

Advanced Civil Appellate Practice Course 2018

Video Replay Schedule

NOTE: The video for the *Preparing for the Specialization Exam* presentation will be shown Thursday upon adjournment. Attendance is optional.

Thursday

7.75 hours including 1 ethics

8:00	Registration Coffee & Pastries Provided
8:45	1 U.S. Supreme Court Update .5 hr
9:15	2 Fifth Circuit Update .5 hr
9:45	3 Texas Supreme Court Update .5 hr
10:23	Break
10:35	4 Strategies for Respondents .75 hr
11:12	5 Procedural Update .5 hr
11:42	Break - Lunch Provided
11:55	6 Texas Supreme Court Panel .75 hr (.25 ethics)
12:44	Break
12:55	7 Ethics of Social Media Use .75 hr ethics
1:34	8 Appellate Changes in Family Law .5 hr
2:02	9 Acceptance of Benefits .5 hr
2:28	10 Casteel Update .5 hr
2:58	Break
3:10	11 Appellate Issues for TROs and Temporary Injunctions .5 hr
3:39	12 Where the Pattern Jury Charge Is Wrong .5 hr
4:07	13 Preserving Error: Different Rules for Legal or Matter-of-Law Arguments? .5 hr
4:38	14 Crafting the Final Judgment .5 hr
5:08	Adjourn - OR -
5:08	21 Optional Presentation: Preparing for the Specialization Exam (No MCLE credit)
5:38	Adjourn

Friday

5.25 hours including 1.25 ethics

8:00	Coffee & Pastries Provided
8:30	15 The Texas Citizens Participation Act: Seven Years In .5 hr
8:58	16 Sanctions in the Trial Court and on Appeal .5 hr ethics
9:27	17 Suits Against the Government .75 hr (.25 ethics)
10:12	Break
10:20	18 When Your Reach Exceeds Your Grasp: When the Jury Awards More Than Your Expert Proves .5 hr
10:37	19 Statutory and Common Law Chapter 33 Issues Working Their Way Up .5 hr
11:04	20 Alternative Billing Arrangements .5 hr ethics
11:38	Break - Lunch Provided
11:50	22 Splits Among the State Appellate Courts .5 hr
12:21	Break
12:30	23 Invitation by Footnote .5 hr
12:57	24 Oral Advocacy .5 hr
1:27	25 Permissive Interlocutory Appeal vs. Mandamus: Picking Your Procedural Path Prudently .5 hr
1:57	Adjourn

VIDEO • Dallas • October 18-19, 2018 • Cityplace Events



MCLE COURSE NO.
174014779

MCLE CREDIT
13 Hours (2.25 Ethics)

*Education by the Bar,
for the Bar*

32nd Annual Course

Advanced Civil Appellate Practice



© Horan, Christian / Four Seasons

LIVE Austin • September 6-7, 2018 • Four Seasons

VIDEO Dallas • October 18-19, 2018 • Cityplace Events

Arrive in Austin a day early to attend **Civil Appellate Practice 101**
(Live site only - Separate registration required)



MCLE CREDIT
13 Hours (2.25 Ethics)

DOWNLOADABLE
Course Materials [↓](#)

TexasBarCLE.com
800.204.2222 x1574

*Education by the Bar,
for the Bar*

Advanced Civil Appellate Practice

Cosponsored by 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 6-7, 2018
Four Seasons Hotel

Register by **August 23** to save!

VIDEO Dallas

October 18-19, 2018
Cityplace Events

Register by **October 4** to save!



