

30th Annual Course **Advanced**
Civil Appellate Practice



LIVE Austin • September 8-9, 2016 • Four Seasons Hotel

VIDEO Dallas • October 13-14, 2016 • Cityplace Events

Arrive in Austin a day early to attend **Civil Appellate Practice 101**



MCLE CREDIT
13.5 Hours (3 Ethics)

DOWNLOADABLE
Course Materials [↓](#)

TexasBarCLE.com
800.204.2222 x1574

*Education by the Bar,
for the Bar*

TexasBarCLE presents the 30th Annual Course

Advanced Civil Appellate Practice

Cosponsored by the Appellate Section of the State Bar of Texas

Register early and **save \$50!**

Appellate Section members can **save up to \$100!**

Attorneys licensed 5 years or less attend for **half off!**

LIVE Austin

September 8-9, 2016
Four Seasons Hotel

Register by **August 25** to save!

VIDEO Dallas

October 13-14, 2016
Cityplace Events

Register by **September 29** to save!



#TBCLE



MCLE CREDIT

13.5 HOURS (3 ETHICS)

MCLE COURSE NO: 901353178

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

Wednesday

Early check-in available from 2:30 - 4:00 p.m.

Thursday

7.25 hours including 1 ethics

8:00 **Registration**

Coffee & Pastries Provided

8:50 **Welcoming Remarks**

Course Director

Jeffrey S. Levinger, *Dallas*
Levinger PC

9:00 **Fifth Circuit Update .5 hr**

David Coale, *Dallas*
Lynn Pinker Cox & Hurst

9:30 **Texas Supreme Court Update .5 hr**

Hon. Jeffrey S. Boyd, *Austin*
Justice, Supreme Court of Texas
David M. Gunn, *Houston*
Beck Redden

10:00 **Rule 91a .5 hr**

Philip Durst, *Austin*
Deats Durst & Owen

10:30 **Break**

10:45 **Procedure & Tactics in Complex Appellate Proceedings: A Case Study of Deepwater Horizon 1 hr**

Stephen J. Herman, *New Orleans, LA*
Herman, Herman & Katz

Russell S. Post, *Houston*
Beck Redden

Reagan Simpson, *Houston*
Yetter Coleman

R. Alan York, *Houston*
Godwin PC

11:45 **Equitable Relief: How to Obtain or Defeat It .5 hr**

Lara Hollingsworth, *Houston*
Rusty Hardin & Associates

12:15 **Break – Lunch Served**

12:35 **Luncheon Presentation: Judicial Review .5 hr**

Prof. Tara Smith, *Austin*
University of Texas at Austin
Philosophy Department

1:05 **Break**

1:15 **50-Point Appellate Ethics Checklist .5 hr ethics**

Scott Rothenberg, *Houston*
Law Offices of Scott Rothenberg

1:45 **Texas Supreme Court Panel .75 hr (.25 ethics)**

Moderator

Jane M. N. Webre, *Austin*
Scott Douglass & McConico

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

Hon. Jeffrey V. Brown, *Austin*
Justice, Supreme Court of Texas

Hon. Debrah H. Lehrmann, *Austin*
Justice, Supreme Court of Texas

2:30 **Jury Charge .5 hr**

Hon. David E. Keltner, *Fort Worth*
Kelly Hart & Hallman

3:00 **Break**

3:15 **Contractual Limitations on Damages and the Exceptions to Them .5 hr**

Hon. Tracy Christopher, *Houston*
Justice, Fourteenth Court of Appeals

3:45 **Federal Error Preservation .5 hr (.25 ethics)**

Lionel M. Schooler, *Houston*
Jackson Walker

4:15 **Anti-SLAPP Cases in Texas .33 hr**

Jody Sanders, *Fort Worth*
Kelly Hart & Hallman

4:35 **Fifth Circuit Panel .75 hr**

Moderator

Hon. William J. Boyce, *Houston*
Justice, Fourteenth Court of Appeals

Hon. Jennifer Elrod, *Houston*
Judge, U.S. Fifth Circuit Court of Appeals

Hon. James E. Graves, Jr., *Jackson, MS*
Judge, U.S. Fifth Circuit Court of Appeals

Hon. Catharina Haynes, *Dallas*
Judge, U.S. Fifth Circuit Court of Appeals

5:20 **Adjourn – Section Meeting**

5:45-6:45 PM

Join us for a reception honoring the Judiciary sponsored by the State Bar Appellate Section. (live site only)

