

33rd Annual Course

Advanced Civil Appellate Practice



LIVE Austin • September 5-6, 2019 • Four Seasons Hotel

VIDEO Houston • November 14-15, 2019 • Hilton Houston Westchase

Come to Austin a day early for **Civil Appellate Practice 101**

(Live site only - Separate registration required)



MCLE CREDIT
12.5 Hours (2.25 Ethics)

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Course Materials [↓](#)

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*Education by the Bar,
for the Bar*

Advanced Civil Appellate Practice

Cosponsored by the Appellate Section of the State Bar of Texas

Register early and **save up to \$125!**

Lawyers licensed 5 years or less take **HALF OFF!**

(See page 4 for details.)

LIVE Austin

September 5-6, 2019
Four Seasons Hotel

Register by **Aug. 22** to save!

VIDEO Houston

November 14-15, 2019
Hilton Houston Westchase

Register by **Oct. 31** to save!

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MCLE CREDIT

12.5 Hours (2.25 Ethics)

MCLE Course No: 174050495

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

Wednesday

2:30-4:30 p.m. Early Registration & Check-In

Thursday

7.25 hours including 1 ethics

8:00 **Registration**
Coffee & Pastries Provided

8:40 **Welcoming Remarks**
Course Director
Marcy Hogan Greer, *Austin*
Alexander Dubose & Jefferson

8:45 **Texas Supreme Court Update** .5 hr
Jane N. Bland, *Houston*
Vinson & Elkins

9:15 **U.S. Supreme Court Update** .5 hr
Prof. Lisa R. Eskow, *Austin*
University of Texas School of Law

9:45 **Can I Appeal This? Interlocutory Appeals and Mandamus** .5 hr
Warren Harris, *Houston*
Bracewell

10:15 **Networking Break**

10:30 **New Rules on the Horizon: State & Federal** .5 hr
Hon. Tracy K. Christopher, *Houston*
Justice, Fourteenth Court of Appeals

11:00 **Reasons for Reversal in the Texas Courts of Appeals** .75 hr
Natasha Breaux, *Houston*
Haynes and Boone
Kent Rutter, *Houston*
Haynes and Boone

11:45 **Break - Lunch Provided**

12:05 **Texas Appellate Hall of Fame Inductee Presentation**

12:20 **Luncheon Presentation: Civility, Professionalism, and Ethics – Enforcement or Not** .5 hr ethics
Hon. Douglas S. Lang, *Dallas*
Justice, Fifth Court of Appeals

12:50 **Break**

1:00 **New Justice Panel: Plus ça Change, Plus C'Est La Môme Chose?** .75 hr
Moderator
Elizabeth G. 'Heidi' Bloch, *Austin*
Greenberg Traurig
Hon. Dabney D. Bassel, *Fort Worth*
Justice, Second Court of Appeals

Hon. Robert D. Burns III, *Dallas*
Chief Justice, Fifth Court of Appeals

Hon. Peter M. Kelly, *Houston*
Justice, First Court of Appeals

Hon. Gisela D. Triana, *Austin*
Justice, Third Court of Appeals

1:45 **Don't Tease the Lions, and Other Tips and TRAPs** .5 hr
Patricia Askew, *Fort Worth*
Staff Attorney, Second Court of Appeals
Steven K. Hayes, *Fort Worth*
Law Office of Steven K. Hayes

2:15 **Preservation of Error: Strategies to Shape and Salvage Your Appeal** .5 hr
Hon. Kem Frost, *Houston*
Chief Justice, Fourteenth Court of Appeals

2:45 **Break**

3:00 **Prospectivity Puzzle** .5 hr
Russell S. Post, *Houston*
Beck Redden

3:30 **The More Things Stay the Same, the More They Change: Rules of Construction Then and Now** .5 hr
Brandy R. Manning, *Big Spring*
Long-Weaver & Manning

4:00 **Texas Citizens' Participation Act and Anti-SLAPP: Hand Grenade or Rifle Shot?** .75 hr (.25 ethics)

April L. Farris, *Houston*
Yetter Coleman

Laura L. Prather, *Austin*
Haynes and Boone

Hon. Dale Wainwright, *Austin*
Justice, Supreme Court of Texas (Ret.)
Greenberg Traurig

4:45 **Prevailing in the Face of White Horse Authority** .5 hr (.25 ethics)
Scott Rothenberg, *Houston*
Law Offices of Scott Rothenberg

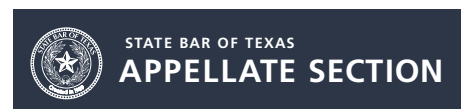
5:15 **Adjourn - Section Meeting**

Reception (Live site only)

5:30 p.m. - 6:30 p.m.

Join us for a networking reception honoring the Judiciary.

