

Advanced
Civil
Appellate
Practice
Course

LIVE - Austin
September 6-7, 2007
Four Seasons Hotel

VIDEO - Dallas
November 29-30, 2007
Cityplace Conference Center

- Trends in Texas Supreme Court Practice
- In-House Perspectives on Hiring and Working with Appellate Lawyers
- Secrets to Persuading Appellate Courts to Rule in Your Favor
- Voir Dire & Jury Selection: Scope of Examination and Error Preservation
- Constitutionality of Punitive Damages and Effect on the Jury Charge
- New Jury Charge Problems
- Hot Topics: *Keller* Update, Alternative Bond Rules, IP and Trade Secrets Appeals, Arbitration Appeals and Challenges, Insurance

**Come a day early for the
APPELLATE BOOT CAMP**

September 5, 2007 - Austin
November 28, 2007 - Dallas



Advanced Civil Appellate Practice Course

Cosponsored by the State Bar of Texas Appellate Section

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

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Thursday 7.25 hours / 1.75 ethics

- 7:45 **Registration and Continental Breakfast**
- 8:30 **Welcoming Remarks Course Director**
 Warren W. Harris, *Houston*
 Bracewell & Giuliani
- 8:45 **Texas Supreme Court Update .5 hr**
 Andrew Weber, *Austin*
 Kelly Hart & Hallman
- 9:15 **Hot Topics 1 hr**
 - **Insurance**
 Thomas C. Wright, *Houston*
 Wright Brown & Close
 - **Keller Update**
 W. Wendell Hall, *San Antonio*
 Fulbright & Jaworski
 - **Alternative Bond Rules**
 Kevin Jewell, *Houston*
 Chamberlain, Hrdlicka, White, Williams & Martin
- 10:15 **Break**
- 10:30 **Constitutionality of Punitive Damages and Effect on the Jury Charge .5 hr**
 J. Brett Busby, *Houston*
 Mayer, Brown, Rowe & Maw

 Andrew L. Frey, *Washington & New York*
 Mayer, Brown, Rowe & Maw
- 11:00 **Texas Supreme Court Trends .33 hr**
 Pamela Stanton Baron, *Austin*
 Attorney at Law

- 11:20 **In-House Perspectives on Hiring and Working with Appellate Lawyers .75 hr / .25 ethics**
Moderator
 Nina Cortell, *Dallas*
 Haynes and Boone

 Javier 'Jay' Aguilar, *San Antonio*
 AT&T Services, Inc.

 S. Jack Balagia, Jr., *Houston*
 Exxon Mobil Corporation

 Keith D. Calcote, *Houston*
 Shell Oil Company

 Judy C. Norris, *San Antonio*
 Clarke American Corporation
- 12:05 **Break - Lunch Served**
- 12:20 **Lunch Presentation: Meal or No Meal – Four Contestants Answer Tough Ethics Questions Vying for the Grand Prize – A Really Nice Meal at a Really Nice Austin-Area Restaurant 1 hr ethics**
 Scott Rothenberg, *Bellaire*
 Law Offices of Scott Rothenberg
- 1:20 **Break**
- 1:35 **Voir Dire and Jury Selection: Scope of Examination and Error Preservation .5 hr**
 David E. Keltner, *Fort Worth*
 Kelly Hart & Hallman

 Matthew Stayton, *Fort Worth*
 Kelly Hart & Hallman
- 2:05 **Law of Interpreting Contracts .5 hr**
 Richard R. Orsinger, *San Antonio*
 McCurley, Orsinger, McCurley, Nelson & Downing
- 2:35 **Former Courts of Appeals Chief Justices Retrospective .75 hr / .25 ethics**
Moderator
 Lynne Liberato, *Houston*
 Haynes and Boone

 Hon. Marilyn Aboussie, *San Angelo*
 Former Chief Justice
 3rd Court of Appeals

 Hon. John T. Boyd, *Amarillo*
 Former Chief Justice
 7th Court of Appeals

 Hon. Frank G. Evans, III, *Bastrop*
 Former Chief Justice
 1st Court of Appeals

- Hon. John G. Hill, *Fort Worth*
 Former Chief Justice
 2nd Court of Appeals
- 3:35 **Statutory Construction .5 hr**
 Hon. Adele O. Hedges, *Houston*
 Chief Justice, 14th Court of Appeals

 Roger D. Townsend, *Houston*
 Alexander Dubose Jones & Townsend
- 4:05 **U.S. Supreme Court Update .33 hr**
 R. Ted Cruz, *Austin*
 Solicitor General of Texas
 Office of the Attorney General
- 4:25 **Appellate Mediation .58 hr / .25 ethics**
Moderator
 Douglas W. Alexander, *Austin*
 Alexander Dubose Jones & Townsend

