

38th Annual Page Keeton Civil Litigation Conference
October 23-24, 2014 • Four Seasons Hotel • Austin, TX

Thursday Morning, Oct. 23, 2014

Presiding Officer:

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

8:00 am	Registration Opens Includes continental breakfast.
8:35 am	Welcoming Remarks
8:45 am 0.50 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 am 0.75 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 am	Break
10:15 am 0.50 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 am 0.50 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 am 0.50 hr	<p>Requests and Forms as Modern as the Evidence You Seek</p> <p>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.</p> <p>Craig Ball, Attorney and Forensic Technologist, Certified Computer Forensic Examiner - Austin, TX</p>
11:45 am	<p>Lunch on Your Own</p>

Thursday Afternoon, Oct. 23, 2014

Presiding Officer:

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

1:00 pm 0.50 hr	<p>Multidistrict Litigation in Texas State Courts</p> <p>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?</p> <p>Hon. Mark D. Davidson, 11th District Court - Houston, TX</p>
1:30 pm 0.75 hr	<p>Protecting Intellectual Property</p> <p>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.</p> <p>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</p>
2:15 pm	<p>Break</p>
2:30 pm 0.50 hr ethics	<p>Ethical Concerns about Cybersecurity for Lawyers</p> <p>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.</p> <p>Peter S. Vogel, Gardere Wynne Sewell LLP - Dallas, TX</p>

3:00 pm
0.50 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

LIGHTNING ROUND 1

3:30 pm
0.25 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 pm
0.25 hr

Proving Your Attorney Fees in Litigation

An update on significant state and federal decisions.

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

4:00 pm
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.).

David K. Bissinger, Siegmyer Oshman & Bissinger LLP - Houston, TX
Derek S. Hollingsworth, Rusty Hardin & Associates, LLP - Houston, TX
Russ Horton, George Brothers Kincaid & Horton, L.L.P. - Austin, TX

5:00 pm

Adjourn to Reception

Page Keeton Civil Litigation Reception (5:00 p.m. to 6:00 p.m.)

Enjoy refreshments and networking with program faculty and colleagues.

Friday Morning, Oct. 24, 2014

Presiding Officer:

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

7:30 am

Conference Room Opens

Includes continental breakfast.

8:30 am
0.75 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. - Corpus Christi, TX
Michael W. Huddleston, Munsch Hardt Kopf & Harr, P.C. - Dallas, TX

LIGHTNING ROUND 2

9:15 am
0.25 hr

Follow the Money

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

Victor D. Vital, Greenberg Traurig, LLP - Dallas, TX

9:30 am
0.25 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 am
0.67 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 am

Break

10:40 am
0.50 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 am
0.67 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 am
0.67 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 pm	Pick Up Lunch Included in registration.
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Friday Afternoon, Oct. 24, 2014

Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX

LUNCHEON PRESENTATION

12:50 pm 0.75 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 pm	Break
1:50 pm 0.50 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
2:20 pm 0.50 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 pm 0.25 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 pm 0.25 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 pm	Break
3:30 pm 0.50 hr	<p data-bbox="337 212 721 241">30 Tips and Apps in 30 Minutes</p> <p data-bbox="337 270 1490 357">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.</p> <p data-bbox="337 386 784 415">Tom Mighell, Contoural, Inc. - Dallas, TX</p>
4:00 pm 0.50 hr ethics	<p data-bbox="337 464 756 493">Ethics of Overheard Conversations</p> <p data-bbox="337 522 1445 636">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?”</p> <p data-bbox="337 665 950 695">Charles Herring Jr., Herring & Irwin, L.L.P. - Austin, TX</p>
4:30 pm	Adjourn