

31st Annual Conference on State and Federal Appeals

June 10-11, 2021 • Live Webcast

Thursday Morning, June 10, 2021

Presiding Officer:

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

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| 8:20 am | Welcoming Remarks |
| 8:30 am 0.50 hr | Looking Back at the 87th Texas Legislature Survey selected bills that passed and those that didn't—but you should know about anyway. Jerry D. Bullard, Adams, Lynch & Loftin, P.C. - Grapevine, TX Senator Nathan Johnson, Texas State Senate, District 16 - Dallas, TX |
| 9:00 am | 10-Minute Break |
| 9:10 am 0.50 hr | Texas Supreme Court by the Numbers A new look at what has been happening with petitions and what that suggests about your client's odds. Don Cruse, Law Office of Don Cruse - Austin, TX |
| 9:40 am | 10-Minute Break |
| 9:50 am 0.50 hr | “What’d I Miss?”—An Update on the Texas Pattern Jury Charges It’s an odd-numbered year, which means that four of the Texas Pattern Jury Charge volumes have published new editions. Former Judge Dan Hinde, who chairs the Pattern Jury Charge Oversight Committee, runs through the highlights of the latest changes in the General Negligence, Business, Malpractice, and Oil & Gas volumes of the Pattern Jury Charges. Hon. Dan Hinde, Schiffer Hicks Johnson PLLC - Houston, TX |
| 10:20 am | 10-Minute Break |
| 10:30 am 0.75 hr | Texas Supreme Court Update Explore recent opinions issued by the Court in the current term. This presentation was recorded and will be broadcast during the live webcast. The speakers will not be available in real-time to answer questions. Hon. Jeff Boyd, The Supreme Court of Texas - Austin, TX Kurt Kuhn, Kuhn Hobbs PLLC - Austin, TX |
| 11:15 am | 30-minute Break for Lunch |

Thursday Afternoon, June 10, 2021

Presiding Officer:

Jo Ann Storey, Jo Ann Storey, P.C. - Houston, TX

LUNCHEON PRESENTATION

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| 11:45 am 0.50 hr ethics | Meet the Press: Working Effectively with the Media Tips, Tricks, Do's, and Don'ts. Practical and ethical considerations for lawyers speaking with reporters. Connie H. Pfeiffer, Yetter Coleman LLP - Houston, TX Natalie Posgate, The Texas Lawbook - Dallas, TX |
| 12:15 pm | 10-Minute Break |
| 12:25 pm 1.00 hr | Three Pack Update on TRAP Amendments, the TCPA, and Sufficiency Standards of Review This presentation covers recent changes, noteworthy holdings, and open questions on these three topics to arm practitioners with helpful and current information. Matthew Scott Compton, Fourth Court of Appeals - San Antonio, TX Hon. Erin A. Nowell, 5th District Court of Appeals - Dallas, TX Amanda G. Taylor, Butler Snow LLP - Austin, TX |
| 1:25 pm | 10-Minute Break |
| 1:35 pm 0.50 hr ethics | What Should (and Should Not) Be in Your Appellate Representation Agreement A well-drafted Appellate Representation Agreement can protect you and your law firm against grievances, and legal malpractice and breach of fiduciary duty lawsuits. In this day and age, you cannot afford to be without one. Scott Rothenberg, Law Office of Scott Rothenberg - Bellaire, TX |
| 2:05 pm | 10-Minute Break |
| 2:15 pm 0.75 hr 0.25 hr ethics | Pandemic Preservation: Practice Tips for Preserving Error Before, During, and After COVID-19 Preserving error was difficult enough before COVID-19. Now, virtual hearings and trials require extra steps. This presentation addresses considerations for presenting witnesses, handling exhibits, using demonstratives, and making a record that helps the trial judge, the appellate courts, and you while practicing in a virtual setting. Kirsten Castañeda, Alexander Dubose & Jefferson LLP - Dallas, TX Hon. Latosha Lewis Payne, 55th Civil District Court - Houston, TX Hon. Daryl L. Moore, Ahmad Zavitsanos Anaipakos Alavi Mensing, PC - Houston, TX |
| 3:00 pm | 10-Minute Break |

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| 3:10 pm 0.50 hr ethics | <p>Recovering Appellate Attorney's Fees</p> <p>The Texas Supreme Court's recent guidance on proving up attorneys' fees applies to appellate fees as well and federal courts apply their own rules about appellate fees. This update addresses best practices for recovering appellate fees.</p> <p>Leslie Sara Hyman, Pulman, Cappuccio & Pullen, LLP - San Antonio, TX Matthew J. McGowan, Santoyo Wehmeyer P.. - San Antonio, TX</p> |
| 3:40 pm | 10-Minute Break |
| 3:50 pm 0.75 hr ethics | <p>Ethics Jeopardy</p> <p>Watch ambitious appellate practitioners compete against one another, as they struggle to answer ethics questions that savvy practitioners ought to know.</p> <p>This presentation was recorded and will be broadcast during the live webcast. The speakers will not be available in real-time to answer questions.</p> <p>Moderator: Douglas W. Alexander, Alexander Dubose & Jefferson LLP - Austin, TX Panelists: Elizabeth G. (Heidi) Bloch, Greenberg Traurig, LLP - Austin, TX William J. Chriss, The Snapka Law Firm - Corpus Christi, TX Kevin Dubose, Alexander Dubose & Jefferson LLP - Houston, TX Mia Lorick, Locke Lord LLP - Houston, TX</p> |
| 4:35 pm | Adjourn |

