

27TH ANNUAL CONFERENCE ON
STATE AND FEDERAL APPEALS



June 1–2, 2017
Four Seasons Hotel ■ Austin, Texas

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TX Legal Specialization Credit Expected for Civil Appellate Law, Civil Trial Law, Criminal Appellate Law, Criminal Law, Family Law, and Personal Injury Trial Law

THURSDAY MORNING, JUNE 1, 2017

Presiding Officer:

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

Explore recent opinions issued by the Court in the current term.

Hon. Jeffrey S. Boyd, The Supreme Court of Texas, Austin, TX
Constance H. Pfeiffer, Beck Redden LLP, Houston, TX

9:15 a.m. .50 hr

Texas Civil Procedure Update: A Look at Recent Decisions and Legislative Mandates

Examine recent judicial decisions and legislative mandates affecting Texas litigation practice, including proposed modifications to the Texas Rules of Civil Procedure. Review highlights from the accompanying comprehensive review of recent case law—designed to be a handy reference tool for practitioners.

Courtney Taylor Carlson, Jackson Walker LLP, Houston, TX

Co-Author:

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

9:45 a.m. .50 hr

Appellate Advocacy

Get an experienced perspective on what makes for great appellate advocacy.

David M. Gunn, Beck Redden LLP, Houston, TX
Hon. Stephen A. Higginson, U.S. Court of Appeals, Fifth Circuit, New Orleans, LA

10:15 a.m. Break

10:30 a.m. .50 hr ethics

The Ethics of Social Media

The world of social media presents a multitude of pitfalls for practitioners and judges alike. Hear from pioneers in the field on how to make the most of social media's advantages without running afoul of applicable disciplinary rules.

John G. Browning, Passman & Jones, Dallas, TX
David Lat, Above the Law, New York, NY
Hon. Don R. Willett, The Supreme Court of Texas, Austin, TX

11:00 a.m. .50 hr

Top Ten New Issues in the Jury Charge

Learn the latest issues discussed in case law and in the Pattern Jury Charge Committees, as well as new ideas for clarity in the jury charge.

Hon. Tracy Christopher, Fourteenth Court of Appeals, Houston, TX

11:30 a.m. .50 hr

Legislative Update

Review what the 85th Texas Legislature has wrought.

C. Andrew Weber, Kelly Hart & Hallman LLP, Austin, TX

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Hon. William J. Boyce, Fourteenth Court of Appeals, Houston, TX

LUNCHEON PRESENTATION

12:20 p.m. .75 hr ethics

Lawyer Wellness: It Is All About You

A recent study indicates 40 percent of our 100,000 Texas lawyers may be suffering from depression, anxiety, and alcohol or drug dependency. Hear more about the current research on lawyer wellness, and learn simple strategies to ensure self care and peak professional performance. Learn how confidential user-friendly 24/7 access to TLAP can help your colleagues that need help and can help yourself, too.

Cameron Vann, Texas Lawyers Assistance Program, Austin, TX

1:05 p.m. Break

1:20 p.m. .50 hr ethics

Ethics Emergency Survival Kit

Ethics emergencies come up when you least expect them. Get the tools you need when your next ethics emergency arises.

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

1:50 p.m. .50 hr

The Common Law Is Not Dead

Explore the resurgence of the common law and its impact on appellate practice.

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

2:20 p.m. .50 hr

Family Law Appeals

Appellate review of family law cases present issues uncommon to other appeals. Explore highlights of some unusual issues the appellate practitioner might encounter in a family law appeal.

Richel Rivers, Rivers McNamara PLLC, Austin, TX

2:50 p.m. Break

3:00 p.m. .50 hr

Pulling Back the Curtain (a Bit)

Get practical tips from current staff attorneys on appellate court practices and procedures, including motions, original proceedings, and oral arguments.

Julie K. Buchanan, The Supreme Court of Texas, Austin, TX
Karlene D. Poll, First Court of Appeals, Houston, TX
Colleen M. Sullivan, Third Court of Appeals, Austin, TX

3:30 p.m. .75 hr

Statutory Interpretation

Many recent appellate decisions involve questions of statutory interpretation. Highlight what is out there, and what you need to know.

Hon. Scott A. Brister, Andrews Kurth Kenyon LLP, Austin, TX
Philip Durst, Deats, Durst & Owen, P.L.L.C., Austin, TX

4:15 p.m. .75 hr ethics

The Ethics Apprentice

Watch ambitious appellate practitioners compete against one another for the title of "The Ethics Apprentice," as they struggle to answer ethics questions that savvy practitioners ought to know.

Hon. Daryl L. Moore, 333rd District Court, Houston, TX

5:00 p.m. Adjourn

FRIDAY MORNING, JUNE 2, 2017**Presiding Officer:**

**Marisa S. Secco, Vinson & Elkins LLP,
Austin, TX**

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr**Evidence/Procedure Quiz**

You make the call: test your knowledge of evidence by ruling on a series of objections.

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

9:00 a.m. .50 hr ethics**Legal Malpractice and Breach of Fiduciary Duty Update**

Explore the intersection of these claims and how that intersection may affect your practice.

