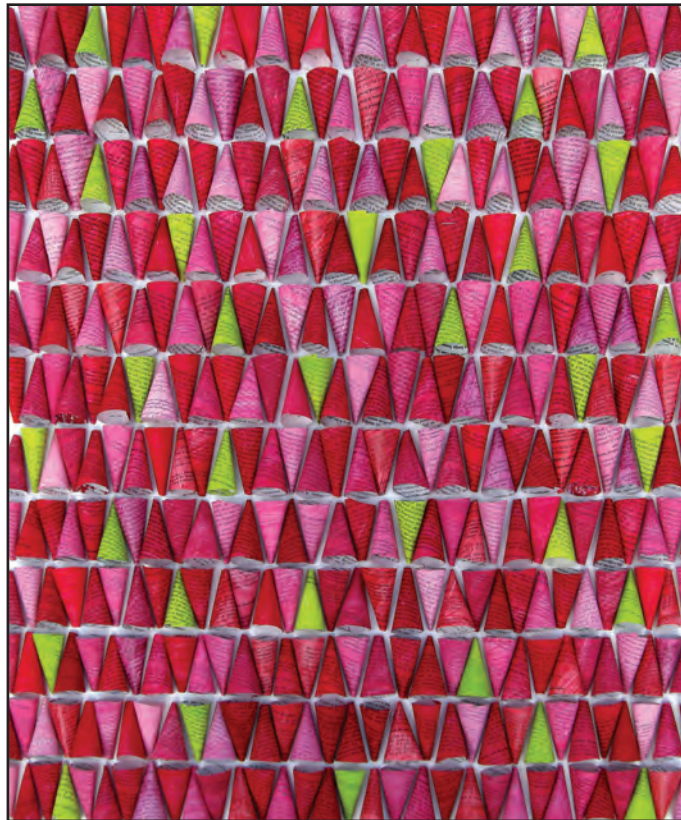


36TH ANNUAL PAGE KEETON
CIVIL LITIGATION



October 25–26, 2012
Four Seasons Hotel ▪ Austin, Texas

Earn up to 13.25 Hours of Credit Including 2.25 Hours of Ethics Credit
Specialization Credit Approved for Civil Appellate Law, Civil Trial Law and Personal Injury Trial Law

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THURSDAY MORNING, OCT. 25, 2012

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Texas Civil Procedure Update: A Look At Recent Decisions and New Rules of Procedure

A focus on recent judicial decisions and recent modifications to the Texas Rules of Civil Procedure. A written comprehensive review of recent case law is included as a handy reference tool for practitioners.

Elaine Grafton Carlson, South Texas College of Law,
Houston, TX

9:30 a.m. .50 hr

Deposition Strategies

Practical strategies and tips for deciding who should be deposed and how they should be deposed, and what cards to play in depositions and what cards to save for trial.

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

10:00 a.m. .50 hr

Legislative Update: Motions to Dismiss, Expedited Jury Trials and Responsible Third Parties

A discussion of rule changes arising from the last legislative session, including dismissal practice and the trial of cases involving less than \$100K in controversy, as well as the profound changes in responsible third-party practice.

David E. Chamberlain, Chamberlain McHaney,
Austin, TX
W. Bradley Parker, Parker McDonald Law,
Bedford, TX

10:30 a.m. Break

10:45 a.m. .50 hr including .25 hr ethics

The Scope of the Work Product Doctrine and Attorney-Client Privilege under Texas Law

The different standards and best practices to preserve privilege and overcome privilege assertions in state court versus federal court, including the discoverability of post-accident investigations, when the work product doctrine is triggered, the duty to preserve evidence, the differences between "core" work product and "ordinary" work product, the ordinary course of business and the substantial need/undue hardship exceptions to the work product doctrine, and privilege logs and burdens of proof. Ethical considerations for attorneys when advising their clients on investigations are addressed, as well as information preservation and production, especially in the gray areas.

