

**2006 Page Keeton Civil Litigation Conference**  
**October 26-27, 2006 • Four Seasons Hotel • Austin, TX**

**Thursday Morning, Oct. 26, 2006**

**Presiding Officer:**

**John Barney Beckworth**, Watt, Beckworth, Thompson & Heaneman - Houston, TX

9:00 am 0.50 hr	<b>Supreme Court Update</b>  A review of Texas Supreme Court opinions handed down during the past year.  Paul W. Green, Supreme Court Of Texas - Austin, TX
9:30 am 0.50 hr	<b>Contract Law's Basic Role in Commercial Litigation</b>  Texas courts' decisions reflect a renewed emphasis on the bedrock principles of contract law in commercial litigation and shift away from "con-tort" theories.  David J. Beck, Beck Redden & Secrest - Houston, TX
10:00 am 0.50 hr	<b>Commercial Torts in Commercial Litigation</b>  A discussion of recent developments in commercial tort law. The presentation will focus on recognizing the elements of commercial torts among the facts and evidence available to you.  H. Lee Godfrey, Susman Godfrey LLP - Houston, TX
10:45 am 0.50 hr ethics	<b>Professional Practices From Intake to Closeout: Avoiding False Steps along the Way</b>  The focus of discussion will be upon avoidance of problems for the practitioner, from the very first contact with a potential client, until the matter is closed following its resolution. Special attention will be given to issues involving the intake of cases, as well as the necessity of client communication throughout the course of legal assignments.  Xavier G. Medina, Attorney at Law - Austin, TX W. Wade Porter, Allensworth And Porter LLP - Austin, TX
11:15 am 0.32 hr	<b>Update on Statutory Reform Affecting Texas Products Liability Law</b>  HB 4 enacted ostensibly earth-shaking changes to Texas substantive products liability law in 2003. Three years later, has the earth really shaken?  Michael R. Klatt, Clark, Thomas & Winters - Austin, TX
11:35 am 0.32 hr	<b>Texas Procedure Update</b>  An update on appellate decisions and rule-changes concerning Texas Civil Procedure over the last year.  Alexandra W. Albright, Univerisity Of Texas Law School - Austin, TX

## Thursday Afternoon, Oct. 26, 2006

### Presiding Officer:

**Claudia Wilson Frost**, Mayer Brown Rowe & Maw LLP - Houston, TX

1:00 pm 0.32 hr	<b>Fiduciary Litigation</b>  What relationships give rise to a fiduciary duty; what is the scope of the duty; who has the burden of proof to show breach or compliance; how is the case submitted to the jury?  Philip K. Maxwell, Law Offices Of Philip K. Maxwell - Austin, TX
1:20 pm 0.00 hr ethics	<b>Subrogation and Liens in Personal Injury Cases</b>  Federal, state, and municipal statutes conferring subrogation interests, hospital liens, child support liens, and worker's compensation liens, and how federal and state common law interprets these statutes. How to avoid committing malpractice, to maximize the plaintiff's recovery, and get a reasonable release for the defendant.  Judith Ann Kostura, Austin, TX
1:50 pm 0.50 hr	<b>Bankruptcy and Civil Litigation—Tactical Considerations</b>  Red flags to look for when your lawsuit involves parties in or near bankruptcy.  Robin C. Gibbs, Gibbs & Bruns LLP - Houston, TX
2:20 pm 0.32 hr	<b>Preemption and State Law Claims: Going, Going, Gone?</b>  The FDA recently articulated its position on preemption and product liability claims relating to prescription medications. How will the FDA's statement affect product liability claims for medical devices, prescription medication, vaccines, biological products and anything else regulated by the FDA? This presentation will review the origins of preemption and the applicable statutes most often seen in pharmaceutical and medical device litigation. Recent court findings and how the courts are interpreting the FDA's position will also be discussed.  Lana Kay Varney, Fulbright & Jaworski - Austin, TX
2:40 pm 0.50 hr	<b>Evidence Update</b>  An update on recent developments under the Texas and Federal Rules of Evidence.  Paul M. Janicke, University Of Houston - Houston, TX
3:10 pm 0.32 hr	<b>Privacy Claims in the 21st Century</b>  As technology and national security continue to intrude on traditional notions of personal privacy, how are tort rules adapting with respect to causes of action designed to protect the individual?  William J. Chriss, Law Office of Willam J. Chriss, P.C. of counsel to Gravely & Pearson, L.L.P. - Austin, TX
3:45 pm 0.50 hr	<b>Established and Emerging Opportunities in Employment Law</b>  A discussion of causes of action, judicial developments, and the future outlook from the employer and employee perspectives.  David T. Lopez, David T. Lopez & Assoc. - Houston, TX Viane Lopez Robinson, Robinson Law Firm - Abilene, TX

