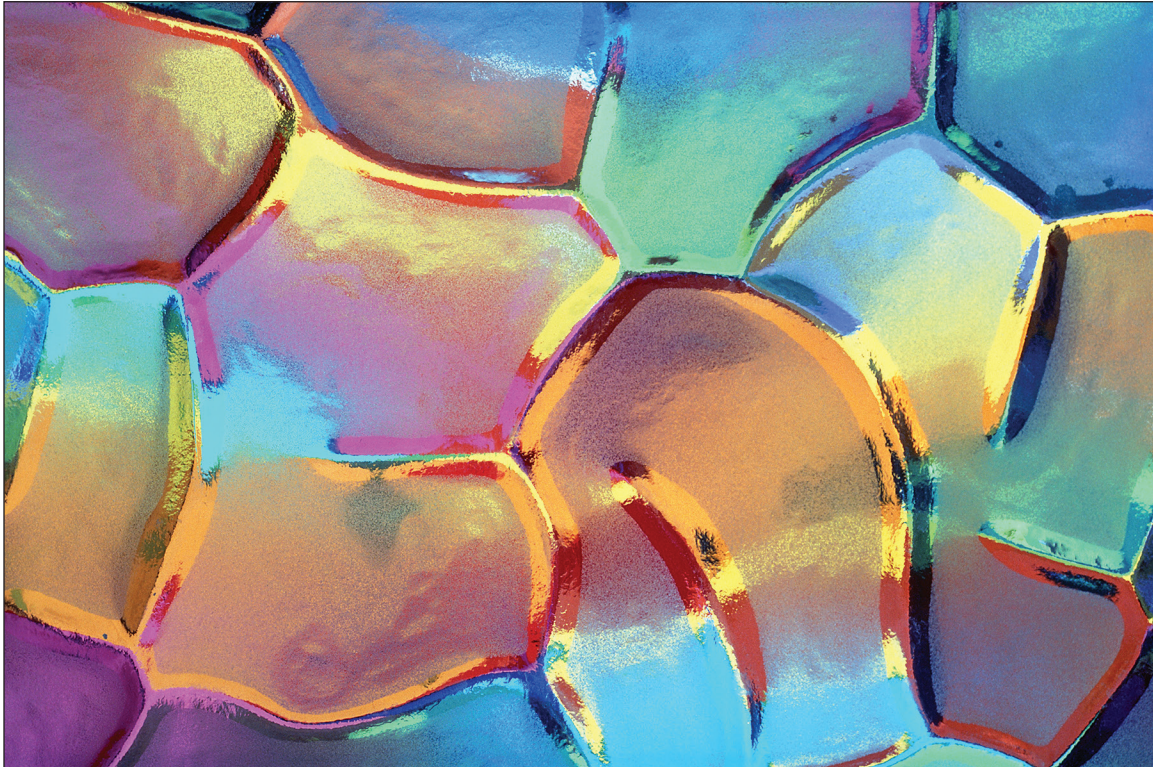


41ST ANNUAL PAGE KEETON
CIVIL LITIGATION CONFERENCE



November 2–3, 2017
Renaissance Hotel
Austin, Texas

Earn up to 12.00 Hours of Credit Including 3.00 Hours of Ethics Credit

Texas Legal Specializations Approved for: Civil Appellate Law, Civil Trial Law, Consumer Law, Family Law, Juvenile Law, Labor and Employment Law, Personal Injury Trial Law, and Workers' Compensation Law

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THURSDAY MORNING, NOV. 2, 2017

Presiding Officer:

**Michael K. Oldham, Reynolds Frizzell LLP,
Houston, TX**

7:30 a.m. Registration Opens

Includes continental breakfast.

8:20 a.m. Welcoming Remarks

UPDATES AND OPPORTUNITIES

8:30 a.m. .50 hr

Texas Civil Procedure Update

Examine recent judicial decisions affecting Texas litigation practice, including proposed modifications to the Texas Rules of Civil Procedure. Review highlights from the accompanying comprehensive review of recent case law—designed to be a handy reference tool for practitioners.