 Hon. Deborah G. Hankinson, *Dallas*
 Former Justice
 Supreme Court of Texas
 Law Offices of Deborah Hankinson

 Hon. James A. Baker, *Dallas*
 Former Justice
 Supreme Court of Texas
 Hughes & Luce
- 5:00 **Adjourn**
- 5:00 **Appellate Section Annual Meeting** (Austin site only)
 The State Bar Appellate Section celebrates its *20th Anniversary*. Join us for a brief business meeting, announcement of song lyric contest winners, appellate paraphernalia, and a cocktail reception to follow for all.
- 5:30 **Reception with the Appellate Judiciary - All Course Attendees Welcome!** (Austin site only)
- Friday** 5.67 hours / 1.25 ethics
- 8:20 **Announcements**
- 8:30 **New Jury Charge Problems .33 hr**
 Charles R. 'Skip' Watson, Jr., *Austin*
 Locke Liddell & Sapp
- 8:50 **Voting Patterns on the Texas Supreme Court .33 hr**
 Kurt H. Kuhn, *Austin*
 Brown McCarroll
- 9:10 **Trends in Texas Supreme Court Brief Writing .33 hr**
 Robert B. Dubose, *Houston*
 Alexander Dubose Jones & Townsend

- 9:30 **Texas Supreme Court Justices** .75 hr / .25 ethics
Moderator
 Robert M. 'Randy' Roach, Jr., *Houston*
 Cook & Roach
- Hon. Scott A. Brister, *Austin*
 Justice, Supreme Court of Texas
- Hon. Nathan L. Hecht, *Austin*
 Justice, Supreme Court of Texas
- Hon. Phil Johnson, *Austin*
 Justice, Supreme Court of Texas
- 10:15 **Break**
- 10:30 **Ethics on Appeal** .5 hr ethics
 Douglas Richmond, *Chicago, IL*
 Aon Risk Services - Professional Services
 Group
- 11:00 **Hot Topics** 1 hr
- **IP and Trade Secrets Appeals**
 Claudia Wilson Frost, *Houston*
 Mayer, Brown, Rowe & Maw
 - **Arbitration Appeals and Challenges**
 Marcy Hogan Greer, *Austin*
 Fulbright & Jaworski

- **Civil Liberties / Substantive Due Process**
 Roger W. Hughes, *Harlingen*
 Adams & Graham
- 12:00 **Lunch on Your Own**
- 1:30 **But I Wrote a Brief, Why Didn't I Win?: Secrets to Persuading Appellate Courts to Rule in Your Favor** .5 hr
 Mike A. Hatchell, *Austin*
 Locke Liddell & Sapp
- 2:00 **Expert Witnesses and Reports** .33 hr
 Manuel Lopez, *Houston*
 Shook Hardy & Bacon
- 2:20 **Impact of Technology on Appeals** .33 hr
 Stephen G. Tipps, *Houston*
 Baker Botts
- 2:40 **Break**
- 2:55 **Mandamus Since Prudential** .5 hr / .25 ethics
 Alice McAfee, *Austin*
 Mandamus Attorney
 Supreme Court of Texas

- Reagan W. Simpson, *Houston*
 King & Spalding
- 3:25 **The Most Underutilized Advocacy Tools** .75 hr / .25 ethics
Moderator
 Philip Durst, *Austin*
 Deats Durst Owen & Levy
- Hon. David B. Gaultney, *Beaumont*
 Justice, 9th Court of Appeals
- Hon. Eva Guzman, *Houston*
 Justice, 14th Court of Appeals
- Hon. Amos Mazzant, *Dallas*
 Justice, 5th Court of Appeals
- Hon. Linda Reyna Yanez, *Edinburg*
 Justice, 13th Court of Appeals
- 4:10 **Adjourn**

13 HOURS (3 ETHICS)
MCLE COURSE NO: 900025910

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

Come a day early to attend the **APPELLATE BOOT CAMP** (separate registration fee required)

