

33rd Annual Conference on State and Federal Appeals
June 8-9, 2023 • Sheraton Austin Hotel at the Capitol • Austin, TX
June 8-9, 2023 • Live Webcast

Thursday Morning, Jun. 8, 2023

Presiding Officer:

Jane M. N. Webre, Scott Douglass & McConnico LLP - Austin, TX

7:30 am In Austin Only	Registration Opens Includes continental breakfast.
8:20 am	Welcoming Remarks
8:30 am 0.50 hr	88th Legislature: What Happened and How it Affects Your Practice A recap of what came out of the Big Pink Building this legislative session. Jerry D. Bullard, Adams, Lynch & Loftin, P.C. - Grapevine, TX Jeff Leach, Texas House of Representatives, District 67 - Allen, TX
9:00 am 0.50 hr	Texas Supreme Court by the Numbers A new look at what has been happening with petitions and what that suggests about your client's odds. Don Cruse, Law Office of Don Cruse - Austin, TX
9:30 am 0.50 hr	Procedure Update A review of recent developments in procedural rules that may impact your appellate practice. Kennon L. Wooten, Scott Douglass & McConnico LLP - Austin, TX
10:00 am 0.50 hr	Jury Charge Update Recent developments impacting civil jury charges and strategies involved in preparing and preserving error on them. Amanda G. Taylor, Butler Snow LLP - Austin, TX
10:30 am	15-Minute Break
10:45 am 0.75 hr	Texas Supreme Court Update Explore recent opinions issued by the Court in the current term. Hon. Jeff Boyd, Supreme Court of Texas - Austin, TX Kurt Kuhn, Kuhn Hobbs PLLC - Austin, TX

11:30 am 0.75 hr	<p>Texas Supreme Court Panel</p> <p>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 securing discretionary review for their clients.</p> <p>Moderator: Anne M. Johnson, Tillotson Johnson & Patton - Dallas, TX</p> <p>Panelists: Hon. Nathan L. Hecht, Supreme Court of Texas - Austin, TX Hon. Debra H. Lehrmann, Supreme Court of Texas - Austin, TX Hon. J. Brett Busby, The Supreme Court of Texas - Austin, TX</p>
12:15 pm In Austin Only	<p>Pick Up Lunch (in Austin)</p> <p>Included in registration.</p>

Thursday Afternoon, Jun. 8, 2023

Presiding Officer:

Richard B. Phillips Jr., Holland & Knight LLP - Dallas, TX

LUNCHEON PRESENTATION

12:45 pm 0.50 hr ethics	<p>Socratic Rules of Engagement: A Model for Civil Discourse</p> <p>The speaker discusses the original meaning of the Socratic method and how it can be used to produce better conversations, especially about polarizing topics.</p> <p>Ward Farnsworth, The University of Texas School of Law - Austin, TX</p>
1:15 pm	<p>15-Minute Break</p>
1:30 pm 0.50 hr	<p>U.S. Supreme Court Update</p> <p>An overview of major decisions and trends from the Supreme Court's 2022-2023 term.</p> <p>Carl Cecere, Cecere PC - Dallas, TX</p>
2:00 pm 0.50 hr ethics	<p>Don't Do It: Legal Temptations to Resist</p> <p>This presentation is a reminder of the things lawyers are tempted to do, but the Rules of Professional Conduct, Standards of Appellate Conduct, and the good manners we were all raised on prevent.</p> <p>Hon. Tanya Garrison, 157th District Court - Houston, TX</p>
2:30 pm 0.75 hr ethics	<p>Lawyers Behaving Badly</p> <p>The hosts of the Lawyers Behaving Badly podcast share true but outrageous stories about lawyers being less than their best selves.</p> <p>Karen Delaney, Delaney Legal PLLC - Frisco, TX Jennifer Judge, Destination Pet, LLC - Plano, TX</p>

3:15 pm	Adjourn
In Austin Only	Networking Reception (in Austin from 3:15 p.m. - 4:15 p.m.) Join us for drinks and hors d'oeuvres with program faculty and attendees.