Courtney Taylor Carlson, Jackson Walker LLP,
Houston, TX

Co-Author:

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

9:00 a.m. .50 hr

Texas Legislative Update

Get an update on what happened in the 85th Legislative Session, including bills that passed and those that didn't, and how that may impact your practice.

David E. Chamberlain, Chamberlain & McHaney,
Austin, TX
Jay Harvey, Winckler & Harvey LLP, Austin, TX

9:30 a.m. .50 hr

**From Parties to Presidents: Dealing With
Decision-Maker Commentary**

Explore the use of off-the-job social media statements by decision-makers to demonstrate unlawful animus. Hear an in-depth examination of the legal standards for direct evidence and the stray remark doctrine along with potential strategies for rehabilitating compromised decision-makers.

Jason Boulette, Boulette Golden & Marin L.L.P.,
Austin, TX

10:00 a.m. Break

10:15 a.m. .50 hr

**Texas Anti-SLAPP Law and Early Dismissals
Updated**

Hear the latest updates on the statute that is changing Texas defamation law and turning motion practice into a contest of artful pleading and legal bullying.

Mark C. Walker, Dykema Cox Smith, El Paso, TX

10:45 a.m. .50 hr

Business Torts and Damages

Get beyond tortious interference and consider the range of claims available to a business litigant—along with the range of remedies—by examining the latest court opinions covering the role and scope of tort claims in commercial litigation.

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

11:15 a.m. .75 hr

Recent Condemnation Issues

Compensation in power line and pipeline cases—new thoughts on an old subject, and U.S./Mexico border wall, the past, the present and what may come.

Michael M. Barron, Barron Adler Clough & Oddo, LLP,
Austin, TX

Christopher J. Oddo, Barron Adler Clough &
Oddo, LLP, Austin, TX

Materials:

Nicholas P. Laurent, Barron Adler Clough & Oddo, LLP,
Austin, TX

12:00 p.m. Lunch on Your Own

THURSDAY AFTERNOON

Presiding Officer:

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

LITIGATION SKILLS

1:30 p.m. .50 hr

**Opening Statements and Closing
Arguments—How Far Can You Go?**

In today's desensitized society, lawyers need to do more to convince juries to identify with their client and deliver a verdict in the client's favor. Explore how lawyers can teach to all five of the jurors' senses when using demonstrative evidence, and discuss effective strategies for opening statements and closing arguments—such as violating the Golden Rule and maximizing the use of the laws of primacy and recency—that practitioners can use to maximize the probability of winning the trial.

Francisco Guerra IV, Watts Guerra, San Antonio, TX

2:00 p.m. .75 hr

**Demonstrative Evidence: How to Get It Into
Evidence, As Well As Into the Jury's Mind**

Demonstrative evidence is powerful because it's the evidence over which you have the most control. It can, however, be tricky to use. Learn how to get it admitted, how to effectively present it to the jury without blowing your budget, and best practices for using it.

Joshua M. Sandler, Lynn Pinker Cox & Hurst, LLP,
Dallas, TX

Britta Stanton, Lynn Pinker Cox & Hurst, LLP,
Dallas, TX

2:45 p.m. Break

3:00 p.m. .50 hr

Preparing Difficult Witnesses for Trial

How do you prepare a witness who cannot stop talking, thinks they know everything, is annoyed by every question, or gets easily confused? Learn how to tame the beast for trial.

Barry C. Barnett, Susman Godfrey LLP, Dallas, TX

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3:30 p.m. .50 hr

Voir Dire: Striking the Perfect Balance

Voir dire is often a complex balance of trying to convince your potential jurors to believe the theory of your case and like you personally, while simultaneously exposing undesirable jurors. How much time should you devote to the issues that are favorable to you and unfavorable to you? How much should you share about yourself? Review time management strategies and hear practical examples of how to get members of the jury pool to commit to answers, personalize yourself, and more.

