

31ST ANNUAL
PAGE KEETON
CIVIL LITIGATION CONFERENCE

October 25-26, 2007

Earn up to 12.50 Hours of Credit Including 3.25 Hours of Ethics Credit

Specialization Credit Expected for: Civil Trial Law, Consumer Law, Personal Injury Trial Law



Four Seasons Hotel • Austin, Texas

Come early for our Wednesday

E-DISCOVERY WORKSHOP

October 24, 2007

See program inside

PAGE KEETON CIVIL LITIGATION CONFERENCE

October 25-26, 2007 • Four Seasons Hotel • Austin, Texas

Earn up to 12.50 Hours of Credit Including 3.25 Hours of Ethics Credit

THURSDAY MORNING, OCT. 25, 2007

Presiding Officer:**Terry O. Tottenham, Austin, TX****8:00 a.m. Registration Opens**

Includes continental breakfast.

8:50 a.m. Welcoming Remarks**9:00 a.m. .50 hr****Supreme Court Update**

A review of Texas Supreme Court opinions handed down during the past year.

Justice Scott A. Brister, Austin, TX

9:30 a.m. .50 hr ethics**Credibility With the Court**

A court of appeals' justice offers advice on how to preserve, protect, and defend your most important asset.

Hon. Jim Moseley, Dallas, TX

10:00 a.m. .50 hr**Making Sense of Con-Torts and the Economic Loss Rule**

How to win or lose in business torts from the start of your case.

James E. Wren, Waco, TX

10:30 a.m. Break**10:45 a.m. .50 hr****Harry Potter and the Chamber of Secrets: A Litigator's Guide to the Latest Developments in Sovereign Immunity**

This presentation will address the elements of sovereign immunity, waiver of immunity and how immunity affects different types of cases against governmental agencies.

Michael A. Shaunessy, Austin, TX

11:15 a.m. .33 hr**What's Happened to Vicarious and Joint Liability: Chapter 33 Questions You Need to Know**

An attempt to sort through the confusion at the intersection of vicarious liability and joint and several liability under Chapter 33. The Texas Supreme Court has recently struggled with some of these issues; we will attempt to make some sense out of it so that you can implement the best strategy in your lawsuits.

James M. Underwood, Waco, TX

11:35 a.m. .50 hr**Products Liability, Preemption and MDL after HB4**

Is the 2003 products liability tort reform legislation having its intended effect? An update on how the courts are applying (or not) HB4's substantive and procedural changes.

Michael R. Klatt, Austin, TX

Luncheon Presentation**12:05 p.m. Pick Up Box Lunch**

Included in conference registration fee.

12:20 p.m. .75 hr ethics**Pro-Bono: Litigating the Guantanamo Cases**

Discussion of the legal background of detainee cases; who are the detainees, and what is the current status of detainee litigation.

Richard A. "Dick" Grigg, Austin, TX

THURSDAY AFTERNOON

Presiding Officer:**R. Jo Reser, San Antonio, TX****1:15 p.m. .50 hr****Evidence Update**

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

Steven Goode, Austin, TX

1:45 p.m. .50 hr**Effective Depositions: Use of Technology and Video Impeachment**

All you need to know about selecting just the right clip to make the witness look like a fool.

Stephen F. Malouf, Dallas, TX

2:15 p.m. .33 hr ethics**Malpractice for Litigators**

An update on the recent developments in Texas malpractice law and ethics issues.

Stephen E. McConnico, Austin, TX

2:35 p.m. .33 hr**Damages Update**

You've got the liability case figured out, but damages are where the money is (or isn't). A review of recent developments in the law of damages including punitive damages, causation, prejudgment interest, attorneys' fees, and other topics of interest to the practitioner.

Thomas H. Cook Jr., Dallas, TX

2:55 p.m. Break**3:10 p.m. .75 hr****Ten Things You Need to Know About Electronic Discovery**

Filtering, hashing, deduping, TIFFing...so many odd concepts lawyers must grasp to get a handle on electronic evidence. E-discovery expert Craig Ball demystifies ten of them for you.

