

39th Annual Page Keeton Civil Litigation Conference
October 29-30, 2015 • Four Seasons Hotel • Austin, TX
October 29-30, 2015 • Live Webcast

Thursday Morning

Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX

8:00 am In Austin Only	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 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. <i>This presentation has moved to Thursday at 9:30 a.m.</i> Elaine Grafton Carlson, South Texas College of Law - Houston, TX Co-Author: Courtney Taylor Carlson, Jackson Walker L.L.P. - Houston, TX
9:30 am 0.50 hr	Legislative Update Review of the best and worst of the 84th Texas Legislative Session—and what to expect next. <i>This presentation has moved to Thursday at 9:00 a.m.</i> David E. Chamberlain, Chamberlain & McHaney - Austin, TX Jay Harvey, Winckler & Harvey LLP - Austin, TX
10:00 am 0.50 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 am	Break
10:45 am 0.50 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. <i>This presentation has moved to Thursday at 1:45 p.m.</i> Erica W. Harris, Susman Godfrey LLP - Houston, TX

11:15 am 0.50 hr	Winning Before Trial Tips and strategies for getting your client results without the expense of a trial. Robert H. Ford, Fogler, Brar, Ford, O'Neil & Gray LLP - Houston, TX
11:45 pm In Austin Only	Lunch on Your Own

Thursday Afternoon

Presiding Officer:

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

1:00 pm 0.75 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 pm 0.50 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. This presentation has moved to Thursday at 10:45 a.m. Randy Johnston, Johnston Tobey, P.C. - Dallas, TX
2:15 pm 0.50 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 pm 0.50 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 pm 0.50 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

3:45 pm In Austin Only	Networking Break Join program faculty and attendees for drinks and hors d'oeuvres.
4:15 pm 0.75 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 pm	Adjourn

Friday Morning

Presiding Officer:

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

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:15 am 0.50 hr	Insurance Update Latest insurance law developments for the general litigator— <i>Stowers</i> claims, deals and turnovers; pleading into coverage and more. This presentation has moved to Friday at 12:50 p.m. William J. Chriss, Law Office of William J. Chriss, P.C., Of Counsel to Gravely & Pearson, L.L.P. - Corpus Christi, TX
8:45 am 0.50 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 am 0.50 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 am	Break

10:00 am 0.50 hr	<p>Medium Claims Court: Strategies and Tactics to Win with the Texas Expedited Action Rules</p> <p>Learn strategies and tactics to use the recent amendments to the Texas Rules of Civil Procedure governing monetary claims that do not exceed \$100,000 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.</p> <p>Eric Porterfield, UNT Dallas College of Law - Dallas, TX</p>
10:30 am 0.50 hr	<p>The Texas Motion to Dismiss: Standards and Strategies</p> <p>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.</p> <p>Dustin Benham, Texas Tech University School of Law - Lubbock , TX</p>
11:00 am 0.50 hr	<p>Evidence Everywhere: Chances and Challenges of Mobile, Cloud and the Internet of Things</p> <p>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).</p> <p>Craig Ball, Attorney and Forensic Technologist, Certified Computer Forensic Examiner - Austin, TX</p>
11:30 am In Austin Only	<p>Pick Up Lunch</p> <p>Included in registration.</p>

Friday Afternoon

Luncheon Presentation

11:50 am 0.75 hr ethics	<p>The Law is Not Blind: The Danger of Biases in the Legal System</p> <p>From the case of Adnan Syed, made popular in the podcast <i>Serial</i>, 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?</p> <p>Rabia Chaudry, International Security Fellow, New America Foundation - Washington, DC</p>
12:35 pm	<p>Break</p>
12:50 pm 0.50 hr ethics	<p>The Dog Ate My Evidence: Spoliation Under the New Texas Framework</p> <p>How and when to raise spoliation issues, and what results can you expect under the new Texas paradigm.</p> <p>This presentation has moved to Friday at 8:15 a.m.</p> <p>Hon. Rebecca Simmons, Acclivity - San Antonio, TX</p>

1:20 pm 0.50 hr ethics	Advertising and Social Media <p>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.</p> <p>John G. Browning, Passman & Jones - Dallas, TX</p>
1:50 pm 0.50 hr ethics	Third-Party Financing of Litigation <p>Advantages for lawyers and their clients and ethical considerations.</p> <p>Joseph D. Cheavens, Retired Trial Partner Baker Botts L.L.P, Senior Advisor, Burford Capital - Houston, TX</p>
2:20 pm	Break
2:30 pm 0.50 hr	Texas Oil and Gas Litigation Update <p>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 possible opportunities for litigation precipitated by recent case decisions and legislation.</p> <p>John F. Sullivan III, K&L Gates LLP - Houston, TX</p>
3:00 pm 0.50 hr	What's New in Early Review: An Update on Interlocutory Appeals and Mandamus Proceedings <p>A look at the most recent cases in the ever-expanding area of early appellate review.</p> <p>Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX</p>
3:30 pm 0.50 hr	Challenges and Strategies for Persuading Gen X and Millennial Jurors <p>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.</p> <p>Jim M. Perdue Jr., Perdue & Kidd - Houston, TX</p>
4:00 pm 0.50 hr ethics	Attorney-Client Privilege vs. Work Product vs. Duty of Confidentiality <p>Disentangling three related, and often-confused, doctrines.</p> <p>Steven Goode, The University of Texas School of Law - Austin, TX</p>
4:30 pm	Adjourn