

28th Annual

Conference on State and Federal Appeals

June 14-15, 2018
AT&T Conference Center, Austin, TX

Earn up to 13.00 Hours of Credit (Expected) Including 2.75 Hours of Ethics Credit (Expected)

Thursday Morning, June 14, 2018

Presiding Officer:

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| <p>7:30 a.m.</p> | <p>Registration Opens Includes continental breakfast.</p> |
| <p>8:20 a.m.</p> | <p>Welcoming Remarks</p> |
| <p>8:30 a.m. 0.75 hr</p> | <p>Supreme Court of Texas Update Explore recent opinions issued by the Court in the current term. Hon. Jeffrey S. Boyd The Supreme Court of Texas, Austin, TX Kurt Kuhn Kuhn Hobbs PLLC, Austin, TX</p> |
| <p>9:15 a.m. 0.50 hr 0.25 hr ethics</p> | <p>Genuine Issues on Summary Judgements Sharon McCally McCally Law, P.C., Houston, TX</p> |
| <p>9:45 a.m. 0.50 hr</p> | <p>Casteel: To Infinity and Beyond David M. Gunn Beck Redden LLP, Houston, TX</p> |
| <p>10:15 a.m.</p> | <p>Break</p> |
| <p>10:30 a.m. 0.50 hr</p> | <p>Help! A Default Judgment! A practical session showing you what to look for and what to do when your client asks you to overturn a default judgment. Alex Wilson Albright Alexander Dubose Jefferson & Townsend LLP, Austin, TX</p> |
| <p>11:00 a.m. 0.50 hr</p> | <p>Form Contracts That Don't Mean What They Say In an age when plain-text interpretation dominates cases of contract construction, it is surprising how many contracts do not mean what they plainly say—especially in certain widely used form contracts. When is a nonstandard meaning of a standard contract term an exception to “plain meaning”? Hon. Scott A. Brister Andrews Kurth Kenyon LLP, Austin, TX</p> |
| <p>11:30 a.m. 0.50 hr</p> | <p>Surprise SLAPP Amanda G. Taylor Beck Redden LLP, Austin, TX</p> |
| <p>12:00 p.m. 0.50 hr</p> | <p>Rule 91(a) Dismissals and Appeals An overview of precedent and tips for trial-court and appellate practitioners. Kennon L. Wooten Scott Douglass & McConnico LLP, Austin, TX Anne M. Johnson Haynes and Boone, LLP, Dallas, TX</p> |
| <p>12:30 p.m.</p> | <p>Pick Up Lunch Included in registration.</p> |

Thursday Afternoon, June 14, 2018

Presiding Officer:

| LUNCHEON PRESENTATION | |
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| 12:50 p.m. 0.75 hr 0.25 hr ethics | First Judges in Texas From real estate scams and stolen supreme court records to the battle of San Jacinto, the first judges of Texas were interesting people. Learn about two of them in this presentation from the Hon. Ken Wise, host of the Texas history podcast Wise About Texas. Hon. Ken Wise Fourteenth Court of Appeals, Houston, TX |
| 1:35 p.m. | Break |
| 1:50 p.m. 0.75 hr | Supreme Court of Texas Panel Hear a candid conversation among the Justices about what is new at the Court, the state of the docket, and ways practitioners can improve their chances of obtaining favorable relief for their clients. Moderator: Jane M. N. Webre Scott Douglass & McConnico LLP, Austin, TX Panelists: Hon. Nathan L. Hecht The Supreme Court of Texas, Austin, TX Hon. Paul W. Green The Supreme Court of Texas, Austin, TX Hon. Eva M. Guzman The Supreme Court of Texas, Austin, TX |
| 2:35 p.m. 0.50 hr | Harmless Error Recent developments regarding having your error deemed judgment-critical or swept under the rug. Philip Durst Deats, Durst & Owen, P.L.L.C., Austin, TX |
| 3:05 p.m. 0.50 hr ethics | Ethical Implications of Sua Sponte Waivers Findings Appellate courts sometimes make findings of trial court preservation waiver and appellate court briefing waiver in the absence of any assertion of waiver by either party. Explore the ethical implications of sua sponte waiver findings for appellate courts and appellate practitioners. Scott Rothenberg Law Offices of Scott Rothenberg, Houston, TX |
| 3:35 p.m. | Break |
| 3:45 p.m. 0.50 hr | Equity on Appeal Lara H. Hollingsworth Rusty Hardin & Associates LLP, Houston, TX Jeffrey S. Levinger Levinger PC, Dallas, TX |
| 4:15 p.m. 0.75 hr ethics | Bluff the Listener Moderator: R. Russell Hollenbeck Wright & Close LLP, Houston, TX Panelists: Hon. Tracy Christopher Fourteenth Court of Appeals, Houston, TX David Keltner Kelly Hart & Hallman LLP, Fort Worth, TX Hon. Daryl L. Moore 333rd District Court, Houston, TX |
| 5:00 p.m. | Adjourn |
| | Networking Reception (5:00 p.m. to 6:00 p.m.) Join us for drinks and hors d'oeuvres with program faculty and attendees. |

