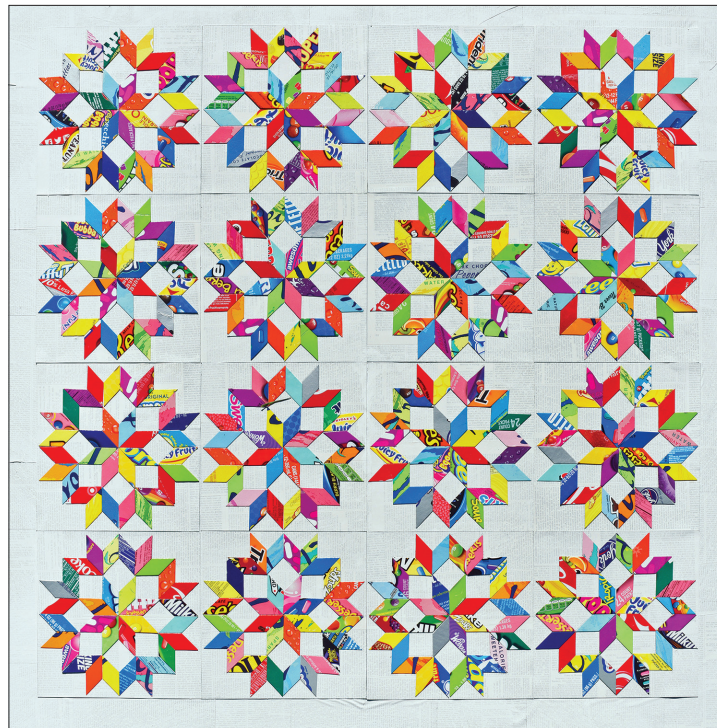


26TH ANNUAL CONFERENCE ON
STATE AND FEDERAL APPEALS



June 9–10, 2016

Four Seasons Hotel ■ Austin, Texas

SPONSORS

Beck Redden LLP
Commercial Surety Bond Agency
Enoch Kever PLLC
Haynes and Boone, LLP
Thompson & Knight LLP
Vinson & Elkins LLP

Earn up to 13.00 Hours of Credit Including 3.00 Hours of Ethics Credit

TX Legal Specialization Credit Approved for Civil Appellate Law,
Civil Trial Law and Personal Injury Trial Law

26TH ANNUAL CONFERENCE ON
STATE AND FEDERAL APPEALS

June 9–10, 2016 ■ Four Seasons Hotel ■ Austin, Texas

Earn up to 13.00 Hours of Credit Including 3.00 Hours of Ethics Credit
TX Legal Specialization Credit Approved for Civil Appellate Law, Civil Trial Law and Personal Injury Trial Law

THURSDAY MORNING, JUNE 9, 2016

Presiding Officer:

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

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

8:30 a.m. .75 hr

Texas Supreme Court Update

A look at recent opinions issued by the Court in the current term.

Hon. Jeffrey S. Boyd, The Supreme Court of Texas,
Austin, TX
Kurt Kuhn, Kuhn Hobbs PLLC, Austin, TX

9:15 a.m. .50 hr

Findings of Fact and Conclusions of Law Update

A journey through the strange and confusing world of findings of fact and conclusions of law.

David Keltner, Kelly Hart & Hallman LLP,
Fort Worth, TX

9:45 a.m. .75 hr

**Hot Topics in Damages:
Commercial and Personal Injury**

Explore recent commercial cases that every Texas lawyer should know and the latest trends in what medical expenses are "paid or incurred."

Roger W. Hughes, Adams & Graham, LLP,
Harlingen, TX
Constance H. Pfeiffer, Beck Redden LLP, Houston, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Supersedeas Bonds

Get the latest on how to get adequate security for a judgment and how to avoid over-securing a judgment.

Daryl L. Moore, Attorney at Law, Houston, TX

11:15 a.m. .50 hr ethics

Attorney-Client Privilege vs. Work Product vs. Duty of Confidentiality

Disentangling these three related—and often-confused—doctrines.