Michael W. Eady, Thompson Coe, Austin, TX
Jeffrey S. Levinger, Levinger PC, Dallas, TX

9:30 a.m. .75 hr**Breakfast Buffet: Interlocutory Appeals, Summary Judgments, and the Impact of Early Dismissals on Appellate Dockets**

Discuss procedures, practice tips, and recent developments regarding interlocutory appeals (both express and permissive) and summary judgments. Hear a statistical analysis about how these and other forms of early dismissals (such as those under Rule 91a) have impacted appellate dockets over the last decade.

Michael A. Heidler, Vinson & Elkins LLP, Austin, TX
Lisa D. Kinzer, Attorney at Law, Austin, TX
Amanda G. Taylor, Beck Redden LLP, Austin, TX

10:15 a.m. Break**M
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E**

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 (#179).

10:30 a.m. .75 hr**Texas Supreme Court Panel**

Hear a candid conversation among the Justices about what is new at the Court, the state of the docket, and ways practitioners can improve their chances of obtaining favorable relief for their clients.

Moderator:

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

Panelists:

Hon. Nathan L. Hecht, The Supreme Court of Texas, Austin, TX
Hon. Eva M. Guzman, The Supreme Court of Texas, Austin, TX
Hon. Jeff Brown, The Supreme Court of Texas, Austin, TX

11:15 a.m. .50 hr**Attorneys' Fees Update**

Although attorneys' fees can easily exceed damages, they are too often an afterthought. Explore the latest developments in state and federal court on proving up fees at trial and keeping them on appeal.

Polly Fohn, Haynes and Boone, LLP, Houston, TX
Anne M. Johnson, Haynes and Boone, LLP, Dallas, TX

11:45 a.m. Break**FRIDAY AFTERNOON****Presiding Officer:**

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

**OPTIONAL LUNCHEON
WITH THE JUDICIARY****12:05 p.m.**

Take advantage of this unique opportunity to meet and discuss issues with members of the judiciary. Please select "Luncheon with the Judiciary" on the registration form to attend (\$35 additional charge).

12:55 p.m. Return to General Session**1:10 p.m. .50 hr****When Error is Harmful in the Eye of the Beholder**

Examine recent cases and trends governing how the courts look to, find, and define harmful error.

Sharon McCally, McCally Law, P.C., Houston, TX

1:40 p.m. .50 hr**U.S. Fifth Circuit Update**

Review recent opinions and trends from the U.S. Fifth Circuit.

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

2:10 p.m. .50 hr**Federal Jury Charge Practice**

Navigate jury questions, instructions, and the charge conference in federal court.

Hon. Henry J. Bemporad, Magistrate Judge,
U.S. District Court, Western District of Texas,
San Antonio, TX
Ben L. Mesches, Haynes and Boone, LLP, Dallas, TX

2:40 p.m. .50 hr**Rehearing En Banc Strategies**

Explore the dynamics of seeking and obtaining en banc review, and look at the efficacy of various strategies.

Jennifer S. Freel, U.S. Attorney's Office, Austin, TX
Dana Livingston, Alexander Dubose Jefferson & Townsend LLP, Austin, TX

3:10 p.m. .50 hr**U.S. Supreme Court Update**

Review the 2016 Term, get an update on the filling the vacancy, and look ahead to OT 2017.

Jason P. Steed, Bell Nunnally & Martin LLP, Dallas, TX

3:40 p.m. Adjourn

CONFERENCE FACULTY

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(e.g., government employees and nonprofits)

Friday Luncheon with the Judiciary

- Yes, I will attend \$35

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AUSTIN

June 1–2, 2017

CONFERENCE LOCATION



Four Seasons Hotel
98 San Jacinto
Austin, TX
512.685.8100

Special Room Rate: \$255

good through May 1, 2017
(subject to availability)

Parking:

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

KEY DATES

May 24, 2017

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

May 26, 2017

last day for cancellation (full refund)

May 29, 2017

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

June 1, 2017, 8:20 a.m.

Conference begins

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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 27th year, this conference is a must-attend event for Texas civil appellate practitioners.

2017 highlights include:

- *The Ethics of Social Media*, with **John G. Browning**, Passman & Jones, **David Lat**, Above the Law, and **Justice Don R. Willett**, Supreme Court of Texas
- Experienced perspective on what makes for great *Appellate Advocacy*, with **David M. Gunn**, Beck Redden LLP, and **Justice Stephen A. Higginson**, U.S. Court of Appeals for the Fifth Circuit
- Practical tips on appellate court practices from current staff attorneys in *Pulling Back the Curtain (a Bit)*
- Candid discussion among Texas Supreme Court Chief **Justice Nathan L. Hecht**, **Justice Eva Guzman**, and **Justice Jeff Brown** about what's new at the Court, the state of the docket, and tips for practitioners
- *The Ethics Apprentice*, hosted by **Judge Daryl L. Moore**, 333rd District Court, during which ambitious appellate practitioners compete against one another as they struggle to answer ethics questions that savvy practitioners ought to know
- Updates on essential topics such as interlocutory appeals, harmful error, attorney fees, and rehearing *en banc* strategies