

35<sup>TH</sup> ANNUAL PAGE KEETON  
**CIVIL LITIGATION**

Advocacy, Persuasion, Litigation Strategies, Experts, and  
Key Evidence, Procedure and Ethics Updates



October 27–28, 2011  
Four Seasons Hotel ▪ Austin, Texas

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Earn up to 13.25 Hours of Credit including 1.50 Hours of Ethics Credit  
Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Personal Injury Trial Law

# 35<sup>TH</sup> ANNUAL PAGE KEETON CIVIL LITIGATION

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## THURSDAY MORNING, OCT. 27, 2011

### Presiding Officer:

Thomas H. Cook Jr., Zelle Hofmann  
Voelbel & Mason LLP, Dallas, 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.

Hon. Dale Wainwright, Supreme Court of Texas,  
Austin, TX

### 9:30 a.m. .50 hr

#### Texas Civil Procedure Update: A Look at Recent Decisions and Legislative Mandates

Remarks focus on recent judicial decisions and legislative mandates affecting Texas litigation practice, including proposed modifications to the Texas Rules of Civil Procedure. The course paper is a comprehensive review of recent case law and is designed to be a handy reference tool for practitioners.

Prof. Elaine Carlson, South Texas College of Law,  
Houston, TX

#### Co-Author:

Courtney T. Carlson, Jackson Walker L.L.P., Houston,  
TX

### 10:00 a.m. .50 hr

#### Business Torts

A review of recent cases and strategies involving various business torts.

Daniel W. Bishop, Bishop London & Dodds PC,  
Austin, TX

### 10:30 a.m. Break

### 10:45 a.m. .50 hr ethics

#### Breach of Fiduciary Duties

A look at fiduciary duties and the attorney-client relationship.

George W. "Billy" Shepherd III, Shepherd, Scott,  
Clawater & Houston, L.L.P., Houston, TX

### 11:15 a.m. .50 hr ethics

#### Attorney Malpractice

An update on recent developments in Texas law on legal malpractice liability, including unresolved areas involving causation and expert testimony, and practice tips on avoiding malpractice liability.

Stephen E. McConico, Scott Douglass &  
McConico, L.L.P., Austin, TX

### 11:45 a.m. .50 hr ethics

#### Attorney-Client Confidentiality in a World Where Everything Is Connected

A review of the latest developments in attorney-client privilege and the lawyer's professional obligation to maintain confidentiality.

Prof. Steven Goode, The University of Texas  
School of Law, Austin, TX

### 12:15 p.m. Lunch on Your Own

## THURSDAY AFTERNOON

### Presiding Officer:

Karen C. Burgess, Richardson +  
Burgess LLP, Austin, TX

### 1:25 p.m. .42 hr

#### 2011 Developments: Mandamus and Interlocutory Appeals

This presentation addresses recent developments in mandamus and interlocutory appeals.

Pamela Stanton Baron, Attorney at Law, Austin, TX

### 1:50 p.m. .50 hr

#### Legislative Update: Tasting the Sausage

A look at barratry, loser pays, Texas Windstorm Insurance Association (TWIA) issues and other culinary wonders from the recent legislative session.

W. Bradley Parker, Parker McDonald Law, Bedford, TX

### 2:20 p.m. .75 hr

#### Hot Topics in Oil and Gas Litigation

A discussion of the current litigation, both tort and environmental, arising from natural gas exploration's hydraulic fracturing underway (exploding) in Texas. Both the Barnett Shale (North Texas) and Eagle-Ford Shale (South Texas) formations are spawning many lawsuits from landowners and municipalities.

R. Jo C. Reser, Davidson & Troilo, San Antonio, TX  
David T. Ritter, Taylor, Olson, Adkins, Sralla &  
Elam, L.L.P., Ft Worth, TX

### 3:05 p.m. Break

### 3:20 p.m. .50 hr

#### Daubert-Proofing Your Expert

The hurdles your expert must clear to stand before the jury.

Quentin Brogdon, Law Offices of Frank L. Branson, P.C.,  
Dallas, TX

### 3:50 p.m. .50 hr

#### Third-Party Practice: Only in Texas (It's No Country for Old Men)

A discussion of what courts have determined, what has remained debatable, and how House Bill 274 impacts both the questions and the answers.

Karen C. Burgess, Richardson + Burgess LLP,  
Austin, TX

### 4:20 p.m. .33 hr

#### Trial by Agreement

Arbitration is winning the battle for consumers of dispute resolution services. The session focuses on how lawyers, by reaching their own agreements over the conduct of litigation, can make jury trials more attractive.