LIVE - Austin - September 5
VIDEO - Dallas - November 28

Wednesday 6.5 hours / .5 ethics

- 7:45 **Registration and Continental Breakfast**
- 8:30 **Welcoming Remarks Course Director**
 Warren W. Harris, *Houston*
 Bracewell & Giuliani
- 8:45 **Preservation of Error: Pre-Trial and Trial** .5 hr
 Alex Wilson Albright, *Austin*
 Assoc. Dean & Senior Lecturer
 University of Texas School of Law
- 9:15 **Jury Charge** .5 hr
 Joseph R. Knight, *Austin*
 Baker Botts
- 9:45 **Preservation of Error: Post-Trial** .5 hr
 Allyson Ho, *Dallas*
 Baker Botts
- 10:15 **Break**
- 10:30 **Drafting Judgments** .33 hr
 David M. Gunn, *Houston*
 Beck, Redden & Secrest

- 10:50 **Appealing Summary Judgments** .5 hr
 Sandra Garza Rodriguez, *Houston*
 Vinson & Elkins
- 11:20 **Perfecting the Appeal and Securing the Record** .33 hr
 Jeffrey S. Levinger, *Dallas*
 Carrington, Coleman, Sloman &
 Blumenthal
- 11:40 **Interlocutory Appeals** .33 hr
 Matthew Ploeger, *Austin*
 Vinson & Elkins
- 12:00 **Lunch on Your Own**
- 1:15 **Mandamus** .5 hr
 Kirsten M. Castaneda, *Dallas*
 Locke Liddell & Sapp
- 1:45 **Factual and Legal Sufficiency of the Evidence** .5 hr
 O. Rey Rodriguez, *Dallas*
 Fulbright & Jaworski
- 2:15 **Brief Writing** .5 hr
 Russell S. Post, *Houston*
 Beck Redden & Secrest
- 2:45 **Break**
- 3:00 **Oral Argument** .5 hr
 Hon. Terry Jennings, *Houston*
 Justice, 1st Court of Appeals

- David W. Holman, *Houston*
 The Holman Law Firm
- 3:30 **Practice Before the Texas Supreme Court** .5 hr
 Kent Geoffrey Rutter, *Houston*
 Haynes and Boone
- 4:00 **Care and Feeding of Your Clients** .5 hr ethics
 Kevin Dubose, *Houston*
 Alexander Dubose Jones & Townsend
- 4:30 **Comparison of State and Federal Appeals** .5 hr
 Bill Davis, *Austin*
 Asst. Solicitor General of Texas
 Office of the Attorney General
- Eric Brian Storm, *Austin*
 Bracewell & Giuliani
- 5:00 **Adjourn**

6.5 HOURS (.5 ETHICS)
MCLE COURSE NO: 900025911

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

COURSE INFORMATION

Register Early and Save \$50 by registering no later than two weeks before each presentation date. Early registrations help us ensure that sufficient course books, seating, and refreshments will be available. Registrations are accepted on a space-available basis. Course materials and seating will be reserved for pre-registrants until the start of the first presentation. No confirmation will be sent; pick up your name tag and course materials at the program.

Appellate Section Members Can Save Up To \$100 because the Section cosponsors this course with TexasBarCLE. If you are a Section member, or you agree to become one by the date of the presentation that you plan to attend, you save \$50. Register early and save a total of \$100! See the registration form for details. If you wish to join the section, please contact the State Bar's Sections Coordinator, Kathy Casarez, at 800-204-2222, x1420. Please do not send payment for section membership with your registration fee.

Qualifying Judges may attend free of charge, provided (1) the course is directly related to the jurisdiction of their tribunal, (2) they are full-time judges or judges retired under the judicial retirement system, and (3) space is available after admission of all paid registrants. Judges must actually attend to receive course materials. This privilege does not extend to receivers, trustees, court staff, or persons serving part-time in any judicial capacity.

If You Register But Cannot Attend you can still earn participatory MCLE credit and receive the written materials. First, consider transferring your registration fee to a later presentation of the course; to do so, call 800-204-2222, x1574. Second, as a registrant, you are entitled to special benefits via our web site (see "Two Free Online Benefits For Course Registrants," below). However, if you wish to receive a refund instead, mail or fax (512-427-4111) your request so that we receive it at least one business day before the program. Registrants who do not attend will be sent the course materials.

Two Free Online Benefits for Course Registrants will be available 6-8 weeks after the course: (1) streaming video and audio versions of each presentation and (2) electronic versions of the course materials. To access these benefits, log onto TexasBarCLE.com. To view videos, look under "Your Online Classroom" and click on "Free Classes from Seminars You've Attended." For course materials, check our home page for "Your Online Library." Below that, click on "Free Articles from Seminars You've Attended." Remember: there's no extra charge. As a registrant, you're already entitled!

Persons with Disabilities who need special accommodations to attend should contact us as soon as possible at 1-800-204-2222 x1797. The **Dallas** video replay at **Cityplace Conference Center** offers assisted parking to drivers of handicap-designated vehicles. For arrangements, please call the number above in advance of your arrival.