Craig Ball, Austin, TX

3:55 p.m. .50 hr**Arbitration Toolkit**

The "nuts and bolts" of arbitration, including choice of forum, fees, selection of arbitrators, discovery, witness preparation, strategy, and the presentation of your case.

Retta A. Miller, Dallas, TX

4:25 p.m. .50 hr ethics

Prove and Keep Your Attorney's Fees Awards: Learn to Appreciate the Impact of the Texas Supreme Court's Most Recent Fees Cases

Barker v. Eckman, *Brainard v. Trinity Universal Ins.*, *Tony Gullo Motors v. Chapa* and other recent high court cases have significantly changed the landscape for attorney's fees awards. Learn the background law, the impact of these recent cases, and effective tools for proving and keeping your fees awards.

James Holmes, Dallas, TX

4:55 p.m. .53 hr

American College of Trial Lawyers Litigation Panel

Five fellows in the American College of Trial Lawyers present tips for successful litigation.

Daniel W. Bishop, Austin, TX
Don L. Davis, Austin, TX
W. Tommy Jacks, Austin, TX
Shannon H. Ratliff, Austin, TX
Hon. Sam Sparks, Austin, TX

5:30 p.m. Adjourn

FRIDAY MORNING, OCT. 26, 2007

Presiding Officer:
James Holmes, Dallas, TX

8:30 a.m. .33 hr

Legislative Update

A discussion of legislation affecting legal practice and the judiciary, including some close calls on legislation in the 2007 session.

Sen. Kirk Watson, Austin (invited)

8:50 a.m. .33 hr

Summary Judgment

A review of the Texas summary judgment practice and procedure, with an emphasis on unsettled areas and evolving practices.

Lynne Liberato, Houston, TX

Emerging Practice Areas

9:10 a.m. .50 hr

A Litigator's Guide to Pursuing and Defending Patent Cases

Can claims, themes, and discovery co-exist?

Thomas H. Watkins, Austin, TX

9:40 a.m. .50 hr

Primer on Corporate Buyout Litigation: Is Corporate Buyout Litigation the New Strike Suit?

Recent years have seen a steady stream of companies going private through leveraged buyouts, often led by, or involving, corporate insiders. That stream invariably carries a wave of litigation beginning the moment a buyout offer is publicly announced. This presentation will give an overview of common procedural and substantive issues that arise in such litigation, including recent cases in Texas.

Jeremy L. Doyle, Houston, TX
Michael K. Oldham, Houston, TX

10:10 a.m. Break

The Loss of Rights and Judicial Remedies

10:25 a.m. .33 hr

View From the Bench: The Vanishing Jury Trial and Decreased Access to the Courts

The demise of the 7th Amendment and its effect on our civil justice system and our democracy.

Hon. Craig Smith, Dallas, TX

10:45 a.m. .67 hr

Supreme Court's No Evidence Standard for the 21st Century—Something New or Something Old

A review of the Texas summary judgment practice and procedure regarding *Harmar v. Coca-Cola*: a new "no evidence" standard by the Supreme Court and the *City of Keller*.

Jerry L. Beane, Dallas, TX
Gerald R. Powell, Waco, TX

11:25 a.m. .33 hr ethics

Loss of Rights: The Profession's Response

How we got to this point in the public mind and the ethics of striking back.

William J. Chriss, Austin, TX

11:45 a.m. .75 hr

Art of Advocacy and Storytelling

This session discusses the persuasive concept of storytelling as it relates to trial practice and includes tips to guide the advocate in becoming a more effective narrator of courtroom drama that involves people, places, and events.

Jim Perdue Sr., Houston, TX

12:30 p.m. Lunch on your own

FRIDAY AFTERNOON, OCT. 26, 2007

Presiding Officer:
Theresa A. Sandoval, Houston, TX

1:45 p.m. .50 hr

Texas Procedure Update

An update on recent Texas case law affecting civil procedure, as well as a short summary of proposed civil rule of procedure amendments pending before the Texas Supreme Court.