Harry P. Susman, Susman & Godfrey LLP, Houston, TX

### 4:40 p.m. 1.00 hr

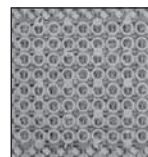
#### 60 Tips in 60 Minutes

Experienced litigators take turns outlining their fun tips involving civil litigation from plaintiff and defendant perspectives, including effective use of technology, website resources and discovery.

Sean T. Hamada, Sean T. Hamada, P.C., Dallas, TX  
Michael P. Maslanka, Constangy, Brooks & Smith, LLP,  
Dallas, TX  
Mark S. Werbner, Sayles | Werbner PC, Dallas, TX

### 5:40 p.m. Adjourn

## ABOUT THE COVER



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**FRIDAY MORNING, OCT. 28, 2011****Presiding Officer:**

**Jim M. Perdue Jr., Perdue Kidd & Vickery, Houston, TX**

**8:00 a.m. Conference Room Opens**

Includes continental breakfast.

**8:30 a.m. .50 hr****Ins and Outs of Indemnity**

The session covers the legal requirements for enforceable indemnification agreements in Texas, including recent case law addressing and limiting indemnity rights. The practical application of enforcing and litigating indemnity rights is also addressed.

John F. Sullivan III, Watt Beckworth Thompson  
Henneman & Sullivan LLP, Houston, TX

**9:00 a.m. 1.25 hrs****Insurance (Show Me the Money!)**

Too often cases don't settle or settle unfavorably because either the plaintiff or defense lawyer—or both—don't know what they should about liability insurance coverage issues.

**Moderator:**

Philip K. Maxwell, Law Offices of Philip K. Maxwell,  
Austin, TX

**Panelists:**

Karl Bayer, Dispute Resolution Expert, Austin, TX  
Lee H. Shidlofsky, Shidlofsky Law Firm PLLC, Austin, TX  
Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP, Dallas, TX  
Paul J. Van Osselaer, Van Osselaer & Buchanan LLP, Austin, TX

**10:15 a.m. .50 hr****Litigation Strategies in Complex Cases**

In the aftermath of the changes wrought by the courts and legislature over the past twenty years, litigation has become more complex and lawyers' jobs are harder, particularly in trying to find leverage points and resolve disputes without exhausting litigants' patience and their budgets. However, this environment presents opportunities for advocates who know how to play chess when others are playing checkers. This presentation discusses the new rules of the game, as well as how to know the opponent, the battlefield, and how to think several moves ahead.

William J. Chriss, Law Office of William J. Chriss, P.C.,  
of Counsel to Gravely & Pearson, L.L.P., Austin, TX

**10:45 a.m. Break****11:00 a.m. .75 hr****The Art of Persuasion: Understanding the Role of Evolution, Perception and Memory on How People Make Decisions**

Recent studies into the functionality of the human brain and how it affects decision making are valuable tools for the trial lawyer's arsenal. The presentation translates scientific concepts into concrete examples of trial tactics useful to persuasive framing and presentations in all types of cases.

Charles Herring Jr., Herring & Irwin, L.L.P., Austin, TX  
Jim M. Perdue Jr., Perdue Kidd & Vickery, Houston, TX

**11:45 a.m. .75 hr****Evidence Jeopardy**

Test your knowledge of the Rules of Evidence in an enjoyable format.

**Moderator:**

Prof. Olin G. Wellborn, The University of Texas  
School of Law, Austin, TX

**Panelists:**

Hon. Gisela D. Triana-Doyal, 200<sup>th</sup> Judicial District  
Civil Court, Austin, TX  
Hon. Amy Clark-Meachum, 201<sup>st</sup> Judicial District Civil  
Court, Austin, TX

**12:30 p.m. Break to Pick Up Lunch**

Included in conference registration fee.

**FRIDAY AFTERNOON****Presiding Officer:**

**Adam T. Schramek, Fulbright & Jaworski L.L.P., Austin, TX**

**LUNCHEON PRESENTATION****12:45 p.m. .50 hr****The Future of Small Claims: Trials under \$100K**

This presentation addresses the impact of Government Code Section 22.004(h), requiring the Supreme Court to adopt rules promoting "the prompt, efficient, and cost-effective resolution of civil actions," on cases filed after September 1, 2011, in which the amount in controversy does not exceed \$100,000.

