

33RD ANNUAL CONFERENCE ON
STATE AND FEDERAL APPEALS



June 8–9, 2023

Sheraton Austin Hotel at the Capitol ■ Austin, Texas

 Live Webcast June 8–9

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Specialization Credit Approved for: Civil Appellate Law, Criminal Law, Criminal Appellate Law, Civil Trial Law, Family Law, Personal Injury Trial Law
TX Accounting CPE Credit Available

Times listed are in Central Time

THURSDAY MORNING, JUN. 8, 2023

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. .50 hr

88th Legislature: What Happened and How it Affects Your Practice

A recap of what came out of the Big Pink Building this legislative session.

Jerry D. Bullard, Adams, Lynch & Loftin, P.C.,
Grapevine, TX

Jeff Leach, Texas House of Representatives, District
67, Allen, TX

9:00 a.m. .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

9:30 a.m. .50 hr

Procedure Update

A review of recent developments in procedural rules that may impact your appellate practice.

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

10:00 a.m. .50 hr

Jury Charge Update

Recent developments impacting civil jury charges and strategies involved in preparing and preserving error on them.

Amanda G. Taylor, Butler Snow LLP, Austin, TX

10:30 a.m. 15-Minute Break

10:45 a.m. .75 hr

Texas Supreme Court Update

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

Hon. Jeff Boyd, Supreme Court of Texas, Austin, TX
Kurt Kuhn, Kuhn Hobbs PLLC, Austin, TX

11:30 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 securing discretionary review for their clients.

Moderator:

Anne M. Johnson, Tillotson Johnson & Patton,
Dallas, TX

Panelists:

Hon. Nathan L. Hecht, Supreme Court of Texas,
Austin, TX

Hon. Debra H. Lehmann, Supreme Court of Texas,
Austin, TX

Hon. J. Brett Busby, The Supreme Court of Texas,
Austin, TX

12:15 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

Richard B. Phillips Jr., Holland & Knight
LLP, Dallas, TX

LUNCHEON PRESENTATION

12:45 p.m. .50 hr ethics

Socratic Rules of Engagement: A Model for Civil Discourse

The speaker discusses the original meaning of the Socratic method and how it can be used to produce better conversations, especially about polarizing topics.

Ward Farnsworth, The University of Texas School of
Law, Austin, TX

1:15 p.m. 15-Minute Break

1:30 p.m. .50 hr

U.S. Supreme Court Update

An overview of major decisions and trends from the Supreme Court's 2022-2023 term.

Carl Cecere, Cecere PC, Dallas, TX

2:00 p.m. .50 hr ethics

Don't Do It: Legal Temptations to Resist

This presentation is a reminder of the things lawyers are tempted to do, but the Rules of Professional Conduct, Standards of Appellate Conduct, and the good manners we were all raised on prevent.

Hon. Tanya Garrison, 157th District Court, Houston, TX

2:30 p.m. .75 hr ethics

Lawyers Behaving Badly

The hosts of the Lawyers Behaving Badly podcast share true but outrageous stories about lawyers being less than their best selves.

Karen Delaney, Delaney Legal PLLC, Frisco, TX
Jennifer Judge, Jennifer Judge Legal PLLC,
Southlake, TX

3:15 p.m. Adjourn

NETWORKING RECEPTION

3:15 p.m. – 4:15 p.m.

Join us for drinks and hors d'oeuvres with program faculty and attendees.

**M
C
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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 12.00 hours, of which 2.75 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).

FRIDAY MORNING, JUN. 9, 2023**Presiding Officer:**

Melissa Lorber, Enoch Keever PLLC,
Austin, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr**Inference Stacking**

When can you stack inferences, and how to tell if that is what is happening.

Chad Baruch, Johnston Tobey Baruch, Dallas, TX

9:00 a.m. .75 hr | .25 hr ethics**Persuasive Oral Argument Techniques**

Hear tips from two of Texas's best on what to do (and not to do) in oral argument.

Moderator:

Hon. Daryl L. Moore, Ahmad Zavitsanos & Mensing PLLC, Houston, TX

Panelists:

David Keltner, Kelly Hart & Hallman LLP, Fort Worth, TX
Sharon McCally, McCally Law, P.C., Houston, TX

9:45 a.m. 1.00 hr | .25 hr ethics**Under-Utilized Procedural Tools**

Three short presentations on how to make use of Rule 166(g) motions, Indicative Rulings Under Rule 62.1, and Rule 54(b) Judgements.

Dana Livingston, Cokinos | Young, Austin, TX

Anna MacFarlane, Pulman, Cappuccio & Pullen, LLP,
San Antonio, TX

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

10:45 a.m. 15-Minute Break**11:00 a.m. .50 hr****Equitable and Declaratory Remedies for Ultra Vires Acts**

An overview and update on the legal and practical challenges of suing state actors.

Grant Martinez, Yetter Coleman LLP, Houston, TX

11:30 a.m. .75 hr**The Administration of Justice: Case Loads and Composition of the Docket in the Courts of Appeals, Rules of Judicial Administration and Statutory Requirements, Strategies for Case Management, and Challenges of Balancing Efficiency and Transparency**

Hear from chiefs of the courts of appeals as they talk frankly about the challenges of efficient case management.

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

Hon. Dori Contreras, Thirteenth Court of Appeals, Corpus Christi, TX

Hon. Thomas W. Gray, Tenth Court Of Appeals, Waco, TX

12:15 p.m. 30-Minute Break**FRIDAY AFTERNOON****Presiding Officer:**

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

OPTIONAL LUNCHEON WITH THE JUDICIARY**12:45 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 (\$50 additional charge).*

1:30 p.m. Return to General Session**1:45 p.m. .75 hr****So You Think You Know Your Evidence and Procedure?**

An interactive and entertaining presentation testing your knowledge of the Texas Rules of Evidence and Procedure.