Elaine A. Carlson, Houston, TX

2:15 p.m. .34 hr ethics

Judges Gone Wild: Judicial Recusal and Disqualification

Sometimes you have no choice but to file a recusal and disqualification motion. It is important to have a good grasp of when and how to reach into the quiver and pull out recusal and disqualification motions to give yourself a fighting chance.

Mark C. Walker, El Paso, TX

2:35 p.m. .50 hr ethics

Professional Development: Dealing with Stress and Depression

This session is a video presentation of the Texas Lawyers' Assistance Program's *Practicing from the Shadows: Depression and the Legal Profession*.

3:05 p.m. Adjourn

Ethics and Advocacy Online Courses from UT Law

Listen to audio, download papers, and watch video from the best of UT Law's live CLE programs, while earning full participatory MCLE credit.

www.utcle.org

CONFERENCE FACULTY

CRAIG BALL
Attorney and Technologist
Certified Computer Forensic Examiner
Austin, TX

JERRY L. BEANE
Andrews & Kurth, L.L.P.
Dallas, TX

DANIEL W. BISHOP
Bishop London Brophy & Dodds, P.C.
Austin, TX

JUSTICE SCOTT A. BRISTER
Supreme Court of Texas
Austin, TX

ELAINE A. CARLSON
South Texas College Of Law
Houston, TX

WILLIAM J. CHRISS
Texas Center for Legal Ethics
and Professionalism
Austin, TX

THOMAS H. COOK JR.
Zelle, Hofmann, Voelbel,
Mason & Gette LLP
Dallas, TX

DON L. DAVIS
Byrd, Davis and Eisenberg, L.L.P.
Austin, TX

JEREMY L. DOYLE
Gibb & Bruns, LLP
Houston, TX

STEVEN GOODE
The University of Texas School of Law
Austin, TX

RICHARD A. "DICKY" GRIGG
Spivey & Grigg, L.L.P.
Austin, TX

JAMES HOLMES
The Schmidt Firm
Dallas, TX

W. TOMMY JACKS
Jacks Law Firm
Austin, TX

MICHAEL R. KLATT
Clark, Thomas & Winters,
A Professional Corporation
Austin, TX

LYNNE LIBERATO
Haynes and Boone, LLP
Houston, TX

STEPHEN F. MALOUF
The Law Offices of
Stephen F. Malouf, P.C.
Dallas, TX

STEPHEN E. MCCONNICO
Scott, Douglass & McConnico, L.L.P.
Austin, TX

RETTA A. MILLER
Jackson Walker L.L.P.
Dallas, TX

HON. JIM MOSELEY
Fifth Court of Appeals
Dallas, TX

MICHAEL K. OLDHAM
Gibb & Bruns, LLP
Houston, TX

JIM PERDUE SR.
The Perdue Law Firm, L.L.P.
Houston, TX

GERALD R. POWELL
Baylor Law School
Waco, TX

SHANNON H. RATLIFF
Ratliff Law Firm PLLC
Austin, TX

MICHAEL A. SHAUNESSY
Sedgwick, Detert,
Moran & Arnold LLP
Austin, TX

HON. S. CRAIG SMITH
Dallas County Texas
Dallas, TX

HON. SAM SPARKS
U.S. District Court
Western District of Texas
Austin, TX

JAMES M. UNDERWOOD
Baylor Law School
Waco, TX

MARK C. WALKER
Brown McCarroll, L.L.P.
El Paso, TX

THOMAS H. WATKINS
Brown McCarroll, L.L.P.
Austin, TX

SEN. KIRK WATSON (INVITED)
Texas Senate
Austin, TX

JAMES E. WREN
Baylor Law School
Waco, TX

MCLE

The Civil Litigation course has been approved for MCLE credit by the State Bar of Texas Committee on MCLE in the amount of 12.50 hours, of which 3.25 hours will apply to legal ethics/professional responsibility. The E-Discovery course has been approved for MCLE credit by the State Bar of Texas Committee on MCLE in the amount of 7.50 hours, of which 1.00 hour will apply to legal ethics/professional responsibility. The UT School of Law is a State Bar of CA approved MCLE provider (#1944).