Charl L. Kelly, Travis County District Attorney's Office, Austin, TX

4:00 p.m. .75 hr ethics

Ethics Jeopardy

Have fun while you earn ethics credit with a friendly game of Ethics Jeopardy! Refresh your ethics knowledge with a series of multiple-choice questions and explanations.

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

4:45 p.m. Adjourn

FRIDAY MORNING, NOV. 3, 2017

Presiding Officer:

Amy Snell, Shipley Snell Montgomery LLP, Houston, TX

7:30 a.m. Conference Room Opens

Includes continental breakfast.

LITIGATION IN THE REAL WORLD

8:30 a.m. .75 hr

Trial Advocacy in a Post-Truth World

How do jurors search for the truth in a world that accepts "alternative facts" and dismisses that which is disagreeable as "fake news?" Discuss strategies for trial lawyers from jury selection to decision heuristics in relevance to modern communication norms.

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

9:15 a.m. .75 hr

Dealing with Bad Facts

Every case has bad facts, some to a greater degree. The opponent always has points to make. Filing for a motion in limine is the first line of defense, but if that fails or there is no legitimate argument to exclude the bad evidence, what do you do? Investigate whether it is best to deal with bad facts only after the opponent introduces them, or if it is better to "inoculate" the jury against negative effects by introducing them first in a weakened form.

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

10:00 a.m. Break

10:15 a.m. .50 hr

Arbitration: What You Can and Can't Do

Cover the creative use of the arbitral process and its limits, including procedural flexibility and fairness, the arbitrator's discretion in receiving evidence and shaping remedies, and confirming and vacating awards.

R. Doak Bishop, King & Spalding, Houston, TX

10:45 a.m. .75 hr ethics

Monitoring and Monitored Conversations

Examine what counsel can and can't do to monitor opponents' communications, and review what counsel needs to do to protect their clients' communications.

Steven Goode, The University of Texas School of Law, Austin, TX
Charles Herring Jr., Herring & Panzer, L.L.P., Austin, TX

11:30 a.m. Pick up lunch

Included in conference registration.

FRIDAY AFTERNOON

Presiding Officer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX

LUNCHEON PRESENTATION

Page Keeton Award for Excellence in Continuing Legal Education
Presented to the
Honorable Jeffrey S. Boyd

11:50 a.m. .75 hr

View From the Bench

Hear Justice Boyd's perspective and insight as a Texas Supreme Court Justice.

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

Interviewer:

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX

12:35 p.m. Break

LITIGATION IN A DIGITAL WORLD

12:50 p.m. .75 hr

Strategic Use of E-Discovery

Fewer than one out of a hundred cases are tried. Accordingly, discovery strategy is often more vital than trial strategy. Yet, strategic use of e-discovery garners little attention, perhaps because the fundamentals demand so much focus that there is little room for flourishes. If you only know one way of doing things, how do you act strategically? Review methods to deploy e-discovery strategically, mindful of our opponent's fears, goals, and pain points ... as well as our own.

Craig Ball, The University of Texas School of Law, Austin, TX

1:35 p.m. .75 hr ethics

The Ethics of Social Media

The world of social media presents a multitude of pitfalls for practitioners and judges alike. Hear from pioneers in the field on how to make the most of social media's advantages without running afoul of applicable disciplinary rules. Discuss cutting edge issues not yet addressed under Texas law and proposed disciplinary rules currently under consideration by the Texas Supreme Court.

Moderator:

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

Panelists:

John G. Browning, Passman & Jones, Dallas, TX
Hon. Gena N. Slaughter, 191st District Court, Dallas, TX

2:20 p.m. .75 hr ethics

Data Security

Review what that a litigator needs in order to prepare a client for litigation or an investigation by regulators after a data security breach. Takeaways include protocol for preserving the attorney client privilege and evidence before, during and after a breach; cybersecurity liability insurance litigation updates; and creating proof points, including a discussion of cybersecurity best practices and "cybersecurity basics," to effectively minimize damages, fines and penalties.

