

22nd Annual

Advanced Civil Appellate Practice

COURSE



Patio of the Four Seasons

LIVE Austin
September 4-5, 2008
Four Seasons Hotel

VIDEO Dallas
October 16-17, 2008
Sheraton Dallas Hotel

Come a day early for the
Appellate Boot Camp
September 3 - Austin
October 15 - Dallas

Following the Boot Camp in Austin,
the Tarrant County Bar Association's
Appellate Section will host a
Reception at Doña Emilia's.

HIGHLIGHTS

- Texas Supreme Court and Court of Appeals Panels
- US Supreme Court and Fifth Circuit Updates
- Legislative and Appellate Rules Updates
- Secrets to Winning Appeals
- Hot Topics in Appellate Practice
- Three Hours of Ethics Credit



Advanced Civil Appellate Practice Course

Cosponsored by the Appellate Section of the State Bar of Texas

Thursday

7.08 hrs including 2.25 hrs ethics

- 7:45 **Registration and Continental Breakfast**
- 8:30 **Welcoming Remarks and Program Introductions**
Course Director
Robert M. 'Randy' Roach, Jr., *Houston*
Cook & Roach
- 8:45 **Analysis of Recent Texas Supreme Court Decisions** .5 hr
David M. Gunn, *Houston*
Beck Redden & Secrest
- 9:15 **Insurance** .33 hr
Jennifer B. Hogan, *Houston*
Hogan & Hogan
- 9:35 **Damages** .33 hr
Martin J. Siegel, *Houston*
Law Offices of Martin J. Siegel
- 9:55 **Attorneys Fees** .33 hr
Philip Durst, *Austin*
Deats Durst Owen & Levy
- 10:15 **Break**
- 10:30 **Jury Selection Reversals** .33 hr
Brian W. Wice, *Houston*
Law Offices of Brian W. Wice
- 10:50 **Jury Charge Trends** .5 hr
Karen S. Precella, *Fort Worth*
Haynes and Boone
- 11:20 **Care and Feeding of Clients**
.75 hr ethics
Keith D. Calcote, *Houston*
Shell Oil Company
- Lynne Liberato, *Houston*
Haynes and Boone
- Timothy Patton, *San Antonio*
Timothy Patton, P. C.
- 12:05 **Break - Lunch Served**
- 12:30 **Luncheon Presentation: Ethics - Wait, Wait, Don't Tell Me**
1 hr ethics
Scott Rothenberg, *Bellaire*
Law Offices of Scott Rothenberg
- 1:30 **Break**

- 1:45 **U. S. Supreme Court Update**
.33 hr
Gregory S. Coleman, *Austin*
Yetter, Warden & Coleman
- 2:05 **Appellate Review of Arbitration Rulings: Problems and Possible Alternatives** .33 hr
Richard R. Orsinger, *San Antonio*
McCurley, Orsinger, McCurley,
Nelson & Downing
- 2:25 **Court of Appeals Panel** .75 hr
Moderator
Hon. Murry B. Cohen, *Houston*
Akin Gump Strauss Hauer & Feld
- Hon. John H. Cayce, *Fort Worth*
Chief Justice, 2nd Court of Appeals
- Hon. H. Hollis Horton III, *Beaumont*
Justice, 9th Court of Appeals
- Hon. Rose Vela, *Corpus Christi*
Justice, 13th Court of Appeals
- 3:10 **Break**
- 3:25 **Amicus Briefs From the Judicial and Practical Perspectives** .75 hr
(.5 hr ethics)
Moderator
Marcy Hogan Greer, *Austin*
Fulbright & Jaworski
- Hon. Harriet O'Neill, *Austin*
Justice, Supreme Court of Texas
- Hon. Sherry J. Radack, *Houston*
Chief Judge, First Court of Appeals
- Peter M. Kelly, *Houston*
Attorney at Law
- G. Edward Pickle, *Houston*
Shell Oil Company
- 4:10 **Fifth Circuit Update** .5 hr
Martha Newton, *Austin*
Baker Botts
- 4:40 **Website and Pro Bono Initiatives**
.33 hr
Steven K. Hayes, *Fort Worth*
Cotten Schmidt
- Jeffrey S. Levinger, *Dallas*
Carrington, Coleman, Sloman &
Blumenthal
- 5:00 **Adjourn**

- 5:00 **Appellate Section Annual Meeting**
Join us for a brief business meeting, announcement of song lyric contest winners, section paraphernalia, and a cocktail reception to follow for all.

