

37TH ANNUAL PAGE KEETON
CIVIL LITIGATION



October 24–25, 2013
Four Seasons Hotel ▪ Austin, Texas

Earn up to 12.75 Hours of Credit Including 2.50 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. 24, 2013

Presiding Officer:

Jim M. Perdue Jr., Perdue & Kidd, LLP,
Houston, 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

Coverage of recent judicial decisions and amended and proposed rules, including a written comprehensive review of recent case law as a handy reference tool for practitioners.

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

Materials By:

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

9:30 a.m. .50 hr

Supreme Court Update

A current Texas Supreme Court Justice provides an update on significant decisions from the past year.

Hon. Jeffrey S. Boyd, The Supreme Court of Texas,
Austin, TX

Materials By:

Heather Jones Holmes, The Supreme Court of Texas,
Austin, TX

10:00 a.m. .75 hr

Dismissal on the Pleadings: A New Rule in Texas, Old Problems in Federal Court

The new Texas rule of procedure allowing dismissal of an action at the initial pleading stage basically tracks the federal Rule 12(b)(6) as explained by the United States Supreme Court in *Twombly* and *Iqbal*, but there is an important Texas twist: the loser has to pay attorney's fees. This feature completely changes the dynamic of when one chooses to file and oppose a motion to dismiss.

Charles L. "Chip" Babcock, Jackson Walker, L.L.P.,
Houston, TX

Hon. W. Royal Furgeson Jr. (Ret.), Dean, UNT Dallas
College of Law, Dallas, TX

10:45 a.m. Break

11:00 a.m. .75 hr | .25 hr ethics

Insurance Law for the Trial Lawyer

The most significant cases of 2013.

Philip K. Maxwell, Attorney at Law, Austin, TX
Lee H. Shidlofsky, Shidlofsky Law Firm PLLC,
Austin, TX

11:45 a.m. .50 hr

Recent Developments in Class Action Litigation: Wal-Mart and Beyond

The Supreme Court has issued a number of important class action decisions in recent years. The Court's landmark 2011 ruling in *Wal-Mart v. Dukes* has already greatly impacted class action litigation across the country, and during its recently concluded October 2012 term, the Court decided seven cases that are also likely to substantially affect the application of Rule 23. This presentation describes class action practice in the aftermath of *Wal-Mart*, and how litigants and courts must also navigate the Court's most recent decisions addressing issues such as evidentiary standards for class certification and jurisdiction under the Class Action Fairness Act.

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

12:15 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer:

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

1:30 p.m. .50 hr

Restating Fraud

Liability for fraud is the next topic to be addressed by the Restatement (Third) of Torts: Liability for Economic Harm. Dean Farnsworth, who is serving as Reporter for the project, presents an interesting overview of current problems in the field.

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

2:00 p.m. .50 hr

A Trial Lawyer's Perspective on the Current State of, and Recent Developments in, Arbitration

A discussion of lessons learned from the boom in arbitration practice and how recent developments impact arbitration practice in Texas.

John B. Beckworth, The University of Texas
School of Law, Austin, TX

Materials By:

Helen Hemingway, WattBeckworth, Houston, TX
John F. Sullivan III, WattBeckworth, Houston, TX
Joseph G. Thompson III, WattBeckworth,
Houston, TX

2:30 p.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.

Jeremy Counsellor, Baylor Law School, Waco, TX

3:00 p.m. Break

3:15 p.m. .50 hr

Uniform Trade Secrets and Data Theft

A discussion of what has changed for Texas litigators now that Texas has become the 48th state to adopt the Uniform Trade Secret Act, with input on the practicalities of trade secret litigation from general counsel in the tech industry.

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

3:45 p.m. .50 hr ethics

The Neuroscience of Frivolity: Litigator's Guide to Disciplinary Rule 3.01

No surprise the brain makes people do dumb things. It was never handed this rule: Rule 3.01 Meritorious Claims and Contentions—A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer *reasonably believes* that there is a basis for doing so that is not frivolous.

Kevin L. Leahy, The University of Texas School of Law,
Austin, TX

4:15 p.m. .75 hr ethics

Ethics Lessons: Leading a Professional Life

A focused discussion of simple, practical strategies for leading a fulfilling, meaningful and ethical professional life.

Lewis Sifford, Sifford, Anderson & Co., P.C.,
Dallas, TX

5:00 p.m. Adjourn

FRIDAY MORNING, OCT. 25, 2013

Presiding Officer:

**Lisa Bowlin Hobbs, Kuhn Hobbs PLLC,
Austin, TX**

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .50 hr

eDiscovery for Everyone

A brief exploration of tips, tricks and tools that enable anyone to become more adept at dealing with electronic evidence without spending a fortune on hiring vendors or experts.

Craig Ball, Attorney and Forensic Technologist,
Certified Computer Forensic Examiner, Austin, TX

9:00 a.m. .50 hr

Obtaining and Overturning Default Judgments

The Texas Supreme Court recently issued opinions in several default judgment cases. Learn about those opinions and get reacquainted with the procedures for obtaining and overturning default judgments in Texas State Court.

Alex Wilson Albright, The University of Texas
School of Law, Austin, TX

9:30 a.m. .50 hr

Perils and Pitfalls in the Texas Civil Practice & Remedies Code: How You Can Avoid or Exploit Them to Your Advantage

There are a number of provisions in the Texas Civil Practice & Remedies Code that can trip up the unwary practitioner. Learn tips to avoid the traps that lie waiting in the litigation landscape for the unsuspecting attorney.