© Riddle, Don / Four Seasons

MCLE CREDIT

13 Hours (2.25 Ethics)

MCLE Course No: 174014779

Applies to the Texas Bar College and 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

7.75 hours including 1 ethics

8:00 **Registration**

Coffee & Pastries Provided

8:40 **Welcoming Remarks**
Course Director

Chad Baruch, *Dallas*
Johnston Tobey Baruch

8:45 **U.S. Supreme Court Update** .5 hr

Prof. Erin G. Busby, *Houston*
University of Texas School of Law

9:15 **Fifth Circuit Update** .5 hr

Mark Trachtenberg, *Houston*
Haynes and Boone

9:45 **Texas Supreme Court Update** .5 hr

Hon. Scott A. Brister, *Austin*
Justice, Supreme Court of Texas (ret.)
Hunton Andrews Kurth

10:15 **Networking Break**

10:30 **Strategies for Respondents** .75 hr

Cross-Petitions and Cross-Points
Pamela Stanton Baron, *Austin*
Attorney at Law
The Path to "Affirmed"
Warren W. Harris, *Houston*
Bracewell

11:15 **Procedural Update** .5 hr

Hon. J. Brett Busby, *Houston*
Justice, Fourteenth Court of Appeals

11:45 **Break – Lunch Served**

12:05 **Luncheon Presentation:**
Texas Supreme Court Panel
.75 hr (.25 ethics)

Moderator

Philip Durst, *Austin*
Deats Durst & Owen

Panelists

Hon. Nathan Hecht, *Austin*
Chief Justice, Supreme Court of Texas
Hon. Paul W. Green, *Austin*
Justice, Supreme Court of Texas
Hon. Eva M. Guzman, *Austin*
Justice, Supreme Court of Texas

12:50 **Break**

1:00 **Ethics of Social Media Use** .75 hr ethics

Hon. Jeffrey S. Boyd, *Austin*
Justice, Supreme Court of Texas
John G. Browning, *Dallas*
Passman & Jones

1:45 **Appellate Changes in Family Law**
.5 hr

Sallee S. Smyth, *Richmond*
Sallee S. Smyth Attorney at Law

2:15 **Acceptance of Benefits** .5 hr

Lawrence M. Doss, *Lubbock*
Mullin Hoard & Brown

2:45 **Casteel Update** .5 hr

David E. Keltner, *Fort Worth*
Kelly Hart & Hallman

3:15 **Break**

3:30 **Appellate Issues for TROs and**
Temporary Injunctions .5 hr

David F. Johnson, *Fort Worth*
Winstead

4:00 **Where the Pattern Jury Charge Is**
Wrong .5 hr

Michael Heidler, *Austin*
Vinson & Elkins

4:30 **Preserving Error: Different Rules for**
Legal or Matter-of-Law Arguments?
.5 hr

Elizabeth G. 'Heidi' Bloch, *Austin*
Husch Blackwell

5:00 **Crafting the Final Judgment** .5 hr

Christopher Dove, *Houston*
Locke Lord

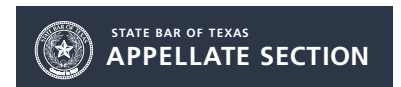
5:30 **Adjourn – Section Meeting**

Reception (Live site only)

6:00 p.m. - 7:00 p.m.

Join us for cocktails and appetizers at our annual reception honoring the Judiciary.

Sponsored by the



Friday

5.25 hours including 1.25 ethics

8:00 **Coffee & Pastries Provided**

8:25 **Announcements**

8:30 **The Texas Citizens Participation Act: Seven Years In** .5 hr

Thomas S. Leatherbury, *Dallas*
Vinson & Elkins

9:00 **Sanctions in the Trial Court and on Appeal** .5 hr ethics

Richard R. Orsinger, *San Antonio*
Orsinger, Nelson, Downing & Anderson

9:30 **Suits Against the Government** .75 hr (.25 ethics)

Edward D. ("Ed") Burbach, *Austin*
Foley Gardere

April L. Farris, *Houston*
Yetter Coleman

10:15 **Networking Break**

10:30 **When Your Reach Exceeds Your Grasp: When the Jury Awards More Than Your Expert Proves** .5 hr

Mary Barkley, *Fort Worth*
Cantey Hanger

11:00 **Statutory and Common Law Chapter 33 Issues Working Their Way Up** .5 hr

Jody Sanders, *Fort Worth*
Kelly Hart & Hallman

11:30 **Alternative Billing Arrangements** .5 hr ethics

Lisa Hobbs, *Austin*
Kuhn Hobbs

12:00 **Lunch on Your Own**

Optional brown bag lunch presentation:

