

**34<sup>th</sup> Annual Conference on State and Federal Appeals**  
**June 6-7, 2024 • The Otis Hotel Austin • Austin, TX**  
**June 6-7, 2024 • Live Webcast**

**Thursday Morning, June 6, 2024**

**Presiding Officer:**

**Hon. Daryl L. Moore**, Ahmad Zavitsanos & Mensing PLLC - Houston, TX

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|---------------------------|---|
| 7:30 am<br>In Austin Only | <b>Registration Opens</b><br><br>Includes continental breakfast.  |
| 8:20 am                   | <b>Welcoming Remarks</b>  |
| 8:30 am<br>0.50 hr        | <b>Supersedeas and Post-Judgment Proceedings</b><br><br>The ability to supersede a judgment is often critical to preserving a party's appellate rights. Hear an overview of the process for superseding a judgment, highlighting the 2023 changes to the Civil Practice & Remedies Code and Appellate Rules focused on alternative security. The presentation also touches on post-judgment discovery and execution.<br><br>Lily Hann, Yetter Coleman LLP - Houston, TX |
| 9:00 am<br>0.75 hr ethics | <b>2024 Ethics Referendum: What Passed, What Didn't, and What Now?</b><br><br>Texas Lawyers voted in April to adopt 12 new Disciplinary Rules and a new Rule of Disciplinary Procedure. So, based upon the results, how should lawyers expect the practice to change? Is there anything we need to do or understand right away?<br><br>Claude E. Ducloux, Attorney at Law - Austin, TX  |
| 9:45 am<br>0.75 hr        | <b>Texas Supreme Court Update</b><br><br>Explore recent opinions issued by the Court in the current term.<br><br>Hon. Jeff Boyd, The Supreme Court of Texas - Austin, TX<br>Kurt Kuhn, Kuhn Hobbs PLLC - Austin, TX   |
| 10:30 am                  | <b>15-Minute Break</b>  |
| 10:45 am<br>0.50 hr       | <b>Texas Supreme Court by the Numbers</b><br><br>A new look at what has been happening with petitions and what that suggests about your client's odds.<br><br>Don Cruse, Law Office of Don Cruse - Austin, TX   |

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| <p>11:15 am<br/>0.75 hr</p>        | <p><b>Interview with Chief Justice Nathan L. Hecht</b></p> <p>A look back at Chief Justice Hecht's 35 years on The Supreme Court of Texas. Discuss what's changed, what's had the biggest impact on the courts, and what the future holds.</p> <p>Hon. Nathan L. Hecht, The Supreme Court of Texas - Austin, TX<br/>Hon. Thomas R. Phillips, Baker Botts - Austin, TX</p> |
| <p>12:00 pm<br/>In Austin Only</p> | <p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>  |

## Thursday Afternoon, June 6, 2024

### Presiding Officer:

**Elana S. Einhorn**, Enoch Keever PLLC - Austin, TX

### LUNCHEON PRESENTATION

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| <p>12:30 pm<br/>0.75 hr ethics</p> | <p><b>Ethics Game Show</b></p> <p>Watch ambitious appellate practitioners compete against one another, as they try to answer ethics questions that savvy practitioners ought to know.</p> <p>Moderator:<br/>Hon. Christine Weems, 281st District Court - Houston, TX<br/>Panelists:<br/>Sam Johnson, Scott Douglass &amp; McConnico LLP - Austin, TX<br/>Jane M. N. Webre, Scott Douglass &amp; McConnico LLP - Austin, TX</p>  |
| <p>1:15 pm</p>                     | <p><b>15-Minute Break</b></p>   |
| <p>1:30 pm<br/>0.75 hr</p>         | <p><b>Texas Supreme Court Panel</b></p> <p>Hear a candid conversation among the Justices about what is new at the Court, the state of the docket, and ways practitioners can improve their chances of securing discretionary review for their clients.</p> <p>Moderator:<br/>Elizabeth "Heidi" G. Bloch, Greenberg Traurig, LLP - Austin, TX<br/>Panelists:<br/>Hon. Jane N. Bland, The Supreme Court of Texas - Austin, TX<br/>Hon. Rebeca Huddle, The Supreme Court of Texas - Austin, TX<br/>Hon. Evan A. Young, The Supreme Court of Texas - Austin, TX</p> |
| <p>2:15 pm<br/>0.50 hr</p>         | <p><b>Jury Charge Update</b></p> <p>Recent developments impacting civil jury charges and strategies involved in preparing and preserving error on them.</p> <p>Hon. Harvey Brown, The Lanier Law Firm - Houston, TX</p>   |

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| 2:45 pm<br>0.50 hr | <p><b>Welcome to the Texas Business Courts</b></p> <p>What are they, where are they, and how do you get there? Join us as we discuss the parameters, potential pitfalls, and pragmatic possibilities created by our newest Texas courts.</p> <p>Hon. Peter M. Kelly, First Court of Appeals - Houston, TX<br/>Kirsten Castañeda, Alexander Dubose &amp; Jefferson LLP - Dallas, TX</p> |
| 3:15 pm            | <p><b>Adjourn</b></p>  |
| In Austin Only     | <p><b>Networking Reception (in Austin from 3:15 p.m. - 4:15 p.m.)</b></p> <p>Join us for drinks and hors d'oeuvres with program faculty and attendees.</p>   |

