

**32<sup>nd</sup> Annual Page Keeton Civil Litigation Conference**  
**October 30-31, 2008 • Four Seasons Hotel • Austin, TX**

**Thursday Morning, Oct. 30, 2008**

**Presiding Officer:**

**Mark L. Kincaid**, Kincaid & Horton - Austin, TX

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
9:00 am 0.50 hr	<b>Supreme Court Update</b>  A review of Texas Supreme Court opinions handed down during the past year.  Hon. Paul W. Green, Supreme Court of Texas - Austin, TX
9:30 am 1.00 hr	<b>A Practical Guide to Effective Use of E-Discovery on a Budget</b>  In smaller cases with smaller budgets, counsel's responsibility to identify, process and produce ESI still looms large. Don't let your client's best case be a legal malpractice action for botched e-discovery! This session addresses practical, productive e-discovery strategies at a scale and cost that lets you meet your digital duties in every matter.  Craig D. Ball, Attorney and Forensic Technologist, Certified Computer Forensic Examiner - Austin, TX Laurie Weiss, Fulbright & Jaworski LLP - San Antonio, TX
10:30 am	<b>Break</b>
10:45 am 0.75 hr	<b>Tools and Tips for the Commercial Litigator: ConTort, DTPA and Cap-Busting</b>  As the assault on tort claims in Texas continues, it may be past time to reexamine (and update) your tool drawer. This three-part presentation will stimulate creative thinking about approaches to commercial disputes in the current legal climate.  Richard M. Alderman, University of Houston Law Center - Houston, TX Thomas H. Cook Jr., Zelle Hofmann Voelbel & Mason LLP - Dallas, TX George Parker Young, Haynes and Boone, LLP - Fort Worth, TX
11:30 am 0.33 hr	<b>Arbitration and the Judicial System</b>  Trends, tips, and the changing relationship between arbitration and the courts.  Derek Lee Montgomery, Kelly Hart & Hallman LLP - Fort Worth, TX Matthew David Stayton, Kelly Hart & Hallman LLP - Fort Worth, TX
11:50 am 0.50 hr	<b>Breach of Fiduciary Duty Litigation</b>  A discussion of key case law developments and practice tips involving fiduciary duty litigation.  William Sandy Snyder, Sayles Werbner - Dallas, TX

## Thursday Afternoon, Oct. 30, 2008

### Presiding Officer:

**James Holmes**, The Schmidt Firm - Dallas, TX

12:20 pm	<b>Pick up Box Lunch</b>  Included in conference registration fee.
12:35 pm 0.75 hr	<b>Effective Strategies for Growing and Adapting Your Practice</b>  Panel discussion of plaintiff's counsel, defendant's counsel, and a nationally known business consultant on developing and growing business in a troubled economy.  Milton Carey Colia, Kemp Smith P C - El Paso, TX David H. Freeman, David Freeman Consulting Group, LLC - Boulder, CO Moderator: Felicia Harris Kyle, Sutherland Asbill & Brennan, LLP - Houston, TX Mark D. Pierce, Slack & Davis, L.L.P. - Austin, TX
1:20 pm	<b>Break</b>
1:35 pm 0.50 hr ethics	<b>Sandbags Against the Tide</b>  Can you protect yourself against conflicts and malpractice with good engagement letters?  Thomas H. Watkins, Brown McCarroll, L.L.P. - Austin, TX
2:05 pm 0.50 hr	<b>Admissibility of Electronic Evidence</b>  A guide to the admissibility of web pages, emails, text messages, and digital images.  Steven Goode, The University of Texas School of Law - Austin, TX
2:35 pm 0.33 hr	<b>Presenting Evidence to Win</b>  Learn how to organize your evidence and present your facts and themes in a way that will stick with the jury.  Trey Cox, Lynn Tillotson Pinker & Cox, L.L.P. - Dallas, TX
2:55 pm 0.50 hr 0.25 hr ethics	<b>The Noble Lawyer and the Brave New World: How to be Ready for the Trial Practice of the Future</b>  Trials are becoming rare, while the rate of summary judgments has quadrupled. Arbitration, globalization, and other factors support this trend away from traditional trials and toward summary dispositions. Superimposed on this landscape is tort reform. Bottom line: The "trial lawyer" is dying. But the "complex litigator" is alive and well. These threads and others are brought together in this presentation to paint a picture of the litigator in the year 2010 or 2015, the opportunities and the challenges, ethical, economic and otherwise.  William J. Chriss, of counsel to Gravely & Pearson, L.L.P. - Austin, TX
3:25 pm	<b>Break</b>