12:30 **Preparing for the Specialization Exam with Q&A** (No MCLE credit)

Patricia Askew, *Fort Worth*
Staff Attorney, Second Court of Appeals

Elana S. Einhorn, *Austin*
Mehaffy Weber

1:15 **Break**

1:30 **Splits Among the State Appellate Courts** .5 hr

Yvonne Y. Ho, *Houston*
Bracewell

2:00 **Invitation by Footnote** .5 hr

Nicholas Dominguez, *Corpus Christi*
Staff Attorney, Thirteenth Court of Appeals

2:30 **Oral Advocacy** .5 hr

Allyson Ho, *Dallas*
Morgan Lewis

3:00 **Permissive Interlocutory Appeal vs. Mandamus: Picking Your Procedural Path Prudently** .5 hr

Kennon L. Wooten, *Austin*
Scott Douglass & McConico

3:30 **Adjourn**

Join us on Social Media!



Arrive in Austin a day early to attend

Civil Appellate Practice 101

(One site only; Separate registration required)

Attorneys licensed 5 years or less save \$50!

LIVE Austin
September 5, 2018
Four Seasons

© Horan, Christian / Four Seasons

Wednesday

6 hours including 1 ethics

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

8:40 **Welcoming Remarks**
Course Director

Brandy Wingate Voss, *McAllen*
Law Offices of Brandy Wingate Voss

8:45 **Preservation of Error** .5 hr (.25 ethics)

Maitreya Tomlinson, *Austin*
The Tomlinson Firm

9:15 **Standards of Review** .5 hr (.25 ethics)

Melissa M. Davis, *Austin*
Thompson & Knight

9:45 **Findings of Fact and Conclusions of Law** .5 hr

Laurie Ratliff, *Austin*
Ikard Ratliff

10:15 **Networking Break**

10:30 **Post-Trial Preservation of Error** .5 hr

Steven K. Hayes, *Fort Worth*
Law Office of Steven K. Hayes

11:00 **State vs. Federal Appeals** .5 hr

David Coale, *Dallas*
Lynn Pinker Cox & Hurst

11:30 **Unique Aspects of Family Law Appeals** .5 hr

Rebecca Rowan, *Dallas*
KoonsFuller

12:00 **Lunch on Your Own**

1:00 **50 Ways to Lose Your License** .5 hr ethics

Scott Rothenberg, *Houston*
Law Offices of Scott Rothenberg

1:30 **Legal Writing: Lessons from the Bestseller List** .5 hr

Chad Baruch, *Dallas*
Johnston Tobey Baruch

2:00 **Civil vs. Criminal Appeals** .5 hr

Allegra Hill, *McAllen*
Law Offices of Brandy Wingate Voss

2:30 **Summary Judgments** .5 hr

Karlene Poll, *Houston*
Kuhn Hobbs

3:00 **Break – Early registration & check-in available for the Advanced Course**

3:15 **Mandamus/Interlocutory Appeals** .5 hr

Shelby L. O'Brien, *Austin*
Enoch Keever

3:45 **Practice Before the Supreme Court of Texas** .5 hr

Dylan O. Drummond, *Dallas*
Gray Reed & McGraw

4:15 **Preparing for the Specialization Exam** (No MCLE credit)

Patricia Askew, *Fort Worth*
Staff Attorney, Second Court of Appeals

Elana S. Einhorn, *Austin*
Mehaffy Weber

4:45 **Adjourn – Specialization Exam Q&A**

MCLE CREDIT

6 Hours (1 Ethics)

MCLE Course No: 174014778

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

because 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 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, ext. 1819.

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. For details, email Jerry Bullard at jdb@all-lawfirm.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 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 is \$16 per day (no overnight privileges); valet parking is \$18 per day and \$45 overnight. **Dallas:** Self-parking in the underground Cityplace Events garage is \$10 per day.

