

**41<sup>st</sup> Annual Page Keeton Civil Litigation Conference**  
**November 2-3, 2017 • Renaissance Hotel • Austin, TX**

**Thursday Morning, Nov. 2, 2017**

**Presiding Officer:**

**Michael K. Oldham**, Reynolds Frizzell LLP - Houston, TX

7:30 am	<b>Registration Opens</b>  Includes continental breakfast.
8:20 am	<b>Welcoming Remarks</b>

**UPDATES AND OPPORTUNITIES**

8:30 am 0.50 hr	<b>Texas Civil Procedure Update</b>  Examine recent judicial decisions affecting Texas litigation practice, including proposed modifications to the Texas Rules of Civil Procedure. Review highlights from the accompanying comprehensive review of recent case law—designed to be a handy reference tool for practitioners.  Courtney Taylor Carlson, Jackson Walker LLP - Houston, TX Co-Author: Elaine Grafton Carlson, South Texas College of Law Houston - Houston, TX
9:00 am 0.50 hr	<b>Texas Legislative Update</b>  Get an update on what happened in the 85th Legislative Session, including bills that passed and those that didn't, and how that may impact your practice.  David E. Chamberlain, Chamberlain & McHaney - Austin, TX Jay Harvey, Winckler & Harvey LLP - Austin, TX
9:30 am 0.50 hr	<b>From Parties to Presidents: Dealing With Decision-Maker Commentary</b>  Explore the use of off-the-job social media statements by decision-makers to demonstrate unlawful animus. Hear an in-depth examination of the legal standards for direct evidence and the stray remark doctrine along with potential strategies for rehabilitating compromised decision-makers.  Jason Boulette, Boulette Golden & Marin L.L.P. - Austin, TX
10:00 am	<b>Break</b>
10:15 am 0.50 hr	<b>Texas Anti-SLAPP Law and Early Dismissals Updated</b>  Hear the latest updates on the statute that is changing Texas defamation law and turning motion practice into a contest of artful pleading and legal bullying.  Mark C. Walker, Dickinson Wright PLLC - El Paso, TX

10:45 am 0.50 hr	<b>Business Torts and Damages</b>  Get beyond tortious interference and consider the range of claims available to a business litigant—along with the range of remedies—by examining the latest court opinions covering the role and scope of tort claims in commercial litigation.  Karen C. Burgess, Richardson + Burgess LLP - Austin, TX
11:15 am 0.75 hr	<b>Recent Condemnation Issues</b>  Compensation in power line and pipeline cases-new thoughts on an old subject, and U.S./Mexico border wall, the past, the present and what may come.  Nicholas P. Laurent, Barron Adler Clough & Oddo, LLP - Austin, TX Christopher J. Oddo, Barron Adler Clough & Oddo, LLP - Austin, TX
12:00 pm	<b>Lunch on Your Own</b>

## Thursday Afternoon, Nov. 2, 2017

### Presiding Officer:

Michael C. Smith, Siebman, Burg, Phillips & Smith, LLP - Marshall, TX

### LITIGATION SKILLS

1:30 pm 0.50 hr	<b>Opening Statements and Closing Arguments—How Far Can You Go?</b>  In today's desensitized society, lawyers need to do more to convince juries to identify with their client and deliver a verdict in the client's favor. Explore how lawyers can teach to all five of the jurors' senses when using demonstrative evidence, and discuss effective strategies for opening statements and closing arguments—such as violating the Golden Rule and maximizing the use of the laws of primacy and recency—that practitioners can use to maximize the probability of winning the trial.  Francisco Guerra IV, Watts Guerra - San Antonio, TX
2:00 pm 0.75 hr	<b>Demonstrative Evidence: How to Get It Into Evidence, As Well As Into the Jury's Mind</b>  Demonstrative evidence is powerful because it's the evidence over which you have the most control. It can, however, be tricky to use. Learn how to get it admitted, how to effectively present it to the jury without blowing your budget, and best practices for using it.  Joshua M. Sandler, Lynn Pinker Cox & Hurst, LLP - Dallas, TX Britta Stanton, Lynn Pinker Cox & Hurst, LLP - Dallas, TX
2:45 pm	<b>Break</b>
3:00 pm 0.50 hr	<b>Preparing Difficult Witnesses for Trial</b>  How do you prepare a witness who cannot stop talking, thinks they know everything, is annoyed by every question, or gets easily confused? Learn how to tame the beast for trial.  Barry C. Barnett, Susman Godfrey LLP - Dallas, TX

3:30 pm 0.50 hr	<p><b>Voir Dire: Striking the Perfect Balance</b></p> <p>Voir dire is often a complex balance of trying to convince your potential jurors to believe the theory of your case and like you personally, while simultaneously exposing undesirable jurors. How much time should you devote to the issues that are favorable to you and unfavorable to you? How much should you share about yourself? Review time management strategies and hear practical examples of how to get members of the jury pool to commit to answers, personalize yourself, and more.</p> <p>Chari L. Kelly, Travis County District Attorney's Office - Austin, TX</p>
4:00 pm 0.75 hr ethics	<p><b>Ethics Jeopardy</b></p> <p>Have fun while you earn ethics credit with a friendly game of Ethics Jeopardy! Refresh your ethics knowledge with a series of multiple-choice questions and explanations.</p> <p>Adam T. Schramek, Norton Rose Fulbright - Austin, TX</p>
4:45 pm	<p><b>Adjourn</b></p>

