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## 22nd Annual Conference on State and Federal Appeals

Austin, May 31-Jun 1, 2012 - Four Seasons Hotel  
Standard Registration - \$575 | \$625 after May 23, 2012  
Full-Time Judicial Employee--Appellate Only - \$200 | \$200 after May 23, 2012  
Judge (Title and court/agency required) - \$0 | \$0 after May 23, 2012

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### THURSDAY MORNING

#### Presiding Officer(s)

Pamela Stanton Baron, Attorney at Law - Austin, TX

<b>8:00 am</b>	<b>Registration Opens</b> Includes continental breakfast.	
<b>8:30 am</b>	<b>Welcoming Remarks</b>	
<b>8:45 am</b>	<b>Procedural Update .58 hr</b> Coverage of the most recent cases affecting civil trial and appellate practice, with a paper that should be on every practitioner's desk.	Elaine Grafton Carlson South Texas College of Law - Houston, TX
<b>9:20 am</b>	<b>Voir Dire Update: When to Challenge for Cause and How to Preserve Error .50 hr</b> A look at recent cases addressing challenges for cause and how to apply them to your practice to preserve error.	David E. Keltner Kelly Hart & Hallman LLP - Fort Worth, TX
<b>9:50 am</b>	<b>What's New in Early Review: Recent Developments in Mandamus and Interlocutory Appeal .42 hr</b> A look at the most recent cases in the ever-expanding area of early appellate review.	Lisa Bowlin Hobbs Vinson & Elkins LLP - Austin, TX
<b>10:15 am</b>	<b>Break</b>	
<b>10:30 am</b>	<b>Ten Things the Texas Courts of Appeals Could Do Better (According to the Appellate Bar) .50 hr</b> There is always room for improvement—even by appellate courts. An appellate practitioner and Court of Appeals' Justice engage in a frank and direct discussion of the results of a survey of practitioners' suggestions for improved decision-making by the appellate courts.	Hon. William J. Boyce Fourteenth Court of Appeals - Houston, TX Stacy R. Obenhaus Gardere Wynne Sewell - Dallas, TX
<b>11:00 am</b>	<b>Three Veteran Judges Tell It Like It Is .67 hr</b>	Moderator:

A candid conversation about lessons learned over a lifetime of service on the appellate bench.

**Nina Cortell**  
Haynes and Boone, LLP - Dallas, TX

Panelist:  
**Hon. Fortunato P. Benavides**  
U.S. Court of Appeals, Fifth Circuit - Austin, TX

Panelist:  
**Hon. Emilio M. Garza**  
U.S. Court of Appeals, Fifth Circuit - San Antonio, TX

Panelist:  
**Hon. Joseph B. Morris**  
Fifth District Court of Appeals - Dallas, TX

**11:40 am** Lunch on your Own

#### THURSDAY AFTERNOON

##### Presiding Officer(s)

Richard B. Phillips, Jr., Thompson & Knight LLP - Dallas, TX

**12:55 pm** **Statutory Interpretation 2012 .50 hr**  
All conflicts in statutory interpretation have been resolved—not! Phil Durst talks about statutory interpretation—need we say more? In case we do, this topic discusses recent cases and trends in appeals involving the interpretation of statutes in the Texas courts.

**Philip Durst**  
Deats, Durst, Owen & Levy, P.L.L.C. - Austin, TX

**1:25 pm** **eBriefing Update .50 hr**  
Mandatory electronic filing is here in some appellate courts and imminent in others. Find out what's happening with electronic filing, electronic records, and how to make your electronic briefs more effective.

**Blake A. Hawthorne**  
Supreme Court of Texas - Austin, TX

**1:55 pm** **Procedural Rules Update .50 hr**  
This has been a busy year for new rules thanks to the 2011 legislative session that enacted statutes requiring rules addressing loser pays and expedited proceedings. Find out what the new rules are and what they aren't.

**Hon. Tracy Christopher**  
Fourteenth Court of Appeals - Houston, TX

**2:25 pm** Break

**2:40 pm** **Appellate Ethics Roundtable 1.00 hr ethics**  
A no-holds-barred discussion of ethical challenges appellate practitioners face, from the engagement letter to conflicts, withdrawal, the new barratry statute that creates private causes of action for damages, and even grievances.

Moderator:  
**Scott Rothenberg**  
Law Offices of Scott Rothenberg - Houston, TX

Panelist:  
**William J. Chriss**  
Law Office of William J. Chriss, P.C., of counsel to Gravely & Pearson, L.L.P. - Austin, TX

Panelist:  
**Cynthia Canfield Hamilton**  
State Bar of Texas - Austin, TX

Panelist:  
**James M. McCormack**  
The Law Office of James M. McCormack - Austin, TX

**3:40 pm** **The Art of Persuasion .58 hr**  
Studies into the functionality of the human brain provide a different perspective on the concepts of persuasion. The presentation takes scientific, marketing and sociology concepts and translates them into considerations for use in presentations for all types of cases.

**Jim M. Perdue, Jr.**  
Perdue Kidd & Vickery - Houston, TX

**4:15 pm** **Who Wants to Be an Ethics Millionaire? 1.00 hr ethics**  
Contestants answer ethics questions - with help from the audience and phone-a-friend - for a chance at fame and fortune.

