

**42<sup>nd</sup> Annual Page Keeton Civil Litigation Conference**  
**November 8-9, 2018 • The Whitehall Hotel • Houston, TX**

**Thursday Morning, Nov. 8, 2018**

**Presiding Officer:**

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

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| 7:30 am | <b>Registration Opens</b><br><br>Includes continental breakfast. |
| 8:20 am | <b>Welcoming Remarks</b>   |

**Procedural Updates**

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| 8:30 am<br>0.50 hr                    | <b>Responsible Third Parties: Not Responsible, and Not Parties</b><br><br>Third party practice can be a game changer. Be prepared to use it or defend against it.<br><br><i>This session was originally scheduled on Thursday, November 8 at 9:30 a.m.</i><br><br>Karen C. Burgess, Richardson + Burgess LLP - Austin, TX  |
| 9:00 am<br>0.50 hr                    | <b>Legislative Preview from Both Sides of the Bar</b><br><br>Capitol veterans forecast potential legislation impacting the civil justice system from both the plaintiff and defense perspective.<br><br>David E. Chamberlain, Chamberlain & McHaney - Austin, TX<br>Jay Harvey, Winckler & Harvey LLP - Austin, TX   |
| 9:30 am<br>0.50 hr                    | <b>The Latest in Texas Procedure and How It Affects Your Practice</b><br><br>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.<br><br><i>This session was originally scheduled on Thursday, November 8 at 8:30 a.m.</i><br><br>Elaine Grafton Carlson, South Texas College of Law Houston - Houston, TX<br>Co-Author:<br>Courtney Taylor Carlson, Jackson Walker LLP - Houston, TX |
| 10:00 am                              | <b>Break</b>   |
| 10:15 am<br>0.75 hr<br>0.50 hr ethics | <b>Early Dismissal Trends: 91a Dismissals and Anti-SLAPP</b><br><br>Early dismissal motions under the TCPA and Rule 91a are hot and getting hotter! How do you use those tools or survive them?<br><br>Gregory Philip Sapire, Cleveland Terrazas PLLC - Austin, TX<br>Mark C. Walker, Dickinson Wright PLLC - El Paso, TX  |

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| <p>11:00 am<br/>0.50 hr</p> | <p><b>Protecting Trial Court Orders on Appeal: How to Craft an Order that Sticks</b></p> <p>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.</p> <p>Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX</p> |
| <p>11:30 am<br/>0.50 hr</p> | <p><b>Recovery or Denial? The Latest on Attorneys' Fees</b></p> <p>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.</p> <p>Carlos R. Soltero, Cleveland Terrazas PLLC - Austin, TX</p>  |
| <p>12:00 pm</p>             | <p><b>Break for Lunch on Your Own</b></p>  |

## Thursday Afternoon, Nov. 8, 2018

### Presiding Officer:

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

### Litigation Opportunities

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| <p>1:30 pm<br/>0.50 hr</p> | <p><b>Is Your Car Crash Case a Products Liability Case?</b></p> <p>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.</p> <p>David Bright, Sico, Hoelscher, Harris &amp; Braugh LLP - Corpus Christi, TX</p>   |
| <p>2:00 pm<br/>0.50 hr</p> | <p><b>Fiduciary Duty Claims: They're Everywhere!</b></p> <p>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.</p> <p>David M. Sheeren, Gibbs &amp; Bruns LLP - Houston, TX</p> |
| <p>2:30 pm<br/>0.50 hr</p> | <p><b>Unfair Debt Collection Cases: The Cases That Keep Giving</b></p> <p>Explore new ways to think about debt collection cases, and the opportunities they can bring to your practice</p> <p>Curt M. Langley, Crinion Davis &amp; Richardson LLP - Houston, TX</p>  |

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| 3:00 pm<br>0.50 hr                   | <p><b>Autonomous Vehicles and Drones</b></p> <p>Autonomous vehicles and drones no longer exist only in science fiction. How will their arrival change the legal landscape?</p> <p>Quentin Brogdon, Crain Lewis Brogdon, LLP - Dallas, TX</p>   |
| 3:30 pm                              | <p><b>Break</b></p>  |
| 3:45 pm<br>0.75 hr<br>0.25 hr ethics | <p><b>Practical Considerations in Commercial Litigation and Business Torts</b></p> <p>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.</p> <p>Sofia Adrogué, Diamond McCarthy LLP - Houston, TX<br/>Hon. Caroline Elizabeth Baker, 295th Civil District Court - Houston, TX</p> |
| 4:30 pm<br>0.50 hr                   | <p><b>The Storm Has Not Subsided: Insurance Law Update</b></p> <p>Keep up with the latest in Hurricane Harvey claims, <i>Stowers</i> cases, and insurance opinions from the the Texas Supreme Court.</p> <p>William J. Chriss, The Snapka Law Firm - Corpus Christi, TX</p>  |
| 5:00 pm                              | <p><b>Adjourn</b></p>  |

## Friday Morning, Nov. 9, 2018

### Presiding Officer:

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

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| 7:30 am | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p> |
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### Practice Skills

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| 8:30 am<br>0.50 hr | <p><b>Should You Take that Non-Hourly Case?</b></p> <p>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.</p> <p>Erica W. Harris, Susman Godfrey LLP - Houston, TX</p>  |
| 9:00 am<br>0.50 hr | <p><b>Effective, Efficient, and Economically Appropriate Litigation</b></p> <p>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.</p> <p>Geoffrey L. Harrison, Susman Godfrey L.L.P. - Houston, TX</p> |

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| <p>9:30 am<br/>1.00 hr<br/>0.25 hr ethics</p>  | <p><b>Winning at Pretrial</b></p> <p>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.</p> <p>Douglas W. Alexander, Alexander Dubose Jefferson &amp; Townsend LLP - Austin, TX<br/>R. Paul Yetter, Yetter Coleman LLP - Houston, TX</p>  |
| <p>10:30 am</p>                                | <p><b>Break</b></p>  |
| <p>10:45 am<br/>0.75 hr</p>                    | <p><b>How to Take a Better Deposition</b></p> <p>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.</p> <p>Dustin Benham, Texas Tech University School of Law - Lubbock , TX</p>  |
| <p>11:30 am<br/>1.00 hr<br/>0.25 hr ethics</p> | <p><b>Lawyering 2.0: Lessons from the Next Generation</b></p> <p>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.</p> <p>Moderator:<br/>Francisco Guerra IV, Watts Guerra - San Antonio, TX<br/>Panelists:<br/>Raymond J. Baeza, Farmers Insurance Exchange - El Paso, TX<br/>Aaron J. Burke, Fee, Smith, Sharp &amp; Vitullo LLP - Dallas, TX<br/>Nicole Soussan Caplan, Reed Smith LLP - Houston, TX<br/>Donald Delgado, West, Webb, Allbritton &amp; Gentry, P.C. - College Station, TX</p> |
| <p>12:30 pm</p>                                | <p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>   |

## Friday Afternoon, Nov. 9, 2018

### Presiding Officer:

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

### LUNCHEON PRESENTATION

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| <p>12:50 pm<br/>0.75 hr ethics</p> | <p><b>How Can We Persuade in Polarized Times?</b></p> <p>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.</p> <p>Jim M. Perdue Jr., Perdue &amp; Kidd - Houston, TX</p> |
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1:35 pm

**Break**

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**Practice Skills Continued**

1:50 pm  
0.50 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 pm  
0.75 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 pm  
0.75 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 pm

**Adjourn**