

42<sup>ND</sup> ANNUAL PAGE KEETON  
**CIVIL LITIGATION CONFERENCE**



November 8–9, 2018  
The Whitehall Hotel ■ Houston, Texas

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**SUPPORTING ORGANIZATION**

The Appellate Law Section of the State Bar of Texas

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Earn up to 13.00 Hours of Credit Including 2.00 Hours of Ethics Credit (Hours Vary By Jurisdiction)

MCLE Credit Approved in TX, CA, and OK (Expected in LA)

Texas Board of Legal Specialization Credit Approved for Civil Appellate Law,  
Civil Trial Law, and Personal Injury Trial Law

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**THURSDAY MORNING, NOV. 8, 2018**

**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**

**PROCEDURAL UPDATES**

**8:30 a.m. .50 hr**

**The Latest in Texas Procedure and How It Affects Your Practice**

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.

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

**Co-Author:**

Courtney Taylor Carlson, Jackson Walker LLP,  
Houston, TX

**9:00 a.m. .50 hr**

**Legislative Preview from Both Sides of the Bar**

Capitol veterans forecast potential legislation impacting the civil justice system from both the plaintiff and defense perspective.

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

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

**Responsible Third Parties: Not Responsible, and Not Parties**

Third party practice can be a game changer. Be prepared to use it or defend against it.

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

**10:00 a.m. Break**

**10:15 a.m. .75 hr | .50 hr ethics**

**Early Dismissal Trends: 91a Dismissals and Anti-SLAPP**

Early dismissal motions under the TCPA and Rule 91a are hot and getting hotter! How do you use those tools or survive them?

Gregory Philip Sapire, Cleveland Terrazas PLLC,  
Austin, TX  
Mark C. Walker, Dickinson Wright PLLC, El Paso, TX

**11:00 a.m. .50 hr**

**Protecting Trial Court Orders on Appeal: How to Craft an Order that Sticks**

Texas lawbooks are replete with examples of appeals that turn on the language included or excluded from judgments and orders. Get the tools you need to draft orders and judgments, in a variety of contexts, that can withstand both early review and an appeal upon a final judgment.

Lisa Bowlin Hobbs, Kuhn Hobbs PLLC, Austin, TX

**11:30 a.m. .50 hr**

**Recovery or Denial? The Latest on Attorneys' Fees**

Analysis of recent developments in the law of recovering and defending against attempts to recover attorney's fees in Texas as well as a refresher on fundamentals of the procedures associated with Texas attorney's fees jurisprudence.

Carlos R. Soltero, Cleveland Terrazas PLLC,  
Austin, TX

**12:00 p.m. Lunch on Your Own**

**EARN YOUR FULL MCLE REQUIREMENT**

UT Law CLE is committed to helping attorneys meet their annual MCLE requirements. Attendees of the conference will receive a promotional code for a free bonus eCourse following the event that will bring their total available hours to 15.00, including 3.00 hours of ethics.

**Are you a 1<sup>st</sup> or 2<sup>nd</sup> year attorney?**

Attend most UT Law CLE conferences for just \$150!  
Call 512.475.6700 to register.

**THURSDAY AFTERNOON**

**Presiding Officer:**

Philip K. Maxwell, Attorney at Law,  
Austin, TX

**LITIGATION OPPORTUNITIES**

**1:30 p.m. .50 hr**

**Is Your Car Crash Case a Products Liability Case?**

Learn step-by-step how to investigate and screen an auto accident case to determine whether there is a potential product liability case lurking in there. Get an exhaustive list with descriptions of specific automotive and tire defects, including new, emerging, and often overlooked product defects.

David Bright, Sico, Hoelscher, Harris & Braugh LLP,  
Corpus Christi, TX

**2:00 p.m. .50 hr**

**Fiduciary Duty Claims: They're Everywhere!**

Knowing when fiduciary duties arise and how they are applied is essential to trying commercial cases, yet fiduciary duties arise in numerous and sometimes unexpected circumstances and may be overlooked in the development of trial strategy. Their presence can have profound implications for the legal standards governing a party's actions, the legal and equitable remedies available, and even the assignment of burdens of proof and other procedural aspects of trial. Learn how to spot these claims and what they mean for your next case.

Robin C. Gibbs, Gibbs & Bruns LLP, Houston, TX

**2:30 p.m. .50 hr**

**Unfair Debt Collection Cases: The Cases That Keep Giving**

Explore new ways to think about debt collection cases, and the opportunities they can bring to your practice

Curt M. Langley, Crinion Davis & Richardson LLP,  
Houston, TX

3:00 p.m. .50 hr

### Autonomous Vehicles and Drones

Autonomous vehicles and drones no longer exist only in science fiction. How will their arrival change the legal landscape?

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

3:30 p.m. Break

3:45 p.m. .75 hr | .25 hr ethics

### Practical Considerations in Commercial Litigation and Business Torts

Discuss opportunities in business litigation, including cutting edge issues such as third party finance, jury innovations, and business divorce. Consider potential ethical questions that may arise in each of these arenas.

