



25th Annual Advanced Civil Appellate Practice Course

Topics Include:

- Texas Supreme Court Update
- Court of Appeals Panel
- U.S. Supreme Court – 10 Year Retrospective
- Legislative Update
- Post-Judgment Pitfalls and Proposed Remedies
- Texas Supreme Court Judge's Panel
- How to Make Technical Briefs Understandable to and Maybe Even Enjoyable for Generalist Judges

Extra Benefits:

- Lunch provided on Thursday
- Thursday evening social (Austin only)
- Electrical connections provided for your laptop

Come to Austin a day early for
Civil Appellate Practice 101

(Separate registration required)

LIVE

Austin

September 8-9, 2011

VIDEO

Dallas

October 13-14, 2011

MCLE CREDIT

12.5 HOURS (2 ETHICS)



Course materials available on a USB drive



Advanced Civil Appellate Practice Course

Cosponsored by the Appellate Section of the State Bar of Texas

TexasBarCLE Advanced Courses are sponsored by LexisNexis, a division of Reed Elsevier Inc.

Register early and **save \$50!**
Appellate Section members
can **save \$100!**

LIVE Austin
Four Seasons Hotel
September 8-9, 2011
Register by August 25 to save!

VIDEO Dallas
Cityplace Conference Center
October 13-14, 2011
Register by September 29 to save!

Thursday

6.75 hours including .25 ethics

- 8:00 **Registration – Coffee and Pastries Provided**
- 8:45 **Welcoming Remarks**
Course Director
Macey Reasoner Stokes, *Houston*
Baker Botts
- 9:00 **Texas Supreme Court Update** .5 hr
Hon. Nathan L. Hecht, *Austin*
Justice, Supreme Court of Texas
- 9:30 **Standards of Review** .5 hr
D. Todd Smith, *Austin*
Smith Law Group
- 10:00 **Break**
- 10:15 **10 Year Retrospective of the Texas Supreme Court** .75 hr
• Last 10 years of the Supreme Court
• Opinions, philosophy, docket composition, statistics
Kurt Kuhn, *Austin*
Kurt Kuhn, PLLC
- 11:00 **Texas Supreme Court Judge's Panel** .75 hr
Moderator
Hon. Harriet O'Neill, *Austin*
Justice (Ret.), Supreme Court of Texas
Law Office of Harriet O'Neill, PC
- Panelists**
Hon. Wallace B. Jefferson, *Austin*
Chief Justice, Supreme Court of Texas
- Hon. Eva Guzman, *Austin*
Justice, Supreme Court of Texas

Hon. Nathan L. Hecht, *Austin*
Justice, Supreme Court of Texas

11:45 **Break - Lunch Provided**

12:00 **Luncheon Presentation: U.S. Supreme Court – 10 Year Retrospective** .75 hr
Hon. Kenneth W. Starr, *Waco*
President, Baylor University

Kannon K. Shanmugam,
Washington, D.C.
Williams & Connolly

12:45 **Break**

1:00 **Legislative History Research** .33 hr
• Kinds of resources available
• Code construction act
Colette R. Knisely, *Austin*
Legislative Intent Research

1:20 **Legislative Update** .33 hr
Jerry D. Bullard, *Grapevine*
Adams, Lynch & Loftin

1:40 **Statutory Interpretation** .33 hr
Connie H. Pfeiffer, *Houston*
Beck, Redden & Secrest

2:00 **Judge and Jury Issues** .5 hr
Richard P. Hogan, Jr., *Houston*
Hogan & Hogan

2:30 **Break**

2:45 **General Counsel Panel** 1 hr (.25 ethics)
• The "appellate" client
• Best practices
• Worst case scenarios
• Open forum
Moderator

Oscar Rey Rodriguez, *Dallas*
Fulbright & Jaworski

Panelists
Janet L. Dhillon, *Plano*
Executive Vice-President, General Counsel and Secretary
J.C. Penney Company, Inc.