Steven Goode, The University of Texas School of Law, Austin, TX

11:45 a.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officers:

**Melissa Lorber, Enoch Keever PLLC,
Austin, TX**

LUNCHEON PRESENTATION

12:05 p.m. .75 hr

Magna Carta and the Path Forward to the Rule of Law

A reflection on Magna Carta during this year of its 800th anniversary in England, along with observations and modern lessons on what it came to mean with respect to the rule of law and protection of rights in America.

Charles R. Eskridge III, Quinn Emanuel Urquhart & Sullivan, LLP, Houston, TX

12:50 p.m. Break

1:05 p.m. .50 hr

Briefing Visually

Visuals often persuade more effectively than words, so learn the dos and don'ts of using photos, charts and other visuals in appellate briefs.

Robert B. Dubose, Alexander Dubose Jefferson & Townsend LLP, Houston, TX

1:35 p.m. .25 hr

Post-Submission Briefs

Should I or shouldn't I? A checklist of questions to ask yourself about whether to file a post-submission brief.

Pamela Stanton Baron, Attorney at Law, Austin, TX

1:50 p.m. .50 hr

Rehearing Strategy

The odds of successfully pursuing rehearing in a Texas Court of Appeals are long, but it may (or may not) make sense to pursue rehearing anyway. Get advice regarding the strategy considerations that should inform the decision whether to file a motion for rehearing in the Court of Appeals before pursuing review in the Texas Supreme Court.

Douglas W. Alexander, Alexander Dubose Jefferson & Townsend LLP, Austin, TX

2:20 p.m. .50 hr ethics

What Should (and Should Not) Be in Your Appellate Representation Agreement

Explore techniques for drafting thoughtful, well-written appellate representation agreements that protect both the attorney and the client.

Scott Rothenberg, Law Offices of Scott Rothenberg, Houston, TX

2:50 p.m. Break

3:00 p.m. .50 hr ethics

Disqualification Update

Analyze a variety of situations that can result in disqualification (including migrating lawyers and former judicial law clerks) and learn how and when a Chinese Wall can save the day.

Jane M. N. Webre, Scott Douglass & McConnico LLP, Austin, TX

3:30 p.m. .75 hr ethics

Scout's Honor: What the Boy Scout Law Teaches Us About Legal Ethics

Legal ethics is governed by a rules-oriented system, but could a virtues-based approach provide better guidance? The twelve points of the Boy Scout Law can be as useful to lawyers as they are for Boy Scouts.

Hon. Jeff Brown, The Supreme Court of Texas, Austin, TX

4:15 p.m. .75 hr ethics

Ethics Quiz

You make the call—test your knowledge of the various rules and ethical issues.

Rick Thompson, Hankinson LLP, Dallas, TX

5:00 p.m. Adjourn

Presiding Officer:

Elizabeth G. "Heidi" Bloch,
Husch Blackwell LLP, Austin, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

SLAPP-Happy: The Broad Reach of Texas Citizens' Participation Act Appeals

Review the rapidly developing and proliferating state and federal case law under the Texas Citizens' Participation Act and gain practice pointers in connection with these increasingly common motions to dismiss and appeals.

Thomas S. Leatherbury, Vinson & Elkins LLP, Dallas, TX

9:00 a.m. .50 hr

Can You Lead a Horse to Water? Strategies for Certified Appeals in State Court

A look at the ways to certify a legal question in the trial court and seek or defend against interlocutory review of that question in the appellate court.

Hon. Jane Bland, First Court of Appeals, Houston, TX
Richard B. Phillips Jr., Thompson & Knight LLP, Dallas, TX

9:30 a.m. .50 hr

Procedural Update: Dismissal Procedures Under Texas Rule of Civil Procedure 91a

An overview of the procedures for dismissal under Rule 91a and the associated developing body of case law.

Kennon L. Wooten, Scott Douglass & McConnico LLP, Austin, TX

10:00 a.m. .50 hr

Texas Procedural Update

Analysis of recent case law and trends affecting appellate practice.