Sofia Adrogué, Diamond McCarthy LLP, Houston, TX  
Hon. Caroline Elizabeth Baker, 295th Civil District Court, Houston, TX

4:30 p.m. .50 hr

### The Storm Has Not Subsided: Insurance Law Update

Keep up with the latest in Hurricane Harvey claims, Stowers cases, and insurance opinions from the Texas Supreme Court.

William J. Chriss, The Snapka Law Firm, Corpus Christi, TX

5:00 p.m. Adjourn

## FRIDAY MORNING, NOV. 9, 2018

### Presiding Officer:

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

7:30 a.m. Conference Room Opens

Includes continental breakfast.

## PRACTICE SKILLS

8:30 a.m. .50 hr

### Should You Take that Non-Hourly Case?

Effective case analysis is crucial to coming out ahead on contingency and fixed fee cases. Learn what you need to think about to create a sustainable alternative fee practice.

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

9:00 a.m. .50 hr

### Effective, Efficient, and Economically Appropriate Litigation

Lawyers should communicate early and often with their clients about case planning, proportionate discovery, strategy, and litigation objectives, and should negotiate appropriate dispute resolution agreements with opposing counsel.

Geoffrey L. Harrison, Susman Godfrey L.L.P., Houston, TX

9:30 a.m. 1.00 hr | .25 hr ethics

### Winning at Pretrial

While some regard appellate lawyering as something that happens after verdict, a better way to think about appellate lawyers is as strategists of an entire litigation process. Consider how early tactical and strategic decisions and maneuvers can determine ultimate outcomes or even result in summary dispositions.

Douglas W. Alexander, Alexander Dubose Jefferson & Townsend LLP, Austin, TX  
R. Paul Yetter, Yetter Coleman LLP, Houston, TX

10:30 a.m. Break

10:45 a.m. .75 hr

### How to Take a Better Deposition

Depositions are one of the most powerful discovery devices but are also one of the most challenging to execute well. Get practical, actionable guidance on taking better depositions, including better preparation, openings, handling opposing counsel and preserving error, and macro and micro examination structures.

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

11:30 a.m. 1.00 hr | .25 hr ethics

### Lawyering 2.0: Lessons from the Next Generation

Can old dogs learn new tricks? As we develop new and innovative ways to try cases, millennial lawyers have a frank discussion of the good, the bad, and the ugly when it comes to the old way of doing things, and provide valuable insight about how the next generation is trying to do it better.

**Moderator:**  
Francisco Guerra IV, Watts Guerra, San Antonio, TX

**Panelists:**  
Raymond J. Baeza, Farmers Insurance Exchange, El Paso, TX  
Aaron J. Burke, Fee, Smith, Sharp & Vitullo LLP, Dallas, TX  
Nicole Soussan Caplan, Reed Smith LLP, Houston, TX  
Donald Delgado, West, Webb, Allbritton & Gentry, P.C., College Station, TX

12:30 p.m. Pick Up Lunch

Included in registration.

## JOIN US IN HOUSTON THIS YEAR

After over thirty years in Austin, UT Law CLE's **Page Keeton Civil Litigation Conference** is hitting the road! Join us in Houston for this year's event and take advantage of all the city has to offer, or pre-order the video eConference and earn CLE whenever and wherever you choose.

## FRIDAY AFTERNOON

### Presiding Officer:

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

## LUNCHEON PRESENTATION

12:50 p.m. .75 hr ethics

### How Can We Persuade in Polarized Times?

As Americans increasingly rely on information only from sources with which they agree, and the internet increasingly becomes the answer for any question, lawyers need to re-think how they view their jury and how it receives information. Hear global thoughts from several modern sources on creating a tribe in your jury for any case.

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

1:35 p.m. Break

## PRACTICE SKILLS CONTINUED

1:50 p.m. .50 hr

### Experts Are Rarely As Expert As You

Get tips on how best to select, prepare, and effectively present an expert for trial, with one eye on surviving *Daubert* and the other on jury persuasion.

Fields Alexander, Beck Redden LLP, Houston, TX

2:20 p.m. .75 hr

### eDiscovery for Every Case – Even the Small Ones!

From the largest class actions to small individual claims, almost all litigation matters touch on some form of electronic discovery. Learn about key issues related to preservation, collection, processing, and review of electronically stored evidence, along with some of the latest tools and technology that can help you make the most of your time and resources regardless of case size.

Rachel Ratcliff, Stroz Friedberg, Dallas, TX

3:05 p.m. .75 hr

### How to Charm a Snake (and Maybe a Few Reptiles)

How can you recognize a popular plaintiff's trial theory and combat it? How can you spot it, take advantage of it, attack it pretrial, and at trial? Get expert focus on trial themes and how they help you win your case.

Derek T. Gilliland, Nix, Patterson & Roach, L.L.P., Daingerfield, TX

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

3:50 p.m. Adjourn

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 2.00 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).

