

**35<sup>th</sup> Annual Page Keeton Civil Litigation Conference**  
**October 27-28, 2011 • Four Seasons Hotel • Austin, TX**

**Thursday Morning, Oct. 27, 2011**

**Presiding Officer:**

**Thomas H. Cook Jr.**, Zelle Hofmann Voelbel & Mason LLP - Dallas, TX

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 0.50 hr	<b>Supreme Court Update</b>  A review of Texas Supreme Court opinions handed down during the past year.  Hon. Paul W. Green, Supreme Court of Texas - Austin, TX
9:30 am 0.50 hr	<b>Texas Civil Procedure Update: A Look At Recent Decisions and Legislative Mandates</b>  Remarks focus on recent judicial decisions and legislative mandates affecting Texas litigation practice, including proposed modifications to the Texas Rules of Civil Procedure. The course paper is a comprehensive review of recent case law and is designed to be a handy reference tool for practitioners.  Co-Author: Courtney Taylor Carlson, Jackson Walker L.L.P. - Houston, TX Elaine Carlson, South Texas College of Law - Houston, TX
10:00 am 0.50 hr	<b>Business Torts</b>  A review of recent cases and strategies involving various business torts.  Alice London, Bishop London & Dodds - West Lake Hills, TX
10:30 am	<b>Break</b>
10:45 am 0.50 hr ethics	<b>Breach of Fiduciary Duties</b>  A look at fiduciary duties and the attorney-client relationship.  Lauren Held Harris, Shepherd, Scott, Clawwater & Houston, LLP - Houston, TX
11:15 am 0.50 hr ethics	<b>Attorney Malpractice</b>  An update on recent developments in Texas law on legal malpractice liability, including unresolved areas involving causation and expert testimony, and practice tips on avoiding malpractice liability.  Sam Johnson, Scott Douglass & McConnico, L.L.P. - Austin, TX

11:45 am 0.50 hr ethics	<b>Barratry: New Remedies for Clients and Non-clients and New Risks for Lawyers</b>  A discussion of practice rules and ethical issues involving barratry, including client solicitation, referrals, deceptive communications, lawyer risk, remedies and more.  Charles Herring Jr., Herring & Irwin, L.L.P. - Austin, TX
12:15 pm	<b>Lunch on Your Own</b>

## Thursday Afternoon, Oct. 27, 2011

### Presiding Officer:

**Karen C. Burgess**, Richardson + Burgess LLP - Austin, TX

1:20 pm 0.42 hr	<b>2011 Developments: Mandamus and Interlocutory Appeals</b>  What's new in the ever-expanding area of early appellate review.  Pamela Stanton Baron, Attorney at Law - Austin, TX
1:45 pm 0.50 hr	<b>Legislative Update - Tasting the Sausage</b>  A look at barratry, loser pays, Texas Windstorm Insurance Association (TWIA) issues and other culinary wonders from the recent legislative session.  W. Bradley Parker, Parker McDonald Law - Bedford, TX
2:15 pm 0.75 hr	<b>Hot Topics in Oil and Gas Litigation</b>  A discussion of the current litigation, both tort and environmental, arising from natural gas exploration's hydraulic fracturing underway (exploding) in Texas. Both the Barnett Shale (North Texas) and Eagle-Ford Shale (South Texas) formations are spawning many lawsuits from landowners and municipalities.  Rebecca Jo C. Reser, Davidson & Troilo - San Antonio, TX David T. Ritter, Taylor, Olson, Adkins, Sralla & Elam, L.L.P. - Ft Worth, TX
3:00 pm	<b>Break</b>
3:10 pm 0.50 hr	<b>Daubert-Proofing Your Expert</b>  The hurdles your expert must clear to stand before the jury.  Quentin Brogdon, Law Offices of Frank L. Branson, P.C. - Dallas, TX
3:40 pm 0.50 hr	<b>Third-Party Practice: Only in Texas (It's No Country for Old Men)</b>  A discussion of what courts have determined, what has remained debatable, and how House Bill 274 impacts both the questions and the answers.  Karen C. Burgess, Richardson + Burgess LLP - Austin, TX

4:10 pm 0.33 hr	<b>Trial by Agreement</b>  Arbitration is winning the battle for consumers of dispute resolution services. The session focuses on how lawyers, by reaching their own agreements over the conduct of litigation can make jury trials more attractive.  Harry Paul Susman, Susman & Godfrey LLP - Houston, TX
4:30 pm 1.00 hr	<b>60 Tips in 60 Minutes</b>  Experienced litigators take turns outlining their fun tips involving civil litigation from plaintiff and defendant perspectives, including effective use of technology, website resources and discovery.  Sean Tetsuo Hamada, Sean T. Hamada, P.C. - Dallas, TX Michael P. Maslanka, Constangy, Brooks & Smith, LLP - Dallas, TX Mark S. Werbner, Sayles   Werbner PC - Dallas, TX
5:30 pm	<b>Adjourn</b>

