

39<sup>TH</sup> ANNUAL PAGE KEETON  
**CIVIL LITIGATION**



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October 29–30, 2015  
Four Seasons Hotel  
Austin, Texas

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 Live Webcast on October 29–30

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Earn up to 13.25 Hours of Credit Including 3.25 Hours of Ethics Credit

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

# 39<sup>TH</sup> ANNUAL PAGE KEETON CIVIL LITIGATION

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## THURSDAY MORNING, OCT. 29, 2015

### Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC,  
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

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

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

#### Co-Author:

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

### 9:30 a.m. .50 hr

#### Legislative Update

Review of the best and worst of the 84th Texas Legislative Session—and what to expect next.

David E. Chamberlain, Chamberlain & McHaney,  
Austin, TX

Jay Harvey, Winckler & Harvey LLP, Austin, TX

### 10:00 a.m. .50 hr

#### Persuading Visually in Motions and Briefs: How and Why to Use Photos, Charts, and Graphs to Persuade Judges in Written Filings

A discussion of when and why a picture can persuade judges better than words. Learn tips for how—and how not—to use visual information in motions and briefs.

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

### 10:30 a.m. Break

M  
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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 13.25 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).

### 10:45 a.m. .50 hr

#### Lessons from Big Cases for Small Cases and Vice Versa

There are lessons learned in every case. Gain insights from complex litigation matters that you can apply to even your most straightforward case and focus on the lessons from the uncomplicated matters that should not be forgotten in those multi-party, multi-million dollar matters.

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

### 11:15 a.m. .50 hr

#### Winning Before Trial

Tips and strategies for getting your client results without the expense of a trial.

Murray Fogler, Fogler, Brar, Ford, O'Neil, & Gray LLP,  
Houston, TX

### 11:45 p.m. Lunch On Your Own

## THURSDAY AFTERNOON

### Presiding Officer:

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

### 1:00 p.m. .75 hr

#### FRCP 26 and New Discovery Trends

Review of new amendments to the Federal Rules.

David S. Coale, Lynn Tillotson Pinker & Cox, LLP,  
Dallas, TX

Hon. Xavier Rodriguez, U.S. District Court, Western  
District of Texas, San Antonio, TX

Michael C. Smith, Siebman, Burg, Phillips & Smith, LLP,  
Marshall, TX

### 1:45 p.m. .50 hr ethics

#### Conflicts of Interest

Have you ever had your shield turned into a sword, and then used against you? Explore what most lawyers think is the shield that protects them from discipline because of a conflict of interest—the client's consent to waive the conflict.

Randy Johnston, Johnston Tobey, P.C., Dallas, TX

### 2:15 p.m. .50 hr

#### What Civil Litigators Need to Know About Parallel Criminal Cases

Parallel criminal and civil cases arising out of the same event occur with some frequency. Find out how your civil case may be affected by the pendency of a parallel criminal case.

Quentin Brogdon, Crain Lewis Brogdon, LLP,  
Dallas, TX

### 2:45 p.m. .50 hr

#### Supreme Court Update

Hear a Texas Supreme Court Justice and an appellate litigator provide different points of view on significant decisions from the past term.

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

Kurt Kuhn, Kuhn Hobbs PLLC, Austin, TX

### 3:15 p.m. .50 hr

#### Big Data in Litigation

A look at how the law industry is mining data to improve services and predict outcomes.

Mary Lou Flynn-Dupart, Jackson Walker L.L.P.,  
Houston, TX

## NETWORKING BREAK

3:45 p.m.—4:15 p.m.

Join us for drinks and hors d'oeuvres with  
program faculty and attendees.

### 4:15 p.m. .75 hr

#### Challenges for In-House Counsel

Explore some of the substantive and practical challenges that in-house counsel face in today's legal landscape with a former Texas Supreme Court Justice and four in-house lawyers.

#### Moderator:

Hon. Harriet O'Neill, Law Office of Harriet O'Neill, PC,  
Austin, TX

#### Panelists:

Teresa Burroff, Seton Healthcare Family, Austin, TX  
Mary Barrow Nichols, Texas Mutual Insurance Company,  
Austin, TX  
Elizabeth Collum Ozmun, AMD, Austin, TX  
Marc E. Vockell, Dell Inc., Round Rock, TX

### 5:00 p.m. Adjourn

**FRIDAY MORNING, OCT. 30, 2015****Presiding Officer:**

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

**7:30 a.m. Conference Room Opens**

Includes continental breakfast.

**8:15 a.m. .50 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 Gravelly & Pearson, L.L.P.,  
Corpus Christi, TX

**8:45 a.m. .50 hr****The Fraudulent Transfer Act and Your Business Tort Case**

Put the Texas Uniform Fraudulent Transfer Act to work for the business litigant to follow the money, or freeze funds and, hopefully, get paid.