Sponsored by



Friday

5.25 hours including 1.25 ethics

- 8:00 **Coffee & Pastries Provided**
- 8:25 **Announcements**
- 8:30 **Evidence Appeals .5 hr**
Kurt Kuhn, *Austin*
Kuhn Hobbs
- 9:00 **Throwing Yourself on the Mercy of the Court: A Guide to Getting and Appealing Equitable Awards .5 hr**
Jody Sanders, *Fort Worth*
Kelly Hart & Hallman
- 9:30 **Briefing Outside the Rules .5 hr (.25 ethics)**
Kevin Dubose, *Houston*
Alexander Dubose Jefferson
Lauren James, *Houston*
Writ Attorney, First Court of Appeals
Hon. Terry Jennings, *Houston*
Justice, First Court of Appeals (Ret.)
- 10:00 **Break**

- 10:15 **Maintaining Ethical Control Over Demanding Clients .5 hr ethics**
William J. Chriss, *Corpus Christi*
The Snapka Law Firm
- 10:45 **Legislative Update .5 hr**
Jerry D. Bullard, *Grapevine*
Adams Lynch & Loftin
Hon. Jeff Leach, *Dallas*
Texas House of Representatives, District 67
- 11:15 **Texas Supreme Court Panel .75 hr (.25 ethics)**
Moderator
Cynthia K. Timms, *Dallas*
Locke Lord
Hon. James Blacklock, *Austin*
Justice, Supreme Court of Texas
Hon. J. Brett Busby, *Austin*
Justice, Supreme Court of Texas
- 12:00 **Lunch on Your Own**
- Optional Brown Bag Lunch Presentation:**
- 12:30 **Preparing for the Specialization Exam - with Q&A (No MCLE credit)**
Elana S. Einhorn, *Austin*
Law Office of Elana Einhorn

Meredith B. Parenti, *Houston*
Parenti Law

- 1:15 **Break**
- 1:30 **Mootness .5 hr**
Christopher Dove, *Houston*
Locke Lord
- 2:00 **Behind the Scenes: How the Texas Supreme Court Really Works .5 hr**
Connie Pfeiffer, *Houston*
Beck Redden
- 2:30 **Jury Charge Issues .5 hr (.25 ethics)**
Hon. Darlene Byrne, *Austin*
Judge, 126th District Court
- 3:00 **Practice Before the Fifth Circuit .5 hr**
Kyle Hawkins, *Austin*
Office of the Texas Attorney General
Hon. James Ho, *Dallas*
Judge, U.S. Court of Appeals for the Fifth Circuit
- 3:30 **Adjourn**

Arrive in Austin a day early to attend

Civil Appellate Practice 101

One site only; Separate registration required

LIVE Austin

September 4, 2019
Four Seasons Hotel

Lawyers licensed 5 years or less
save \$50!

Wednesday

6 hours including 1 ethics

- 8:00 **Registration**
Coffee & Pastries Provided
- 8:40 **Welcoming Remarks**
Course Director
Kennon Wooten, *Austin*
Scott Douglass & McConico
- 8:45 **Preservation of Error .5 hr (.25 ethics)**
Michael Heidler, *Austin*
Vinson & Elkins
- 9:15 **Mandamus .5 hr**
Hilaree A. Casada, *Dallas*
Writ Attorney, Fifth District Court of Appeals

- 9:45 **Interlocutory Appeals .5 hr**
Sara Berkeley Churchin, *Austin*
Enoch Kever
- 10:15 **Networking Break**
- 10:30 **Summary Judgment .5 hr**
David F. Johnson, *Fort Worth*
Winstead
- 11:00 **Jury Charge .5 hr**
Kirsten M. Castaneda, *Dallas*
Alexander Dubose & Jefferson
- 11:30 **Post-Trial Motions: State & Federal .5 hr**
Sara Janes, *Austin*
Weisbart Springer Hayes
- 12:00 **Lunch on Your Own**
- 1:15 **Bench Trial vs. Jury Trial .5 hr**
Hon. Brian P. Quinn, *Amarillo*
Justice, Seventh Court of Appeals
Bobby Ramirez, *Amarillo*
Staff Attorney, Seventh Court of Appeals
- 1:45 **Standards of Review .5 hr (.25 ethics)**
Hon. William J. Boyce, *Houston*
Alexander Dubose & Jefferson

- 2:15 **Writing for Your Judge: Scattershooting from My Side of the Bench .5 hr**
Hon. Bill Whitehill, *Dallas*
Justice, Fifth District Court of Appeals
- 2:45 **Practice Before the Texas Supreme Court .5 hr**
Blake Hawthorne, *Austin*
Clerk, Supreme Court of Texas
- 3:15 **Break – Early registration & check-in available for the Advanced Course**
- 3:30 **State & Federal Appeals .5 hr**
Susan A. Kidwell, *Austin*
Locke Lord
- 4:00 **The Ethical Appellate Practitioner .5 hr ethics**
Thomas S. Leatherbury, *Dallas*
Vinson & Elkins
- 4:30 **Preparing for the Specialization Exam (No MCLE credit)**
Elana S. Einhorn, *Austin*
Law Office of Elana Einhorn
Maitreya Tomlinson, *Austin*
The Tomlinson Firm, PLLC
- 5:00 **Adjourn - Specialization Exam Q&A**

MCLE CREDIT

6 Hours (1 Ethics)

MCLE Course No: 174050488

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

Ways to Save on the Advanced Course!