## Friday Morning, Oct. 28, 2011

### Presiding Officer:

**Jim M. Perdue Jr.**, Perdue Kidd & Vickery - Houston, TX

8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
8:30 am 0.50 hr	<b>Ins and Outs of Indemnity</b>  The session covers the legal requirements for enforceable indemnification agreements in Texas, including recent case law addressing and limiting indemnity rights. The practical application of enforcing and litigating indemnity rights is also addressed.  John Francis Sullivan III, Watt Beckworth Thompson Henneman & Sullivan LLP - Houston, TX
9:00 am 1.25 hrs	<b>Insurance (Show Me the Money!)</b>  Too often cases don't settle or settle unfavorably because either the plaintiff or defense lawyer—or both—don't know what they should about liability insurance coverage issues.  Moderator: Philip K. Maxwell, Law Offices of Philip K. Maxwell - Austin, TX Panelists: Karl Bayer, Dispute Resolution Expert - Austin, TX Panelists: Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP - Dallas, TX Panelists: Lee H. Shidlofsky, Shidlofsky Law Firm PLLC - Austin, TX Panelists: Paul J. Van Osselaer, Van Osselaer & Buchanan LLP - Austin, TX

10:15 am 0.50 hr	<p><b>Litigation Strategies in Complex Cases</b></p> <p>In the aftermath of the changes wrought by the courts and legislature over the past twenty years, litigation has become more complex and lawyers' jobs are harder, particularly in trying to find leverage points and resolve disputes without exhausting litigants' patience and their budgets. However, this environment presents opportunities for advocates who know how to play chess when others are playing checkers. This presentation discusses the new rules of the game, as well as how to know the opponent, the battlefield, and how to think several moves ahead.</p> <p>William J. Chriss, Law Office of William J. Chriss, P.C., of counsel to Gravely &amp; Pearson, L.L.P. - Austin, TX</p>
10:45 am	<b>Break</b>
11:00 am 0.75 hr	<p><b>The Art of Persuasion: Understanding the Role of Evolution, Perception and Memory on How People Make Decisions</b></p> <p>Recent studies into the functionality of the human brain and how it affects decision making are a valuable tool for the trial lawyer's arsenal. The presentation translates scientific concepts into concrete examples of trial tactics useful to persuasive framing and presentations in all types of cases.</p> <p>Jim M. Perdue Jr., Perdue Kidd &amp; Vickery - Houston, TX</p>
11:45 am 0.75 hr	<p><b>Evidence Jeopardy</b></p> <p>Test your knowledge of the Rules of Evidence in an enjoyable format.</p> <p>Moderator: Olin G. Wellborn, The University of Texas School of Law - Austin, TX</p> <p>Panelists: Hon. Amy Clark-Meachum, 201st Judicial District Civil Court - Austin, TX</p> <p>Panelists: Hon. Gisela D. Triana-Doyal, 200th Judicial District Civil Court - Austin, TX</p>
12:30 pm	<p><b>Break to Pick Up Lunch</b></p> <p>Included in conference registration fee.</p>

## Friday Afternoon, Oct. 28, 2011

### Presiding Officer:

**Adam Troy Schramek**, Fulbright & Jaworski L.L.P. - Austin, TX

	<b>LUNCHEON PRESENTATION</b>
12:45 pm 0.50 hr	<p><b>The Future of Small Claims: Trials under \$100K</b></p> <p>This presentation addresses the impact of Government Code Section 22.004(h), requiring the Supreme Court to adopt rules promoting "the prompt, efficient, and cost-effective resolution of civil actions," on cases filed after September 1, 2011, in which the amount in controversy does not exceed \$100,000.</p> <p>L. Hayes Fuller III, Naman Howell Smith &amp; Lee, PLLC - Waco, TX</p>
1:15 pm	<b>Break</b>

1:30 pm 0.50 hr	<p><b>Strategies for Motions, Depositions and Discovery</b></p> <p>Preparing an early case development strategy is critical to ensure ultimate success at the courthouse. Practical strategic recommendations will be suggested for motions, depositions and discovery, including Rule 26(f).</p> <p>Terry O. Tottenham, Fulbright &amp; Jaworski L.L.P. - Austin, TX</p>
2:00 pm 0.50 hr	<p><b>Crafting the E-Discovery Plan: Tips, Pitfalls and Gotchas</b></p> <p>As more and more of our work and lives go digital, the challenges (and costs) of e-discovery are increasing at an exponential rate. From smart phones to tablets to cloud computing, this session focuses on crafting e-discovery plans tailored to meet your individual case needs.</p> <p>Keith Matthew Angle, Fulbright &amp; Jaworski - Houston, TX Adam Troy Schramek, Fulbright &amp; Jaworski L.L.P. - Austin, TX</p>
2:30 pm 0.50 hr	<p><b>Needles in the Haystack: New Tools for Searching Large Document Sets</b></p> <p>This session explores recent advances in technology and the law related to searching through large volumes of electronic documents, and how these developments may impact civil litigation.</p> <p>Thomas H. Cook Jr., Zelle Hofmann Voelbel &amp; Mason LLP - Dallas, TX Eric P. Mandel, Zelle Hofmann Voelbel &amp; Mason LLP - Minneapolis, MN</p>
3:00 pm 0.50 hr	<p><b>Trade Secrets in a Mobile Workforce World</b></p> <p>Avoiding and managing problems controlling intellectual property when employees transition to a new employer, from the perspectives of the former employer, the employee, and new and prospective employers.</p> <p>Claudia Wilson Frost, DLA Piper LLP - Houston, TX</p>
3:30 pm	<p><b>Adjourn</b></p>