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

**9:15 a.m. .50 hr****Can You Keep a Secret? Confidentiality Agreements and Trade Secrets in Texas**

Explore different mechanisms for protecting trade secrets and confidential information, both before and during litigation.

Amy Snell, Shipley Snell Montgomery, LLP,  
Houston, TX

**9:45 a.m. Break****10:00 a.m. .50 hr****Medium Claims Court: Strategies and Tactics to Win with the Texas Expedited Action Rules**

Learn strategies and tactics to use the recent amendments to the Texas Rules of Civil Procedure governing monetary claims that do not exceed 100K to your client's advantage. These new rules change the entire process from pleading through discovery, trial setting, presentation of witnesses and evidence, and the maximum judgment that may be entered following a verdict.

Eric Porterfield, UNT Dallas College of Law,  
Dallas, TX

**ABOUT THE COVER**

*Collision*, 48" x 95", oil on board, is by Sydney Yeager. Visit [www.sydneyyeager.com](http://www.sydneyyeager.com) for more information.

**10:30 a.m. .50 hr****The Texas Motion to Dismiss: Standards and Strategies**

A relatively new rule of civil procedure created a procedure to dismiss "baseless" causes of action in Texas state court. Hear a Rule 91a case law update, tactics to pursue dismissal under the new rule, and pertinent comparisons with federal pleading and dismissal practice.

Dustin Benham, Texas Tech University School of Law,  
Lubbock, TX

**11:00 a.m. .50 hr****Evidence Everywhere: Chances and Challenges of Mobile, Cloud and the Internet of Things**

Mobile devices and cloud sources are rich sources of revealing evidence, but pose unprecedented challenges in electronic discovery. Learn more about the identification and preservation of this crucial electronically stored information (ESI).

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

**11:30 a.m. Pick Up Lunch**

Included in registration.

**FRIDAY AFTERNOON****Presiding Officer:**

**Julie Hardin, Reed Smith LLP,  
Houston, TX**

**KEYNOTE LUNCHEON PRESENTATION****11:50 a.m. .75 hr ethics****The Law is Not Blind: The Danger of Biases in the Legal System**

From the case of Adnan Syed, made popular in the podcast *Serial*, to DNA testing, to national security law, to civil litigation, cognitive and implicit biases impact and influence every aspect of the judicial system. What can officers of the law, from police to attorneys to judges, do to protect equal application of the law, to ensure that Lady Justice is truly blind?

Rabia Chaudry, International Security Fellow, New  
America Foundation, Washington, DC

**12:35 p.m. Break****12:50 p.m. .50 hr ethics****The Dog Ate My Evidence: Spoliation Under The New Texas Framework**

How and when to raise spoliation issues, and what results can you expect under the new Texas paradigm.

Hon. Rebecca Simmons, Acelity, San Antonio, TX

**1:20 p.m. .50 hr ethics****Advertising and Social Media**

Examine the practical and ethical concerns with marketing your practice via social media, including the applicable advertising rules. Also discuss when statements in a Tweet, Facebook post, or LinkedIn profile go beyond merely providing information and instead are soliciting employment.

John G. Browning, Passman & Jones, Dallas, TX

**1:50 p.m. .50 hr ethics****Third-Party Financing of Litigation**

Advantages for lawyers and their clients and ethical considerations.

Joseph D. Cheavens, Retired Trial Partner Baker  
Botts L.L.P., Senior Advisor, Burford Capital,  
Houston, TX

**2:20 p.m. Break****2:30 p.m. .50 hr****Texas Oil and Gas Litigation Update**

Make note of recent important case decisions and legislation in the oil & gas industry in Texas, including fracking bans and bills, alleged earthquakes from injection wells, deductions from royalty payments, subsurface trespass and more. Learn about the possible opportunities for litigation precipitated by recent case decisions and legislation.

John F. Sullivan III, K&L Gates LLP, Houston, TX

**3:00 p.m. .50 hr****What's New in Early Review: An Update on Interlocutory Appeals and Mandamus Proceedings**

A look at the most recent cases in the ever-expanding area of early appellate review.

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX

**3:30 p.m. .50 hr****Challenges and Strategies for Persuading Gen X and Millennial Jurors**

The rapid changes of technology and communication norms for younger jurors require different thinking on how to persuade the younger generation. Crafting language and messages to meet these generational expectations can help how you try your next case.

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

**4:00 p.m. .50 hr ethics****Attorney-Client Privilege vs. Work Product vs. Duty of Confidentiality**

Disentangling three related, and often-confused, doctrines.

