

PAGE KEETON

CIVIL LITIGATION CONFERENCE

*Transitional strategies and tools for
litigation attorneys*

Earn up to 11.75 Hours of Credit Including .75 Hours of Ethics Credit

Specialization credit expected for: Civil Trial Law, Consumer Law, Personal Injury Trial Law



October 28-29, 2004

Four Seasons Hotel

Austin, Texas

CIVIL LITIGATION CONFERENCE

October 28-29, 2004 • Four Seasons Hotel • Austin, Texas

Earn up to 11.75 Hours of Credit Including .75 Hours of Ethics Credit

Expanded topics, new format, and small-group discussion opportunities

THURSDAY MORNING, OCT. 28, 2004

Presiding Officer: Brent Rosenthal, Dallas**8:00 a.m. Registration Opens**

Includes continental breakfast.

8:50 a.m. Welcoming Remarks**9:00 a.m. .50 hour****HB 4—One Year Later**

This session will discuss the practical effects of HB 4, including the requirements of pleading and proving product liability cases, and rulings that have addressed the legislative changes to Texas law.

Mikal C. Watts, Corpus Christi

9:30 a.m. .50 hour**Fiduciary Litigation**

A general overview of fiduciary litigation, explaining generally what a fiduciary duty is and how it changes with specific fiduciaries.

Stephen E. McConnico, Austin

10:00 a.m. .50 hour**Personal Injury and Products Liability Update**

A review of Texas case developments in personal injury and products liability during the last year.

William Powers, Jr., Austin

Paper by Michael R. Klatt, Austin

10:30 a.m. Break**10:45 a.m. .50 hour****Commercial Torts**

A review and update of fiduciary duty, trade secrets, covenants not to compete, tortious interference, fraud/negligent misrepresentation, vicarious liability, and other current issues.

Tommy Jacks, Austin

11:15 a.m. .33 hour**Pitching the Gen-X Jury**

They want their MTV. A mystified Boomer explores strategies for the care and feeding of Gen-X jurors, weaned on the sound bytes, video games and just-in-time learning, and the Millennials behind them now old enough to serve.

Craig D. Ball, Montgomery

11:35 a.m. .50 hour**Supreme Court Update**

A review of Texas Supreme Court opinions handed down during the past year, with emphasis on cases involving product liability and personal injury.

Hon. Scott A. Brister, Austin

12:05 p.m. Optional Networking Luncheon \$25.00 - Please select on registration form.

Joint networking luncheon for speakers and registrants of the Page Keeton Civil Litigation Conference and the Advanced Patent Law Institute.

THURSDAY AFTERNOON, OCT. 28, 2004

Presiding Officer: Leslie Benitez, Austin**1:30 p.m. .50 hour****Texas Procedure Update**

An update on appellate decisions and rule changes concerning Texas Civil Procedure over the last year.

Alex Wilson Albright, Austin

2:00 p.m. .50 hour**Electronic Discovery**

The session will discuss anticipating and meeting electronic discovery challenges, avoiding electronic discovery pitfalls, and using computer forensics to find smoking gun evidence and gain tactical advantage.

Craig D. Ball, Montgomery

2:30 p.m. .25 hour**Formation of the Judgment and Calculation of Interest after HB 4**

2003 legislative enactments have resulted in substantial changes to the recovery of pre-judgment and post-judgment interest, including the rate of interest and the damages upon which interest is recoverable.

Elaine A. Grafton Carlson, Houston

2:45 p.m. .25 hour**The Duty to Defend, the Duty to Settle, and Measuring the Insurer's Liability for Breach**

This session will question and answer what triggers a liability insurer's duties to defend and settle. What is the hidden flaw in most reservation of rights letters? What must an effective *Stowers* demand contain and what is the insurer liable for if it breaches its duty to defend or settle?

Philip K. Maxwell, Austin

3:00 p.m. .25 hour**Class Actions in Texas**

The sea change in Texas class actions which began with *Bernal* has now culminated with *Compaq Computer* and amended Rule 42.

Fred Misko, Jr., Dallas

3:15 p.m. Break**3:30 p.m. .50 hour****Jury Charge Practice**

An update on broad-form jury charges after *Crown Life v. Casteel*, with a discussion of lessons learned from history and federal courts.

