

38TH ANNUAL PAGE KEETON
CIVIL LITIGATION



Valet, 36" x 36", collage of parking tickets and acrylic, Philip Durst

October 23–24, 2014
Four Seasons Hotel ■ Austin, Texas

Earn up to 13.50 Hours of Credit Including 3.25 Hours of Ethics Credit

TX Legal Specialization Credit Approved for Civil Appellate Law, Civil Trial Law, and Personal Injury Trial Law

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THURSDAY MORNING, OCT. 23, 2014

Presiding Officer:

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

8:00 a.m. Registration Opens

Includes continental breakfast.

8:35 a.m. Welcoming Remarks

8:45 a.m. .50 hr

Texas Civil Procedure Update

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

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

Co-Author:

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

9:15 a.m. .75 hr

Supreme Court Update

Hear different points of view from a Texas Supreme Court Justice and a litigator on significant decisions over the past year.

Jane M. N. Webre, Scott, Douglass & McConnico, L.L.P., Austin, TX

Hon. Don R. Willett, The Supreme Court of Texas, Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr ethics

Bad Lawyering Caught on Tape

An entertaining and educational review of some of the best deposition misconduct tapes found online. As you watch video clips documenting attorneys who mistreat others, discredit themselves and mock their licenses, explore better ways to maintain decorum and ethical conduct. Armed with the Texas Disciplinary Rules and Lawyer's Creed, sort through what happened, what it means and how you can be different.

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

10:45 a.m. .50 hr

How to Use (and Love) the Law Nerd

The best time to involve appellate counsel in litigation is while the case is still in the trial court. Every litigator should learn how to effectively and efficiently team with appellate counsel to avoid error at trial and win the appeal before it happens.

Kurt Kuhn, Kuhn Hobbs PLLC, Austin, TX

11:15 a.m. .50 hr

Requests and Forms as Modern as the Evidence You Seek

Are your requests for production still geared to a world of telegrams and carbon paper? Learn ways to revamp discovery to target electronic evidence and secure its production in utile and complete forms. Don't ask for documents when what you really need is data; instead, use requests and production protocols as modern as the evidence.

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

11:45 a.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**

1:00 p.m. .50 hr

Multidistrict Litigation in Texas State Courts

Multidistrict litigation (MDL) cases are showing an increasing presence in Texas courts. What exactly is MDL? What are the pitfalls and conflicts? Can you avoid them?

Hon. Mark D. Davidson, 11th District Court, Houston, TX

1:30 p.m. .75 hr

Protecting Intellectual Property

From patents, to copyrights, to trade secrets, to what is in your most valuable employees' heads, protecting intellectual property is becoming more and more difficult in this age of cloud computing, smart phones, social media and a fluid work force. Leaders in the tech community address trends in intellectual property from the general counsel perspective.

Moderators:

Karen C. Burgess, Richardson & Burgess LLP, Austin, TX
Adam T. Schramek, Norton Rose Fulbright, Austin, TX

Panelists:

Nestor Ho, Silicon Labs, Austin, TX
Catherine Q. Morse, Samsung Austin Semiconductor, LLC, Austin, TX
Jennifer B. Wuamett, Freescale Semiconductor, Inc., Austin, TX

2:15 p.m. Break

2:30 p.m. .50 hr ethics

Ethical Concerns about Cybersecurity for Lawyers

Lawyers must be aware of ethical risks in using internet resources in protecting attorney-client privilege and communicating with opposing lawyers. Reports of cybersecurity breaches are in the news daily. Learn the ethical risks that affect clients, the courts and your everyday law practice whether solo, small or mega-firm.

Peter S. Vogel, Gardere Wynne Sewell LLP, Dallas, TX

3:00 p.m. .50 hr

Shareholder Oppression:

What's Left after *Ritchie v. Rupe*?

This summer, The Texas Supreme Court for the first time addressed the parameters of shareholder oppression. In doing so, the Court curbed substantially the common law cause of action. Find out what's left after *Ritchie v. Rupe*.

Erica W. Harris, Susman Godfrey LLP, Houston, TX

“Excellent, well-prepared speakers addressing cutting-edge matters with immediate impact on pending cases. The best seminar I have attended in years.

Really enjoy the panels and skill-centered topics.

Good balance and breadth of topics.

Concise, focused topics and presentations with generally very good speakers.