Stanton P. Eigenbrodt, *Dallas*
Senior Vice President and General Counsel
Behringer Harvard

Diane M. Hirsch, *San Antonio*
Valero Energy Corporation

Marc E. Vockell, *Round Rock*
Executive Director, Litigation
Dell, Inc.

3:45 **Different Views on Briefing Waiver from the Courts of Appeals** .5 hr
Thomas S. Leatherbury, *Dallas*
Vinson & Elkins

4:15 **Post-Judgment Pitfalls and Proposed Remedies** .5 hr
Nina Cortell, *Dallas*
Haynes and Boone

4:45 **Adjourn**

5:00 **Appellate Section Annual Meeting**

5:30 **Cocktail Reception (Austin site only)**
All registrants and speakers welcome!
Sponsored by the Appellate Section of the State Bar of Texas

Friday

5.75 hours including 1.75 ethics

8:00 **Coffee and Pastries Provided**

8:25 **Announcements**

8:30 **Can I Cite Wikipedia? Legal and Ethical Considerations for Appellate Lawyers Citing Facts Outside the Record in the Age of the Internet** .67 hr ethics
Robert B. Dubose, *Houston*
Alexander Dubose & Townsend

9:10 **Recent Trends in Increased Availability of Interlocutory Review** .5 hr
David L. Horan, *Dallas*
Jones Day

9:40 **Remittitur** .5 hr
Evan Andrew Young, *Austin*
Baker Botts

MCLE CREDIT

12.5 HOURS (2 ETHICS)

MCLE COURSE NO: 901220917

Applies to the College of the State Bar of Texas and to the Texas Board of Legal Specialization in Civil Appellate Law, Civil Trial Law, Family Law and Personal Injury Trial Law.

- 10:10 **Break**
- 10:30 **Court of Appeals Panel**
.75 hr (.25 ethics)
Moderator
 Hon. Wanda McKee Fowler, *Houston*
 Wright & Close
- Panelists**
 Hon. Gina Benavides, *Edinburg*
 Justice, Thirteenth Court of Appeals
- Hon. Mary L. Murphy, *Dallas*
 Justice, Fifth District Court of Appeals
- Hon. Jeff Rose, *Austin*
 Justice, Third Court of Appeals
- 11:15 **Reasons for Reversal in Texas Courts of Appeals** *.5 hr*
 Lynne Liberato, *Houston*
 Haynes and Boone
- Kent Rutter, *Houston*
 Haynes and Boone

- 11:45 **Lunch on Your Own**
- 1:15 **Electronic Filing** *.5 hr*
- Electronic filing rules
 - Common pitfalls with electronic briefs
 - What the Justices and staff want
- Hon. Blake A. Hawthorne, *Austin*
 Clerk, Supreme Court of Texas
- 1:45 **How to Make Technical Briefs Understandable to and Maybe Even Enjoyable for Generalist Judges** *.5 hr*
 Hugh S. Balsam, *Chicago, IL*
 Locke Lord Bissell & Liddell
- Patrick Gallagher, *Chicago, IL*
 Locke Lord Bissell & Liddell
- 2:15 **Ethics Intervention** *.75 hr ethics*
- Scenarios/vignettes
- Daryl L. Moore, *Houston*
 Daryl L. Moore, P.C.

- Richard P. Hogan, Jr., *Houston*
 Hogan & Hogan
- David W. Holman, *Houston*
 The Holman Law Firm
- R. Russell Hollenbeck, *Houston*
 Wright & Close
- 3:00 **Statistical Analysis of Fifth Circuit Voting Patterns** *.5 hr*
 Dana C. Livingston, *Austin*
 Alexander Dubose & Townsend
- 3:30 **How to Create, Annotate and Organize an Electronic Appellate Record and Effectively Use E-Briefs** *.5 hr*
 Leane Capps Medford, *Dallas*
 ELROD
- 4:00 **Adjourn**