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

11:15 a.m. .50 hr including .25 hr ethics

Pre-Suit Depositions under Rule 202: A Survey of Hot Button Issues

Texas Rule of Civil Procedure 202 allows parties to petition for, and courts to grant, pre-suit depositions. In recent years, this discovery tool is being employed with increasing frequency and is generating substantial litigation. Both litigants and Texas courts are struggling with various issues concerning the application of the Rule, including what types of pre-suit depositions may be taken, what a petitioner must prove to obtain pre-suit depositions and whether document production may also be ordered under Rule 202. A look at Rule 202's history and a survey of Texas law on hot button Rule 202 issues.

Sean D. Jordan, Sutherland Asbill & Brennan LLP,
Austin, TX

11:45 a.m. .50 hr ethics

Texas Legal Malpractice: Where Are We Today?

A review of changes in Texas legal malpractice over the past ten years, and why those changes happened.

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

12:15 p.m. Lunch on your Own

THURSDAY AFTERNOON

Presiding Officer:

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

1:30 p.m. .75 hr

Lessons From the Courtroom Trenches

Learn from the expert—trial tactics and courtroom techniques for pleading cases before juries, with a focus on opening statements, closing statements and cross examinations.

Rusty Hardin, Rusty Hardin & Associates, P.C.,
Houston, TX

2:15 p.m. .50 hr

The Economic Loss Rule

Dean Farnsworth is Reporter for the Restatement (Third) Torts: Liability for Economic Harm. The first chapter of that project discusses liability for pure economic losses caused by a defendant's negligence. He explains the Restatement's handling of this famously confusing area, in particular the line of separation between claims sounding in contract and tort.

Ward Farnsworth, Dean, The University of Texas
School of Law, Austin, TX

2:45 p.m. .50 hr including .25 hr ethics

Third-Party Arbitration Practice

Forcing third parties to participate in an arbitration proceeding may not be as easy as some lawyers assume. Learn the difference between third-party discovery rights under Texas and federal law and when non-signatories can be compelled to arbitration.

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

3:15 p.m. Break

3:30 p.m. .50 hr

Needles in a Haystack: Tools and Techniques for Searching Large Document Sets

E-discovery is here to stay and tools and techniques exist, with new ones being developed, to help lawyers meet the challenge of finding key information in today's massive electronic productions. A look into the promise of the "Easy Button" with predictive coding, as well as the use of technology tools and simple search methodologies to assist in locating the needles in the haystack.

Eric P. Mandel, Zelle Hofmann Voelbel & Mason LLP, Minneapolis, MN

4:00 p.m. 1.00 hr

Insurance—Show Me the Money!

Too often cases either don't settle or settle unfavorably because the plaintiff or defense lawyer—or both—don't know what they should about liability insurance coverage issues. Current issues in liability coverage, especially *Stowers* problems, are addressed.

Moderator:

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

Panelists:

R. Brent Cooper, Cooper & Scully, P.C., Dallas, TX
Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP, Dallas, TX

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

5:00 p.m. Adjourn

FRIDAY MORNING, OCT. 26, 2012

Presiding Officer:

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

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

Texas Jury Charge Practice—From the Bar To the Bench and On Appeal

A review of the methods and strategies involved in jury charge preservation and recent cases on jury charge issues.

Hon. Harvey G. Brown Jr., First Court of Appeals, Houston, TX

9:00 a.m. .50 hr

Products Liability Update

An important area for products liability cases has become auto defects in the areas of crashworthiness, defective tires, air bags and seat belts. Hear about the cases that arise, defenses and outcomes of products liability cases concerning autos as well as other consumer products.

John Blaise Gsanger, The Edwards Law Firm LLP, Corpus Christi, TX

9:30 a.m. .50 hr

The Admissibility of Electronic Evidence

Learn how to get your electronic evidence into evidence and keep your opponent's electronic evidence out.

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

10:00 a.m. .50 hr

A Refresher and Update on Constructing and Proving Damages

Useful tips on when and how to most effectively present and prove damages, primarily in the commercial context.