PLANNING COMMITTEE

JAMES HOLMES—CO-CHAIR
Dallas, TX

TERRY O. TOTTENHAM—CO-CHAIR
Austin, TX

CRAIG BALL
Austin, TX

LESLIE A. BENITEZ
Austin, TX

ELAINE A. CARLSON
Houston, TX

WILLIAM J. CHRISS
Austin, TX

THOMAS H. COOK JR.
Dallas, TX

DON L. DAVIS
Austin, TX

JEREMY L. DOYLE
Houston, TX

ROBERT GALTNEY
Houston, TX

STEVEN GOODE
Austin, TX

MICHAEL R. KLATT
Austin, TX

STEPHEN F. MALOUF
Dallas, TX

PHILIP K. MAXWELL
Austin, TX

CRAIG A. MORGAN
Austin, TX

MICHAEL K. OLDHAM
Houston, TX

BARBARA RADNOFSKY
Houston, TX

R. JO RESER
San Antonio, TX

BRENT M. ROSENTHAL
Dallas, TX

THERESA A. SANDOVAL
Houston, TX

MARK C. WALKER
El Paso, TX

MIKAL C. WATTS
San Antonio, TX

JAMES E. WREN
Waco, TX

COMMENTS FROM PAST CONFERENCES

"Well-planned and organized program with a good variety of topics and speakers."

"Outstanding speakers!"

"Very much like the format of many subjects and the ability to informally speak later with the speakers. Good information and thoughts to pass on to my son, just graduating from law school."

"I like the shorter, focused sessions. Good relevant topics and well-experienced speakers."

"Excellent program—I like the mix of short and longer time for speakers."

"This format is excellent. Great program."

"Always well-done."

"I like short presentations because it allows time for more topics and particularly more papers!"

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

"This is always one of the best seminars."

REGISTRATION FOR PL07

Mail this registration form to:

The University of Texas School of Law, attn. PL07

P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: (512) 475-6876

Online registration available at www.utcle.org

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ State: _____ ☐ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail Address _____

CIVIL LITIGATION CONFERENCE—OCT. 25-26, 2007

Includes Course Binder and Thursday Box Lunch Presentation

☐ Early Registration Fee due by Wed., Oct. 17, 2007 \$475.00

☐ Registration Fee after Wed., Oct. 17, 2007 \$525.00

ADD E-DISCOVERY WORKSHOP—OCT. 24, 2007

Includes Wednesday Box Lunch Presentation

☐ Early Registration Fee due by Wed., Oct. 17, 2007 \$300.00

☐ Registration Fee after Wed., Oct. 17, 2007 \$350.00

☐ **Save \$75** when you register for both Civil Litigation and E-Discovery Workshop \$-75.00

REGISTRATION FEE TOTAL \$ _____

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from the conference date for delivery.

☐ Course Binder WITHOUT Conference Registration \$200.00

☐ 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)

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

Allow 2-4 weeks from the conference date for delivery.

☐ In-House 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 # - - -

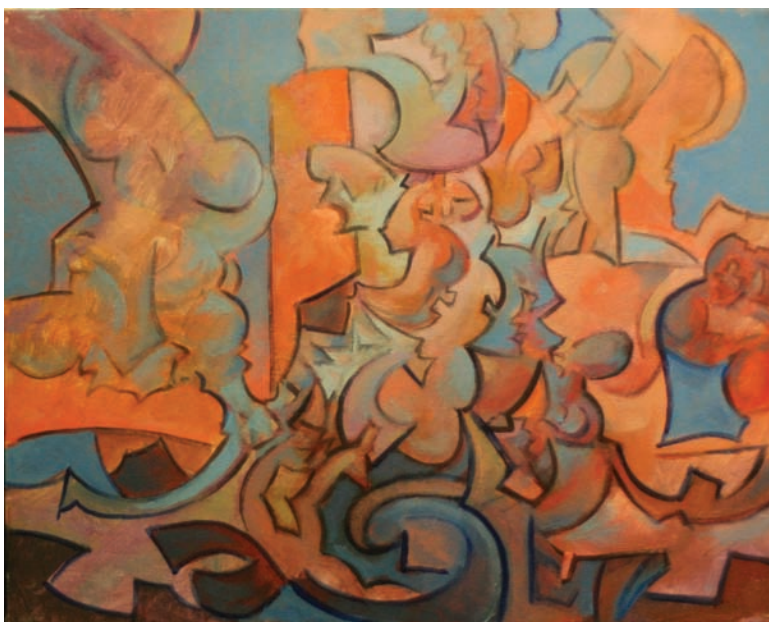
X _____
Authorized Signature

/
Exp. Date (mm/yy)