Richard P. Hogan, Jr., Houston

Russell S. Post, Houston

4:00 p.m. .50 hour**Discovery Issues under the Patriot Act**

An analysis of the Patriot Act and its implications: balancing privacy versus "need to know"; dealing with leaks and developing information; and civil lessons in what to request in discovery.

Barbara Radnofsky, Houston

4:30 p.m. .75 hour**Transitioning Your Litigation Practice**

Personal injury and plaintiff lawyers are facing new challenges as state legislative initiatives and changes in jury attitudes make practice more difficult. Three leading litigators explain how they have adapted their practices and developed expertise in such areas as suing governmental entities for environmental claims; handling Ad Valorem tax cases on a contingency basis; and patent litigation.

Fred Misko, Jr., Dallas, Moderator

Michael T. Gallagher, Houston

Edward L. Hohn, Daingerfield

Scott Summy, Dallas

5:15 p.m. AdjournM
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 11.75 hours, of which .75 credit hours will apply to legal ethics/professional responsibility credit.

FRIDAY MORNING, OCT. 29, 2004**Presiding Officer: Fred Misko, Jr., Dallas****8:00 a.m. Conference Room Opens**

Continental breakfast provided.

8:30 a.m. .50 hour**Property Damage Litigation**

The "other product liability." Personal injury's forgotten younger sibling.

William J. Chriss, Corpus Christi

9:00 a.m. .25 hour**Removal, Remand and the War between the Courts**

An overview of strategic and practical considerations in removing state cases and in seeking remands by federal courts. What case law and arguments are the strongest? Why are defendants removing cases? When are the removals successful and when do they fail?

James Holmes, Dallas

9:15 a.m. .25 hour**MDL Comes to Texas**

One of the less-heralded provisions of HB 4 was the creation of a new statewide multidistrict litigation procedure. Texas lawyers have discovered the MDL, and a new day has dawned for the litigation affected.

Stephen G. Tipps, Houston

9:30 a.m. .33 hour**Roadblocks to Successful Mediation**

Uncover pitfalls and roadblocks that commonly prevent successful mediation.

Mark W. Gilbert, Dallas

9:50 a.m. .25 hour**Medical Malpractice**

Notwithstanding the very significant changes brought about by HB 4 in 2003, victims of malpractice in Texas can still achieve significant redress. The challenge for the practitioner is to find new ways of presenting the damages.

Les Weisbrod, Dallas

10:05 a.m. .25 hour**Advertising within the Rules**

This session will cover highlights from the Disciplinary Rules for lawyers who promote the professional services or qualifications of any lawyer or firm.

Lynette K. Fons, Houston

10:20 a.m. Break**10:35 a.m. .25 hour****Libel, Slander, and Commercial Disparagement**

Issues facing public figure and private plaintiffs, and media and non-media defendants.

Charles L. Babcock, Dallas

10:50 a.m. .25 hour**How to Succeed in Arbitration**

Arbitration is increasingly common, particularly in international transactions. How and when to structure and exploit this flexible tool for best results.

William H. Knull, III, Houston

11:05 a.m. .50 hour**Evidence Update**

An update of recent developments under the Texas and Federal Rules of Evidence.

Steven Goode, Austin

11:35 a.m. .25 hour**HIPAA—Discovery Issues**

Discovery of health care information in light of HIPAA. What's protected and how do I get it?

Terry L. Jacobson, Corsicana

11:50 a.m. .25 hour ethics/PR credit**Referral Fees**On June 28, 2004, the State Bar of Texas petitioned the Supreme Court to call a referendum to consider proposed changes to Rule 1.04, *Division of Fees*, and to Part VII, *Information about Legal Services*, of the Texas Disciplinary Rules of Professional Conduct. These proposed changes, as well as the Supreme Court's proposed Rule 8a, *Referral Fees*, will be discussed.

Richard Hile, Austin

12:05 p.m. .25 hour**Pharmaceutical Litigation Issues**

A review of HB 4 provisions that affect substantive pharmaceutical litigation issues.

Michael R. Klatt, Austin

12:20 p.m. Lunch on your own**FRIDAY AFTERNOON, OCT. 29, 2004****Presiding Officer: Fred Misko, Jr., Dallas****1:30 p.m. .50 hour****Royalty Litigation in 2004 — An Update and a Look Ahead**

A discussion of common current royalty litigation problems, current law, and suggestions on how these issues may be resolved in the future.