TexasBarCLE presents

Civil Appellate Practice 101

LIVE Austin | September 7, 2011 | Four Seasons Hotel

Wednesday

6.25 hours including .5 ethics

- 8:00 **Registration - Coffee and Pastries Provided**
- 8:25 **Welcoming Remarks**
Course Director
 Macey Reasoner Stokes, *Houston*
 Baker Botts
- 8:30 **Federal and State Appellate Procedure** *.5 hr*
 Warren W. Harris, *Houston*
 Bracewell & Giuliani
- Yvonne Y. Ho, *Houston*
 Bracewell & Giuliani
- 9:00 **Petition for Review Practice** *.75 hr*
 Zachary Bowman, *Austin*
 Law Clerk, Supreme Court of Texas
- Douglas W. Alexander, *Austin*
 Alexander Dubose & Townsend
- 9:45 **Preservation of Error - Pretrial and Trial** *.5 hr*
 Jane Bland, *Houston*
 Justice, First Court of Appeals
- 10:15 **Break**
- 10:30 **Jury Charge** *.5 hr*
 Jennifer B. Hogan, *Houston*
 Hogan & Hogan
- 11:00 **Preservation of Error: Post-Trial** *.5 hr*
 Laurie Ratliff, *Austin*
 Ikard & Golden
- 11:30 **Mistakes: How to Prevent, or at Least Survive, Them** *.5 hr (.25 ethics)*
 Roger D. Townsend, *Houston*
 Alexander Dubose & Townsend
- 12:00 **Lunch On Your Own**
- 1:15 **Interlocutory Appeals** *.5 hr*
 Audrey Mullert Vicknair,
Corpus Christi
 Law Office of Audrey Mullert Vicknair
- 1:45 **Bench Trials - Finding of Fact and Conclusions of Law** *.5 hr*
 Hon. David E. Keltner, *Fort Worth*
 Kelly Hart & Hallman
- 2:15 **Brief Writing** *.5 hr (.25 ethics)*
 Chad Baruch, *Dallas*
 Assistant Principal, Yavneh Academy
 of Dallas
 The Law Office of Chad Baruch
- 2:45 **Mandamus** *.5 hr*
 Robert H. 'Bob' Pemberton, *Austin*
 Justice, Third Court of Appeals

- 3:15 **Break**
- 3:30 **Summary Judgment** *.5 hr*
 David F. Johnson, *Fort Worth*
 Winstead
- 4:00 **Frequently Abused TRAPs** *.42 hr*
 Patricia Askew, *Fort Worth*
 Staff Attorney, Second Court of
 Appeals
- 4:25 **Tips for Preparing for the Specialization Exam (No MCLE credit)**
 Scott James, *Houston*
 Chambers Attorney, First Court of
 Appeals
- Jeffrey L. Oldham, *Houston*
 Bracewell & Giuliani
- 4:40 **Adjourn**

MCLE CREDIT

6.25 HOURS (.5 ETHICS)
MCLE COURSE NO: 901220916
 Applies to the College of the State Bar
 of Texas and to the Texas Board of Legal
 Specialization in Civil Appellate Law,
 Civil Trial Law, Family Law and Personal
 Injury Trial Law.

Ways to Save on This Course!

Meet the "Register By" Deadline and Save \$50 because early registrations help us ensure that sufficient course books, seating, and refreshments are available. Course materials and seating will be reserved for pre-registrants until the start of the first topic.

Appellate Section Members Can Save \$100 by registering no later than the "Register by" date for that course (thereafter, save \$50); see the registration form. Not a member? To join, e-mail sections@texasbar.com or phone 800-204-2222, x1425. Please do not send Section membership payment with your registration fee.

Earn Discounts by Registering Five or More from your firm or agency. Contact Firm & Group Sales Manager Laura Angle of TexasBarSolutions at 512-250-5575 or laura.angle@texasbar.com.

State Bar Policy §7.03.06 Allows Active State and Texas-Area Federal Judges to Attend for Free provided (1) the course is directly related to their tribunal's jurisdiction, (2) they are full-time judges or judges retired under the Texas Judicial Retirement System and (3) space is available for all paying registrants. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity. NOTE: Judges must actually attend to receive course materials.