2007

E-DISCOVERY WORKSHOP

Earn up to 7.50 Hours of Credit Including 1.00 Hour of Ethics Credit



Wednesday, October 24, 2007

Four Seasons Hotel

Austin, Texas

ABOUT THE WORKSHOP

The abilities to frame a defensible litigation, and hold or shepherd an effective request for production of electronically stored information are essential skills for 21st century litigators. Lawyers and firms who aren't adept with electronic evidence fairly invite malpractice claims, and those who know how to handle electronically stored information enjoy a huge competitive advantage.

This program is geared to lawyers, legal assistants and IT professionals seeking an in-the-trenches view of electronic data discovery. The workshop structure invites a high level of audience interaction and direction, and the faculty are seasoned e-discovery veterans ready to be questioned and challenged throughout the day to insure that the information they share is what best serves your needs.

WEDNESDAY MORNING, OCT. 24, 2007

Presiding Officer: Craig Ball, Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Opening Keynote: State of the Art

Recapping notable developments in the law and marketplace of electronic discovery after federal rules changes.

Hon. Nathan L. Hecht, Austin, TX

9:30 a.m. .75 hr ethics

E-Discovery and Professional Responsibility

What must a lawyer know about the nuts and bolts of information technology to be competent to handle electronic evidence? How do you balance the duty to preserve against its cost and complexity? Are you vicariously responsible for vendor error? The presenters will address these and other emerging ethical issues.

David Chaumette, Houston, TX
Hon. Nathan L. Hecht, Austin, TX
Browning Marean, San Diego, CA

10:15 a.m. Break

10:30 a.m. .75 hr

Ten Geeky Things Lawyers Need to Know

A fast-paced, visually rich look at key concepts and technologies essential to e-discovery.

Craig Ball, Austin, TX
David Chaumette, Houston, TX
Browning Marean, San Diego, CA

11:15 a.m. .75 hr

Litigation Readiness

A small investment in pre-suit planning and policy pays big dividends when the complaint is served. Panelists will address, inter alia, system inventories, acceptable use and e-mail policies, electronic records management, archival systems and building buy-in at C-level.

Browning Marean, San Diego, CA
Charles R. "Chuck" Ragan, San Francisco, CA
Carolyn Southerland, Houston, TX

Luncheon Presentation

12:00 p.m. Pick Up Box Lunch

Included in conference registration fee.

12:15 p.m. 1.25 hrs

E-Discovery Jeopardy

Match wits and win prizes as audience members square off for our rollicking EDD version of the world's most popular game show. Be sure to answer in the form of a question!

Craig Ball, Austin, TX
Browning Marean, San Diego, CA
Charles R. "Chuck" Ragan, San Francisco, CA
Laurie Weiss, San Antonio, TX

WEDNESDAY AFTERNOON

Presiding Officer: Craig Ball, Austin, TX

1:45 p.m. .75 hr including .25 hr ethics

Preservation Priorities

Some characterize design and implementation of the litigation hold as "a lawyer's most important role." Our speakers outline the key considerations for preservation of electronically stored information.

Charles R. "Chuck" Ragan, San Francisco, CA
Carolyn Southerland, Houston, TX
Laurie Weiss, San Antonio, TX

2:30 p.m. .75 hr

Caveat Emptor

Selecting the right e-discovery service provider and expert can spell the difference between success and disaster. The presenters discuss how to request and compare vendor proposals and exercise due diligence.

Craig Ball, Austin, TX
Carolyn Southerland, Houston, TX
Laurie Weiss, San Antonio, TX

3:15 p.m. Break

3:30 p.m. .75 hr

Preservation and Meet and Confer Exercise

In this interactive brainstorming session, attendees draw on a fact scenario to identify the steps to a productive Rule 26(f) conference.