Paula Knippa, Slack & Davis, Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr

Trial by Agreement: How Trial Lawyers Hold the Key to Improving Jury Trials in Civil Cases

Recent innovations trial lawyers can use to reduce expense and improve jury comprehension.

Stephen D. Susman, Susman Godfrey LLP,
New York, NY

10:45 a.m. .50 hr

Getting the Charge Right and Charge Error Preservation

A "real life" jury charge conference with objections and submissions.

David Keltner, Kelly Hart & Hallman LLP,
Fort Worth, TX
Clyde J. "Jay" Jackson III, Abraham Watkins Nichols
Sorrels & Friend, Houston, TX
Thomas C. Wright, Wright & Close, LLP, Houston, TX

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

Attorney Fee Agreement

Taking care of your fee agreements: creative approaches for the small firm.

Marcy Hogan Greer, Norton Rose Fulbright,
Austin, TX
James Holmes, Schmidt and Holmes LLP, Dallas, TX

11:45 a.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

**Adam T. Schramek, Norton Rose
Fulbright, Austin, TX**

LUNCHEON PRESENTATION

12:00 p.m. .50 hr

Bringing Excitement to the Courtroom

From the bold to the unexpected, learn how to keep things hopping in trial.

Charla G. Aldous, Aldous Law Firm, Dallas, TX

12:30 p.m. Break

12:45 p.m. .50 hr ethics

Advocacy in Traditional and Non-Traditional Contexts

New tips for every litigator whatever the circumstance, from arbitrations, mediations and hearings, to jury trials, expedited trials and more.

Tracy W. McCormack, The University of Texas
School of Law, Austin, TX

1:15 p.m. .50 hr

State of the Judiciary

Moderator:

Hon. Thomas R. Phillips (Ret.), Baker Botts, Austin, TX

Panelists:

Hon. Jeffrey S. Boyd, The Supreme Court of Texas,
Austin, TX
Hon. Phil W. Johnson, The Supreme Court of Texas,
Austin, TX

1:45 p.m. .50 hr

30 Tips in 30 Minutes

This fast-paced presentation highlights 30 invaluable tech tips, web resources, tools and iPad apps of exceptional value to civil trial lawyers, road warriors and interesting people. Focus runs the gamut from note-taking to trial presentation to research and trends in practice management and trial technology; from PDF annotation to graphic presentation to gesture control devices. See 30 minutes of the future, available now.

Mark L. Greenwald, Attorney at Law, San Antonio, TX
Mark I. Unger, The Unger Law Firm, PC,
San Antonio, TX

2:15 p.m. Break

2:30 p.m. .50 hr | .25 hr ethics

Social Media in Trials and Jury Selection

Real world tips to make effective use of social media in litigation.

Michael G. Sawicki, Sawicki & Lauten LLP, Dallas, TX

3:00 p.m. 1.00 hr

Judicial Panel on Advocacy and Persuasion

Effective advocacy and persuasion.

Moderator:

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

Panelists:

Hon. Nancy F. Atlas, U.S. District Court, Southern
District of Texas, Houston, TX
Hon. Lee Yeakel, U.S. District Court, Western
District of Texas, Austin, TX
Hon. Stephen Yelenosky, 345th Judicial Civil
District Court, Austin, TX

4:00 p.m. Adjourn

Overall great—concise, focused topics and presentations with very good speakers.

Good speakers and topics keep me coming back each year.

Always one of the best seminars of the year. Has a good mix of speakers from the bench, academia, and practicing trial lawyers.

Well-chosen topics. Good speakers. Excellent program.

I liked the venue (as always) and all topics. The planners obviously are mindful of the need for practical, relevant topics.

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Or fax to:
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Questions? Call us at 512.475.6700

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PL13

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- ☐ Registration by Wednesday, October 16, 2013 \$550
☐ Registration after Wednesday, October 16, 2013 \$600

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for more information

AUSTIN

October 24–25, 2013

CONFERENCE LOCATION



Four Seasons Hotel

98 San Jacinto Blvd.
Austin, TX 78701
512.685.8100

Special Room Rate: \$249

good through September 30
(subject to availability)

Parking:

Valet-parking \$16 per day during event,
\$32.50 overnight. Self-parking \$12
per day during event.
(limited availability)

KEY DATES

October 16, 2013

last day for early registration
add \$50 for registrations
received after this time

October 18, 2013

last day for full refund

October 21, 2013

last day for partial refund
\$50 processing fee applied

October 24, 2013, 8:50 a.m.

Conference begins

Dietary requirements or Accessibility needs?
Call 512.475.6700 or email service@utcle.org

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.

REASONS TO ATTEND CIVIL LITIGATION

- Get the latest updates: recent Texas case law and amended and proposed rules, class action practice in the aftermath of *Wal-Mart*, dismissal on the pleadings after new Texas Procedural Rule 91a, and significant insurance cases
- Learn from top litigators including John Beckworth on arbitration practice, Stephen Susman on improving jury trials and reducing expenses, and Lewis Sifford on leading an ethical professional life
- Enhance your advocacy and practice skills: get your electronic evidence in and keep your opponent's out, effectively use social media in trials and jury selection, bring excitement to the courtroom, get the charge right, eDiscovery for all budgets, tricks and traps in the Texas Civil Practice & Remedies Code, and more
- Hear from Supreme Court Justices on 'The State of the Judiciary' and 'Supreme Court Update', and other members of the bench on effective advocacy and persuasion
- Earn up to 2.50 hours of ethics credit