Parking Information for Attendees Not Staying at the Hotel Austin: Valet parking at the Four Seasons is \$13 for the day and \$29.25 overnight; parking is also available nearby in the Austin Convention Center parking garages: www.austinconventioncenter.com/directions/directions.htm Dallas: Self-parking at the underground Cityplace Conference Center garage is complimentary by picking up a validation ticket from the State Bar staff onsite.

If You Need Special Accommodations to Attend, please contact us as soon as possible at 800-204-2222, x1797. For the Cityplace Conference Center in Dallas, please call us at 800-204-2222, x1797 in advance of your arrival so that assisted parking can be arranged for drivers of handicap-designated vehicles.

Registered But Can't Attend? Still Earn MCLE Credit and receive course materials by (1) calling 800-204-2222, x1574 to transfer your registration to a later presentation or (2) taking the course online later, in which case you'll automatically be sent the course materials; see "FREE TO OUR REGISTRANTS!" below. However, if you wish a refund instead, mail or fax (512-427-4111) your request so that we receive it at least one business day before the program.

FREE TO OUR REGISTRANTS! Online Videos and MP3s of the Topics, as Well as PDFs of Course Materials, will be available to registrants 6-8 weeks after the course. Provide us your e-mail address when preregistering and we'll alert you when these benefits are available and how to access them. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

Policy of Impartiality The State Bar of Texas does not endorse political candidates. When a candidate for public office is included in promotion for or participates in a TexasBarCLE event, the State Bar is not taking a position for or against anyone's candidacy.

Reserve Your Hotel Room by August 15

Hotel rooms at the Four Seasons Austin have been blocked at special rates on a space-available basis. To make a reservation, contact the hotel and indicate that you will be attending this State Bar of Texas course.

AUSTIN Live Four Seasons Hotel 98 San Jacinto Blvd. Austin, TX 78701 512-478-4500 \$239 city view / \$279 lake view



Deadline: August 15 The reserved block of rooms may fill up before the deadline. Act now!

DALLAS Video Cityplace Conference Center 2711 N. Haskell Ave. Dallas, TX 75204 214-515-5100



No hotel rooms have been booked for this showing.

Course Director

Macey Reasoner StokesHouston

Planning Committee

- Hon. Jane Bland.....Houston
J. Brett Busby.....Houston
Robert B. Dubose.....Houston
Hon. Wanda McKee FowlerHouston
Marcy Hogan GreerAustin
Steven K. HayesFort Worth
Allyson Newton HoHouston
Richard P. Hogan, Jr.Houston
Anne McGowan Johnson.....Dallas
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Karlene PollHouston
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D. Todd Smith.....Austin
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TexasBarCLE Planning Team

Kathy Reese.....Program Planner
Nancy HattenProgram Planner

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during business hours
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State Bar of Texas - CLE
LB #972298
P. O. Box 972298
Dallas, TX 75397-2298
check or credit card

**Registering
five or more?**

Email Laura Angle at
laura.angle@texasbar.com
for group discount
information.

Appellate Section Members
can save up to **\$100**
on the Advanced Course

**Advanced Civil Appellate Practice Course and
Civil Appellate Practice 101**

→ Limited Number of Appellate Section Scholarships Available!

The Appellate Section offers a limited number of need-based tuition scholarships. **The application deadline is August 2, 2011.** Details are available at www.tex-app.org/courses.php or by contacting **Jeffrey Levinger** at jlevinger@hanklev.com

1 Here are my choices:

Advanced Civil Appellate Practice Course [5035]

- Austin LIVE**, September 8-9, 2011 \$645
Take \$50 off: Register by August 25
- Dallas VIDEO**, October 13-14, 2011 \$495
Take \$50 off: Register by September 29

Your Advanced Course registration includes:

- Lunch on Thursday
- Electrical outlets provided for your laptop
- Thursday evening social (Austin only)

Civil Appellate Practice 101 [5036]

- Austin LIVE**, September 7, 2011 \$195
(No discounts apply for the 101 course; go directly to #5.)

