

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

## June 1-2, 2017 • Four Seasons Hotel • Austin, TX

### Thursday Morning, June 1, 2017

**Presiding Officer:**

**Jane M. N. Webre**, Scott Douglass & McConnico LLP - 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>  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 am 0.50 hr	<b>Texas Civil Procedure Update: A Look at Recent Decisions and Legislative Mandates</b>  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 am 0.50 hr	<b>Appellate Advocacy</b>  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 am	<b>Break</b>
10:30 am 0.50 hr ethics	<b>The Ethics of Social Media</b>  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 am 0.50 hr	<b>Top Ten New Issues in the Jury Charge</b>  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 am 0.50 hr	<b>Legislative Update</b>  Review what the 85th Texas Legislature has wrought.  C. Andrew Weber, Kelly Hart & Hallman LLP - Austin, TX
12:00 pm	<b>Pick Up Lunch</b>  Included in registration.

## Thursday Afternoon, June 1, 2017

### Presiding Officer:

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

### LUNCHEON PRESENTATION

12:20 pm 0.75 hr ethics	<b>Lawyer Wellness: It Is All About You</b>  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 pm	<b>Break</b>
1:20 pm 0.50 hr ethics	<b>Ethics Emergency Survival Kit</b>  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 pm 0.50 hr	<b>The Common Law Is Not Dead</b>  Explore the resurgence of the common law and its impact on appellate practice.  David Keltner, Kelly Hart & Hallman LLP - Fort Worth, TX

2:20 pm 0.50 hr	<p><b>Family Law Appeals</b></p> <p>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.</p> <p>Richel Rivers, Rivers McNamara PLLC - Austin, TX</p>
2:50 pm	<p><b>Break</b></p>
3:00 pm 0.50 hr	<p><b>Pulling Back the Curtain (a Bit)</b></p> <p>Get practical tips from current staff attorneys on appellate court practices and procedures, including motions, original proceedings, and oral arguments.</p> <p>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</p>
3:30 pm 0.75 hr	<p><b>Statutory Interpretation</b></p> <p>Many recent appellate decisions involve questions of statutory interpretation. Highlight what is out there, and what you need to know.</p> <p>Hon. Scott A. Brister, Andrews Kurth Kenyon LLP - Austin, TX  Philip Durst, Deats, Durst &amp; Owen, P.L.L.C. - Austin, TX</p>
4:15 pm 0.75 hr ethics	<p><b>The Ethics Apprentice</b></p> <p>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.</p> <p>Moderator:  Hon. Daryl L. Moore, 333rd District Court - Houston, TX  Panelists:  Robert B. Dubose, Alexander Dubose Jefferson &amp; Townsend LLP - Houston, TX  Philip Durst, Deats, Durst &amp; Owen, P.L.L.C. - Austin, TX  R. Russell Hollenbeck, Wright &amp; Close, LLP - Houston, TX  Jane M. N. Webre, Scott Douglass &amp; McConnico LLP - Austin, TX</p>
5:00 pm	<p><b>Adjourn</b></p>

## Friday Morning, June 2, 2017

### Presiding Officer:

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

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
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8:30 am 0.50 hr	<p><b>Evidence/Procedure Quiz</b></p> <p>You make the call: test your knowledge of evidence by ruling on a series of objections.</p> <p>Steven Goode, The University of Texas School of Law - Austin, TX</p>
9:00 am 0.50 hr ethics	<p><b>Legal Malpractice and Breach of Fiduciary Duty Update</b></p> <p>Explore the intersection of these claims and how that intersection may affect your practice.</p> <p>Michael W. Eady, Thompson Coe - Austin, TX Jeffrey S. Levinger, Levinger PC - Dallas, TX</p>
9:30 am 0.75 hr	<p><b>Breakfast Buffet: Interlocutory Appeals, Summary Judgments, and the Impact of Early Dismissals on Appellate Dockets</b></p> <p>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.</p> <p>Michael A. Heidler, Vinson &amp; Elkins LLP - Austin, TX Lisa D. Kinzer, The Office of Court Administration - Austin, TX Amanda G. Taylor, Beck Redden LLP - Austin, TX</p>
10:15 am	<b>Break</b>
10:30 am 0.75 hr	<p><b>Texas Supreme Court Panel</b></p> <p>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.</p> <p>Moderator: Robert B. Dubose, Alexander Dubose Jefferson &amp; Townsend LLP - Houston, TX</p> <p>Panelists: Hon. Nathan L. Hecht, The Supreme Court of Texas - Austin, TX Hon. Phil Johnson, The Supreme Court of Texas - Austin, TX Hon. Jeff Brown, The Supreme Court of Texas - Austin, TX</p>
11:15 am 0.50 hr	<p><b>Attorneys' Fees Update</b></p> <p>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.</p> <p>Polly Fohn, Haynes and Boone, LLP - Houston, TX Anne M. Johnson, Haynes and Boone, LLP - Dallas, TX</p>
11:45 am	<b>Break</b>

## Friday Afternoon, June 2, 2017

### Presiding Officer:

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

### OPTIONAL LUNCHEON WITH THE JUDICIARY

12:05 pm	<b>Optional Luncheon with the Judiciary</b>  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 pm	<b>Return to General Session</b>
1:10 pm 0.50 hr	<b>When Error is Harmful in the Eye of the Beholder</b>  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 pm 0.50 hr	<b>U.S. Fifth Circuit Update</b>  Review recent opinions and trends from the U.S. Fifth Circuit.  This session has moved to 2:40 PM on Friday  David S. Coale, Lynn Pinker Cox & Hurst, LLP - Dallas, TX
2:10 pm 0.50 hr	<b>Federal Jury Charge Practice</b>  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 pm 0.50 hr	<b>Rehearing En Banc Strategies</b>  Explore the dynamics of seeking and obtaining en banc review, and look at the efficacy of various strategies.  This session has moved to 1:40 PM on Friday  Jennifer S. Freel, U.S. Attorney's Office - Austin, TX Dana Livingston, Alexander Dubose Jefferson & Townsend LLP - Austin, TX
3:10 pm 0.50 hr	<b>U.S. Supreme Court Update</b>  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 pm	<b>Adjourn</b>