- 5:30 **Appellate Section Reception**

Friday

5.08 hrs including .75 hr ethics

- 8:00 **Continental Breakfast**
- 8:20 **Announcements**
Moderator
Robert M. 'Randy' Roach, Jr., *Houston*
Cook & Roach
- 8:30 **Texas Supreme Court Trends** .5 hr
Pamela Stanton Baron, *Austin*
Attorney at Law
- 9:00 **No Evidence Review** .5 hr
David E. Keltner, *Fort Worth*
Kelly Hart & Hallman
- 9:30 **Texas Supreme Court Justices Panel** .75 hr (.25 hr ethics)
Moderator
Warren W. Harris, *Houston*
Bracewell & Giuliani
- Hon. Paul W. Green, *Austin*
Justice, Supreme Court of Texas
- Hon. Nathan L. Hecht, *Austin*
Justice, Supreme Court of Texas
- Hon. Harriet O'Neill, *Austin*
Justice, Supreme Court of Texas
- Hon. Don R. Willett, *Austin*
Justice, Supreme Court of Texas
- 10:15 **Break**
- 10:30 **Ethics Vignettes Panel** .5 hr ethics
Moderator
William J. Chriss, *Austin*
Executive Director and
Dean of Curriculum and Instruction
Texas Center for Legal Ethics and
Professionalism
- Hon. Scott A. Brister, *Austin*
Justice, Supreme Court of Texas
- Hon. H. Hollis Horton III, *Beaumont*
Justice, 9th Court of Appeals

- 11:00 **Staff Attorney Panel** .5 hr
Moderator
Daryl L. Moore, *Houston*
Daryl L. Moore, P.C.
- Nina Reilly Indelicato, *Houston*
Chief Staff Attorney
14th Court of Appeals
- Amy J. Schumacher, *Austin*
Strasburger & Price
Former Staff Attorney to Justice
Dale Wainwright
Supreme Court of Texas
- Brandy Wingate, *Edinburg*
Senior Staff Attorney to Justice Gina
M. Benavides
13th Court of Appeals
- 11:30 **Secrets to Winning Appeals**
.5 hr
Kevin Dubose, *Houston*
Alexander Dubose Jones &
Townsend

- Robert M. 'Randy' Roach, Jr., *Houston*
Cook & Roach
- 12:00 **Lunch - on your own**
- 1:30 **Appellate Rules Update** .33 hr
Lisa Bowlin Hobbs, *Austin*
Vinson & Elkins
- Hon. Sarah B. Duncan, *Austin*
Of Counsel, Locke Liddell & Sapp
- 1:50 **Preparing Someone Else for Oral
Argument** .33 hr
Daniel W. Davis, *Houston*
Cook & Roach
- 2:10 **Legislative Update** .33 hr
Hon. Robert L. Duncan, *Lubbock*
Texas State Senator, District 28
Crenshaw Dupree & Milam
- Tom A. Cunningham, *Houston*
Cunningham Darlow

- 2:30 **Break**
- 2:45 **Experts and Causation** .33 hr
Manuel Lopez, *Houston*
Shook Hardy & Bacon
- 3:05 **Powerful Briefing Tools:
Improving Legal Writing in
Appeals** .5 hr
Chad Baruch, *Plano*
Assistant Principal, Yavneh Academy
of Dallas
Warmbrodt Baruch Ray
- 3:35 **Adjourn**

**12.25 HOURS (3 ETHICS)
MCLE COURSE NO: 900045579**

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

Come a day early to attend the **Appellate Boot Camp**
LIVE Austin September 3 VIDEO Dallas October 15
(Separate registration required.)

