

37th Annual Page Keeton Civil Litigation Conference
October 24-25, 2013 • Four Seasons Hotel • Austin, TX

Thursday Morning, Oct. 24, 2013

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 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 am 0.50 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 am 0.75 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 <i>Twombly</i> and <i>Iqbal</i> , 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 am	Break
11:00 am 0.75 hr 0.25 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 am 0.50 hr	<p>Recent Developments in Class Action Litigation: <i>Wal-Mart</i> and Beyond</p> <p>The Supreme Court has issued a number of important class action decisions in recent years. The Court's landmark 2011 ruling in <i>Wal-Mart v. Dukes</i> 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 <i>Wal-Mart</i>, 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.</p> <p>Sean D. Jordan, Sutherland Asbill & Brennan LLP - Austin, TX</p>
12:15 pm	Lunch on Your Own

Thursday Afternoon, Oct. 24, 2013

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 pm 0.50 hr	<p>Restating Fraud</p> <p>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.</p> <p>Ward Farnsworth, The University of Texas School of Law - Austin, TX</p>
2:00 pm 0.50 hr	<p>A Trial Lawyer's Perspective on the Current State of, and Recent Developments in, Arbitration</p> <p>A discussion of lessons learned from the boom in arbitration practice and how recent developments impact arbitration practice in Texas.</p> <p>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</p>
2:30 pm 0.50 hr	<p>The Admissibility of Electronic Evidence</p> <p>Learn how to get your electronic evidence into evidence and keep your opponent's electronic evidence out.</p> <p>Jeremy Counseller, Baylor Law School - Waco, TX</p>
3:00 pm	Break

3:15 pm 0.50 hr	<p>Uniform Trade Secrets and Data Theft</p> <p>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.</p> <p>Karen C. Burgess, Richardson & Burgess LLP - Austin, TX (Invited) Materials By: Diana E. Reinhart, Richardson & Burgess LLP - Austin, TX</p>
3:45 pm 0.50 hr ethics	<p>The Neuroscience of Frivolity: Litigator's Guide to Disciplinary Rule 3.01</p> <p>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 <i>reasonably believes</i> that there is a basis for doing so that is not frivolous.</p> <p>Kevin L. Leahy, The University of Texas School of Law - Austin, TX</p>
4:15 pm 0.75 hr ethics	<p>Ethics Lessons: Leading a Professional Life</p> <p>A focused discussion of simple, practical strategies for leading a fulfilling, meaningful and ethical professional life.</p> <p>Lewis Sifford, Sifford, Anderson & Co., P.C. - Dallas, TX</p>
5:00 pm	Adjourn

Friday Morning, Oct. 25, 2013

Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX

8:00 am	<p>Conference Room Opens</p> <p>Includes continental breakfast.</p>
8:30 am 0.50 hr	<p>eDiscovery for Everyone</p> <p>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.</p>
9:00 am 0.50 hr	<p>Obtaining and Overturning Default Judgments</p> <p>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.</p> <p>Alex Wilson Albright, The University of Texas School of Law - Austin, TX</p>

9:30 am 0.50 hr	<p>Perils and Pitfalls in the Texas Civil Practice & Remedies Code: How You Can Avoid or Exploit Them to Your Advantage</p> <p>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.</p> <p>Paula Knippa, Slack & Davis - Austin, TX</p>
10:00 am	Break
10:15 am 0.50 hr	<p>Trial by Agreement: How Trial Lawyers Hold the Key to Improving Jury Trials in Civil Cases</p> <p>Recent innovations trial lawyers can use to reduce expense and improve jury comprehension.</p> <p>Stephen D. Susman, Susman Godfrey LLP - New York, NY</p>
10:45 am 0.50 hr	<p>Getting the Charge Right and Charge Error Preservation</p> <p>A "real life" jury charge conference with objections and submissions.</p> <p>Moderator: Hon. Jeff Brown, The Supreme Court of Texas - Austin, TX</p> <p>Panelists: Wanda McKee Fowler, Wright & Close LLP - Houston, TX Clyde J. "Jay" Jackson III, Abraham Watkins Nichols Sorrels & Friend - Houston, TX David Keltner, Kelly Hart & Hallman LLP - Fort Worth, TX</p>
11:15 am 0.50 hr 0.25 hr ethics	<p>Attorney Fee Agreement</p> <p>Taking care of your fee agreements: creative approaches for the large and small firm.</p> <p>Marcy Hogan Greer, Norton Rose Fulbright - Austin, TX James Holmes, Schmidt and Holmes LLP - Dallas, TX</p>
11:45 am	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon, Oct. 25, 2013

Presiding Officer:

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

Luncheon Presentation

12:00 pm 0.50 hr	<p>Bringing Excitement to the Courtroom</p> <p>From the bold to the unexpected, learn how to keep things hopping in trial.</p> <p>Charla G. Aldous, Aldous Law Firm - Dallas, TX</p>
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12:30 pm	Break
12:45 pm 0.50 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 pm 0.50 hr	State of the Judiciary Panelists: Hon. Thomas R. Phillips, Baker Botts - Austin, TX Hon. Jeffrey S. Boyd, The Supreme Court of Texas - Austin, TX Hon. Phil W. Johnson, The Supreme Court of Texas - Austin, TX
1:45 pm 0.50 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 pm	Break
2:30 pm 0.50 hr 0.25 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, L.L.P. - Dallas, TX
3:00 pm 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 pm	Adjourn