John Beckworth, Houston

Donato D. Ramos, Laredo

Richard D. Watt, Houston

2:00 p.m. .25 hour**Toxic Torts—Land Contamination**

Current developments in toxic tort litigation.

James L. "Larry" Wright, Austin

2:15 p.m. .25 hour**ERISA**

A discussion of recent Supreme Court developments and how they impact your trial practice.

Yvonne K. Puig, Austin

2:30 p.m. .25 hour**Qui Tam Litigation**

A discussion of legal developments and cases in Qui Tam litigation.

Claudia Wilson Frost, Houston

2:45 p.m. .25 hour**Choice of Law**

Choice of law in national class actions. Relevance of defendant's conduct outside the forum for determination of punitive damages.

Russell J. Weintraub, Austin

3:00 p.m. .25 hour ethics/PR credit**Ethical Pitfalls Leading to Disqualification in Texas and Federal Courts**

This session will discuss defending against tactical disqualification motions in litigation.

James M. McCormack, Austin

3:15 p.m. .25 hour ethics/PR credit**Changes in Disciplinary Procedures**

A discussion of recent revisions to the Texas Rules of Disciplinary Procedure as a result of changes to the State Bar Act.

Dawn Miller, Austin

3:30 p.m. Adjourn

HOW TO REGISTER

The University of Texas
School of Law
Attn: CLE - PL04
P.O. Box 7759
Austin, TX 78713-7759

WEB: www.utcle.org

FAX: 512-475-6876

PHONE: 512-475-6700

2004 CIVIL LITIGATION CONFERENCE

PL04

Mail this registration form or fax a copy to: (512) 475-6876

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ TX ☐ Other State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail Address _____

REGISTRATION

Includes Course Binder.

- ☐ Early Registration Fee due by Wed., Oct. 20, 2004 \$425.00
- ☐ Registration Fee after Wed., Oct. 20, 2004 \$475.00
- ☐ Optional Networking Luncheon \$25.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-3 weeks from conference date for delivery.

- ☐ Course Binder \$200.00
Note: Conference registration includes Course Binder.
- ☐ Audio CD Set \$175.00
- ☐ eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

GROUP CLE: Bring the conference in-house and learn at your convenience.

Allow 2-3 weeks from conference date for delivery.

- ☐ Group CLE for 2 - Includes Audio CD Set and Course Binder \$750.00
- _____ Add participants (includes Course Binder) for \$200 each \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

- ☐ Check (make checks payable to: **The University of Texas at Austin**)
- ☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

Card # - - -

X _____
Authorized Signature

/
Exp. Date (mm/yy)

Course Binders

The Page Keeton Civil Litigation Conference generates the year's definitive set of resource materials for litigators. Don't miss an encyclopedic guide of case law updates, the effects of HB 4, current litigation problems and solutions — over 500 pages of practical and user-friendly materials.

Audio CD Set

The Page Keeton Civil Litigation Conference presentations are available on CD. Listen to the entire conference or individual sessions at your convenience.

eBinder on CD

Get the entire conference binder on CD, in electronic PDF format. Only \$50 if added to a registration or purchase of Course Binder or Audio CD Set; \$200 if purchased alone.

Group CLE

Would your firm like to run an in-house version of this conference, with full participatory MCLE credit? Order Group CLE and we'll accredit the course for you; we'll also provide an Audio CD Set for the group and a Course Binder for each participant.

Phone: 512-475-6700 Fax: 512-475-6876

CONFERENCE FACULTY

Expanded topics

This year's Page Keeton Conference includes an expanded set of topics — hear over 30 topics in two days — presented by leading members of bench, bar, and academia.

New format

This year's conference includes a substantial number of 15-20 minute presentations designed to inform and hold your interest in short, focused sessions.

Small-group discussions

Speakers will be available at discussion tables outside the conference room immediately following their presentation to answer questions and meet one-on-one.

Special panels and advice

Learn how litigators are adapting in the post-HB 4 world, with new types of contingency fee work.