Friday

6.25 hours including 2 ethics

- 8:00 **Coffee & Pastries Provided**
- 8:25 **Announcements**
- 8:30 **U.S. Supreme Court Update** .5 hr
Scott Keller, *Austin*
Office of the Attorney General
- 9:00 **Texas Supreme Court Docket Analysis: What You and Your Client Need to Know** .5 hr
Pamela Stanton Baron, *Austin*
Attorney at Law
- 9:30 **Arbitration Litigation and Appeals** .33 hr
Mark R. Trachtenberg, *Houston*
Haynes and Boone
- 9:50 **Straight Outta Austin: F-Bombs and Hip Hop Songs - Droppin' Effective Amicus Briefs** .5 hr (.25 ethics)
Chad Baruch, *Dallas*
Johnston Tobey Baruch
- 10:20 **Break**

- 10:35 **Court of Appeals Panel** .75 hr
Moderator
Lisa E. Hobbs, *Austin*
Kuhn Hobbs
Hon. Sharon S. McCally, *Houston*
Justice, Fourteenth Court of Appeals
Hon. Gregory T. Perkes, *Corpus Christi*
Justice, Thirteenth Court of Appeals
Hon. Brian P. Quinn, *Amarillo*
Justice, Seventh Court of Appeals
- 11:20 **Ethics Jeopardy** .75 hr ethics
Daryl L. Moore, *Houston*
Daryl L. Moore, PC
- 12:05 **Lunch on Your Own – OR – Optional Brown Bag Lunch Presentation**
- 12:25 **Tips for Preparing for the Specialization Exam** (no MCLE credit)
Patricia Askew, *Fort Worth*
Staff Attorney, Second Court of Appeals
Elana S. Einhorn, *Austin*
MehaffyWeber
- 1:05 **Break**

- 1:15 **Appellate Ethics in Reel/Real Life** .5 hr ethics
Kirsten M. Castaneda, *Dallas*
Alexander Dubose Jefferson & Townsend
- 1:45 **Appellate Error in Summary Judgments** .5 hr
Dustin M. Howell, *Austin*
McKool Smith
- 2:15 **Practical Perspectives on Superseding Judgments** .5 hr
Anne M. Johnson, *Dallas*
Haynes and Boone
- 2:45 **Break**
- 3:00 **Scope of Remand** .33 hr
Joe Roden, *Houston*
Rusty Hardin & Associates
- 3:20 **Attacking and Preserving Awards of Attorney's Fees** .5 hr ethics
Tanya N. Garrison, *Houston*
Weycer, Kaplan, Pulaski & Zuber
- 3:50 **Selected Aids to Statutory Interpretation** .5 hr
Peter M. Kelly, *Houston*
Kelly, Durham & Pittard
- 4:20 **Adjourn**

Arrive in Austin a day early for

Civil Appellate Practice 101

LIVE Austin • September 7, 2016 • Four Seasons Hotel

(Separate registration required)

Attorneys licensed 5 years or less
save \$50!

Wednesday

6 hours including .75 ethics

- 8:00 **Registration**
Coffee & Pastries Provided
- 8:40 **Welcoming Remarks**
Course Director
April L. Farris, *Fort Worth*
Kelly Hart & Hallman
- 8:45 **Introduction to Appellate Practice** .5 hr (.25 ethics)
Elizabeth G. 'Heidi' Bloch, *Austin*
Husch Blackwell
- 9:15 **Standards of Review** .5 hr
Christopher Dove, *Houston*
Locke Lord
- 9:45 **Interlocutory Appeals** .5 hr
Amanda Garrett Taylor, *Austin*
Martens, Todd, Leonard, Taylor & Ahlrich
- 10:15 **Break**
- 10:30 **Legal Writing: Telling Your Story** .5 hr (.25 ethics)
Hon. Sue Walker, *Fort Worth*
Justice, Second Court of Appeals
- 11:00 **Summary Judgment** .5 hr
David F. Johnson, *Fort Worth*
Winstead
- 11:30 **Preservation of Error** .5 hr
Benjamin L. Mesches, *Dallas*
Haynes and Boone
- 12:00 **Lunch on Your Own**
- 1:00 **Jury Charge** .5 hr
Nicholas Dominguez, *San Antonio*
Vidaurre, Lyde, Rodriguez & Haynes
- 1:30 **Post-Trial Motions** .5 hr
Connie H. Pfeiffer, *Houston*
Beck Redden
- 2:00 **Texas Supreme Court Practice and Procedure** .5 hr
Hon. Jeffrey V. Brown, *Austin*
Justice, Texas Supreme Court
- 2:30 **Mandamus** .5 hr
Douglas Alexander, *Austin*
Alexander Dubose Jefferson & Townsend
- 3:00 **Break - Early check-in available for the Advanced Course**

