

# 24<sup>th</sup> Annual Conference on State and Federal Appeals

## June 5-6, 2014 • Four Seasons Hotel • Austin, TX

### Thursday Morning, June 5, 2014

#### Presiding Officer:

**Pamela Stanton Baron**, Attorney at Law - Austin, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:30 am	<b>Welcoming Remarks</b>
8:40 am 0.33 hr	<b>State Mandamus Update</b>  A look at the past year's key mandamus decisions and what they portend for the future.  Scott P. Stolley, Thompson & Knight LLP - Dallas, TX
9:00 am 0.50 hr	<b>Procedural Update</b>  Coverage of the most recent Texas cases and amended rules of procedure affecting civil trial and appellate practices.  Elaine Grafton Carlson, South Texas College of Law - Houston, TX Materials By: Courtney Taylor Carlson, Jackson Walker L.L.P. - Houston, TX
9:30 am 0.50 hr ethics	<b>Briefing Waiver Update</b>  Look into recent cases and trends on briefing waiver, review the briefing standards in Texas appellate courts, and learn practical suggestions for avoiding briefing waiver.  Thomas S. Leatherbury, Vinson & Elkins LLP - Dallas, TX
10:00 am 0.50 hr ethics	<b>Prevailing in the Face of "White Horse Authority"</b>  A client hires you on appeal in a "must win" case, but your research reveals authority that is directly against your client's position. Explore techniques and strategies that you can, and sometimes must, use when confronted with "white horse authority" that is adverse to your client's position.  Scott Rothenberg, Law Offices of Scott Rothenberg - Houston, TX
10:30 am	<b>Break</b>
10:45 am 0.50 hr ethics	<b>Can I Cite Wikipedia?</b>  Is it ethical and advisable to cite Internet authority? How reliable are online sources compared to published sources? When do cites to the Internet constitute prohibited extra-record materials? If it's on the Internet, it's not always the truth!  Robert B. Dubose, Alexander Dubose Jefferson & Townsend LLP - Houston, TX

11:15 am 0.50 hr	<b>Extreme Brief Makeover</b>  Writing and persuading in the 21st Century.  Hon. Scott A. Brister, Andrews Kurth LLP - Austin, TX Kendall M. Gray, Andrews Kurth LLP - Houston, TX
11:45 am	<b>Pick Up Lunch</b>  Included in registration.

## Thursday Afternoon, June 5, 2014

### Presiding Officer:

**Richard B. Phillips Jr.**, Thompson & Knight LLP - Dallas, TX

### Luncheon Presentation

12:05 pm 0.75 hr	<b>Can You Make Your Audience Smarter?</b>  Lawyers often say, "They just couldn't get it." But what if it was you and not them? Persuasive legal writing and argument requires smart thinking. This presentation offers ideas of how to frame choices, present questions, and tailor language that appeal to brain pathways and decision schemas designed to compel your desired result.  Jim M. Perdue Jr., Perdue & Kidd, LLP - Houston, TX
12:50 pm	<b>Break</b>
1:05 pm 0.50 hr ethics	<b>Sneaky Ethics</b>  Some ethical issues are "in your face," while others sneak up on you, disguised as everyday tasks. Whether they are woven into the rules, created by emerging case law, or generated by case management issues, these sneaky ethical issues are a lot easier to handle properly when you know how to spot them.  Kirsten Castañeda, Locke Lord LLP - Dallas, TX
1:35 pm 0.50 hr	<b>Compensatory Damages</b>  Recent developments on how to minimize or maximize your damage award on appeal.  Philip Durst, Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX
2:05 pm 0.50 hr	<b>TCPA: Slapping Around Anti-SLAPP</b>  A case study in statutory construction.  Hon. William J. Boyce, Fourteenth Court of Appeals - Houston, TX

2:35 pm 0.33 hr	<p><b>Harmless Error</b></p> <p>How to determine when error is harmless and when it is not.</p> <p>Hon. Rebeca Huddle, First Court of Appeals - Houston, TX</p>
2:55 pm	<p><b>Break</b></p>
3:05 pm 0.42 hr	<p><b>A Prayer and A Hope</b></p> <p>Do appellate courts answer prayers? Effective prayers to get the relief you really want.</p> <p>Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX</p>
3:30 pm 0.50 hr	<p><b>Oral Argument: Organization and Preparation</b></p> <p>A look at argument preparation, mootng the argument, and effectively answering questions from the bench. One of the state's leading oral advocates explains the secrets of his success.</p> <p>David Keltner, Kelly Hart &amp; Hallman LLP - Fort Worth, TX</p>
4:00 pm 0.42 hr	<p><b>Post-Submission Briefs</b></p> <p>Thoughts on the strategies and procedures for filing post-submission briefs.</p> <p>Amy J. Schumacher, Attorney at Law - Austin, TX</p>
4:25 pm 0.75 hr ethics	<p><b>What Judges Know about What Other Judges Know about Ethics</b></p> <p>In a game-show format, Judges from the First and Fourteenth Courts of Appeals are asked how their fellow colleague panelists would answer a series of ethics questions. This friendly competition is designed to find out what these judges know (or possibly don't know) about ethics and each other.</p> <p>Moderator: Daryl L. Moore, Attorney at Law - Houston, TX</p> <p>Panelists: Hon. Jane Bland, First Court of Appeals - Houston, TX Hon. Harvey G. Brown Jr., First Court of Appeals - Houston, TX Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX Hon. Kenneth P. Wise, Fourteenth Court of Appeals - Houston, TX</p> <p>Commentator: Sharon E. Callaway, Crofts &amp; Callaway, P.C. - San Antonio, TX</p>
5:10 pm	<p><b>Adjourn</b></p>