- 7:45 **Registration**
- 8:30 **Welcoming Remarks and
Program Introductions**
Course Director
Robert M. 'Randy' Roach, Jr., *Houston*
Cook & Roach
- 8:45 **Preservation of Error: Pretrial
and Trial** .5 hr
Richard P. Hogan, Jr., *Houston*
Hogan & Hogan
- 9:15 **Jury Charge** .5 hr
Russell S. Post, *Houston*
Beck Redden & Secrest
- 9:45 **Preservation of Error: Post Trial**
.5 hr
Steven K. Hayes, *Fort Worth*
Cotten Schmidt
- 10:15 **Break**
- 10:30 **Practice Before the Court of
Appeals** .33 hr
Laurie Ratliff, *Austin*
Ikard Wynne & Ratliff
- 10:50 **Perfecting the Appeal and
Securing the Record** .33 hr
Richard B. Phillips, Jr., *Dallas*
Thompson & Knight

- 11:10 **Appealing Summary Judgments**
.5 hr
Hon. Craig T. Enoch, *Austin*
Justice, Supreme Court of Texas (Ret.)
Winstead
- David F. Johnson, *Fort Worth*
Winstead
- 11:40 **Interlocutory Appeals** .33 hr
Gwendolyn Johnson Samora, *Houston*
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
Kurt H. Kuhn, *Austin*
Brown McCarroll
- 2:15 **Brief Writing** .5 hr
Robert B. Dubose, *Houston*
Alexander Dubose Jones &
Townsend
- 2:45 **Break**

- 3:00 **Oral Argument** .5 hr
David W. Holman, *Houston*
The Holman Law Firm
- Hon. Terry Jennings, *Houston*
Justice, First Court of Appeals
- 3:30 **Practice Before the Texas
Supreme Court** .5 hr
Benjamin L. Mesches, *Dallas*
Haynes and Boone
- 4:00 **Difference Between Federal and
State Appeals** .5 hr
Jeffrey L. Oldham, *Houston*
Bracewell & Giuliani
- R. Alan York, *Houston*
Godwin Pappas Ronquillo
- 4:30 **Preparing for the Civil Appellate
Specialization Exam (No MCLE Credit)**
Elizabeth G. 'Heidi' Bloch, *Austin*
Brown McCarroll
- 4:50 **Adjourn**
- 5:30-7:30 **Reception @ Doña Emilia's**
101 San Jacinto Blvd.
Sponsored by the Tarrant County
Bar Association's Appellate Section

**6 HOURS
MCLE COURSE NO: 900045580**

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 at least two weeks before the course. Early registrations help us ensure that sufficient course books, seating, and refreshments are 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 topic. No confirmation will be sent; pick up your name tag and course materials at the program.

Group Those Registrations and Save! Earn discounts for groups of five or more. Contact Legal Education Consultant Laura Angle of TexasBarSolutions at 512-250-5575 or langle@texasbar.com.

Appellate Section Members Can Save Up To \$100 because the Section cosponsors this course. If you belong to the Section, or you agree to join by the date of the course, you save \$50. Register early and save a total of \$100. See the registration form for details. 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 course materials. First, consider transferring your registration 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 (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. (Actual length of a presentation may vary from that which was advertised.) 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!

MP3 CDs require an MP3-compatible device (e.g., an iPod or a CD/MP3 player) for playback. Older CD Players may not play MP3 CDs. Most computers can play MP3 CDs; many can extract MP3 files and burn them onto audio CDs playable in car stereos. MP3-compatible devices may be combined with a commercially available adaptor to transmit sound to a car's FM radio or audiocassette player.

Persons with Disabilities who need special accommodations to attend should contact us as soon as possible at 800-204-2222, x1797.

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.

Course Director

Robert M. 'Randy' Roach, Jr. Houston

Planning Committee

Douglas W. Alexander	Austin
Keith D. Calcote	Houston
Hon. Murry B. Cohen	Houston
Kevin Dubose	Houston
Philip Durst	Austin
Warren W. Harris	Houston
Steven K. Hayes	Fort Worth
Hon. H. Hollis Horton III	Beaumont
Jeffrey S. Levinger	Dallas
Lynne Liberato	Houston
Hon. Manuel López	Houston
Hon. Harriet O'Neill	Austin
Richard R. Orsinger	San Antonio
Hon. Sherry J. Radack	Houston
Scott P. Stolley	Dallas

TexasBarCLE Planning Team

Hedy Bower	Sr. Program Attorney
Kathy Reese	Sr. Program Coordinator

Appellate Section of the State Bar of Texas

Douglas W. Alexander	Chair
Daryl L. Moore	Vice-Chair
David S. Coale	Secretary/Treasurer
Robert M. 'Randy' Roach, Jr.	Immediate Past Chair