- 3:15 **State and Federal Procedure** .5 hr
Dori Goldman, *Houston*
Yetter Coleman
Karen Precella, *Fort Worth*
Haynes and Boone
- 3:45 **Appealability: When Is a Judgment Final?** .5 hr (.25 ethics)
Chad Flores, *Houston*
Beck Redden
- 4:15 **Preparing for the Board Specialization Exam** (no MCLE credit)
Richard Farrer, *Houston*
Yetter Coleman
Rick Thompson, *Dallas*
Hankinson LLP
- 4:45 **Adjourn - Specialization Exam Q&A**

MCLE CREDIT

6 HOURS (.75 ETHICS)
MCLE COURSE NO: 901353175
Applies to the Texas Bar College and 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 preregistrants until the start of the first topic.

Appellate Section Members Can Save Up to \$100

by registering by the "Register by" date (thereafter, save \$50). Not a member? To join, visit your My Bar Page and join online, or download a membership form from TexasBar.com/sections to pay by mail. 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 at 512-263-2802 or laura.angle@texasbar.com.

HALF OFF for Attorneys Licensed 5 Years or Less!

You read that right! See the registration form.

Scholarship Information

TexasBarCLE offers scholarships for live courses, video replays, online classes, and webcasts. To apply or learn more, call 800-204-2222, x1574, Mon-Fri 8am-5pm CT. Please apply at least two weeks prior to any live/video replay course or at least one week prior to any webcast or online class.

Active State, County, and Texas-Area Federal Judges, Administrative Law Judges, Hearing Examiners, and Judge's Staff Attorneys May Attend for Free, Provided:

(1) the course directly relates to the judge's tribunal's jurisdiction, (2) the judge is a full-time judge or retired under a judicial retirement system and (3) space is available for all paying registrants. This privilege does not extend to prosecutors, receivers, trustees, other court staff, or persons serving part-time in a judicial capacity. Actual attendance is required to receive course materials.

Parking Information

is subject to change without notice and is not a guarantee of available space. **AUSTIN:** Self-parking is available at the Four Seasons for \$12 daily (no overnight privileges). Valet parking is \$18 daily. **DALLAS:** Self-parking in the underground Cityplace Events garage is complimentary when you pick 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, x1748. For Cityplace Events in Dallas, please call us 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. If you wish a refund instead, mail or fax (512-427-4443) 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

will be available to registrants 6-8 weeks after the course. Provide your e-mail address when preregistering to be notified when and how these benefits may be accessed. (Note: Presentation lengths may vary from that which was advertised.) There's no extra charge; as a registrant, you're already entitled!

Interested in Sponsoring or Exhibiting at This Course or Others?

Contact Julie Marshall at 512-427-1797 or julie.marshall@texasbar.com.

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 Early

Hotel rooms 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.

LIVE Austin

Four Seasons Hotel

98 San Jacinto Boulevard

Austin, TX 78701

(512) 478-4500

\$259 city view

\$310 lake view

Deadline: August 6

Reservations also available at:

<http://www.fourseasons.com/austin/>

Corporate Code: SBOT0916



VIDEO Dallas

Cityplace Events

2711 North Haskell Avenue

Dallas, TX 75204

(214) 515-5100

No hotel rooms have been blocked for this showing.



