas Supreme Court Update The Court's newest Justice reviews the Court's newest cases. Hon. Debra Lehrmann, Supreme Court of Texas - Austin, TX

11:25 am
0.67 hr

Texas Supreme Court Panel

Supreme Court Justices discuss and answer questions about what they do, the Court's docket, and better ways for us to represent our clients before the state's highest civil court.

Moderator:

Phil Durst, Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX

Panelists:

Hon. Paul W. Green, Supreme Court of Texas - Austin, TX

Panelists:

Hon. Nathan L. Hecht, Supreme Court of Texas - Austin, TX

Panelists:

Hon. Debra Lehrmann, Supreme Court of Texas - Austin, TX

Panelists:

Hon. Dale Wainwright, Supreme Court of Texas - Austin, TX

Panelists:

Hon. Don R. Willett, Supreme Court of Texas - Austin, TX

Friday Afternoon, June 3, 2011

Presiding Officer:

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

Sponsored Lunch with the Judiciary

12:05 pm
0.75 hr

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 (there is an additional fee of \$7).

Special Thanks to Our Sponsor:

Baker Botts L.L.P.

1:05 pm

Return to General Session

1:15 pm
0.50 hr ethics

Where Are We and Where Are We Going: Disciplinary Rules, Ethics and Professional Practice after the Texas Bar Referendum

Where does Texas ethics go from here?

William J. Chriss, Law Office of William J. Chriss, P.C., of counsel to Gravely & Pearson, L.L.P. - Austin, TX

1:45 pm
0.50 hr

What's New in the Fifth Circuit Clerk's Office

The Clerk of the Fifth Circuit provides an operational overview and an update on the Court's implementation of electronic filing and case management.

Lyle Cayce, U.S. Court of Appeals, Fifth Circuit - New Orleans, LA

2:15 pm 0.50 hr ethics	I'm from the Government and I'm Here to Help The coming collision between privacy, confidentiality and electronic court records. Kendall M. Gray, Andrews Kurth LLP - Houston, TX Jason Shyung, Andrews Kurth LLP - Dallas, TX
2:45 pm 0.42 hr	Attorneys' Fees: Federal and State Procedures for obtaining appellate attorneys' fees in federal court can be counterintuitive, especially in areas where federal courts disagree in their interpretations of the rules. This presentation helps you avoid the pitfalls in federal court and challenges long-standing assumptions about attorneys' fees in state court. Russell Stanley Post, Beck, Redden & Secrest, L.L.P. - Houston, TX Kent Rutter, Haynes and Boone, LLP - Houston, TX
3:10 pm 0.50 hr	U.S. Supreme Court Update A discussion of cases decided by the Supreme Court during the past year of particular interest to civil appellate lawyers, and an examination of trends regarding what types of cases the Court is hearing and how the Court is deciding cases. David M. Gunn, Beck, Redden & Secrest, L.L.P. - Houston, TX Marc S. Tabolsky, Yetter Coleman LLP - Austin, TX
3:40 pm	Adjourn