Elaine Grafton Carlson, South Texas College of Law, Houston, TX

Co-Author:

Courtney Taylor Carlson, Jackson Walker LLP, Houston, TX

10:30 a.m. Break

ABOUT THE COVER

Lemoyne Star, 40" x 40", collage of candy and soda packages, old law books and acrylic, is by Philip Durst. For more information, visit www.davisgalleryaustin.com/artist.durst.html or www.blueprintstore.com

10:45 a.m. .75 hr

Texas Supreme Court Panel

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.

Moderator:

David M. Gunn, Beck Redden LLP, Houston, TX

Panelists:

Hon. Nathan L. Hecht, Chief Justice, The Supreme Court of Texas, Austin, TX
Hon. Phil Johnson, The Supreme Court of Texas, Austin, TX
Hon. Debra H. Lehmann, The Supreme Court of Texas, Austin, TX

11:30 a.m. Break

FRIDAY AFTERNOON

Presiding Officer:

Blake Hawthorne, The Supreme Court of Texas, Austin, TX

OPTIONAL LUNCHEON WITH THE JUDICIARY

11:50 a.m.

A unique opportunity to meet and discuss issues with members of the judiciary. Please select "Luncheon with the Judiciary" on the registration form to attend (\$25 additional charge).

12:40 p.m. Return to General Session

12:55 p.m. .75 hr

What You Don't Know (But Need To) About the Fifth Circuit

The judges discuss how cases move through the Fifth Circuit and provide valuable tips on how to improve your advocacy and avoid common mistakes.

Moderator:

Mark Trachtenberg, Haynes and Boone, LLP, Houston, TX

Panelists:

Hon. Gregg Costa, U.S. Court of Appeals, Fifth Circuit, Houston, TX
Hon. Leslie H. Southwick, U.S. Court of Appeals, Fifth Circuit, Jackson, MS



This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

1:40 p.m. .50 hr

Fifth Circuit Update

Recent opinions and trends in federal civil litigation.

David S. Coale, Lynn Pinker Cox & Hurst, LLP, Dallas, TX

2:10 p.m. .50 hr

Federal Rules Update

A discussion of the December 1, 2015, amendments to the Federal Rules of Civil Procedure and how they are being interpreted by federal courts in Texas and elsewhere.

Hon. Henry J. Bemporad, U.S. District Court, Western District of Texas, San Antonio, TX

2:40 p.m. .50 hr

How to Navigate and Advocate in Federal Court

Straightforward advice on trial and appellate practice from one of our leading jurists.

Nina Cortell, Haynes and Boone, LLP, Dallas, TX
Hon. Barbara M. G. Lynn, U.S. District Court, Northern District of Texas, Dallas, TX

3:10 p.m. .50 hr

U.S. Supreme Court Update

A survey of U.S. Supreme Court rulings—issued and pending—for this term.

P. Michael Jung, Strasburger & Price, LLP, Dallas, TX

3:40 p.m. Adjourn

Wide range of topics relevant to appellate practice. Knowledgeable speakers.

The conference presentations were all relevant and superbly presented

Thank you for making this conference fun AND a learning experience.

This conference was an enjoyable two days rather than a 'have to' for certification.

CONFERENCE FACULTY

DOUGLAS W. ALEXANDER
Alexander Dubose Jefferson &
Townsend LLP
Austin, TX

NINA CORTELL
Haynes and Boone, LLP
Dallas, TX

HON. PHIL JOHNSON
The Supreme Court of Texas
Austin, TX

CONSTANCE H. PFEIFFER
Beck Redden LLP
Houston, TX

PAMELA STANTON BARON
Attorney at Law
Austin, TX

HON. GREGG COSTA
U.S. Court of Appeals, Fifth Circuit
Houston, TX

P. MICHAEL JUNG
Strasburger & Price, LLP
Dallas, TX

RICHARD B. PHILLIPS JR.
Thompson & Knight LLP
Dallas, TX

HON. HENRY J. BEMPORAD
U.S. District Court,
Western District of Texas
San Antonio, TX