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

”

LIGHTNING ROUND 1

3:30 p.m. .25 hr

eFiling: The New Reality

What you need to know about mandatory eFiling in Texas state courts.

Velva L. Price, Clark, Price & Trevino, Austin, TX
Michelle Brinkman, Travis County District Clerk's Office, Austin, TX

3:45 p.m. .25 hr

Proving Your Attorney Fees in Litigation

An update on significant state and federal decisions.

Tracey R. Keegan, Schick & Copeland, Houston, TX

4:00 p.m. 1.00 hr ethics

Cooperative Lawyering

When do you bring in separate counsel? A discussion on whether, and when, additional counsel should be retained for particular employees, criminal issues and subject-matter expertise (e.g., trial counsel, intellectual property, finance/securities, bankruptcy, appellate, etc.).

Alan D. Albright, Sutherland Asbill & Brennan LLP, Austin, TX
David K. Bissinger, Siegmyer Oshman & Bissinger LLP, Houston, TX
Derek S. Hollingsworth, Rusty Hardin & Associates, LLP, Houston, TX

5:00 p.m. Adjourn to Reception

PAGE KEETON CIVIL LITIGATION RECEPTION

5:00 p.m.–6:00 p.m.

Join us for drinks and hors d'oeuvres to meet and network with program faculty and colleagues

FRIDAY MORNING, OCT. 24, 2014

Presiding Officer:

Hon. Rose Guerra Reyna, 206th District Court, Edinburg, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr

Insurance Update

Latest insurance law developments for the general litigator: Stowers claims, deals and turnovers, pleading into coverage and more.

William J. Chriss, Law Office of William J. Chriss, P.C., Of Counsel to Gravely & Pearson, L.L.P., Austin, TX
Michael W. Huddleston, Munsch Hardt Kopf & Harr, P.C., Dallas, TX

LIGHTNING ROUND 2

9:15 a.m. .25 hr

Follow the Money

A snapshot of who, what and where in the complicated universe of fraud, prejudgment writs and uniform transfer acts.

Kendyl T. Hanks, Greenberg Traurig, LLP, Austin, TX

9:30 a.m. .25 hr

Extraordinary Remedies

All plaintiffs want their relief—and they want it right now. Learn when courts can tie up assets and control conduct prior to a judgment.

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

9:45 a.m. .67 hr

Evidence Challenge

Test your knowledge by ruling on a series of evidence problems.

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

10:25 a.m. Break

10:40 a.m. .50 hr

Recent Developments and Practical Pointers for *Voir Dire*

Timely information and practical strategies from both the bench and bar on selecting juries.

Hon. John K. Dietz, 250th District Court, Austin, TX
Alice London, Bishop London & Dodds, Austin, TX

11:10 a.m. .67 hr

"We've Always Done It that Way" Doesn't Make It Right

How much has the world changed in the past ten years? How much has changed in the way you try cases in that time? Trying new things in trial, both big and small, is necessary in modern communication. Hear some ideas to consider throughout trial to break tradition and persuade in novel ways.

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

11:50 a.m. .67 hr

Advocacy in Non-Traditional Settings: What Happens When Non-Traditional Is the Norm?

In a litigation world where ADR is now the norm and jury verdicts are the exception, cases are often prepared with less focus on creating effective trial narratives and persuasion. The crucial question in this new era is addressed: Are adjusters, arbitrators, mediators and risk managers really different from jurors?

Douglas L. Keene, Ph.D., Keene Trial Consulting, Austin, TX

12:30 p.m. Pick Up Lunch

Included in registration.

FRIDAY AFTERNOON

Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX

LUNCHEON PRESENTATION

12:50 p.m. .75 hr ethics

The Complete Professional: Effective Interactions with Courts, Clients, Counsel and Colleagues

Being a lawyer requires multi-faceted dealings with several groups, each with its own needs. Get a closer look at the constituencies attorneys service and how best to professionally interact with each, with lessons drawing from a variety of resources from the latest in cognitive theory to the works of Shakespeare.

Michael P. Maslanka, Constangy, Brooks & Smith, LLP, Dallas, TX

1:35 p.m. Break

1:50 p.m. .50 hr

Writing for the iPad Reader

As courts and clients switch from reading on paper to reading on screens and tablets, legal writing must adapt. Gain tools to improve written advocacy for the digital age.

Robert B. Dubose, Alexander Dubose Jefferson & Townsend LLP, Houston, TX

M
C
L
E

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 3.25 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).