Moderator:  
**Douglas W. Alexander**  
Alexander Dubose & Townsend LLP - Austin, TX

**5:15 pm** Adjourn

#### FRIDAY MORNING

##### Presiding Officer(s)

Elizabeth V. Rodd, Supreme Court of Texas - Austin, TX

**7:45 am** **Conference Room Opens**  
Includes continental breakfast.

**8:30 am** **Damages Update .33 hr**  
An analysis of recent cases affecting the award of actual and exemplary damages and

**Elizabeth G. (Heidi) Bloch**  
Brown McCarroll L.L.P. - Austin, TX

how they impact trial and appellate practice.

<b>8:50 am</b>	<b>Waiver Update: You Say Goodbye, and I Say Hello .42 hr ethics</b> A look at the vastly different ways the Courts of Appeals and the Texas Supreme Court decide questions of waiver.	<b>Kurt Kuhn</b> Kurt Kuhn, PLLC - Austin, TX
<b>9:15 am</b>	<b>Appellate Court Studies .50 hr</b> A statistical analysis of decision-making by the appellate courts can reveal important information on how to structure an appeal.	<b>Frank B. Cross</b> The University of Texas at Austin - Austin, TX  <b>Stefanie Lindquist</b> The University of Texas School of Law - Austin, TX
<b>9:45 am</b>	<b>Appellate Tech Tools and Tips .33 hr</b> Set your gadgets to mute and get ready for a quick look at the best tech tools, tips and apps for appellate practitioners.	<b>Don Cruse</b> Law Office of Don Cruse - Austin, TX
<b>10:05 am</b>	<b>Break</b>	
<b>10:20 am</b>	<b>Ten Things Your Client Needs to Know About Taking a Case to the Texas Supreme Court .42 hr</b> Clients need to understand the process, the odds, and the time and expense of taking an appeal to the Texas Supreme Court so that they can make informed decisions about settlement and whether and how to proceed. Educating clients also helps manage expectations so that there are no surprises.	<b>Pamela Stanton Baron</b> Attorney at Law - Austin, TX
<b>10:45 am</b>	<b>Texas Supreme Court Update .50 hr</b> A look at the most important cases of the last year and their impact on trial and appellate practice.	<b>Jane M. N. Webre</b> Scott, Douglass & McConnico, L.L.P. - Austin, TX
<b>11:15 am</b>	<b>Texas Supreme Court Panel .75 hr</b> A candid conversation with the Justices about what's new at the court, the state of the docket, and ways practitioners can improve their chances of obtaining favorable relief for their clients.	Moderator: <b>Jeffrey S. Levinger</b> Levinger PC - Dallas, TX  Panelist: <b>Hon. Wallace B. Jefferson</b> Supreme Court of Texas - Austin, TX  Panelist: <b>Hon. Nathan L. Hecht</b> Supreme Court of Texas - Austin, TX  Panelist: <b>Hon. Debra Lehrmann</b> Supreme Court of Texas - Austin, TX

## FRIDAY AFTERNOON

### Presiding Officer(s)

Elana S. Einhorn, The University of Texas School of Law - Austin, TX

### Luncheon Presentation

**12:00 pm**      **Lunch with the Judiciary**  
A unique opportunity to meet and discuss issues with members of the judiciary. Please select "Sponsored Lunch with the Judiciary" on the registration form if you plan to attend (there is an additional fee of \$10).

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**1:00 pm**      **Return to General Session**

**1:15 pm**      **Fifth Circuit Panel .75 hr**  
A panel of Fifth Circuit judges discuss what they do, the court's docket, and better ways for us to represent parties before the Fifth Circuit.

Moderator:  
**Samara L. Kline**  
Baker Botts L.L.P. - Dallas, TX

Panelist:  
**Hon. Edward C. Prado**  
U.S. Court of Appeals, Fifth Circuit - San Antonio, TX

Panelist:  
**Hon. Priscilla R. Owen**  
U.S. Court of Appeals, Fifth Circuit - Austin, TX

Panelist:  
**Hon. Jennifer Walker Elrod**  
U.S. Court of Appeals, Fifth Circuit - Houston, TX

2:00 pm	<b>Ethics in the Courtroom .50 hr ethics</b> A Federal District Court judge discusses the highs and lows of ethical practices in the federal courts.	<b>Hon. Lee YeakeI</b> U.S. District Court, Western District of Texas - Austin, TX
2:30 pm	<b>Fifth Circuit Update .42 hr</b> A practitioner focuses on cases from the past year that appellate practitioners need to know about.	<b>Dana Livingston</b> Alexander Dubose & Townsend LLP - Austin, TX
2:55 pm	<b>Federal Rehearing Motions: Practice and Persuasion .33 hr</b> Rehearing in the federal courts may not be quite so hopeless as you think. A look at ways to get there from here.	<b>Meredith B. Parenti</b> Weil, Gotshal & Manges LLP - Houston, TX
3:15 pm	<b>United States Supreme Court Update .50 hr</b> An insightful and witty look at the most important cases of the current term.	<b>Kathryn Elizabeth Boatman</b> Andrews Kurth LLP - Houston, TX  <b>Kendall M. Gray</b> Andrews Kurth LLP - Houston, TX
3:40 pm	<b>Adjourn</b>	