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JIM M. PERDUE JR.  
Perdue & Kidd  
Houston, TX

## HOW TO REGISTER

### Online:

www.utcle.org/conferences/PL18

### Mail:

The University of Texas  
School of Law  
Attn. CLE  
PO Box 7759  
Austin, TX 78713-7759

### Fax:

512.475.6876

Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.

## 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 live event.

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

**eConference:** Complimentary access to the eConference—with papers, slides, and video—for CLE credit (TX and CA) you may have missed at the live conference. Available in "Your Briefcase" 4–6 weeks after the live event.

**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.

## Can't Make the Conference? Pre-Order the Accredited eConference Today

### eConference

The online eConference includes papers, slides, and video—and CLE credit (TX and CA)—from this year's live conference. Available in "Your Briefcase" through the user's account at www.utcle.org 4–6 weeks after the live event.

### Comprehensive Course Binders

Containing papers and slides from the live event, eBinders are available for download and printed binders can be ordered for delivery 4–6 weeks after the event date. Shipping included.

## REGISTRATION FORM

PLEASE PRINT CLEARLY

PL18

Bar Card# \_\_\_\_\_  TX  Other State: \_\_\_\_\_  N/A

Name [ Mr. / Ms. ] \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

Assistant's Email (optional) \_\_\_\_\_

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

### REGISTRATION—Includes Electronic Course Materials and Friday Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

#### Select Registration Type

- Individual registration by October 31 . . . . . \$545  
 Individual registration after October 31 . . . . . \$595

#### Printed course binder available for an additional fee through October 31

*Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at www.utcle.org.*

- Printed Course Binder . . . . . \$37.89  
*Price includes 8.25% Sales Tax*  
 Printed Course Binder for tax exempt registrants . . . . . \$35  
*(e.g., government employees and nonprofits)*

### FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.

#### POST-CONFERENCE PRODUCTS

##### eConference—For Texas MCLE Credit

Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org. Available 4–6 weeks after the live conference date.

- Individual eConference . . . . . \$495  
*Call 512.475.6700 to register additional participants.*

##### Course Binder<sup>†</sup>—For Research and Self-Study

Comprehensive Binder with papers and slides from the live event. Available for delivery 4–6 weeks after conference date. Shipping included.

- eBinder Download (PDF) . . . . . \$225  
 Printed Binder . . . . . \$275

<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.*

##### Annual eLibrary Subscription<sup>†</sup>—For Research and Self-Study

Access anytime, anywhere. Extensive resources—including audio, video, papers, and slides—from leading experts in dozens of practice areas, generated by UT Law CLE live conferences.

- eLibrary 12-Month Subscription . . . . . \$295  
<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 \$ \_\_\_\_\_

#### METHOD OF PAYMENT

- Check (make check payable to The University of Texas at Austin)  
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Card /P.O. # \_\_\_\_\_ Exp. Date \_\_\_\_\_ / \_\_\_\_\_  
(mm/yy)

Authorized Signature \_\_\_\_\_

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## HOUSTON

November 8–9, 2018

### CONFERENCE LOCATION



**The Whitehall Hotel**

1700 Smith Street  
 Houston, TX  
 713.739.8800 (reservations)

**Special Room Rate: \$172**  
 good through October 17, 2018

Please refer to the "2018 Page Keeton Civil Litigation Conference" to receive this special rate. (subject to availability)

**Parking:**

Daily or overnight valet parking: \$10 (subject to availability)

### KEY DATES

**October 31, 2018**

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

**November 2, 2018**

*Last day for full refund cancellation*

**November 5, 2018**

*Last day for partial refund cancellation \$50 processing fee applied*

**November 8, 2018, 8:20 a.m.**

*Conference begins*

## REASONS TO ATTEND

Join leading litigators, judges, and law professors at the **42<sup>nd</sup> Annual Page Keeton Civil Litigation Conference** in Houston for updates and analysis of important developments in civil litigation practice, insight into developing areas of civil litigation, and substantive coverage of practice tips, advocacy strategies.

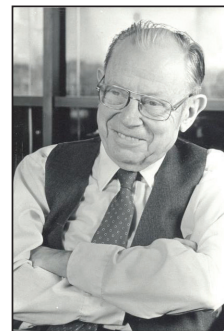
2018 highlights include:

- **Procedural Updates:** Writing an order that sticks, early dismissal trends, legislative preview, and Prof. Carlson's annual Texas Civil Procedure update.
- **Litigation Opportunities:** Car crashes as product liability cases, hidden fiduciary duty claims, business tort opportunities, new insurance law litigation, and autonomous vehicles and drones.
- **Practice and Trial Skills:** Winning at pretrial, eDiscovery for every case, the limit on experts' expertise, early case selection, and economically appropriate litigation planning.

Attendees will also receive additional on-demand programming to ensure they have the opportunity to meet their full 15.0/3.0 hours of required Texas MCLE, so register today!

## 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 26<sup>th</sup> Street so that The Law School is now located at 727 East Dean Keeton Street.