3:40 pm 0.33 hr	<p><b>The Down and Dirty on the Prompt Payment of Insurance Claims</b></p> <p>What does the prompt pay statute apply to? First party insurance payments; costs of defense of third party claims; anything more? What defenses are there, and is the statute unconstitutional? How does the prompt pay statute relate to statutory bad faith?</p> <p>Mark L. Kincaid, Kincaid &amp; Horton - Austin, TX</p>
4:00 pm 0.50 hr	<p><b>Where's the Fire, and What's Burning?</b></p> <p>A guide to the obtaining and avoiding of TROs and injunctions.</p> <p>Hon. Martha Hill Jamison, 164th District Court - Houston, TX  Hon. Randall W. Wilson, 157th District Court - Houston, TX  Moderator:  Dulcie Green Wink, The Wink Law Firm - Houston, TX</p>
	<p><b>Litigation Involving the Movement of Employees, Trade Secrets, and Confidential Information</b></p>
4:30 pm 0.50 hr	<p><b>Update on Covenants Not to Compete, Trade Secrets, Confidentiality Agreements and Fiduciary Duties of Employees</b></p> <p>Part one will give a short review and update of case law and issues involving trade secrets and confidentiality and a second update on covenants not to compete.</p> <p>Michael James Golden, Boulette &amp; Golden LLP - Austin, TX  Thomas A. Nesbitt, DeShazo &amp; Nesbitt LLP - Austin, TX</p>
5:00 pm 0.50 hr	<p><b>Panel Discussion: Covenants Not to Compete, Trade Secrets, Confidentiality Agreements and Fiduciary Duties of Employees</b></p> <p>Part two involves a panel discussion highlighting how such issues as well as initial procedural issues play out in practice.</p> <p>Michael James Golden, Boulette &amp; Golden LLP - Austin, TX  Thomas A. Nesbitt, DeShazo &amp; Nesbitt LLP - Austin, TX  Moderator:  John Francis Sullivan III, Watt Beckworth Thompson &amp; Henneman, LLP - Houston, TX  Hon. Emily G. Tobolowsky, 298th District Court - Dallas, TX</p>
5:30 pm	<p><b>Adjourn</b></p>

## Friday Morning, Oct. 31, 2008

### Presiding Officer:

**Elaine A. Carlson**, South Texas College of Law - Houston, TX

8:00 am	<p><b>Conference Opens</b></p> <p>Includes continental breakfast.</p>
---------	-----------------------------------------------------------------------

8:30 am 0.50 hr	<p><b>Finally, Some Direction on Defamation Jury Charges</b></p> <p>Two members of the Pattern Jury Charge Committee review the new, soon to be published Pattern Jury Charges for the torts of defamation and trade disparagement, including a review of the substantive law applicable to both and nuances arising from the constitutional limitations imposed by the Texas and United States Supreme Courts.</p> <p>David H. Donaldson Jr., Graves Dougherty Hearon Moody PC - Austin, TX Richard G. Munzinger, Scott &amp; Hulse, PC - El Paso, TX</p>
9:00 am 0.33 hr	<p><b>No Evidence Summary Judgment</b></p> <p>A discussion and outline of the latest case law developments on no evidence summary judgment, with practice tips.</p> <p>Elaine A. Carlson, South Texas College of Law - Houston, TX</p>
9:20 am 1.00 hr	<p><b>Case Selection, Strategies, Advocacy and Venues in Today's Litigation Environment</b></p> <p>The current litigation environment at the State and Federal level makes it increasingly difficult to win—and keep—big awards. Hear what's possible and how do to it from one of the most successful plaintiff's lawyers in the country.</p> <p>W. Mark Lanier, The Lanier Law Firm - Houston, TX</p>
10:20 am	<p><b>Break</b></p>
10:35 am 0.50 hr ethics	<p><b>Prove and Keep Your Attorney's Fees: Revisiting the Always Relevant Topic of How Attorneys Receive Fees Awards from Texas Courts Under Controlling Case Law Precedents</b></p> <p>Recent Texas Supreme Court precedents have changed the landscape for attorney's fees awards. Learn the background law by studying the precedents and how lower courts have grappled with them. Equip yourself for accurately proving and skillfully holding on to your fees awards.</p> <p>James Holmes, The Schmidt Firm - Dallas, TX</p>
11:05 am 0.75 hr ethics	<p><b>Attacking and Defending the Attorney-Client Privilege in a Global Electronic World</b></p> <p>Karl Bayer, Dispute Resolution Expert - Austin, TX</p>
	<p><b>Preemption Developments Including Products Liability</b></p>
11:50 am 0.33 hr	<p><b>Part 1: Preemption Generally</b></p> <p>An overview of the current state of preemption: key issues and case law developments.</p> <p>Thomas O. McGarity, University of Texas School of Law - Austin, TX</p>
12:10 pm 0.67 hr	<p><b>Part 2: Preemption and Products Liability Update</b></p> <p>Products liability causes of action retain vitality under Texas law, but find out how recent and pending state and federal preemption cases may significantly impact specialized areas of products liability practice.</p> <p>Michael R. Klatt, Clark, Thomas &amp; Winters, P.C. - Austin, TX Thomas O. McGarity, University of Texas School of Law - Austin, TX Lana K. Varney, Fulbright &amp; Jaworski L.L.P. - Austin, TX</p>

12:50 pm 0.00 hr ethics	<b>Bonus Materials: Comprehensive Texas Civil Procedure Update</b> Elaine Carlson, Houston, TX
12:50 pm	<b>Adjourn</b>