

# 34<sup>TH</sup> ANNUAL CONFERENCE ON STATE AND FEDERAL APPEALS



June 6–7, 2024

The Otis Hotel Austin ■ Austin, Texas

 **Live Webcast June 6–7**

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Criminal Appellate Law, Civil Trial Law, Family Law, and Personal Injury Trial Law

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*Times listed are in Central Time*

## THURSDAY MORNING, JUNE 6, 2024

### Presiding Officer:

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

### 7:30 a.m. Registration Opens

Includes continental breakfast.

### 8:20 a.m. Welcoming Remarks

### 8:30 a.m. .50 hr

#### Supersedeas and Post-Judgment Proceedings

The ability to supersede a judgment is often critical to preserving a party's appellate rights. Hear an overview of the process for superseding a judgment, highlighting the 2023 changes to the Civil Practice & Remedies Code and Appellate Rules focused on alternative security. The presentation also touches on post-judgment discovery and execution.

Lily Hann, Yetter Coleman LLP, Houston, TX

### 9:00 a.m. .75 hr ethics

#### 2024 Ethics Referendum: What Passed, What Didn't, and What Now?

Texas Lawyers voted in April to adopt 12 new Disciplinary Rules and a new Rule of Disciplinary Procedure. So, based upon the results, how should lawyers expect the practice to change? Is there anything we need to do or understand right away?

Claude E. Ducloux, Attorney at Law, Austin, TX

### 9:45 a.m. .75 hr

#### Texas Supreme Court Update

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

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

### 10:30 a.m. 15-Minute 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 12.00 hours, of which 3.25 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).

### 10:45 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

### 11:15 a.m. .75 hr

#### Interview with Chief Justice Nathan L. Hecht

A look back at Chief Justice Hecht's 35 years on The Supreme Court of Texas. Discuss what's changed, what's had the biggest impact on the courts, and what the future holds.

Hon. Nathan L. Hecht, The Supreme Court of Texas,  
Austin, TX  
Hon. Thomas R. Phillips, Baker Botts, Austin, TX

### 12:00 p.m. Pick Up Lunch

Included in registration.

## THURSDAY AFTERNOON

### Presiding Officer:

Elana S. Einhorn, Enoch Kever PLLC,  
Austin, TX

## LUNCHEON PRESENTATION

### 12:30 p.m. .75 hr ethics

#### Ethics Game Show

Watch ambitious appellate practitioners compete against one another, as they struggle to answer ethics questions that savvy practitioners ought to know.

#### Moderator:

Hon. Christine Weems, 281<sup>st</sup> District Court,  
Houston, TX

#### Panelists:

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

### 1:15 p.m. 15-Minute Break

### 1:30 p.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:

Elizabeth "Heidi" G. Bloch, Greenberg Traurig, LLP,  
Austin, TX

#### Panelists:

Hon. Jane N. Bland, The Supreme Court of Texas,  
Austin, TX  
Hon. Rebeca Huddle, The Supreme Court of Texas,  
Austin, TX  
Hon. Evan A. Young, The Supreme Court of Texas,  
Austin, TX

### 2:15 p.m. .50 hr

#### Jury Charge Update

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

Hon. Harvey Brown, The Lanier Law Firm,  
Houston, TX

### 2:45 p.m. .50 hr

#### Welcome to the Texas Business Courts

What are they, where are they, and how do you get there? Join us as we discuss the parameters, potential pitfalls, and pragmatic possibilities created by our newest Texas courts.

Hon. Peter M. Kelly, First Court of Appeals,  
Houston, TX  
Kirsten Castañeda, Alexander Dubose & Jefferson  
LLP, Dallas, 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.

**FRIDAY MORNING, JUNE 7, 2024****Presiding Officer:**

**Dana Livingston, Cokinos | Young,  
Austin, TX**

**7:30 a.m. Conference Room Opens**

Includes continental breakfast.

**8:30 a.m. .50 hr****Preservation of Error Update**

An overview of recent cases regarding preservation of error.

Barbara DePeña, Ahmad Zavitsanos & Mensing  
PLLC, Houston, TX

**9:00 a.m. .50 hr****Update on Appellate Rules Changes**

The Supreme Court has been busy with amendments to the TRAPs, both on its own initiative and at the direction of the Legislature. See how the changes will affect your practice (and why you won't have to sign any more certificates of service in your appeals but you might need to update your template for petitions for review).

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

**9:30 a.m. .75 hr ethics****My Mind Has A Mind of Its Own: Why Even Good Lawyers Are Lured Into Unethical Behavior by the Way Their Brains Work**

Modern behavioral psychology research has revealed that our brains lead us into behaviors that are inconsistent with logic, our own self-interest, and ethical principles. This presentation explains how scientifically identifiable justifications, rationalizations, and heuristics can present challenges in legal ethics.

Kevin Dubose, Alexander Dubose & Jefferson LLP,  
Houston, TX

**10:15 a.m. 15-Minute Break****SUBSCRIBE TODAY!**

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*\*\*Subscriptions do not include registrations to live conferences or live webcasts.*

**10:30 a.m. .50 hr****Appellate Issues in Multi-District Litigation**

From preserving venue challenges to engaging in the bellwether process, navigating the appellate issues in multi-district litigation can be complex. Dive into the most common appellate issues using recent MDLs as examples.