Elizabeth C. Rogers, Greenberg Traurig, LLP, Austin, TX
Shawn E. Tuma, Scheef & Stone, L.L.P., Frisco, TX

3:05 p.m. Adjourn

UPCOMING CONFERENCES

36TH ANNUAL JAY L. WESTBROOK BANKRUPTCY CONFERENCE
November 16-17, 2017

14TH BIENNIAL PARKER C. FIELDER OIL AND GAS TAX CONFERENCE
November 16-17, 2017

65TH ANNUAL TAXATION CONFERENCE
December 13-14, 2017

2017 STANLEY M. JOHANSON ESTATE PLANNING WORKSHOP
December 15, 2017

2018 NONPROFIT ORGANIZATIONS LITERACY WORKSHOP
January 17, 2018

35TH ANNUAL NONPROFIT ORGANIZATIONS INSTITUTE AND LITERACY WORKSHOP
January 17-19, 2018

2018 RENEWABLE ENERGY LAW
January 29-30, 2018

13TH ANNUAL ADVANCED PATENT LAW INSTITUTE - USPTO
March 1-2, 2018

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THE PAGE KEETON AWARD FOR EXCELLENCE IN CONTINUING LEGAL EDUCATION

It's not the dollars you make, it's the difference you make. —W. Page Keeton

Over the course of his long tenure at The University of Texas School of Law, Dean W. Page Keeton made many contributions to the legal profession, but perhaps none has been so enduring or far reaching, or made such a difference to lawyers, as his founding of an ambitious continuing legal education program at the School of Law.

Continuing legal education ensures that lawyers remain current on the law they practice. It helps them keep their essential skills sharp and stay abreast of the latest technological developments. It connects lawyers with one another and promotes public confidence in the legal profession. Ultimately, continuing legal education is what allows the profession to thrive. It is therefore in the name of Dean W. Page Keeton that we bestow the Page Keeton Award for Excellence in Continuing Legal Education each year to a member of the legal community who has made a profound difference to the profession through a lasting commitment to continuing legal education.

The 2017 recipient is the Honorable Jeffrey S. Boyd of The Supreme Court of Texas. Since his appointment to the Court in late 2012, Justice Boyd has presented numerous times at UT Law CLE's Conference on State and Federal Appeals, Advanced Texas Administrative Law Seminar, and Page Keeton Civil Litigation Conference. Each time, Justice Boyd has brought his unique perspective and expertise to the issues of the day, helping attorneys to improve their practice and professional acumen. We acknowledge and thank him for his service to the legal profession through continuing legal education.

HOW TO REGISTER

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Complete Conference Materials

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

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Select Registration Type

- Individual registration by October 25 \$575
 Individual registration after October 25 \$625

Printed course binder available for an additional fee through October 25

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- Individual eConference \$525
Call 512.475.6700 to register additional participants.

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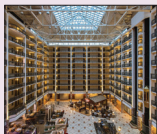
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AUSTIN

November 2–3, 2017

CONFERENCE LOCATION



Renaissance Hotel

9721 Arboretum Boulevard
 Austin, TX
 512.343.2626 (reservations)

Special Room Rate: \$169

good through October 11, 2017

Please refer to the "Civil Litigation Conference" to receive this special rate. (subject to availability)

Parking:

Complimentary daily self-parking available. Daily valet parking \$18, overnight self-parking \$10, and overnight valet parking \$25. (subject to availability)

KEY DATES

October 25, 2017

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

October 27, 2017

last day for cancellation (full refund)

October 30, 2017

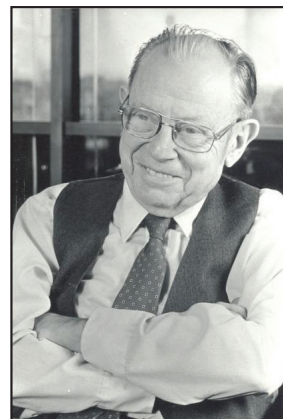
last day for cancellation (partial refund)
 \$50 processing fee applied

November 2, 8:20 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.

**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 12.00 hours, of which 3.00 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).