

Do You Think You Know Ethics? (The Game Show)

For the 34th Annual Conference on
State and Federal Appeals

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Moderated by:

Christine Weems – 281st District
Court Judge in Harris County, Texas

The Contestants:

Sam Johnson – Scott Douglass &
McConnico LLP in Austin, TX

Jane M.N. Webre – Scott Douglass
& McConnico LLP in Austin, TX

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Question 1

If the Court finds an appeal frivolous, it may order the sanctioned party to:

- A. Pay sanctions to the Court.
- B. Pay each prevailing party on appeal just damages.
- C. Both A & B.
- D. Neither A nor B.

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Tex. R. App. P. 45

If the court of appeals determines that an appeal is frivolous, it may - on motion of any party or on its own initiative, after notice and a reasonable opportunity for response - award each prevailing party just damages. In determining whether to award damages, the court must not consider any matter that does not appear in the record, briefs, or other papers filed in the court of appeals.

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Question 2

To determine whether an appeal is frivolous, the Court reviews the record from the standpoint of:

- A. The advocate, objectively.
- B. The advocate, subjectively.
- C. The reasonably prudent practitioner.
- D. The Court.

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