Friday Morning, June 15, 2018

Presiding Officer:

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| 7:30 a.m. | Conference Room Opens Includes continental breakfast. |
| 8:30 a.m. 0.50 hr ethics | Deep Ethics: How I Learned to Stop Worrying and Love the Internet The work tools of the modern law office create a networked ecosystem of distraction. Our default method for using those tools may be harmful to us and degrades the value we can bring to clients. Change the way you use your tools to preserve wellness and protect your ability to engage in deep, linear, creative thinking. Kendall M. Gray Andrews Kurth, Houston, TX |
| 9:00 a.m. 0.50 hr | Motions and Internal Operations at Supreme Court of Texas Don Cruse Attorney at Law, Austin, TX Blake A. Hawthorne The Supreme Court of Texas, Austin, TX |
| 9:30 a.m. 0.50 hr | State of the U.S. Fifth Circuit Judicial Speaker TBD Fifth Circuit Court of Appeals, New Orleans, LA [Preliminary] |
| 10:00 a.m. 0.50 hr | Supreme Court of the United States Update John P. Elwood Vinson & Elkins LLP, Washington, DC |
| 10:30 a.m. | Break |
| 10:45 a.m. 0.50 hr 0.25 hr ethics | Appellate Road Warrior D. Todd Smith Smith Law Group, P.C., Austin, TX |
| 11:15 a.m. 0.75 hr 0.25 hr ethics | Oral Argument from Both Sides Hon. William J. Boyce Fourteenth Court of Appeals, Houston, TX Hon. Stephen A. Higginson U.S. Court of Appeals, Fifth Circuit, New Orleans, LA [Suggested - Recruiters: C Pfeiffer, D Gunn] Robert M. (Randy) Roach Jr. Roach & Newton, L.L.P., Houston, TX |
| 12:00 p.m. | Break |

Friday Afternoon, June 15, 2018

Presiding Officer:

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| OPTIONAL LUNCHEON WITH THE JUDICIARY | |
| 12:20 p.m. | Optional Luncheon with the Judiciary Take advantage of this unique opportunity to meet and discuss issues with members of the judiciary. Please select "Luncheon with the Judiciary" on the registration form to attend (\$35 additional charge). |
| 1:10 p.m. | Return to General Session |
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| <p>1:25 p.m. 0.50 hr</p> | <p>Emergency Relief in the Fifth Circuit Judicial Speaker TBD Fifth Circuit Court of Appeals, New Orleans, LA [Preliminary] Leslie Sara Hyman Pulman, Cappuccio, Pullen & Benson LLP, San Antonio, TX Kevin S. Ranlett Mayer Brown LLP, Houston, TX</p> |
| <p>1:55 p.m. 0.75 hr</p> | <p>U.S. Fifth Circuit Update Review recent opinions and trends from the U.S. Fifth Circuit. David S. Coale Lynn Pinker Cox & Hurst, LLP, Dallas, TX Hon. Gregg Costa U.S. Court of Appeals, Fifth Circuit, Houston, TX</p> |
| <p>2:40 p.m. 0.50 hr</p> | <p>Clearing the Hurdles Raffi O. Melkonian Wright & Close LLP, Houston, TX</p> |
| <p>3:10 p.m. 0.50 hr</p> | <p>Fifth Circuit Statistics Based on cases argued before the Fifth Circuit over a one-year period, this presentation will discuss statistics such as voting patterns, reversal rates, and timing of decisions. William Peterson Morgan, Lewis & Bockius LLP, Houston, TX</p> |
| <p>3:40 p.m.</p> | <p>Adjourn</p> |