

33rd Annual Page Keeton Civil Litigation Conference
October 29-30, 2009 • Four Seasons Hotel • Austin, TX

Thursday Morning, Oct. 29, 2009

Presiding Officer:

Don L. Davis, Austin, TX

8:00 am	Registration Opens Includes continental breakfast.
9:00 am 0.50 hr	Supreme Court Update 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 0.75 hr	Follow the Money: Pleading and Pursuing Qui Tam and Whistle Blower Cases This topic includes identifying, evaluating and prosecuting claims on behalf of whistle blowers for violations of state and federal law. Joel M. Fineberg, Fineberg Gresham - Dallas, TX
10:15 am	Break
10:30 am 0.50 hr	Evaluating and Litigating Fiduciary Duty Claims Evaluating the merits of a potential fiduciary duty claim, overview of applicable case law and procedures, and typical issues that arise in litigating fiduciary duty claims. Co-Author: Robyn Bigelow Hargrove, Scott Douglas & McConnico, L.L.P. - Austin, TX Stephen E. McConnico, Scott Douglass & McConnico, L.L.P. - Austin, TX
11:00 am 0.75 hr 0.25 hr ethics	Effective Trial Strategies: The Story Starts With You Cases are almost always won, or lost, by how you approach your client, as well as the story that brought your client to you. This session gives you a seldom used but very effective approach. One that brings power to you as the voice and soul of your client. Its foundations have been developed and taught at the Gerry Spence Trial Lawyer's College and used by Bob Hilliard for the last 14 years. Robert Carl Hilliard, Hilliard Muñoz Guerra L.L.P. - Corpus Christi, TX

Thursday Afternoon, Oct. 29, 2009

Presiding Officer:

Thomas H. Cook Jr., Dallas, TX

11:45 am	Lunch On Your Own
1:00 pm 1.00 hr	<p>Managing Electronic Discovery in Small Cases: Tools, Tips and Best Practices</p> <p>The twin hurdles of ESI volume and complexity loom large in every case. Smaller cases don't get a free pass from meeting e-discovery obligations, but smaller budgets and trial teams demand that counsel learn to do more with less. This session looks at ways to trim the cost of e-discovery using off-the-shelf tools and smarter approaches to get your arms around the volume and complexity of electronic evidence.</p> <p>Craig D. Ball, Attorney and Forensic Technologist, Certified Computer Forensic Examiner - Austin, TX</p>
2:00 pm 0.50 hr ethics	<p>Lawyer-Client Confidentiality: The Attorney-Client Privilege and Beyond</p> <p>Confidentiality issues relating to the attorney-client privilege, work product, and a lawyer's ethical obligations.</p> <p>David E. Keltner, Kelly Hart & Hallman LLP - Fort Worth, TX</p>
2:30 pm 0.75 hr 0.50 hr ethics	<p>Professionalism and Business Development in the Electronic Age</p> <p>Law firm client development is all about relationships and word of mouth referrals. Nothing has changed with the advent of technology and social media. It's not about the tools. It's about how you use the tools to engage your target audience and build meaningful relationships.</p> <p>Thom Singer, Austin, TX</p>
3:15 pm	Break
3:30 pm 0.50 hr	<p>Knowledge, Understanding, Judgment: The Road to Precision in Legal Writing</p> <p>Most litigators spend far more time drafting and responding to briefs and motions than they do trying cases. Cases are often won (or lost) on critical motions and appellate briefs. This session helps you craft those critical arguments with greater precision and clarity. Can an alternative refer to more than two things? What's the difference between refer and allude? What is the valuable distinction between persuade and convince? How can "only" be the most problematic word in legal writing? Why is it important to maintain the distinction between: unanticipated and unexpected; rebut and refute; connive and contrive; and many other frequently confused and misused words?</p> <p>Michael W. Adams, The University of Texas at Austin - Austin, TX</p>
	Prosecuting and Defending Subprime Securities and Fair Debt Issues
4:00 pm 0.75 hr	<p>Anatomy of a Financial Fraud: Madoff, Stanford, and the \$100 Billion Shell Game</p> <p>This presentation focuses on the methods utilized by Madoff and Stanford in structuring their organizations and promoting their services, and the lack of oversight which allowed the largest financial frauds in U.S. history. Included are discussions of the role of the SEC and its failure to properly time-exercise its authority.</p> <p>Stephen F. Malouf, The Law Offices of Stephen F. Malouf, P.C. - Dallas, TX</p>

