

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

## June 9-10, 2016 • Four Seasons Hotel • Austin, TX

### Thursday Morning, June 9, 2016

#### Presiding Officer:

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

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>
8:30 am 0.75 hr	<b>Texas Supreme Court Update</b>  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 am 0.50 hr	<b>Findings of Fact and Conclusions of Law Update</b>  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 am 0.75 hr	<b>Hot Topics in Damages: Commercial and Personal Injury</b>  Explore recent commercial cases that every Texas lawyer should know and the latest trends in what medical expenses are "paid or incurred."  <b>This session has moved to 10:30 AM Thursday</b>  Roger W. Hughes, Adams & Graham, LLP - Harlingen, TX Constance H. Pfeiffer, Beck Redden LLP - Houston, TX
10:30 am	<b>Break</b>  <b>The break has moved to 10:15 AM Thursday</b>
10:45 am 0.50 hr	<b>Supersedeas Bonds</b>  Get the latest on how to get adequate security for a judgment and how to avoid over-securing a judgment.  <b>This session has moved to 9:45 AM Thursday</b>  Daryl L. Moore, Attorney at Law - Houston, TX

11:15 am 0.50 hr ethics	<b>Attorney-Client Privilege vs. Work Product vs. Duty of Confidentiality</b>  Disentangling these three related—and often-confused—doctrines.  Steven Goode, The University of Texas School of Law - Austin, TX
11:45 am	<b>Pick Up Lunch</b>  Included in registration.

## Thursday Afternoon, June 9, 2016

### Presiding Officer:

**Melissa Lorber**, Enoch Kever PLLC - Austin, TX

### LUNCHEON PRESENTATION

12:05 pm 0.75 hr	<b>Magna Carta and the Path Forward to the Rule of Law</b>  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 pm	<b>Break</b>
1:05 pm 0.50 hr	<b>Briefing Visually</b>  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 pm 0.25 hr	<b>Post-Submission Briefs</b>  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 pm 0.50 hr	<b>Rehearing Strategy</b>  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 pm 0.50 hr ethics	<p><b>What Should (and Should Not) Be in Your Appellate Representation Agreement</b></p> <p>Explore techniques for drafting thoughtful, well-written appellate representation agreements that protect both the attorney and the client.</p> <p>Scott Rothenberg, Law Offices of Scott Rothenberg - Houston, TX</p>
2:50 pm	<b>Break</b>
3:00 pm 0.50 hr ethics	<p><b>Disqualification Update</b></p> <p>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.</p> <p>Jane M. N. Webre, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
3:30 pm 0.75 hr ethics	<p><b>Scout's Honor: What the Boy Scout Law Teaches Us About Legal Ethics</b></p> <p>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.</p> <p>Hon. Jeff Brown, The Supreme Court of Texas - Austin, TX</p>
4:15 pm 0.75 hr ethics	<p><b>Ethics Quiz</b></p> <p>You make the call—test your knowledge of the various rules and ethical issues.</p> <p>Rick Thompson, Hankinson LLP - Dallas, TX</p>
5:00 pm	<b>Adjourn</b>

## Friday Morning, June 10, 2016

### Presiding Officer:

**Elizabeth G. (Heidi) Bloch**, Husch Blackwell LLP - Austin, TX

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p><b>SLAPP-Happy: The Broad Reach of Texas Citizens' Participation Act Appeals</b></p> <p>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.</p> <p>Thomas S. Leatherbury, Vinson &amp; Elkins LLP - Dallas, TX</p>

9:00 am 0.50 hr	<p><b>Can You Lead a Horse to Water? Strategies for Certified Appeals in State Court</b></p> <p>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.</p> <p>Hon. Jane Bland, First Court of Appeals - Houston, TX Richard B. Phillips Jr., Thompson &amp; Knight LLP - Dallas, TX</p>
9:30 am 0.50 hr	<p><b>Procedural Update: Dismissal Procedures Under Texas Rule of Civil Procedure 91a</b></p> <p>An overview of the procedures for dismissal under Rule 91a and the associated developing body of case law.</p> <p>Kennon L. Wooten, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
10:00 am 0.50 hr	<p><b>Texas Procedural Update</b></p> <p>Analysis of recent case law and trends affecting appellate practice.</p> <p>Elaine Grafton Carlson, South Texas College of Law - Houston, TX Co-Author: Courtney Taylor Carlson, Jackson Walker LLP - Houston, TX</p>
10:30 am	<b>Break</b>
10:45 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: 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. Lehrmann, The Supreme Court of Texas - Austin, TX</p>
11:30 am	<b>Break</b>

## Friday Afternoon, June 10, 2016

### Presiding Officer:

**Blake A. Hawthorne**, The Supreme Court of Texas - Austin, TX

### OPTIONAL LUNCHEON WITH THE JUDICIARY

11:50 am	<p><b>Optional Luncheon with the Judiciary</b></p> <p>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).</p>
12:40 pm	<b>Return to General Session</b>

12:55 pm 0.75 hr	<p><b>What You Don't Know (But Need To) About the Fifth Circuit</b></p> <p>The judges discuss how cases move through the Fifth Circuit and provide valuable tips on how to improve your advocacy and avoid common mistakes.</p> <p>Moderator: Mark Trachtenberg, Haynes and Boone, LLP - Houston, TX</p> <p>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</p>
1:40 pm 0.50 hr	<p><b>Fifth Circuit Update</b></p> <p>Recent opinions and trends in federal civil litigation.</p> <p>David S. Coale, Lynn Pinker Cox &amp; Hurst, LLP - Dallas, TX</p>
2:10 pm 0.50 hr	<p><b>Federal Rules Update</b></p> <p>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.</p> <p>Hon. Henry J. Bemporad, U.S. District Court, Western District of Texas - San Antonio, TX</p>
2:40 pm 0.50 hr	<p><b>How to Navigate and Advocate in Federal Court</b></p> <p>Straightforward advice on trial and appellate practice from one of our leading jurists.</p> <p>Nina Cortell, Haynes and Boone, LLP - Dallas, TX Hon. Barbara M. G. Lynn, U.S. District Court, Northern District of Texas - Dallas, TX</p>
3:10 pm 0.50 hr	<p><b>U.S. Supreme Court Update</b></p> <p>A survey of U.S. Supreme Court rulings—issued and pending—for this term.</p> <p>P. Michael Jung, Strasburger &amp; Price, LLP - Dallas, TX</p>
3:40 pm	<p><b>Adjourn</b></p>