Friday Morning, June 11, 2021

Presiding Officer:

Elana S. Einhorn, Enoch Keever PLLC - Austin, TX

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| 8:30 am 0.50 hr | <p>Findings of Fact and Conclusions of Law</p> <p>How to draft effective findings of fact and conclusions of law, strategies for additional findings and conclusions, and handling the unusual scenarios that arise with requests for findings of fact.</p> <p>Laurie Ratliff, Laurie Ratliff LLC - Austin, TX</p> |
| 9:00 am | 10-Minute Break |
| 9:10 am 0.75 hr | <p>Mooting Your Case for Oral Argument</p> <p>Practicing your oral argument in front of others unfamiliar with the case is invaluable in preparing for questions from the court and in streamlining your key points. It can be a formal moot or an informal roundtable discussion, live or over Zoom, and the judges can be colleagues, retained appellate experts, or even relatives. The panel members provide tips for an effective moot, whatever the format.</p> <p>Pamela Stanton Baron, Attorney at Law - Austin, TX Hon. Scott A. Brister, Hunton Andrews Kurth LLP - Austin, TX Natalie Thompson, Office of the Texas Attorney General - Austin, TX</p> |
| 9:55 am | 10-Minute Break |

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| <p>10:05 am 0.75 hr 0.25 hr ethics</p> | <p>Amicus Briefs in Texas Appellate Courts</p> <p>Discuss the increasing role of amici in Texas appellate courts, consider how amicus briefs may have influenced recent decisions, and share views on the “do's and don'ts” of effective advocacy in amicus briefs.</p> <p>Moderator: Anne M. Johnson, Haynes and Boone, LLP - Dallas, TX</p> <p>Panelists: Carl Cecere, Cecere PC - Dallas, TX Hon. Peter M. Kelly, First Court of Appeals - Houston, TX Ryan Paulsen, Haynes and Boone, LLP - Dallas, TX</p> |
| <p>10:50 am</p> | <p>10-Minute Break</p> |
| <p>11:00 am 0.75 hr</p> | <p>Texas Supreme Court Panel</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 securing discretionary review for their clients.</p> <p>Moderator: Jane M. N. Webre, Scott Douglass & McConnico LLP - Austin, TX</p> <p>Panelists: Hon. Debra H. Lehrmann, The Supreme Court of Texas - Austin, TX Hon. Jane N. Bland, The Supreme Court of Texas - Austin, TX Hon. Rebeca Huddle, The Supreme Court of Texas - Austin, TX</p> |
| <p>11:45 am</p> | <p>30-minute Break for Lunch</p> |

Friday Afternoon, June 11, 2021

Presiding Officer:

Jennifer S. Freel, Vinson & Elkins LLP - Austin, TX

LUNCHEON PRESENTATION

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| <p>12:15 pm 0.75 hr</p> | <p>Law Clerk Reminiscences of Working with RBG</p> <p>Hear a conversation between three former law clerks of Justice Ruth Bader Ginsburg as they share memories of what it was like to work for the Justice, and what they learned from her about work, life, family, and the pursuit of justice.</p> <p>Dori Bernstein, The Appellate Project - Washington, DC Kelsi Brown Corkran, Institute for Constitutional Advocacy & Protection - Washington, DC Devi Rao, MacArthur Justice Center - Washington, DC</p> |
| <p>1:00 pm</p> | <p>10-Minute Break</p> |

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| 1:10 pm 0.75 hr | <p>Fun with the Charge: Storming the Casteel</p> <p>The panel discusses the latest on the “rotten apple” problem in jury charge practice, including issues to consider in drafting charge material, making a record, and arguing the points on appeal.</p> <p>David M. Gunn, Beck Redden LLP - Houston, TX Russell S. Post, Beck Redden LLP - Houston, TX Hon. Thomas R. Phillips, Baker Botts L.L.P. - Austin, TX</p> |
| 1:55 pm | <p>10-Minute Break</p> |
| 2:05 pm 0.50 hr | <p>Supersedeas and Stays in State and Federal Court</p> <p>Review the basics on how to obtain stays and supersede judgments in state and federal court, as well as look at the latest case law in this ever-changing area of the law.</p> <p>Hon. Dustin M. Howell, 200th District Court - Austin, TX Materials By: Elaine Grafton Carlson, South Texas College of Law Houston - Houston, TX</p> |
| 2:35 pm | <p>10-Minute Break</p> |
| 2:45 pm 0.50 hr | <p>Preserving Appellate Complaints in Federal Courts</p> <p>Explore the basics of federal preservation, focus on a few of the more troublesome issues and unsettled issues in preserving appellate complaints in federal court, and discuss practical approaches to preventing claims of waiver on appeal.</p> <p>Reagan W. Simpson, Yetter Coleman LLP - Houston, TX</p> |
| 3:15 pm | <p>10-Minute Break</p> |
| 3:25 pm 0.50 hr | <p>U.S. Fifth Circuit Update</p> <p>A close look at the most interesting and important cases from the U.S. Court of Appeals for the Fifth Circuit in the past year.</p> <p>Raffi Melkonian, Wright Close & Barger, LLP - Houston, TX</p> |
| 3:55 pm | <p>10-Minute Break</p> |
| 4:05 pm 0.50 hr | <p>U.S. Supreme Court Update</p> <p>An overview of major decisions and trends from the Supreme Court’s 2020-2021 term.</p> <p>Jeremy C. Marwell, Vinson & Elkins LLP - Washington, DC</p> |
| 4:35 pm | <p>Adjourn</p> |