Hon. Kristen Hawkins, 11th Judicial District, Houston, TX

Hon. Dawn Rogers, 334th Civil Court, Houston, TX

2:30 p.m. .50 hr**U.S. Fifth Circuit Update**

This presentation covers the most interesting cases about civil litigation from the U.S. Court of Appeals for the Fifth Circuit in the past year.

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

Raffi Melkonian, Wright Close & Barger, LLP, Houston, TX

3:00 p.m. .50 hr**Rehearing and En Banc Practice in the Fifth Circuit**

Background, procedure, and tips for how to handle a mistake by a Fifth Circuit panel.

Jason LaFond, Yetter Coleman LLP, Austin, TX

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3:30 p.m. .50 hr**Navigating Supersedeas in Texas and Federal Courts.**

Supersedeas practice is challenging for new and seasoned practitioners alike. It involves precise procedural requirements, tight time-frames, diverse means to stay enforcement, complex determinations of the required amount of security, and unique procedures for obtaining appellate review. This presentation addresses these challenges by providing (1) the essentials of Texas and Federal supersedeas law and (2) a step-by-step guide for navigating the procedural and substantive requirements for superseding judgments in Texas courts and the Fifth Circuit.

Charles T. Frazier Jr., Alexander Dubose & Jefferson LLP, Dallas, TX

Marisa Cruz Hurd, Alexander Dubose & Jefferson LLP, Houston, TX

4:00 p.m. .50 hr ethics**Appeals from Sanctions Orders**

Sanctions orders can have devastating impacts on both attorneys and their clients. Learn the latest cutting-edge techniques for obtaining, avoiding, appealing, and keeping trial court sanctions orders.

Scott Rothenberg, Law Office of Scott Rothenberg, Bellaire, TX

4:30 p.m. Adjourn

UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, registrants will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

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*Planning Committee member

HOW TO REGISTER

Online:

www.utcle.org/conferences/AP23/signup

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

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 days prior to the conference.

REGISTRATION BENEFITS

Comprehensive Course Materials: Access course materials in "Your Briefcase" approximately 48 hours before the live event, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 6–8 weeks after the event.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

TROUBLE LOGGING IN?

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Forget Your Password or Need it Reset? Just select "Forgot Password" under "Sign In or Join" at www.utcle.org.

Still Need Assistance? Contact customer service at 512.475.6700 or service@utcle.org during business hours.

REGISTRATION FORM

PLEASE PRINT CLEARLY

AP23

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Firm _____

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City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

EVENT REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.

- Live, In-Person Event Registration \$645 | \$745 after May 31
 Live Webcast Registration \$645 | \$745 after May 31

Optional Friday Luncheon

- Optional Friday Luncheon with the Judiciary – Available Through May 31 \$50

Printed and Shipped Binder with Registration (Shipping Included) – Available for order through Friday, June 9, 2023

Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.

- Printed and Shipped Course Binder \$81.19 (\$75*)

Webcast Add-on

Register for the in-person conference and add on the webcast format for attendance flexibility.

- Webcast Add-on \$75

TOTAL EVENT REGISTRATION \$ _____

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- Individual eConference \$745

Post-Course Binder – For Research and Self-Study

Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.

- Electronic Post-Course Download (PDF) \$297.69 (\$275*)
 Printed Post-Course Binder \$351.81 (\$325*)

TOTAL POST-CONFERENCE PRODUCTS \$ _____

METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)
 VISA MasterCard American Express P.O. (include a copy of the purchase order upon submission)

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AUSTIN

June 8–9, 2023

CONFERENCE LOCATION



Sheraton Austin Hotel at the Capitol

701 E. 11th Street
Austin, TX 78701
512.478.1111

1.888.627.8349 (reservations)

Special Room Rate: \$229

good through May 17, 2023
reference "UT Appellate Law Conference"
(subject to availability)

Parking:

Daily or Overnight Self-Parking: \$20
Daily or Overnight Valet: \$49

KEY DATES

May 31, 2023

Last day for early registration rates

June 2, 2023

Last day for full refund cancellation

June 5, 2023

Last day for partial refund cancellation
\$50 processing fee applied

June 8, 2023 8:20 a.m., CT

Conference begins

June 9, 2023

*Last day to order a printed and shipped course binder
with in-person or webcast conference registration.*

REASONS TO ATTEND

UT Law CLE's **33rd Annual 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 a must-attend event for Texas civil appellate practitioners. 2023 highlights include:

- Candid discussion among Texas Supreme Court Justices about what's new at the Court, the state of the docket, and tips for practitioners.
- Review of recent opinions on the most interesting and important cases from the Texas Supreme Court, U.S. Supreme Court, and U.S. Fifth Circuit.
- Insight from Chiefs of the Courts of Appeals regarding the challenges and strategies of efficient case management in *The Administration of Justice...*
- Tips for how to make use of *Under-Utilized Procedural Tools* and learn *Persuasive Oral Argument Techniques*.
- 2.75 hours of ethics, including presentations on *Socratic Rules of Engagement: A Model for Civil Discourse*, *Don't Do It: Legal Temptations to Resist*, the popular podcasters from *Lawyers Behaving Badly*, and *Appeals from Sanctions Orders*.
- Multiple networking opportunities to connect with fellow colleagues and members of the judiciary, including Thursday's Evening Reception and Friday's Luncheon with the Judiciary.

UT Law CLE is committed to Practice Excellence.

We are here to support our community. Information and updates regarding our in-person conferences and live webcasts will be posted at www.utcle.org.

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