Advanced Course Director

Jeffrey S. Levinger Dallas

101 Course Director

April L. Farris Fort Worth

Planning Committee

Pamela Baron Austin

Chad Baruch Dallas

Hon. William J. Boyce Houston

Hon. John H. Cayce, Jr Fort Worth

Nina Cortell Dallas

Philip Durst Austin

David M. Gunn Houston

Steven K. Hayes Fort Worth

Lisa Hobbs Austin

Lara Hollingsworth Houston

Martha Newton Austin

Hon. Gregory T. Perkes Corpus Christi

Scott Rothenberg Houston

Lionel M. Schooler Houston

TexasBarCLE Planning Team

Kandi Botello Program Planner

Jillison Hicks Program Coordinator

Deserea Serna Written Materials Coordinator

Tiffany Clay Meeting Planner

State Bar of Texas Appellate Section

Macey Reasoner Stokes Chair

Steven K. Hayes Chair-Elect

Michael S. Truesdale Vice Chair

Hon. J. Brett Busby Treasurer

Kent G. Rutter Secretary

Cynthia K. Timms Immediate Past Chair

State Bar of Texas

Allan K. DuBois President

David E. Chamberlain Chair of the Board

Frank Stevenson President-Elect

Trey Apffel Immediate Past President

C. Barrett Thomas TYLA President

Mark D. White Chair, CLE Committee

Susan Nelson Chair, Board PDP Committee

Michelle E. Hunter Executive Director

Patrick A. Nester Director, TexasBarCLE

Online

TexasBarCLE.com
credit card only

Phone

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

Fax

512-427-4443
credit card only

Mail

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

Registering

five or more?
E-mail Laura Angle at
laura.angle@texasbar.com
for group discount
information.

Lawyers licensed 5 years or less take **HALF OFF** the Advanced Course!

Advanced Civil Appellate Practice and Civil Appellate Practice 101

Limited Number of Appellate Section Scholarships Available!

The Appellate Section offers a limited number of need-based scholarships concerning the registration fee for this course. The application deadline is August 1, 2016. Details are available by contacting the Hon. J. Brett Busby at brett.busby@txcourts.gov.

**1 Advanced Civil Appellate Practice [5035]
Austin LIVE, September 8-9**

- Regular Registrant..... \$795
Take \$50 OFF: Register by August 25, 2016
- Licensed 5 years or less, **HALF OFF**..... \$397.50
(No discounts in section 3 may be taken.)

Dallas VIDEO, October 13-14

- Regular Registrant..... \$645
Take \$50 OFF: Register by September 29, 2016
- Licensed 5 years or less, **HALF OFF**..... \$322.50
(No discounts in section 3 may be taken.)

**Civil Appellate Practice 101 [5036]
Austin LIVE, September 7**

- Regular Registrant..... \$275
- Licensed 5 years or less, **\$50 OFF**..... \$225
(No discounts in section 3 may be taken.)

I may attend complimentary because I am a (see p. 4):

- Qualifying judge Judge's staff attorney

Your Advanced Course registration includes:

- Coffee and pastries each morning
- Lunch provided on Thursday
- Special reception honoring the Judiciary (Austin site only)
- Complimentary wireless signal in the meeting room
- Course materials provided as a PDF download and a printed notebook, or receive the PDF download only for a discount!

- 2** I want my **Advanced Course** materials format to be:
- Hard copy book as well as a PDF download of same (both formats included in registration fee)
 - PDF download ONLY so I'll **take \$25 OFF**

101 Course written materials will be provided as a PDF download only. **Register for the course in advance and we'll send you an email to download/print the materials when they become available.** (You must be a registered user of TexasBarCLE.com to use this feature. Becoming a registered user is free.)

Note: We recommend not waiting until you arrive at the course to download the materials since internet access may be limited.

- 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 State Bar of Texas Appellate Section **OR**
 - \$25 OFF** because (choose 1 box only) I'm a member of the
 - Texas Bar College Paralegal Division

- 4 I can't attend. Just send course materials.**
- FREE Shipping & Handling**
- Advanced Course hard copy book \$155 (plus tax[†])
 - 101 Course PDF Download \$85 (plus tax[†])
- To order a discounted PDF download of course materials (available 4-6 weeks after the course), search Publications at TexasBarCLE.com.

5 My total is \$ _____. I am paying by:

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

PLEASE PRINT LEGIBLY Account No. _____ Exp. Date _____

Name on card (Please print) _____

Signature _____

State Bar Membership No. _____

Registrant Name _____

Firm Name/Court _____

Address for Bar-Related Mail _____

City/State _____ Zip _____

Phone () _____ Fax () _____

E-Mail (required for registrant's PDF download option): _____

A confirmation of your registration will be sent to the e-mail address you provide.

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

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

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

STATE BAR OF TEXAS Appellate Section

Join the Appellate Section for \$25 a year,
and save \$50 discount on tuition for the 2016
Advanced Civil Appellate Practice Course



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.

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.