

2007 Page Keeton Civil Litigation Conference

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

Thursday Morning, Oct. 25, 2007

Presiding Officer:

Terry O. Tottenham, Fulbright & Jaworski LLP - Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 hr	Supreme Court Update A review of Texas Supreme Court opinions handed down during the past year. Hon. Scott A. Brister, Supreme Court of Texas - Austin, TX
9:30 am 0.50 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, Fifth Court Of Appeals - Dallas, TX
10:00 am 0.50 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 Eric Wren III, Baylor Law School - Waco, TX
10:30 am	Break
10:45 am 0.50 hr	Harry Potter and the Chamber of Secrets: A Litigators Guide to 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, Sedgwick, Detert, Moran & Arnold LLP - Austin, TX
11:15 am 0.33 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 struggled with some of these issues; we will attempt to make some sense of it so that you can implement the best strategy in your lawsuits. James M. Underwood, Baylor University College of Law - Waco, TX

11:35 am 0.50 hr	<p>Products Liability, Preemption and MDL After HB4</p> <p>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.</p> <p>Michael R. Klatt, Clark, Thomas & Winters, P.C. - Austin, TX</p>
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Thursday Afternoon, Oct. 25, 2007

Presiding Officer:

Rebecca Jo C. Reser, Davidson & Troilo, P.C. - San Antonio, TX

12:05 pm	<p>Luncheon Presentation</p> <p>Pick Up Box Lunch Included in conference registration fee.</p>
12:20 pm 0.75 hr ethics	<p>Pro-Bono: Litigating the Guantanamo Cases</p> <p>Discussion of the legal background of detainee cases; who are the detainees, and what is the current status of detainee litigation.</p> <p>Richard Alan Grigg, Law Offices Of Dicky Grigg - Austin, TX</p>
1:15 pm 0.50 hr	<p>Evidence Update</p> <p>An update on recent developments under the Texas and Federal Rules of Evidence.</p> <p>Steven Goode, University of Texas School of Law - Austin, TX</p>
1:45 pm 0.50 hr	<p>Effective Depositions: Use of Technology and Video Impeachment</p> <p>All you need to know about selecting just the right clip to make the witness look like a fool.</p> <p>Stephen F. Malouf, Law Office of Stephen F. Malouf - Dallas, TX</p>
2:15 pm 0.33 hr ethics	<p>Malpractice for Litigators</p> <p>An update on the recent developments in Texas malpractice law and ethics issues.</p> <p>Stephen E. McConnico, Scott Douglass & McConnico - Austin, TX</p>
2:35 pm 0.33 hr	<p>Damages Update</p> <p>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.</p> <p>Thomas H. Cook Jr., Zelle Hofmann Voelbel Mason & Gette LLP - Dallas, TX</p>
2:55 pm	<p>Break</p>

3:10 pm 0.75 hr	<p>Ten Things You Need to Know About Electronic Discovery</p> <p>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.</p> <p>Craig Douglas Ball, Craig D. Ball, P.C. - Austin, TX</p>
3:55 pm 0.50 hr	<p>Arbitration Toolkit</p> <p>The “nuts and bolts” of arbitration, including choice of forum, fees, selection of arbitrators, discovery, witness preparation, strategy, and presentation of your case.</p> <p>Retta A. Miller, Jackson Walker, L.L.P. - Dallas, TX</p>
4:25 pm 0.50 hr ethics	<p>Prove and Keep Your Attorney’s Fees Awards: Learn to Appreciate the Impact of the Texas Supreme Court’s Most Recent Fees Cases</p> <p><i>Barker v. Eckman, Brainard v. Trinity Universal Ins., Tony Gullo Motors v. Chapa</i> 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.</p> <p>James Holmes, The Schmidt Firm - Dallas, TX</p>
4:55 pm 0.58 hr	<p>American College of Trial Lawyers Litigation Panel</p> <p>Five fellows in The American College of Trial Lawyers present tips for successful litigation.</p> <p>Panelists: Daniel W. Bishop, Bishop London Brophy & Dodds, P.C. - West Lake Hills, TX Panelists: Don L. Davis, Byrd, Davis, Eisenberg, LLP - Austin, TX Panelists: Hon. Sam Sparks, United States District Judge - Austin, TX Panelists: Bill Newell Whitehurst, Tyler, TX</p>
5:30 pm	<p>Adjourn</p>

Friday Morning, Oct. 26, 2007

Presiding Officer:

James Holmes, The Schmidt Firm - Dallas, TX

8:30 am 0.33 hr	<p>Legislative Update</p> <p>A discussion of legislation affecting legal practice and the judiciary, including some close calls on legislation in the 2007 session.</p> <p>Hon. Kirk Watson, Hughes & Luce, LLP - Austin, TX</p>
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8:50 am 0.33 hr	<p>Summary Judgment</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>
9:10 am 0.50 hr	<p>A Litigator's Guide to Pursuing and Defending Patent Cases</p> <p>Can claims, themes, and discovery co-exist?</p> <p>Thomas H. Watkins, Brown McCarroll, L.L.P. - Austin, TX</p>
9:40 am 0.50 hr	<p>Primer on Corporate Buyout Litigation: Is Corporate Buyout Litigation the New Strike Suit?</p> <p>Recent years have seen a steady stream of companies going private through leverage buyouts, often led by, or involving, corporate insiders. That stream invariably carries with it 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 in recent cases in Texas.</p> <p>Jeremy Leon Doyle, Gibbs & Bruns - Houston, TX Michael K. Oldham, Gibbs & Bruns, L.L.P. - Houston, TX</p>
10:10 am	<p>Break</p> <hr/> <p>The Loss of Rights and Judicial Remedies</p>
10:25 am 0.33 hr	<p>View From the Bench: The Vanishing Jury Trial and Decreased Access to the Courts</p> <p>The demise of the 7th Amendment and its effect on our civil justice system and our democracy.</p> <p>Hon. Craig Smith, Dallas County Texas - Dallas, TX</p>
10:45 am 0.67 hr	<p>Supreme Court's No Evidence Standard for the 21st Century-Something New or Something Old</p> <p>A review of Texas summary judgment practice and procedure regarding <i>Harmar v. Coca-Cola</i>: a new "no evidence" standard by the Supreme Court and the <i>City of Keller</i>.</p> <p>Jerry L. Beane, Andrews & Kurth LLP - Dallas, TX Gerald R. Powell, Baylor Law School - Waco, TX</p>
11:25 am 0.33 hr ethics	<p>Loss of Rights: The Profession's Response</p> <p>How we got to this point in the public mind and the ethics of striking back.</p> <p>William J. Chriss, of counsel to Gravely & Pearson, L.L.P. - Austin, TX</p>
11:45 am 0.75 hr	<p>Art of Advocacy and Storytelling</p> <p>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.</p> <p>Jim Mac Perdue Jr., Perdue & Kidd LLP - Houston, TX</p>

Friday Afternoon, Oct. 26, 2007

Presiding Officer:

Theresa A. Sandoval, Watt Beckworth Thompson & Henneman, LLP - Houston, TX

12:30 pm	Lunch on your Own
1:45 pm 0.50 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, South Texas College of Law - Houston, TX
2:15 pm 0.33 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, Brown McCarroll, LLP - El Paso, TX
2:35 pm 0.50 hr ethics	Professional Development: Dealing with Stress and Depression This session is a video presentation of the Texas Lawyers' Assistance Program's <i>Practicing from the Shadows: Depression and the Legal Profession</i> .
3:05 pm	Adjourn