## Friday Morning, June 7, 2024

### Presiding Officer:

**Dana Livingston**, Cokinios | Young - Austin, TX

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| 7:30 am<br>In Austin Only | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>  |
| 8:30 am<br>0.50 hr        | <p><b>Preservation of Error Update</b></p> <p>An overview of recent cases regarding preservation of error.</p> <p>Barbara DePeña, Ahmad Zavitsanos &amp; Mensing PLLC - Houston, TX</p>   |
| 9:00 am<br>0.50 hr        | <p><b>Update on Appellate Rules Changes</b></p> <p>The Supreme Court has been busy with amendments to the TRAPs, both on its own initiative and at the direction of the Legislature. See how the changes will affect your practice (and why you won't have to sign any more certificates of service in your appeals but you might need to update your template for petitions for review).</p> <p>Richard B. Phillips Jr., Holland &amp; Knight LLP - Dallas, TX</p>   |
| 9:30 am<br>0.75 hr ethics | <p><b>My Mind Has A Mind of Its Own: Why Even Good Lawyers Are Lured Into Unethical Behavior by the Way Their Brains Work</b></p> <p>Modern behavioral psychology research has revealed that our brains lead us into behaviors that are inconsistent with logic, our own self-interest, and ethical principles. This presentation explains how scientifically identifiable justifications, rationalizations, and heuristics can present challenges in legal ethics.</p> <p>Kevin Dubose, Alexander Dubose &amp; Jefferson LLP - Houston, TX</p> |
| 10:15 am                  | <p><b>15-Minute Break</b></p>   |

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| <p>10:30 am<br/>0.50 hr</p>        | <p><b>Appellate Issues in Multi-District Litigation</b></p> <p>From preserving venue challenges to engaging in the bellwether process, navigating the appellate issues in multi-district litigation can be complex. Dive into the most common appellate issues using recent MDL's as examples.</p> <p>Mia Lorick, Locke Lord LLP - Houston, TX</p> |
| <p>11:00 am<br/>0.50 hr ethics</p> | <p><b>Effective Screening and Onboarding of New Appellate Clients</b></p> <p>Learn time-tested techniques for minimizing the risk of grievances and malpractice lawsuits in your appellate practice.</p> <p>Scott Rothenberg, Law Offices of Scott Rothenberg - Bellaire, TX</p>   |
| <p>11:30 am<br/>0.75 hr</p>        | <p><b>Practicing in the Fifth Circuit: A Few Things Attorneys Need to Know</b></p> <p>An operational update on court operations with an emphasis on practice tips and new applications designed to assist the appellate practitioner.</p> <p>Lyle Cayce, U.S. Court of Appeals, Fifth Circuit - New Orleans, LA</p>                                |
| <p>12:15 pm<br/>In Austin Only</p> | <p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>   |

## Friday Afternoon, June 7, 2024

### Presiding Officer:

**Jennifer S. Freel**, Jackson Walker LLP - Austin, TX

### LUNCHEON PRESENTATION

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| <p>12:45 pm<br/>0.75 hr</p> | <p><b>District Court Judges Panel</b></p> <p>A discussion of how district court judges feel about having appellate counsel at trial. And, how appellate counsel can be most beneficial at certain stages of the trial.</p> <p>Moderator:<br/>Jessica Z. Barger, Wright Close &amp; Barger, LLP - Houston, TX</p> <p>Panelists:<br/>Hon. Tonya Parker, 116th District Court - Dallas, TX<br/>Hon. Rose Guerra Reyna, 206th District Court - Edinburg, TX<br/>Hon. Dawn Rogers, 334th District Court - Houston, TX</p> |
| <p>1:30 pm</p>              | <p><b>15-Minute Break</b></p>  |
| <p>1:45 pm<br/>0.50 hr</p>  | <p><b>U.S. Supreme Court Update</b></p> <p>An overview of major decisions and trends from the Supreme Court's 2023-2024 term.</p> <p>Kathryn M. Cherry, Office of the Texas Solicitor General - Austin, TX</p>   |

2:15 pm  
0.50 hr

**U.S. Fifth Circuit Update**

This presentation covers the most interesting cases about civil litigation from the U.S. Court of Appeals for the Fifth Circuit in the past year.

Raffi Melkonian, Wright Close & Barger, LLP - Houston, TX

2:45 pm  
1.00 hr  
0.50 hr ethics

**AI and Appeals: Current Techniques, Ethical Issues, and Future Considerations**

Discuss the current state of using Generative AI in handling appeals, including current tools and techniques for legal research, brief writing, and oral argument preparation. Also cover ethical issues involving the use of large language models to assist preparation of appeals and discuss some near-future possibilities for Generative AI.

Parker Hancock, Baker Botts - Houston, TX

3:45 pm

**Adjourn**