L. Hayes Fuller III, Naman Howell Smith & Lee, PLLC,  
Waco, TX

**1:15 p.m. Break****1:30 p.m. .50 hr****Strategies for Motions, Depositions and Discovery**

Preparing an early case development strategy is critical to ensure ultimate success at the courthouse. Practical strategic recommendations are suggested for motions, depositions and discovery, including Rule 26(f).

Terry O. Tottenham, Fulbright & Jaworski L.L.P.,  
Austin, TX

**2:00 p.m. .50 hr****Crafting the E-Discovery Plan: Tips, Pitfalls and Gotchas**

As more and more of our work and lives go digital, the challenges (and costs) of e-discovery are increasing at an exponential rate. From smart phones to tablets to cloud computing, this session focuses on crafting e-discovery plans tailored to meet your individual case needs.

Florinda Baldridge, Fulbright & Jaworski L.L.P.,  
Houston, TX  
Adam T. Schramek, Fulbright & Jaworski L.L.P.,  
Austin, TX

**2:30 p.m. .50 hr****Needles in the Haystack: New Tools for Searching Large Document Sets**

This session explores recent advances in technology and the law related to searching through large volumes of electronic documents, and how these developments may impact civil litigation.

Thomas H. Cook Jr., Zelle Hofmann Voelbel & Mason LLP, Dallas, TX  
Eric P. Mandel, Zelle Hofmann Voelbel & Mason LLP,  
Minneapolis, MN

**3:00 p.m. .50 hr****Trade Secrets in a Mobile Workforce World**

Avoiding and managing problems controlling intellectual property when employees transition to a new employer, from the perspectives of the former employer, the employee, and new and prospective employers.

Claudia Wilson Frost, DLA Piper LLP, Houston, TX

**3:30 p.m. Adjourn**

## REASONS TO ATTEND PAGE KEETON CIVIL LITIGATION

- Great papers, updates and practice tips for real-world litigators
- "The Art of Persuasion: Understanding the Role of Evolution, Perception and Memory on How People Make Decisions"
- "Needles in the Haystack: New Tools for Searching Large Document Sets"
- "60 Tips in 60 Minutes"
- Four Seasons Hotel on the shores of Austin's Lady Bird Lake

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Attn. CLE—PL11  
P.O. Box 7759  
Austin, TX 78713-7759

### Or fax to:

512-475-6876

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www.utcle.org

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### STANDARD REGISTRATION—Includes Printed Course Binder (only) and Friday Luncheon Presentation

- ☐ Early Registration Fee due by Wednesday, October 19, 2011 .....\$535
- ☐ Registration Fee after Wednesday, October 19, 2011.....\$585

### GREEN REGISTRATION—Includes Electronic Materials on USB Key (only) and Friday Luncheon Presentation

- ☐ Early Registration Fee due by Wednesday, October 19, 2011 .....\$530
- ☐ Registration Fee after Wednesday, October 19, 2011.....\$580

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*Allow 3–5 weeks from the conference date for delivery.*

- ☐ Course Binder WITHOUT Conference Registration.....\$225  
*Note: Conference Registration includes Course Binder.*
- ☐ Audio MP3 Speeches on CD .....\$130
- ☐ Audio CD Set.....\$210
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## 35<sup>TH</sup> ANNUAL PAGE KEETON CIVIL LITIGATION

October 27–28 2011 ■ Four Seasons Hotel ■ Austin, Texas

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### AUSTIN

October 27–28, 2011

#### CONFERENCE LOCATION



**Four Seasons Hotel**  
98 San Jacinto Blvd.  
Austin, TX 78701  
512-685-8100

**Special Room Rate: \$240**  
good through October 3, 2011  
(subject to availability)

**Parking:**  
Valet parking \$12 per day, \$31.40 overnight;  
Self-parking \$10 per day

#### KEY DATES

**October 19, 2011, 5 p.m.**  
*last day for early registration*  
add \$50 for registrations  
received after this time

**October 21, 2011, 5 p.m.**  
*last day for full refund*

**October 24, 2011, 5 p.m.**  
*last day for partial refund*  
\$50 processing fee applied

**October 27, 2011, 9 a.m.**  
*Conference begins*

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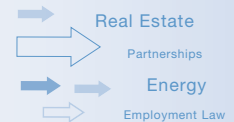


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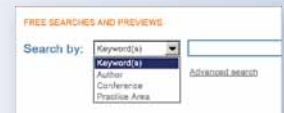
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 1.50 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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