ROBERT B. DUBOSE
Alexander Dubose Jefferson &
Townsend LLP
Houston, TX

DAVID KELTNER
Kelly Hart & Hallman LLP
Fort Worth, TX

SCOTT ROTHENBERG
Law Offices of Scott Rothenberg
Houston, TX

HON. JANE BLAND
First Court of Appeals
Houston, TX

CHARLES R. ESKRIDGE III
Quinn Emanuel Urquhart & Sullivan, LLP
Houston, TX

KURT KUHN
Kuhn Hobbs PLLC
Austin, TX

HON. LESLIE H. SOUTHWICK
U.S. Court of Appeals, Fifth Circuit
Jackson, MS

HON. JEFFREY S. BOYD
The Supreme Court of Texas
Austin, TX

STEVEN GOODE
The University of Texas School of Law
Austin, TX

THOMAS S. LEATHERBURY
Vinson & Elkins LLP
Dallas, TX

RICK THOMPSON
Hankinson LLP
Dallas, TX

HON. JEFF BROWN
The Supreme Court of Texas
Austin, TX

DAVID M. GUNN
Beck Redden LLP
Houston, TX

HON. DEBRA H. LEHRMANN
The Supreme Court of Texas
Austin, TX

MARK TRACHTENBERG
Haynes and Boone, LLP
Houston, TX

ELAINE GRAFTON CARLSON
South Texas College of Law
Houston, TX

HON. NATHAN L. HECHT
Chief Justice
The Supreme Court of Texas
Austin, TX

HON. BARBARA M. G. LYNN
U.S. District Court,
Northern District of Texas
Dallas, TX

JANE M. N. WEBRE
Scott Douglass & McConnico LLP
Austin, TX

DAVID S. COALE
Lynn Pinker Cox & Hurst, LLP
Dallas, TX

ROGER W. HUGHES
Adams & Graham, LLP
Harlingen, TX

DARYL L. MOORE
Attorney at Law
Houston, TX

KENNON L. WOOTEN
Scott Douglass & McConnico LLP
Austin, TX

PLANNING COMMITTEE

PAMELA STANTON BARON—
CO-CHAIR
Attorney at Law
Austin, TX

HON. WILLIAM J. BOYCE
Fourteenth Court of Appeals
Houston, TX

SAMARA L. KLINE
Baker Botts
Dallas, TX

MELISSA LORBER
Enoch Kever PLLC
Austin, TX

JANE M. N. WEBRE—CO-CHAIR
Scott Douglass & McConnico LLP
Austin, TX

SHARON E. CALLAWAY
Crofts & Callaway, P.C.
San Antonio, TX

KURT KUHN
Kuhn Hobbs PLLC
Austin, TX

DARYL L. MOORE
Attorney at Law
Houston, TX

DOUGLAS W. ALEXANDER
Alexander Dubose Jefferson &
Townsend LLP
Austin, TX

NINA CORTELL
Haynes and Boone, LLP
Dallas, TX

THOMAS S. LEATHERBURY
Vinson & Elkins LLP
Dallas, TX

RICHARD B. PHILLIPS JR.
Thompson & Knight LLP
Dallas, TX

HON. JANE BLAND
First Court of Appeals
Houston, TX

DAVID M. GUNN
Beck Redden LLP
Houston, TX

JEFFREY S. LEVINGER
Levinger PC
Dallas, TX

SCOTT ROTHENBERG
Law Offices of Scott Rothenberg
Houston, TX

BLAKE A. HAWTHORNE
The Supreme Court of Texas
Austin, TX

DANA LIVINGSTON
Alexander Dubose Jefferson &
Townsend LLP
Austin, TX

DEBORAH SALZBERG
The University of Texas School of Law
Austin, TX

HOW TO REGISTER

Online:

www.utcle.org/conferences/AP16

Mail:

The University of Texas
School of Law
Attn. CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

*Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org*

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides— and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

eConference: Complimentary 180-day access to the eConference—with papers, slides, and audio—for CLE credit (TX and CA) you may have missed at the live conference. Available in *Your Briefcase* 6–8 weeks after the conference.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

Your Account: Activate *Your Account* online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

IN-HOUSE AND CONFERENCECOMPLETE MATERIALS

In-House

Bring State and Federal Appeals in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

ConferenceComplete Materials

Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping.