Friday Morning, Jun. 9, 2023

Presiding Officer:

Melissa Lorber, Enoch Kever PLLC - Austin, TX

7:30 am In Austin Only	Conference Room Opens Includes continental breakfast.
8:30 am 0.50 hr	Inference Stacking When can you stack inferences, and how to tell if that is what is happening. Chad Baruch, Johnston Tobey Baruch - Dallas, TX
9:00 am 0.75 hr 0.25 hr ethics	Persuasive Oral Argument Techniques Hear tips from two of Texas's best on what to do (and not to do) in oral argument. Moderator: Hon. Daryl L. Moore, Ahmad Zavitsanos & Mensing PLLC - Houston, TX Panelists: Hon. Thomas R. Phillips, Baker Botts L.L.P. - Austin, TX Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX Hon. Dori Contreras, Thirteenth Court of Appeals - Corpus Christi, TX David Keltner, Kelly Hart & Hallman LLP - Fort Worth, TX Sharon McCally, McCally Law, P.C. - Houston, TX
9:45 am 1.00 hr 0.25 hr ethics	Under-Utilized Procedural Tools Three short presentations on how to make use of Rule 166(g) motions, Indicative Rulings Under Rule 62.1, and Rule 54(b) Judgements. Dana Livingston, Cokinos Young - Austin, TX Anna MacFarlane, Pulman, Cappuccio & Pullen, LLP - San Antonio, TX Jane M. N. Webre, Scott Douglass & McConnico LLP - Austin, TX
10:45 am	15-Minute Break
11:00 am 0.50 hr	Equitable and Declaratory Remedies for <i>Ultra Vires</i> Acts An overview and update on the legal and practical challenges of suing state actors. Grant Martinez, Yetter Coleman LLP - Houston, TX

11:30 am 0.75 hr	<p>The Administration of Justice: Case Loads and Composition of the Docket in the Courts of Appeals, Rules of Judicial Administration and Statutory Requirements, Strategies for Case Management, and Challenges of Balancing Efficiency and Transparency</p> <p>Hear from chiefs of the courts of appeals as they talk frankly about the challenges of efficient case management.</p> <p>Hon. Tracy Christopher, Fourteenth Court of Appeals - Houston, TX Hon. Dori Contreras, Thirteenth Court of Appeals - Corpus Christi, TX Hon. Thomas W. Gray, Tenth Court Of Appeals - Waco, TX</p>
12:15 pm In Austin Only	30-Minute Break (in Austin)

Friday Afternoon, Jun. 9, 2023

Presiding Officer:

Douglas W. Alexander, Alexander Dubose & Jefferson LLP - Austin, TX

12:45 pm In Austin Only	<p>Optional Luncheon with the Judiciary (in Austin)</p> <p>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 (\$50 additional charge).</p>
1:30 pm In Austin Only	Return to General Session (in Austin)
1:45 pm 0.75 hr	<p>So You Think You Know Your Evidence and Procedure?</p> <p>An interactive and entertaining presentation testing your knowledge of the Texas Rules of Evidence and Procedure.</p> <p>Hon. Kristen Hawkins, 11th Judicial District - Houston, TX Hon. Dawn Rogers, 334th Civil Court - Houston, TX</p>
2:30 pm 0.50 hr	<p>U.S. Fifth Circuit Update</p> <p>This presentation covers the most interesting cases about civil litigation from the U.S. Court of Appeals for the Fifth Circuit in the past year.</p> <p>David S. Coale, Lynn Pinker Hurst & Schwegmann, LLP - Dallas, TX Raffi Melkonian, Wright Close & Barger, LLP - Houston, TX</p>
3:00 pm 0.50 hr	<p>Rehearing and En Banc Practice in the Fifth Circuit</p> <p>Background, procedure, and tips for how to handle a mistake by a Fifth Circuit panel.</p> <p>Jason LaFond, Yetter Coleman LLP - Austin, TX</p>

3:30 pm 0.50 hr	<p>Navigating Supersedeas in Texas and Federal Courts</p> <p>Supersedeas practice is challenging for new and seasoned practitioners alike. It involves precise procedural requirements, tight time-frames, diverse means to stay enforcement, complex determinations of the required amount of security, and unique procedures for obtaining appellate review. This presentation addresses these challenges by providing (1) the essentials of Texas and Federal supersedeas law and (2) a step-by-step guide for navigating the procedural and substantive requirements for superseding judgments in Texas courts and the Fifth Circuit.</p> <p>Charles T. Frazier Jr., Alexander Dubose & Jefferson LLP - Dallas, TX Marisa Cruz Hurd, Alexander Dubose & Jefferson LLP - Houston, TX</p>
4:00 pm 0.50 hr ethics	<p>Appeals from Sanctions Orders</p> <p>Sanctions orders can have devastating impacts on both attorneys and their clients. Learn the latest cutting-edge techniques for obtaining, avoiding, appealing, and keeping trial court sanctions orders.</p> <p>Scott Rothenberg, Law Office of Scott Rothenberg - Bellaire, TX</p>
4:30 pm	<p>Adjourn</p>