Parking Information is provided for the convenience of attendees not staying at the hotel. There is no guarantee of availability and this information is subject to change without notice. **Austin:** At the Four Seasons, self-parking may be available for \$7/day and valet parking may be available for \$12/day. **Dallas:** Complimentary parking is available in the Cityplace Center parking garage when you pick up a validation ticket from State Bar staff onsite.

Course Director

Warren W. Harris Houston

Planning Committee

Douglas W. Alexander Austin
Keith D. Calcote Houston
David S. Coale Dallas
R. Ted Cruz Austin
Kevin Dubose Houston
Robert B. Dubose Houston
Claudia Wilson Frost Houston
Steven Goode Austin
Marcy Hogan Greer Austin
Hon. Eva Guzman Houston
Mike A. Hatchell Austin
Roger W. Hughes Harlingen
Hon. Terry Jennings Houston
Kurt H. Kuhn Austin
Lynne Liberato Houston
Manual Lopez Houston
Matthew B. Ploeger Austin
Robert M. 'Randy' Roach, Jr. Houston
Stephen G. Tipps Houston
Andrew Weber Austin

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Reserve Your Hotel Room at the Four Seasons by August 10!

A limited number of hotel rooms have been blocked at special rates on a space available basis. Inform the hotel that you will be attending the State Bar of Texas *Advanced Civil Appellate Practice Course*.

Austin (Live)

Four Seasons Hotel
98 San Jacinto Blvd.
512-478-4500
City View King \$205 single or double*
Lake View King \$245 single or double*

*Available until August 10, 2007 unless the reserved block of rooms fills up before then. **Act now!**

Dallas (Video)

Cityplace Conference Center
2711 N. Haskell
214-828-7050

Rooms available at:
Melrose Hotel
3015 Oak Lawn
214-521-5151
\$155 single/double

■ Online

TexasBarCLE.com
credit card only

■ Phone

800-204-2222, x1574
during business hours
credit card only

■ Fax

512-427-4111
credit card only

■ Mail

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

Advanced Civil Appellate Practice

▶ Limited Number of Appellate Section Scholarships Available!

The Appellate Section offers a limited number of need-based tuition scholarships. The application deadline is August 23. Details are available at tex-app.org/cle.html or by contacting Marcy Greer at mgreer@fulbright.com.

1 Check boxes to select course/site:

Advanced Civil Appellate Practice Course [5035]

Austin LIVE, September 6-7 \$495

Early Registration Deadline: August 23

Dallas VIDEO, November 29-30 \$395

Early Registration Deadline: November 15

Appellate Boot Camp [5036]

Austin LIVE, September 5 \$175

Dallas VIDEO, November 28 \$145

(No discounts or fees apply, go directly to #3 below.)

2 Check all applicable boxes below to calculate your *Advanced* course fee:

Add \$50 if registering after the *Early Registration Deadline* at left. (If registration is by mail, date of postmark will determine if this fee applies.)

Subtract \$50 if you are a member of the State Bar Appellate Section -OR-

Subtract \$25 if you are a member of the State Bar College -OR- State Bar Legal Administrators or Paralegal Division -OR- if licensed two years or less.

No charge for Qualifying Judge

My payment after all calculations above: \$ _____

3 State Bar Membership No. _____

Name _____ Preferred Badge Name _____

Firm Name/Court _____

Address for Bar-Related Mail _____

City/State _____ Zip _____

Phone () _____ Fax () _____

E-Mail: _____

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

Advanced Course Book \$155 each[†] Quantity: _____

Boot Camp Book \$85 each[†] Quantity: _____

Set of Adv. Course MP3 speeches on CD^{††} \$150 set[†] Quantity: _____

Set of Adv. Course audio CDs \$230 set[†] Quantity: _____

QUESTIONS?

1-800-204-2222, x1574
512-427-1574

4 I am paying by:

Check (enclosed) payable to the State Bar of Texas for \$ _____

Visa MasterCard AMEX Discover

Account No. _____ Exp. Date _____

Name on card (Please print) _____

Signature _____

*Online versions (PDFs) of course materials will be available 6-8 weeks after the course. Check the Online Library at TexasBarCLE.com.

[†]Plus 7.25% tax (8.25% for Austin address) on total. Book orders and audio CD orders are shipped separately and filled approximately 4-6 weeks after the live program. You will be billed unless you authorized a credit card charge above.

^{††}CDs require MP3-compatible player for playback. Older CD players may not play MP3s.

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 2007 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
www.tex-app.org.

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

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