2 I want my Advanced Course materials format to be:

- Electronic (PDFs on a USB thumb drive)
- Hardcopy (1 notebook)
- BOTH so I'll ADD \$80

3 I'm entitled to 1 or 2 discounts on the Advanced Course:

- \$50 OFF** because I'm registering by the "Register by" date at the left. (If by mail, date of postmark will be determinative.)
 - \$50 OFF** because I'm a member of the Appellate Section of the State Bar of Texas
OR
\$25 OFF because (choose 1 box only) I'm a member of the
 - State Bar College
 - Legal Administrators or Paralegal Division**OR** I am licensed 2 years or less.
- \$ _____ is my total for course(s) and materials.**
- As a judge, I AFFIRM I qualify under §7.03.06 (State Bar Policy Manual) for complimentary admission (see p. 4).**

4 I can't attend. Just send course materials.* **FREE Shipping & Handling**

- Advanced Course book \$155 each[†]
- Advanced Course materials on USB drive . \$155 each[†]
- Civil Appellate Practice 101 book \$85 each[†]

For information on course audio CDs, contact our DVD CLE service at 800-204-2222, x1575. MP3 files of the course topics will be downloadable from TexasBarCLE.com 6-8 weeks after the course.

5 I am paying by:

- Check (enclosed) payable to the State Bar of Texas for \$ _____
- Visa MasterCard AMEX Discover

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**PDFs of course materials will be available for purchase 6-8 weeks after the course in the Online Library at TexasBarCLE.com. Registrants receive access to the PDFs at no additional charge.*

†Plus 8.25% sales tax on total. Please include sales tax or attach an exemption certificate. Book and USB orders are shipped separately and filled 4-6 weeks after the live program. A bill will be sent unless a credit card charge is authorized on this form.

- QUESTIONS?**
- 800-204-2222, x1574
 - 512-427-1574

State Bar of Texas
P.O. Box 12487
Austin, TX 78711-2487

25th Annual Advanced Civil Appellate Practice Course

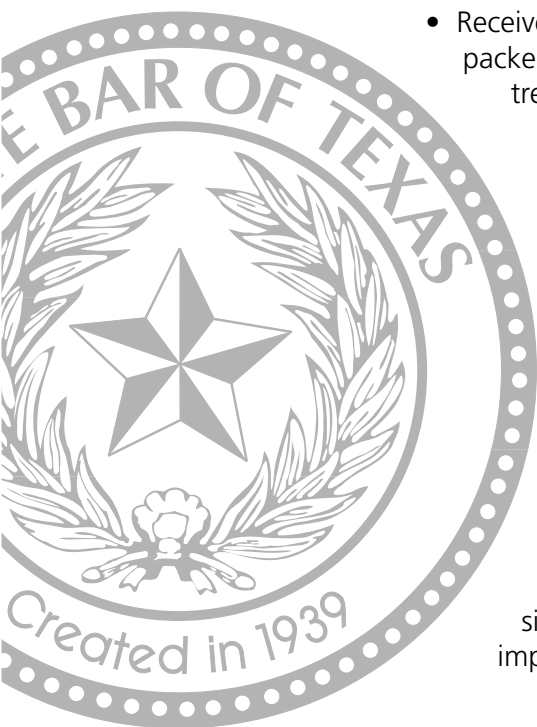
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Got appeals? Join us.

For just \$25 a year, you can belong to the State Bar of Texas Appellate Section and reap these benefits of membership:

- Receive the insightful *The Appellate Advocate*, a first-rate quarterly publication packed with articles, editorials, and reports designed to help you stay current on trends in Texas appellate courts.
- Enjoy a \$50 discount on tuition for the 2011 Advanced Civil Appellate Practice Course.
- Access a wealth of information through the Section's website, www.tex-app.org. View each Texas appellate court's local rules and docketing statements, past issues of *The Appellate Advocate*, and a member directory that trial attorneys who are looking for appellate counsel can use to find you.
- Receive periodic email alerts regarding matters of particular interest and concern to Texas appellate attorneys.
- Take advantage of the opportunity to participate on committees with sitting appellate judges and experienced appellate attorneys, helping to improve our appellate system of civil justice.



Get benefits you can really appreciate — join the Appellate Section!
www.tex-app.org