Paul Trahan, Fulbright & Jaworski, L.L.P., Austin, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Top Emerging Issues in Business Torts That Every Lawyer Should Know

Recent Texas Supreme Court cases are used to examine major issues in business torts—fiduciary litigation, whether parties can contract away their own fraud, the application of proximate cause, the impact of arbitration on business torts, forum selection clauses and new changes in the law, a new tort of conversion, and new remedies.

Brian P. Lauten, Sawicki & Lauten, L.L.P., Dallas, TX

11:15 a.m. 1.00 hr

The Art of Persuasion: Understanding the Role of Evolution, Perception and Memory on How People Make Decisions

Studies from a wide variety of non-legal sciences inform new thoughts on the functioning of the human brain. Trial lawyers can benefit from consideration of insights from neuroscience, sociology and economics in crafting more persuasive and memorable presentations to decision-makers.

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

12:15 p.m. .50 hr

Personal Jurisdiction in the Internet Age

A practical look at the effect global commerce and communications have had on the question of personal jurisdiction in Texas.

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

12:45 p.m. Pick Up Lunch

Included in conference registration.

FRIDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

1:00 p.m. .50 hr

The Causes and Effects of Texas' Restrictions on Medical Malpractice Lawsuits

Texas adopted extensive restrictions on medical malpractice lawsuits in 2003. Using an enormous dataset of closed claims maintained by the Texas Department of Insurance, academic researchers have studied the causes and effects of this legislation. Was the legislation a response to a crisis of claims, skyrocketing jury verdicts or an exodus of physicians from the state? Did the restrictions discourage claiming, reduce healthcare spending, improve Texans' access to healthcare or save physicians and hospitals money? The answers may surprise you.

Charles M. Silver, The University of Texas School of Law, Austin, TX

1:30 p.m. Break

1:45 p.m. .50 hr

Economic Loss Rule Developments: A Review of Recent Texas Cases

An analysis of recent Texas cases that have addressed aspects of the economic loss rule, including *Sharyland Water Supply v. City of Alton* and *El Paso Marketing v. Wolf Hollow*.

James E. Wren, Baylor Law School, Waco, TX

2:15 p.m. .50 hr including .25 hr ethics

The New Texas Anti-SLAPP Statute: Important Issues in Business Tort Litigation

In 2011, the Legislature passed a law that creates a new dispositive motion and interlocutory appeals in cases involving communications. Learn about the operation and applicability of the law, its legislative history and evidentiary and procedural traps for the practitioner.

Mark C. Walker, Cox Smith Matthews Incorporated, El Paso, TX

2:45 p.m. .50 hr ethics

Hitchhiker's Guide to Fiduciary Duty

Pack your "backpack" with the essentials of fiduciary duty law, including the scope of the duty, shifting burdens of proof, actual damages and equitable recoveries, and case law trends.

Hon. Renee F. McElhane, 73rd Civil District Court, San Antonio, TX

3:15 p.m. 1.00 hr including .25 hr ethics

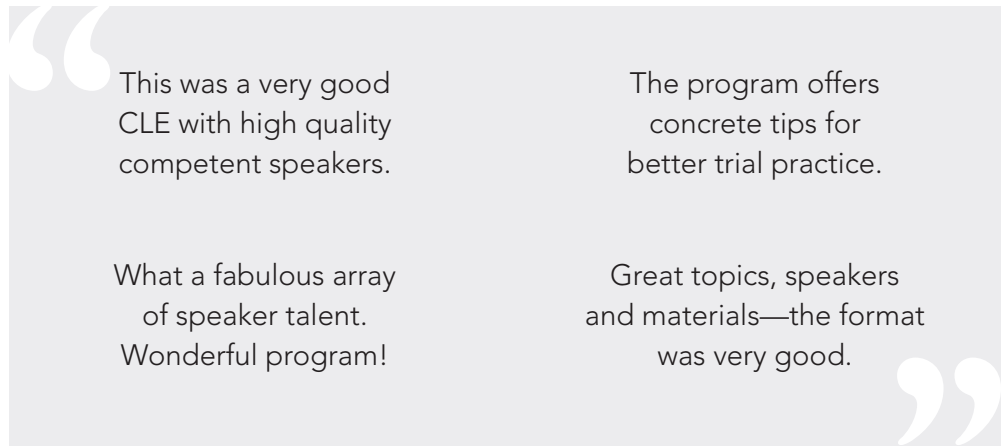
60 Tips in 60 Minutes

An experienced judge, patent prosecutor and trial attorney take turns outlining their fun tips involving civil litigation from plaintiff and defendant perspectives, including effective use of technology, website resources and discovery.