ALEX WILSON ALBRIGHT
The University of Texas
School of Law
Austin

CHARLES L. BABCOCK
Jackson Walker L.L.P.
Dallas

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Law Offices
of Craig D. Ball, P.C.
Montgomery

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South Texas College of Law
Houston

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The University of Texas
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McCormack, L.L.P.
Austin

DAWN MILLER
State Bar of Texas
Austin

FRED MISKO, JR.
Fred Misko, Jr., P.C.
Dallas

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& Secrest, L.L.P.
Houston

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The University of Texas
School of Law
Austin

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Fulbright & Jaworski L.L.P.
Austin

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Vinson & Elkins L.L.P.
Houston

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Law Offices
of Donato D. Ramos
Laredo

SCOTT SUMMY
Baron & Budd,
A Professional Corporation
Dallas

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Baker Botts L.L.P.
Houston

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Watt, Beckworth, Thompson
& Henneman, L.L.P.
Houston

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Watts Law Firm, L.L.P.
Corpus Christi

RUSSELL J. WEINTRAUB
The University of Texas
School of Law
Austin

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Morgan & Weisbrod
Dallas

JAMES L. "LARRY" WRIGHT
Mithoff & Jacks, L.L.P.
Austin

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Austin

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Austin

R. JO RESER
San Antonio

JAMES L. "LARRY" WRIGHT
Austin

MICHAEL ESPOSITO
Austin

"This is one of the best seminars I've attended – I particularly appreciated the participation of UT professors and Supreme Court Justices – great!"

"Outstanding speakers!"

"Kudos on pulling together interesting speakers and requiring them to bring a few solid tips."

"This is always one of the best seminars."

"The discovery panel could have held my interest for an entire day or more – excellent!"

"Overall, the program was excellent this year."

"Always well done."

AUSTIN Oct. 28-29, 2004

CONFERENCE LOCATION



Four Seasons Hotel
98 San Jacinto
Austin, TX 78701
(512) 685-8100

\$195 single or double special
group rate (subject to availability)
good through **October 1, 2004**

Parking: \$5 self-parking; daily
Valet: \$9 valet; daily

KEY DATES

Registration and Cancellation

October 20, 2004, 5 p.m.

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

October 22, 2004, 5 p.m.

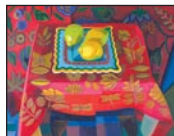
• **last day for full refund**

October 25, 2004, 5 p.m.

(Monday before conference)
• **last day for partial refunds**
(\$50 processing fee applied)

October 28, 2004, 9 a.m.

• **conference begins**



ABOUT THE COVER

Picnic, acrylic on canvas,
by Joan Steinman. Ms. Stein-
man's work may be viewed
at Gremillion & Co., Austin,
Texas. Call (512) 419-9524 or
visit gremillion.com

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*Don't miss the most informative and innovative
litigation conference of the year.*

New format

Over 30 topics in two days, emphasizing
focused "get to the point" 15-20 minute
presentations.

Individual attention and small group discussion

Speakers will be available at discussion
tables outside the conference room im-
mediately following their presentation to
answer questions and meet one-on-one.

Special panels and advice

Learn how litigators are adapting in the
post-HB 4 world, with new types of contin-
gency fee work.

Definitive updates

Leading faculty will provide updates on
procedure, evidence, removal, and MDL.

Special sessions

Fiduciary litigation, commercial torts,
Qui Tam litigation, royalty litigation, jury
charges, ERISA for litigators, electronic
evidence and "Pitching the Gen-X Jury"
— don't miss it.

Renowned litigators, academics and judges

Hear from and meet with leading litiga-
tors, judges, and members of The Univer-
sity of Texas School of Law faculty: superb
papers and presentations.

Upcoming Litigation and Advocacy Seminars

Ideal for young practitioners or as a refresher for experienced attorneys.

The Noble Lawyer

Ethics, Fulfillment and Success

Houston: October 7, 2004
Crowne Plaza, Houston

Austin: December 1, 2004
UT School of Law, Austin

www.utcle.org

Effective Deposition Techniques

Dallas: September 16, 2004
Belo Mansion, Dallas

Houston: October 7, 2004
Crowne Plaza, Houston

Austin: December 2, 2004
UT School of Law, Austin

www.utcle.org

Winning Jury Trials

Dallas: September 17, 2004
Belo Mansion, Dallas

Houston: October 8, 2004
Crowne Plaza, Houston

Austin: December 3, 2004
UT School of Law, Austin

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THE UNIVERSITY OF TEXAS SCHOOL OF LAW
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