## Friday Morning, Nov. 3, 2017

### Presiding Officer:

**Amy Snell**, Shipley Snell Montgomery LLP - Houston, TX

7:30 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
<b>LITIGATION IN THE REAL WORLD</b>	
8:30 am 0.75 hr	<p><b>Trial Advocacy in a Post-Truth World</b></p> <p>How do jurors search for the truth in a world that accepts “alternative facts” and dismisses that which is disagreeable as “fake news?” Discuss strategies for trial lawyers from jury selection to decision heuristics in relevance to modern communication norms.</p> <p>Jim M. Perdue Jr., Perdue &amp; Kidd - Houston, TX</p>
9:15 am 0.75 hr	<p><b>Dealing with Bad Facts</b></p> <p>Every case has bad facts, some to a greater degree. The opponent always has points to make. Filing for a motion in limine is the first line of defense, but if that fails or there is no legitimate argument to exclude the bad evidence, what do you do? Investigate whether it is best to deal with bad facts only after the opponent introduces them, or if it is better to “inoculate” the jury against negative effects by introducing them first in a weakened form.</p> <p>Quentin Brogdon, Crain Lewis Brogdon, LLP - Dallas, TX</p>
10:00 am	<p><b>Break</b></p>

10:15 am 0.50 hr	<p><b>Arbitration: What You Can and Can't Do</b></p> <p>Cover the creative use of the arbitral process and its limits, including procedural flexibility and fairness, the arbitrator's discretion in receiving evidence and shaping remedies, and confirming and vacating awards.</p> <p>Craig S. Miles, King &amp; Spalding - Houston, TX</p>
10:45 am 0.75 hr ethics	<p><b>Monitoring and Monitored Conversations</b></p> <p>Examine what counsel can and can't do to monitor opponents' communications, and review what counsel needs to do to protect their clients' communications.</p> <p>Steven Goode, The University of Texas School of Law - Austin, TX Charles Herring Jr., Herring &amp; Panzer, L.L.P. - Austin, TX</p>
11:30 am	<p><b>Pick up lunch</b></p> <p>Included in conference registration.</p>

## Friday Afternoon, Nov. 3, 2017

### Presiding Officer:

**Lisa Bowlin Hobbs**, Kuhn Hobbs PLLC - Austin, TX

### LUNCHEON PRESENTATION

	<p><b>Page Keeton Award for Excellence in Continuing Legal Education</b></p> <p>Presented to the Honorable Jeffrey S. Boyd</p>
11:50 am 0.75 hr	<p><b>View From the Bench</b></p> <p>Hear Justice Boyd's perspective and insight as a Texas Supreme Court Justice.</p> <p>Hon. Jeffrey S. Boyd, The Supreme Court of Texas - Austin, TX Commentator: Lisa Bowlin Hobbs, Kuhn Hobbs PLLC - Austin, TX</p>
12:35 pm	<p><b>Break</b></p>

### LITIGATION IN A DIGITAL WORLD

12:50 pm 0.75 hr	<p><b>Strategic Use of E-Discovery</b></p> <p>Fewer than one out of a hundred cases are tried. Accordingly, discovery strategy is often more vital than trial strategy. Yet, strategic use of e-discovery garners little attention, perhaps because the fundamentals demand so much focus that there is little room for flourishes. If you only know one way of doing things, how do you act strategically? Review methods to deploy e-discovery strategically, mindful of our opponent's fears, goals, and pain points ... as well as our own.</p> <p>Craig Ball, The University of Texas School of Law - Austin, TX</p>
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1:35 pm  
0.75 hr ethics

### **The Ethics of Social Media**

The world of social media presents a multitude of pitfalls for practitioners and judges alike. Hear from pioneers in the field on how to make the most of social media's advantages without running afoul of applicable disciplinary rules. Discuss cutting edge issues not yet addressed under Texas law and proposed disciplinary rules currently under consideration by the Texas Supreme Court.

Moderator:

Elaine Grafton Carlson, South Texas College of Law Houston - Houston, TX

Panelists:

John G. Browning, Passman & Jones - Dallas, TX

Hon. Gena N. Slaughter, 191st District Court - Dallas, TX

2:20 pm  
0.75 hr ethics

### **Data Security**

Review what a litigator needs in order to prepare a client for litigation or an investigation by regulators after a data security breach. Takeaways include protocol for preserving the attorney client privilege and evidence before, during and after a breach; cybersecurity liability insurance litigation updates; and creating proof points, including a discussion of cybersecurity best practices and "cybersecurity basics," to effectively minimize damages, fines and penalties.

Elizabeth C. Rogers, Greenberg Traurig, LLP - Austin, TX

Shawn E. Tuma, Scheef & Stone, L.L.P. - Frisco, TX

3:05 pm

### **Adjourn**