If You Need Special Accommodations to Attend or Have a Food Allergy, please contact us as soon as possible at 800-204-2222 x1751. For Cityplace Events in Dallas, please call us in advance of your arrival so that assisted parking can be arranged for drivers of handicap-designated vehicles.

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; it's included with your registration!

Interested in Sponsoring or Exhibiting at this Course or Others?

Contact Julie Marshall at 512-427-1797 or julie.marshall@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
 98 San Jacinto Boulevard
 Austin, TX 78701
 (512) 478-4500
 \$278 per night (city view)
 \$320 per night (lake view)
Deadline: August 4



Make your reservation online:

www.FourSeasons.com/Austin

Corporate/Promo Code: 180904STA

VIDEO Dallas

Cityplace Events
 2711 N. Haskell Avenue
 Dallas, TX 75204
 (214) 515-5100



No hotel rooms have been blocked for this showing.

Advanced Course Director

Chad Baruch..... Dallas

101 Course Director

Brandy Wingate Voss..... McAllen

Planning Committee

Pamela Stanton Baron.....Austin
 Elizabeth G. 'Heidi' Bloch.....Austin
 Hon. J. Brett Busby..... Houston
 Nicholas Dominguez.....Corpus Christi
 Steven K. Hayes.....Fort Worth
 Lisa Hobbs.....Austin
 Anne M. Johnson..... Dallas
 Scott Rothenberg..... Houston
 Georganna L. Simpson.....Fort Worth
 Macey Reasoner Stokes..... Houston
 Cynthia K. Timms..... Dallas
 Hon. William G. Whitehill..... Dallas
 Kennon Wooten.....Austin

TexasBarCLE Planning Team

Kandi Botello..... Program Planner
 Jillison Hicks..... Sr. Program Coordinator
 Yvette Ramirez..... Written Materials Coordinator
 Kathy Kasper..... Meeting Services Coordinator

State Bar of Texas Appellate Section

Michael S. Truesdale..... Chair
 Hon. J. Brett Busby..... Chair-Elect
 Kent G. Rutter..... Vice Chair
 Jerry D. Bullard.....Treasurer
 Dylan O. Drummond.....Secretary
 Steven K. Hayes.....Immediate Past Chair

State Bar of Texas

G. Thomas Vick, Jr. President
 Rehan Alimohammad Chair of the Board
 Joe K. Longley..... President-Elect
 Frank Stevenson..... Immediate Past President
 Baili B. Rhodes.....TYLA President
 Hon. Xavier Rodriguez.....Chair, CLE Committee
 Gary Nickelson..... Chair, Board PDP Committee
 Trey Appfel Executive Director
 Hedy Bower.....Director, TexasBarCLE

WAYS TO REGISTER

ONLINE
TexasBarCLE.com
credit card only

PHONE
800-204-2222, x1574
during business hours
credit card only

FAX
512-427-4443
credit card only

MAIL
State Bar of Texas
LB# 972298
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, 2018. Details are available by contacting Jerry Bullard at jdb@all-lawfirm.com.

- 1 Advanced Civil Appellate Practice** [5035]
LIVE Austin September 6-7, 2018
- Regular Registrant..... \$795
Take \$50 OFF: Register by August 23
 - Licensed 5 years or less, **HALF OFF** \$397.50*
- VIDEO Dallas October 18-19, 2018**
- Regular Registrant..... \$645
Take \$50 OFF: Register by October 4
 - 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 5, 2018
- 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. Register in advance and receive the materials when they become available. (You must be a registered user of TexasBarCLE.com to use this feature. Becoming a registered user is free and only takes a moment.)

- 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 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 \$ _____
 - Visa Mastercard Amex Discover
- 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 _____
- City/State Zip _____
- Phone () _____ Fax () _____
- E-Mail (required for registrant's PDF download option): _____

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

**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

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 insightful *The Appellate Advocate*, a 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.