State Bar of Texas

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Sylvia Cardona	TYLA President
F. R. "Buck" Files, Jr.	Chair, CLE Committee
Van Galen Hilley	Chair, Board PDP Committee
John Edwards	Executive Director
Patrick A. Nester	Director, TexasBarCLE

Reserve Your Hotel Room Early

Because there are a limited number of special reduced rate hotel rooms for registrants for the live program in Austin. Inform the hotel that you will be attending the State Bar of Texas Advanced Civil Appellate Practice Course.



Austin (Live)

Four Seasons Austin Hotel
98 San Jacinto Blvd.
512-478-4500
\$220 City View / \$265 Lake View
Deadline: August 13, 2008*

* The reserved block of rooms may fill up before the deadline. Act now!

Dallas (Video)

Sheraton Dallas Hotel
400 N. Olive Street
214-922-8000

No hotel rooms have been booked for this showing.

Registration Form

Four ways to register

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

Registering five or more?

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

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 21. Details are available at tex-app.org/cle.html or by contacting David Coale at dcoale@ccsb.com

1 Check boxes to select course/site:

Advanced Civil Appellate Practice Course [5035]

- Austin LIVE, September 4-5 \$545
Early Registration Deadline: August 21
- Dallas VIDEO, October 16-17 \$395
Early Registration Deadline: October 2

Appellate Boot Camp [5036]

- Austin LIVE, September 3 \$175
 - Dallas VIDEO, October 15 \$125
- (No discounts or fees apply, go directly to #3 below.)

3 I can't attend. Just send course materials.*

- Advanced Course Book \$155 each[†] Qty: _____
- Advanced Course USB Drive \$155 each[†] Qty: _____
- Boot Camp Book \$85 each[†] Qty: _____
- Set of Advanced Course MP3 speeches on CD^{††} \$150 set[†] Qty: _____
- Set of Advanced Course audio CDs \$230 set[†] Qty: _____

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 you have been licensed two years or less.
- No charge** for Qualifying Judge

Choose your format of Advanced Course materials:

- 1 book binder Electronic materials (PDF) on a USB drive
- BOTH for an additional \$80

My payment after all calculations above: \$ _____

4 State Bar Membership No. _____

Name _____ Preferred Badge Name _____

Firm Name/Court _____

Address for Bar-Related Mail _____

City/State _____ Zip _____

Phone () _____ Fax () _____

E-Mail: _____

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 _____

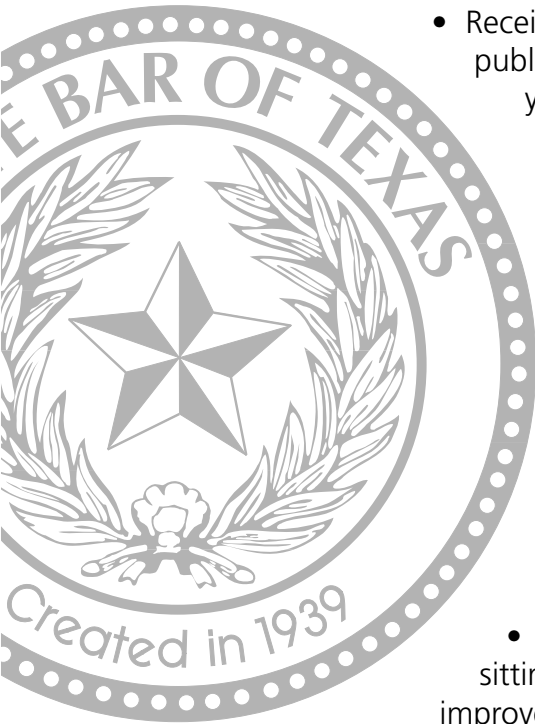
QUESTIONS?

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

*Online versions (PDFs) of course materials will be available for purchase 4-6 weeks after the course in the Online Library at TexasBarCLE.com. Course registrants receive access to the PDFs at no additional charge (see "Two Free Online Benefits for Course Registrants" in this brochure.)
[†]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. See "MP3 CDs" under "Course Information."

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 2008 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