2:20 p.m. .50 hr

The Texas Anti-SLAPP Law

What commercial speech and reputational torts survive the new Texas Anti-SLAPP statute? What are these new motions to dismiss, and how do you successfully prosecute or defend them? Learn the answers to these questions and more.

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

LIGHTNING ROUND 3

2:50 p.m. .25 hr

Litigation Hold Letters

How to draft them, why we have them, and litigation over them.

Adrienne N. Russell, Hartline Dacus Barger Dreyer LLP, Dallas, TX

3:05 p.m. .25 hr

Spoliation

Spoliation—a hot topic with a burning new Texas Supreme Court case that clarifies spoliation but creates confusion in the process. Gain insight on the case, what it means and what the practitioner must know to prevent and pursue spoliation claims.

Hon. Rebecca Simmons, Kinetic Concepts, Inc., San Antonio, TX

3:20 p.m. Break

3:30 p.m. .50 hr

30 Tips and Apps in 30 Minutes

In this fun, fast-paced session, learn fantastic technology tips you can start using immediately to improve the service you provide to your clients, as well as the latest apps litigators are using to be productive and responsive to clients when they are out of the office.

Tom Mighell, Contoural, Inc., Dallas, TX

4:00 p.m. .50 hr ethics

Ethics of Overheard Conversations

Overheard conversations can range from illegal wiretapping of opposing counsel, to unexpectedly hearing opposing counsel discussing your case in an adjacent booth in a public restaurant, to social media “conversation monitoring,” to legal drone surveillance of opposing counsel on a public jogging trail. What are the ethics of “listening?”

Charles Herring Jr., Herring & Irwin, L.L.P., Austin, TX

4:30 p.m. Adjourn

ABOUT THE COVER

Valet, 36" x 36", collage of parking tickets and acrylic, is by Philip Durst. For more information, visit www.davisgalleryaustin.com/artist.durst.html.

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School of Law
Attn. Registration
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

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

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides— and speaker and attendee roster in *Your Briefcase* 48 hours before the conference.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in *Your Briefcase*.

Bonus eCourses: Complimentary 180-day access to Bonus eCourses—with papers, slides, and audio—for CLE credit you may have missed at the conference. Available in *Your Briefcase* 6–8 weeks after the conference.

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Your Account: Create *Your Account* online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address you provide.

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Comprehensive Binder and Audio products from the live conference—for research and self-study. Available for download and shipping.

REGISTRATION FORM

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PL14

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Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

REGISTRATION—Includes Course Materials, Thursday Evening Reception and Friday Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

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- Individual registration by Wednesday, October 15 \$575
- Individual registration after Wednesday, October 15 \$625

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- Printed Course Binder ONLY

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- Audio Download (MP3) \$175
- Audio CD Set \$225

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AUSTIN

October 23–24, 2014

CONFERENCE LOCATION



Four Seasons Hotel

98 San Jacinto Boulevard
 Austin, Texas
 512.685.8100

Special Room Rate: \$249

good through September 22, 2014
 reference "UT Law Civil Litigation"
 (subject to availability)

Parking:

\$12 daily self-parking; \$16 valet
 \$32.50 overnight self or valet

KEY DATES

October 15, 2014

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

October 17, 2014

last day for cancellation (full refund)

October 20, 2014

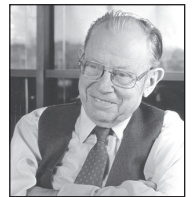
last day for cancellation (partial refund)
 \$50 processing fee applied

October 23, 2014, 8:35 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.

REASONS TO ATTEND CIVIL LITIGATION

- Get the latest updates on Texas Civil Procedure and insurance law developments involving Stowers claims
- Enhance your practice skills: protecting intellectual property with today's technology, ethical concerns about cybersecurity, test your knowledge on evidence problems, learn how to interact professionally to become the complete professional, and more
- Hear a Supreme Court Justice's point of view on significant decisions from the past year
- Take part in fast-paced lightning rounds - 15-minute sessions focused on mandatory eFiling, an update on state and federal decisions, following the money, extraordinary remedies, litigation hold letters, and spoliation
- Hear the aftermath of the parameters of shareholder oppression including what's left after *Ritchie v. Rupe*
- Earn up to 3.25 hours of ethics credit
- Interact and network with program faculty and attendees during Thursday Evening's Reception