REGISTRATION FORM

PLEASE PRINT CLEARLY

AP16

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials and Thursday Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

Individual

- Registration by Wednesday, June 2 \$595
 Registration after Wednesday, June 2 \$645

Government Attorney

- Registration by Wednesday, June 2 \$375
 Registration after Wednesday, June 2 \$425

2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY
 Printed Course Binder ONLY (available through June 2)

3. Friday Luncheon with the Judiciary

- Yes, I will attend \$25

IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

- In-House for 2 \$850
_____ Additional participant(s) for \$275 each \$ _____

CONFERENCECOMPLETE MATERIALS[†]—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference.

Available for delivery 3–5 weeks after conference date. Shipping included.

- eBinder Download (PDF) \$225
 Printed Binder \$275
 Audio Download (MP3) \$175
 Audio CD Set \$225

[†]Texas customers—add 8.25% sales tax or include an Exemption Certificate \$ _____
Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

TOTAL \$ _____

METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)
 VISA MasterCard American Express P.O.

Card / P.O. # _____ Exp. Date _____ / _____
(mm/yy)

Authorized Signature _____

Visit
www.utcle.org
 Email
service@utcle.org
 Call
512.475.6700
 Follow
@UTLawCLE
 Tweet
#UTLawAppeals

AUSTIN

June 9–10, 2016

CONFERENCE LOCATION



Four Seasons Hotel
 98 San Jacinto
 Austin, TX
 512.685.8100

Special Room Rate: \$245
 good through May 9, 2016
 (subject to availability)

Parking:
 \$12 daily; \$16 valet
 \$32.50 overnight self or valet

KEY DATES

June 2, 2016

last day for early registration
 add \$50 for registrations
 received after this time

June 3, 2016

last day for cancellation (full refund)

June 6, 2016

last day for cancellation (partial refund)
 \$50 processing fee applied

June 9, 2016, 8:20 a.m.

Conference begins

THANK YOU TO OUR SPONSORS

Beck Redden LLP
 beckredden.com

Haynes and Boone, LLP
 haynesboone.com

Commercial Surety Bond Agency
 commercialsurety.com

Thompson & Knight LLP
 tklaw.com

Enoch Kever PLLC
 enochkever.com

Vinson & Elkins LLP
 velaw.com

REASONS TO ATTEND STATE AND FEDERAL APPEALS

UT Law’s **Conference on State and Federal Appeals**—designed for advanced-level civil appellate practitioners—has earned a reputation as the premier program on appellate practice and procedure in Texas and is the annual gathering of state and federal appellate judges. Now in its 26th year, this conference is a must-attend event for every Texas civil appellate practitioner. 2016 highlights include:

- Candid discussion among **Texas Supreme Court Chief Justice Nathan L. Hecht**, **Justice Phil Johnson**, and **Justice Debra H. Lehrman** about what’s new at the Court, the state of the docket, and tips for practitioners
- Updates on appellate procedure (include dismissals under Rule 91a), disqualifications, and supersedeas bonds
- A review of the rapidly proliferating federal and state case law under the Texas Citizens’ Participation Act
- *What You Don’t Know (But Need To) About the Fifth Circuit* with the **Honorable Gregg Costa** and the **Honorable Leslie H. Southwick**
- A fresh perspective on legal ethics from **Texas Supreme Court Judge Jeff Brown** with *Scout’s Honor: What the Boy Scout Law Teaches Us About Legal Ethics*
- Networking opportunities with judges and fellow colleagues during the conference and at Friday’s traditional Luncheon with the Judiciary