## Friday Morning, June 6, 2014

### Presiding Officer:

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

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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8:30 am 0.42 hr	<p><b>Federal Mandamus Update</b></p> <p>From <i>Volkswagen</i> to <i>Crystal Power</i> to <i>Radmax</i> and beyond—what you need to know about the changing landscape of mandamus review in the Fifth Circuit.</p> <p>Dana Livingston, Alexander Dubose Jefferson &amp; Townsend LLP - Austin, TX</p>
8:55 am 0.33 hr	<p><b>Go Directly to the Texas Supreme Court</b></p> <p>A look at the various paths to the Supreme Court that bypass the State Courts of Appeals.</p> <p>Rance Craft, Office of the Attorney General - Austin, TX</p>
9:15 am 0.50 hr	<p><b>Electronic Trail through the Clerk's Office</b></p> <p>A video-enhanced journey following a case from filing all the way to opinion/decision.</p> <p>Michael A. Cruz, The Supreme Court of Texas - Austin, TX</p>
9:45 am 0.50 hr	<p><b>Questions for the Clerk of the Supreme Court of Texas</b></p> <p>The Clerk of the Supreme Court of Texas answers your questions about practice before the Court including eFiling and eBriefing.</p> <p>Please submit your questions in advance to <a href="mailto:service@utcle.org">service@utcle.org</a> or onsite at the conference registration desk.</p> <p>Steven K. Hayes, Attorney at Law - Fort Worth, TX Blake A. Hawthorne, The Supreme Court of Texas - Austin, TX</p>
10:15 am 0.50 hr	<p><b>Interview with Former Chief Justice Wallace B. Jefferson</b></p> <p>The former Chief Justice offers insights and tips for practitioners before the court.</p> <p>Pamela Stanton Baron, Attorney at Law - Austin, TX Hon. Wallace B. Jefferson, Alexander Dubose Jefferson &amp; Townsend LLP - Austin, TX</p>
10:45 am	<p><b>Break</b></p>
11:00 am 0.50 hr	<p><b>Texas Supreme Court Update</b></p> <p>A look at recent opinions issued by the Court in the current term.</p> <p>Hon. Jeff Brown, The Supreme Court of Texas - Austin, TX Materials By: Heather Jones Holmes, The Supreme Court of Texas - Austin, TX</p>
11:30 am 0.75 hr	<p><b>Texas Supreme Court Panel</b></p> <p>A candid conversation with the Justices about what's new at the Court, the state of the docket, and ways practitioners can improve their chances of obtaining favorable relief for their clients.</p> <p>Moderator: Jeffrey S. Levinger, Levinger PC - Dallas, TX Panelists: Hon. Nathan L. Hecht, The Supreme Court of Texas - Austin, TX Hon. Paul W. Green, The Supreme Court of Texas - Austin, TX Hon. Jeffrey S. Boyd, The Supreme Court of Texas - Austin, TX</p>

12:15 pm	<b>Pick Up Lunch</b>  Included in registration. Please select "RSVP: Luncheon with the Judiciary" on the registration form to attend.
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## Friday Afternoon, June 6, 2014

### Presiding Officer:

**Hon. Gregory T. Perkes**, Thirteenth Court of Appeals - Corpus Christi, TX

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### Luncheon with the Judiciary

12:35 pm	<b>Luncheon with the Judiciary</b>  A unique opportunity to meet and discuss issues with members of the judiciary. Please select "RSVP: Luncheon with the Judiciary" on the registration form to attend.  <b>THANK YOU TO OUR LUNCHEON SPONSORS</b>  <b>Baker Botts</b> <b>Thompson &amp; Knight LLP</b> <b>Vinson &amp; Elkins LLP</b>
1:25 pm	<b>Break</b>
1:35 pm 0.50 hr	<b>2014 Update for Appellate Attorneys from the Fifth Circuit Clerk of Court</b>  The Clerk of the Fifth Circuit discusses recent rule changes and technological advances.  Lyle Cayce, U.S. Court of Appeals, Fifth Circuit - New Orleans, LA
2:05 pm 0.50 hr	<b>Fifth Circuit Update</b>  Recent opinions and trends in civil litigation.  David S. Coale, Lynn Tillotson Pinker & Cox, L.L.P. - Dallas, TX
2:35 pm 0.50 hr	<b>U.S. Supreme Court Update</b>  A survey of the U.S. Supreme Court rulings for this term.  David M. Gunn, Beck Redden LLP - Houston, TX
3:05 pm 0.42 hr	<b>Challenging Arbitration Awards</b>  What's new in challenging arbitration awards in state and federal courts.  Mark Trachtenberg, Haynes and Boone, LLP - Houston, TX
3:30 pm	<b>Adjourn</b>