Mia Lorick, Locke Lord LLP, Houston, TX

**11:00 a.m. .50 hr ethics****Effective Screening and Onboarding of New Appellate Clients**

Learn time-tested techniques for minimizing the risk of grievances and malpractice lawsuits in your appellate practice.

Scott Rothenberg, Law Offices of Scott Rothenberg,  
Bellaire, TX

**11:30 a.m. .75 hr****Practicing in the Fifth Circuit: A Few Things Attorneys Need to Know**

An operational update on court operations with an emphasis on practice tips and new applications designed to assist the appellate practitioner.

Lyle Cayce, U.S. Court of Appeals, Fifth Circuit,  
New Orleans, LA

**12:15 p.m. Pick Up Lunch**

Included in registration.

**FRIDAY AFTERNOON****Presiding Officer:**

**Jennifer S. Freel, Jackson Walker LLP,  
Austin, TX**

**LUNCHEON PRESENTATION****12:45 p.m. .75 hr****District Court Judges Panel**

A discussion of how district court judges feel about having appellate counsel at trial. And, how appellate counsel can be most beneficial at certain stages of the trial.

**Moderator:**

Jessica Z. Barger, Wright Close & Barger, LLP,  
Houston, TX

**Panelists:**

Hon. Tonya Parker, 116<sup>th</sup> District Court, Dallas, TX  
Hon. Rose Guerra Reyna, 206<sup>th</sup> District Court,  
Edinburg, TX  
Hon. Dawn Rogers, 334<sup>th</sup> District Court, Houston, TX

**1:30 p.m. 15-Minute Break****1:45 p.m. .50 hr****U.S. Supreme Court Update**

An overview of major decisions and trends from the Supreme Court's 2023-2024 term.

Kathryn M. Cherry, Office of the Texas Solicitor  
General, Austin, TX

**2:15 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.

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

**2:45 p.m. 1.00 hr | .50 hr ethics****AI and Appeals: Current Techniques, Ethical Issues, and Future Considerations**

Discuss the current state of using Generative AI in handling appeals, including current tools and techniques for legal research, brief writing, and oral argument preparation. Also cover ethical issues involving the use of large language models to assist preparation of appeals and discuss some near-future possibilities for Generative AI.

Parker Hancock, Baker Botts, Houston, TX  
Peter Hansen, Jackson Walker LLP, Austin, TX

**3:45 p.m. Adjourn**

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**Call 512.475.6700 to register.**



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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The Supreme Court of Texas  
Austin, TX

\*Planning Committee member

## HOW TO REGISTER

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www.utcle.org/conferences/AP24/signup

### Mail:

The University of Texas  
School of Law  
ATTN: CLE  
P.O. Box 12883  
Austin, TX 78711

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

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PLEASE PRINT CLEARLY

AP24

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Assistant's Email (optional) \_\_\_\_\_

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### 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 . . . . . \$695 | \$795 after May 22

Live Webcast Registration . . . . . \$695 | \$795 after May 22

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, June 7, 2024

*Please note that the printed binder will arrive 2–3 weeks after the conclusion of the live event. 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 \$ \_\_\_\_\_**

**FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$195! CALL 512.475.6700 TO REGISTER.**

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#### eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 6-8 weeks after live event. Hours may vary depending on actual event runtime.*

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*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 \$ \_\_\_\_\_**

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## AUSTIN

June 6–7, 2024

### CONFERENCE LOCATION



**The Otis Hotel Austin**

1901 San Antonio St.  
Austin, TX 78705  
512.473.8900

**Special Room Rate: \$229**

good through May 15, 2024

Visit [www.utcle.org/conferences/AP24/#venue](http://www.utcle.org/conferences/AP24/#venue)  
to access the booking link  
(subject to availability)

**Parking:**

\$25 Daily Self-parking  
\$45 Overnight Self-parking  
\$55 Overnight Valet parking

### KEY DATES

**May 22, 2024**

*Last day for early registration rates*

**May 31, 2024**

*Last day for full refund cancellation*

**June 3, 2024**

*Last day for partial refund cancellation*

\$50 processing fee applied

**June 6, 2024, 8:20 a.m., CT**

*Conference begins*

**June 7, 2024**

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

## REASONS TO ATTEND

UT Law CLE's **34<sup>th</sup> 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. Topics include:

- Practicing in the Fifth Circuit: A Few Things Attorneys Need to Know
- Interview with Chief Justice Nathan L. Hecht
- Texas Supreme Court by the Numbers
- 2024 Ethics Referendum: What Passed, What Didn't, and What Now?
- District Court Judges Panel
- Ethics Game Show
- Update on Appellate Rules Changes
- Effective Screening and Onboarding of New Appellate Clients
- Jury Charge Update
- AI and Appeals: Current Techniques, Ethical Issues, and Future Considerations

Following the conference, attendees will receive a bonus eSupplement to ensure practitioners can earn their required 15.00/3.00 Texas MCLE hours for the year.

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