4:15 pm 0.00 hr ethics	<b>Immigration Litigation: What's Happening?</b>  As the immigration debate heats up, civil litigators will find increased activity in state and federal courts.  Daniel M. Kowalski, Bender's Immigration Bulletin - Austin, TX
4:35 pm 0.32 hr	<b>Attorney's Fees: Proper Proof and Presentation</b>  We all know that every minute you spend working on a case is reasonable and necessary, but can you prove it when it counts? This session will review the nuts and bolts of recovering attorney's fees.  Jeremy Leon Doyle, Gibbs & Bruns - Houston, TX
4:55 pm 0.50 hr	<b>Oil and Gas Litigation for the Lawyer Who Does Not Normally Handle Oil and Gas Litigation</b>  A primer of basic concepts and common pitfalls of oil and gas litigation.  Dick Watt, Watt Beckworth Thompson & Henneman, L.L. - Houston, TX

## Friday Morning, Oct. 27, 2006

### Presiding Officer:

**Don L. Davis**, Byrd, Davis, Eisenberg, LLP - Austin, TX

8:30 am 0.00 hr ethics	<b>Discovery Law Update</b>  A noted expert and author highlights strategies and techniques for effective discovery, as well as common pitfalls.  Paul N. Gold, Aversano & Gold - Houston, TX
8:50 am 0.00 hr ethics	<b>The Federal Rules on E-Discovery</b>  A review of the new rules of federal procedure on e-discovery; why they were needed and how they may work.  Hon. Nathan L. Hecht, Supreme Court of Texas - Austin, TX
9:30 am 0.50 hr	<b>Current Issues Involving Presentation and Defense of Expert Witnesses</b>  Given the court's gatekeeping role under Daubert/Robinson, counsel should give careful thought to the tactics and strategy re Daubert/Robinson challenges and defenses. This presentation will focus on the practical considerations in preparing experts and presenting these issues to the court.  Terry O. Tottenham, Fulbright & Jaworski LLP - Austin, TX
10:15 am 0.50 hr	<b>Strategic Use of Depositions: How Much Is Enough?</b>  Depositions help find out what the other side knows; but they also tell the other side what you know. When is enough...enough?  Mark L. D. Wawro, Susman Godfrey LLP - Houston, TX

10:45 am 0.50 hr	<p><b>Make It Count: Maximize Your Lawsuit Gains with Effective Depositions under the Relevant Discovery Rules</b></p> <p>Depositions now provide the most important testimony in virtually all civil cases—start taking advantage of the opportunity. Learn a practical set of rules, supported by video-taped examples, on how to make and protect your record and score big points in light of the law and facts of your case.</p> <p>James Holmes, The Schmidt Firm - Dallas, TX</p>
11:15 am 0.50 hr	<p><b>Voir Dire Techniques and the Impact of Cortez: A Judge’s and Trial Lawyer’s Perspectives</b></p> <p>Discussion of recent legal developments and effective strategy concerning voir dire.</p> <p>Tracy Kee Christopher, 295th District Court - Houston, TX Wayne Clawater, Cruse, Scott, Henderson &amp; Allen, LLP - Houston, TX</p>
11:45 am 0.32 hr	<p><b>Summary Judgment</b></p> <p>Review of Texas summary judgment practice and procedure with an emphasis on unsettled areas and evolving practices.</p> <p>Lynne Liberato, Haynes And Boone, LLP - Houston, TX</p>

## Friday Afternoon, Oct. 27, 2006

### Presiding Officer:

**Theresa A. Sandoval**, Watt Beckworth Thompson & Hen - Houston, TX

12:05 pm 1.00 hr 0.33 hr ethics	<p><b>Preparing for Mediation—Whether Your Case Should be Mediated and When?</b></p> <p>An experienced mediator’s perspective on the best times to mediate, what to do and not do in mediation.</p> <p>Sidney Stahl, Dallas, TX</p>
1:35 pm 0.50 hr	<p><b>How You Can Try to Avoid Arbitration—and How You Probably Won’t Succeed; and Now That You Have to Be in Arbitration, How Can You Make the Most of It?</b></p> <p>Including a discussion of arbitration in consumer and personal injury cases, the speakers will cover “arbitrability,” the enforcement of arbitration agreements, limits on state law, discovery and evidence in the arbitration proceeding, and grounds for the overturning of adverse awards.</p> <p>Karl Bayer, Bayer &amp; Hargrove - Austin, TX Alan S Rau, University Of Texas At Austin - Campus Mail, D1800</p>
2:05 pm 0.00 hr ethics	<p><b>Preservation of Error: Appellate Considerations for Trial Lawyers</b></p> <p>A roadmap identifying the points during trial when error must be preserved and a series of checklists to help ensure that it is done properly when those points arrive.</p> <p>Craig A. Morgan, Attorney at Law - Austin, TX</p>

2:25 pm  
0.32 hr

### **Jury Charge Perils and Dilemmas**

As a practical matter, does broad-form submission still exist? How do you submit an error-free charge in the aftermath of Casteel, Harris County, and Romero?

Daniel V. Pozza, San Antonio, TX

2:45 pm  
0.50 hr ethics

### **Maintaining the Integrity of the Profession—Some Insights into the Texas Disciplinary System**

This presentation includes a brief description of the Texas lawyer disciplinary system, the new rules of disciplinary procedure, and the role of the Board of Disciplinary Appeals in the process. It also includes observations in regard to the complaints most frequently filed by clients and how to avoid such complaints.

William D. Greenhill, Haynes and Boone, L.L.P. - Fort Worth, TX