All Faculty to Participate

4:15 p.m. .75 hr

Cross Border Electronic Discovery Issues

Strict privacy and export laws play a pivotal role when the data's "over there," and not every e-discovery vendor or tool can cope with foreign language data. The presenters identify cross-border challenges and suggest practical solutions.

David Chaumette, Houston, TX
Carolyn Southerland, Houston, TX
Laurie Weiss, San Antonio, TX

5:00 p.m. .50 hr

Cost Containment

EDD is expensive, but it doesn't have to be excessive. The faculty will share their methods of reining in costs through techniques like shared costs, sampling, filtering and native productions.

All Faculty to Participate

5:30 p.m. Adjourn

E-DISCOVERY FACULTY

CRAIG BALL
Attorney and Technologist
Certified Computer Forensic Examiner
Austin, TX

HON. NATHAN L. HECHT
Supreme Court of Texas
Austin, TX

CHARLES R. "CHUCK" RAGAN
Redgrave Daley Ragan & Wagner LLP
San Francisco, CA

LAURIE WEISS
Fulbright & Jaworski LLP
San Antonio, TX

DAVID CHAUMETTE
Shook, Hardy & Bacon, LLP
Houston, TX

BROWNING MAREAN
DLA Piper
San Diego, CA

CAROLYN SOUTHERLAND
Huron Consulting Group
Houston, TX

ABOUT THE ART

"untitled," acrylic 16" x 20", is by Philip Trussell. For more information, call 512-499-8357

REGISTER FOR BOTH CONFERENCES AND SAVE \$75—SEE ORDER FORM ON PAGE 5

AUSTIN

Civil Litigation Conference—Oct. 25-26, 2007

E-Discovery Workshop—Oct. 24, 2007

CONFERENCE LOCATION

Four Seasons Hotel

98 San Jacinto, Austin, TX 78701

512-685-8100

SPECIAL ROOM RATE: \$215

good through September 24, 2007
(subject to availability)

Valet \$12;

\$7 Self-Parking at Convention Center parking facility

KEY DATES

Registration and Cancellation

October 17, 2007, 5 p.m.

last day for early registration

add \$50 for registrations received after this time

October 19, 2007, 5 p.m.

last day for full refund

October 22, 2007, 5 p.m.

last day for partial refunds

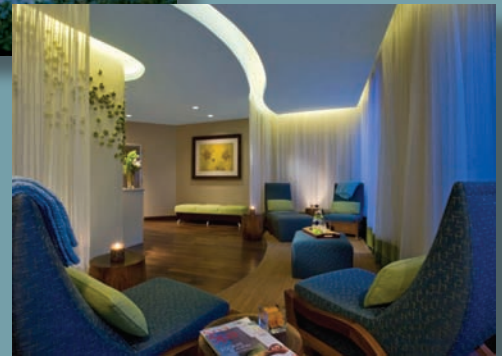
\$50 processing fee applied

October 24, 2007

E-Discovery Workshop begins 9 a.m.

October 25, 2007

Civil Litigation Conference begins 9 a.m.



The Spa at the Four Seasons Hotel

ABOUT THE COVER



"Maples" by Fujiwara Ikuzo, Japan's premier ceramic artist. For more information on Fujiwara and his October visit to Houston, contact Barbara Ann Radnofsky or Katie Floyd, 713-858-9391, or visit www.japanart.org



THE UNIVERSITY OF TEXAS AT AUSTIN
THE UNIVERSITY OF TEXAS SCHOOL OF LAW
P.O. Box 7759 • Austin, TX 78713-7759

This program is not printed or mailed at state expense.

CIVIL LITIGATION CONFERENCE E-DISCOVERY WORKSHOP

October 24, 25-26, 2007 • Four Seasons Hotel • Austin, Texas

NON-PROFIT-ORG
U.S. Postage Paid
The University of
Texas
School of Law

Email us at
utcle@law.utexas.edu
or call us at
512-475-6700
for more information