4:45 pm 0.50 hr	<p>Litigation Opportunities in the Downturn: Wrongful Foreclosures</p> <p>Wrongful foreclosures and related debt collection issues: how to effectively evaluate and plead cases. Practical considerations in turning bad fortune into potential good fortune for clients, utilizing the DTPA Fair Debt Collection Act and other statutes to capitalize on creditor mistakes.</p> <p>Daniel O. Kustoff, Kustoff And Phipps L.L.P. - San Antonio, TX</p>
5:15 pm	Adjourn

Friday Morning, Oct. 30, 2009

Presiding Officer:

William J. Chriss, of counsel to Gravely & Pearson, L.L.P. - Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>Maximizing Contractual Damages: The Lessons from Oil and Gas Trial Work</p> <p>Learn to use the general and specialized principles of contract law, which dominate Texas oil and gas litigation, to your advantage in oil and gas cases or other commercial cases. Discover contract-based damages, quantify them with precision, and then prepare a damages model that a jury will understand and that weathers potential appeals.</p> <p>James Holmes, The Schmidt Firm - Dallas, TX</p>
9:00 am 0.50 hr	<p>Expert Witnesses and Damages: How to Get the Most and Spend the Least</p> <p>Whether seeking or contesting damages, the damages issue is best addressed early rather than late. The panel discusses thorough but cost-effective discovery for damages, including best practices for disclosures, expert reports, depositions and trial preparation.</p> <p>Carmen R. Eggleston, OverMont Consulting, LLC - Houston, TX Lee L. Kaplan, Smyser Kaplan & Veselka, L.L.P. - Houston, TX</p>
9:30 am 0.50 hr	<p>Reality TV: Video Depositions That Get Real Results</p> <p>How to plan a video deposition to obtain key admissions, and how to use trial presentation tools in your video depositions (including examination of deponent websites and recording of dual video/document screens) in order to maximize the impact of the admissions.</p> <p>Jason Easter, Williams & Brown, L.L.P. - Waco, TX James E. Wren, Baylor Law School - Waco, TX</p>
10:00 am	Break
10:15 am 0.50 hr	<p>Suing and Defending Financial and Legal Professionals</p> <p>Such lawsuits are increasingly common. A practical guide to pleading, pursuing, and defending such cases.</p> <p>Coyt Randal Johnston, Johnston Tobey, P.C. - Dallas, TX</p>

10:45 am 0.75 hr	Effective Advocacy in Arbitration Arbitration: do you know when you should ask for it and what to do if you get it? Concrete instruction on advocacy in arbitration, using actual survey results from arbitrators. Analysis of the ethical issues of your skills versus your client's needs. Patrick O. Keel, Mediator-Arbitrator - Austin, TX Tracy Walters McCormack, The University of Texas School of Law - Austin, TX
11:30 am 0.50 hr	Privacy, Defamation and Business Disparagement Litigation opportunities in the age of email, texting and Twittering. William J. Chriss, of counsel to Gravely & Pearson, L.L.P. - Austin, TX

Friday Afternoon, Oct. 30, 2009

Presiding Officer:

James Holmes, The Schmidt Firm - Dallas, TX

	LUNCHEON PRESENTATION
12:00 pm	Pick up Box Lunch Included in conference registration fee.
12:15 pm 1.00 hr	Litigating Outside of Texas: Why, When and How What are the opportunities, challenges and pitfalls of Texas lawyers litigating outside of Texas? W. Mark Lanier, The Lanier Law Firm - Houston, TX
1:15 pm	Break
1:30 pm 0.75 hr ethics	Engagement Letters Blueprints for litigation between you and your client. Thomas H. Watkins, Brown McCarroll, L.L.P. - Austin, TX
2:15 pm 0.50 hr	Extraordinary Remedies Every Litigator Needs to Know When bad things happen to good people, sometimes damages aren't enough. Here is a must-have review of extraordinary remedies for the trial lawyer's trial notebook. Mark C. Walker, Brown McCarroll, L.L.P. - El Paso, TX
2:45 pm 0.50 hr	Preemption Federal preemption after <i>Wyeth v. Levine</i> . Claudia Wilson Frost, Pillsbury Winthrop Shaw Pittman LLP - Houston, TX

3:15 pm

Adjourn