Panelists:

Hon. Sharon Sue McCally, Fourteenth Court of Appeals, Houston, TX
Antony P. Ng, Yudell Isidore Ng Russell PLLC, Austin, TX
Eric Pinker, Lynn Tillotson, Dallas, TX

4:15 p.m. Adjourn



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PL12

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- Early Registration Fee due by Wednesday, October 17\$550
 Registration Fee after Wednesday, October 17\$600

STANDARD REGISTRATION

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- Early Registration Fee due by Wednesday, October 17\$555
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AUSTIN

October 25–26, 2012

CONFERENCE LOCATION



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

Special Room Rate: \$245
good through September 23, 2012
(subject to availability)

Parking:
Valet parking \$16 day of event, \$32.50 overnight
Limited self-parking \$12 day of event

KEY DATES

October 17, 2012
last day for early registration
add \$50 for registrations
received after this time

October 19, 2012
last day for full refund

October 22, 2012
last day for partial refund
\$50 processing fee applied

October 25, 2012, 8:50 a.m.
Conference begins

ABOUT W. PAGE KEETON

W. Page Keeton, Dean Emeritus and W. Page Keeton Chair Emeritus in Tort Law at The University of Texas School of Law was born in McCoy, Texas on August 22, 1909 and passed away on January 10, 1999. During his fifty-eight years of service to The Law School, Page Keeton became known for his remarkably varied and lasting achievements as dean (1949-74), teacher, torts scholar, lawyer and public citizen. Prominent among his publications is the most-cited torts treatise in the world, *Prosser & Keeton on Torts* (1984).



When Keeton entered UT Law School in the fall of 1928, there were eight faculty members and about 300 students. The standards for admission were low, but the faculty, on the other hand, were "outstanding." He was an extremely successful law student, publishing three law review pieces and ultimately graduating first in his class. He joined the law school faculty the following year at age 23. He earned a Doctor of Juridical Science from Harvard University in 1936.

As dean, Keeton was determined that Texas would achieve national recognition as an excellent law school. He attacked the problem of lack of sufficient funding "to recruit and keep scholars of distinction" on the faculty by founding The University of Texas Law School Foundation and implemented a highly visible and ambitious program of continuing legal education. In 1997, the City of Austin renamed 26th Street so that The Law School is now located at 727 East Dean Keeton Street.

WELCOME WARD FARNSWORTH

Before his appointment as Dean of The University of Texas School of Law, Ward Farnsworth taught for fifteen years at Boston University School of Law where he also served as Associate Dean for Academic Affairs. Dean Farnsworth is Reporter for the American Law Institute's Restatement (Third) Torts: Liability for Economic Harm. He is author of *The Legal Analyst*, published by the University of Chicago Press in 2007; *Farnsworth's Classical English Rhetoric*, published by David R. Godine in 2010; and a forthcoming book on the law of restitution. He has published scholarly articles on a range of topics in the *Columbia Law Review*, *University of Chicago Law Review*, *Michigan Law Review* and various other journals. He teaches courses on torts, contracts, civil procedure, admiralty, and rhetoric.



Dean Farnsworth graduated with high honors from the University of Chicago Law School in 1994, and afterwards served as a law clerk to Anthony M. Kennedy, Associate Justice of the United States Supreme Court, and to Richard A. Posner, Chief Judge of the United States Court of Appeals for the Seventh Circuit. He has also served as Legal Adviser to the Iran-United States Claims Tribunal in the Hague.