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

**4:30 p.m. Adjourn**

## CONFERENCE FACULTY

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CRAIG BALL  
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Certified Computer Forensic Examiner  
Austin, TX

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Texas Tech University School of Law  
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”

## HOW TO REGISTER

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The University of Texas  
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Attn. CLE  
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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 (TX, CA) you may have missed at the conference. Available in *Your Briefcase* 6–8 weeks after the conference.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in *Your Account*.

**Your Account:** Activate *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.

## IN-HOUSE AND CONFERENCECOMPLETE MATERIALS

### In-House

Bring Civil Litigation Conference in-house. Audio presentations and written materials for learning with your colleagues—for Texas MCLE credit. We manage the accreditation process from approval to reporting. Custom packages available.

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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

PLEASE PRINT CLEARLY

PL15

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*Invoices, confirmations and receipts are emailed to these addresses.*

### REGISTRATION

Special group registration rates available. Call 512.475.6700.

### Conference Registration

*Includes Course Materials, Thursday Networking Break and Friday Keynote Luncheon Presentation*

#### 1. Select Registration Type

- Individual registration by Wednesday, October 21 ..... \$575  
 Individual registration after Wednesday, October 21. .... \$625

#### 2. Select Course Materials Format

- Electronic Course Binder Download (PDF) ONLY  
 Printed Course Binder ONLY (available through October 21)

### Live Webcast Registration

*Includes Electronic Course Materials in "Your Briefcase"*

- Individual registration ..... \$525

### IN-HOUSE—For Texas MCLE Credit

ConferenceComplete package includes Audio CD Set plus a Printed Binder and MCLE Reporting Form for each participant. Available for delivery 3–5 weeks after conference date. Shipping included.

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 \_\_\_\_\_ Additional participant(s) for \$275 each ..... \$ \_\_\_\_\_

### CONFERENCECOMPLETE MATERIALS<sup>†</sup>—For Research and Self-Study

Comprehensive Binder and Audio products from the live conference. Available for delivery 3–5 weeks after conference date. Shipping included.

- eBinder Download (PDF). .... \$225  
 Printed Binder ..... \$275  
 Audio Download (MP3) ..... \$175  
 Audio CD Set ..... \$225

<sup>†</sup>Texas customers—add 8.25% sales tax or include an Exemption Certificate ..... \$ \_\_\_\_\_  
*Sales tax will be invoiced separately on taxable orders for which payment does not include tax.*

**TOTAL \$** \_\_\_\_\_

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**AUSTIN**

October 29–30, 2015

CONFERENCE LOCATION



**Four Seasons Hotel**

98 San Jacinto Boulevard  
 Austin, Texas  
 512.685.8100

**Special Room Rate: \$255**

good through September 28, 2015  
 reference "UT Law Civil Litigation"  
 (subject to availability)

**Parking:**

\$12 daily self-parking; \$16 valet  
 \$32.50 overnight self or valet  
 (subject to change)

**KEY DATES**

**October 21, 2015**

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

**October 23, 2015**

*last day for cancellation (full refund)*

**October 26, 2015**

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

**October 29, 2015, 8:50 a.m.**

*Conference begins*

**KEYNOTE SPEAKER—RABIA CHAUDRY**



Last year, Rabia Chaudry contacted reporter Sarah Koenig with the story of her incarcerated friend, Adnan Syed, trying to drum up media interest in his appeal case. Mission accomplished. *Serial* is currently the number-one podcast in the country, being followed by millions of listeners all playing armchair detective in the murder case of Hae Min Lee.

Rabia provided the initial documents and research in support of Syed, who was convicted of the murder in 1999. Her voice provides a unique and grounding perspective on the crime drama that's captivated the country. *Serial* was ranked at No. 1 on iTunes even before it debuted, leading iTunes rankings for over three months, well after the first season ended, and broke records as the fastest ever podcast to reach 5 million downloads.

As a civically engaged legal practitioner, Rabia has experience in immigration law, civil liberties, and national security. The focus of her legal practice has been federal immigration law as well as representing immigrants during FBI and JTTF investigations.

**REASONS TO ATTEND**

- Hear from Rabia Chaudry of the New America Foundation and the popular podcast *Serial* as she discusses the danger of biases in the legal system
- Get the latest updates on the 84th Legislative Session, Texas civil procedure, and insurance law developments
- Hear first-hand from in-house counsel at Dell Inc., Seton Healthcare Family, Texas Mutual Insurance and AMD about substantive and practical challenges they face in today's legal landscape
- Get a Texas Supreme Court Justice's point of view on significant decisions from the past term
- Learn what's new in early review with an update on Interlocutory Appeals and Mandamus Proceedings
- Explore the challenges and strategies for persuading Generation X and Millennial Jurors
- Interact with program faculty and attendees during Thursday afternoon's extended networking break
- Earn up to 3.25 hours of ethics credit