Meet the Early Registration Deadline and Save \$50

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.

GO GREEN and Save \$25

Select the PDF download ONLY for a discount.

Appellate Section Members Can 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.

Texas Bar College Members Can Save \$25

To join or learn more, visit texasbarcollege.com or call (800) 204-2222, x1819.

Texas Paralegal Division Members Can Save \$25

To join or learn more, visit txpd.org or call (806) 443-2209.

Appellate Section Scholarships for the 101 and Advanced Courses

Deadline to apply is August 1, 2019. For details, email Dylan Drummond at ddrummond@grayreed.com.

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 in Texas 5 Years or Less!

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, x1490, 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 Texas State, County, and Federal Judges, Administrative Law Judges, Hearing Examiners, and Judge's Staff Attorneys may attend out-of-state programs for a discounted rate or in-state programs 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 and does not guarantee available space. **Austin:** Self-parking at the Four Seasons is \$16 daily (no overnight privileges); Valet parking is \$45 per day.

Houston: Self-parking at the Hilton is complimentary.

If You Need Special Accommodations to Attend or Have a Food Allergy,

please contact us as soon as possible at (800) 204-2222, x1751.

Registered but Can't Attend? Still Earn MCLE Credit

by taking the course online later. If you would rather have a refund, call (800) 204-2222, x1574 or fax your request to (512) 427-4443.

Refund requests must be made 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?

Please contact us at clesponsorships@texasbar.com.

Policy of Impartiality

The State Bar of Texas does not endorse political candidates. When a candidate for the 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
\$289 per night city view
\$329 per night lake view
Deadline: August 9



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Four Seasons

Make your reservation online using code below:

www.fourseasons.com/austin

Promo Code: 190904STA

VIDEO Houston

Hilton Houston Westchase
9999 Westheimer Road
Houston, TX 77042
(713) 974-1000



No hotel rooms are blocked for the video replay.

Advanced Course Director

Marcy Hogan GreerAustin

101 Course Director

Kennon WootenAustin

Planning Committee

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Hon. J. Brett BusbyAustin
Kirsten M. Castaneda Dallas
Steven K. HayesFort Worth
Kurt KuhnAustin
Tanya PierceFort Worth
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 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.

Save up to **\$125** on the Advanced Course!

Advanced Civil Appellate Practice & 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 1, 2019. Details are available by contacting Dylan Drummond at ddrummond@grayreed.com.

- 1 Advanced Civil Appellate Practice** [5035]
LIVE Austin • September 5-6, 2019
- Regular Registrant..... \$795
Take \$50 OFF: Register by August 22
 - Licensed 5 years or less, **HALF OFF**..... \$397.50*
- VIDEO Houston • November 14-15, 2019**
- Regular Registrant..... \$645
Take \$50 OFF: Register by October 31
 - Licensed 5 years or less, **HALF OFF**..... \$322.50*

- Your live course registration includes:**
- Coffee and pastries each morning
 - Lunch provided on Thursday
 - A reception honoring the Judiciary
 - Complimentary Wi-Fi in the meeting room
 - Course materials provided as a printed book and PDF download, or select the download ONLY for a discount!

- Civil Appellate Practice 101** [5036]
LIVE Austin • September 4, 2019
- Regular Registrant \$275*
 - Licensed 5 years or less, **\$50 OFF**..... \$225*

I may attend complimentary because I am a (see p. 4):
 Qualifying judge Judge's staff attorney

**No discounts in section 3 may be taken.*

- 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 materials will be provided as a PDF download only.** You must be a registered user of TexasBarCLE.com to access the materials. Becoming a registered user is free and only takes a moment.
Note: Please download the materials *before* you arrive at the course, since internet access may be limited.

- 3 I am entitled to 1 or 2 discounts on the Advanced Course:**
- \$50 OFF** because I am 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

For more information on joining the section, see page 4.

- 4 I can't attend, but would like the materials.**
- FREE** Shipping & Handling
 - Advanced Course hard copy book \$155⁺
 - 101 Course PDF download \$85⁺
- To order a discounted PDF download of course materials, search **Publications** at TexasBarCLE.com (available 1-2 weeks after the course).

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

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

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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 _____

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Phone () _____ Fax () _____

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

**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 1-2 weeks after the live program. Please include payment by check or supply credit card information on this form.*

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

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

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

STATE BAR OF TEXAS

Appellate Section

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



Reap these benefits of membership:

Receive *The Appellate Advocate*, an insightful, 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.