

36th Annual Course

# Advanced Civil Appellate Practice

LIVE Austin • September 7-8, 2022 • Four Seasons

WEBCAST REPLAY • October 4-5, 2022 • Watch from your computer or mobile device!

Join us in Austin a day early to attend **Civil Appellate Practice 101**



© Four Seasons

**MCLE CREDIT** 11.75 Hours (3.75 Ethics)

Downloadable Course Materials



TexasBarCLE.com | 800.204.2222, x1574

Education by the Bar, for the Bar

Arrive in Austin a day early to attend

# Civil Appellate Practice 101

Separate  
registration  
required.

Lawyers licensed 5 years or less  
save \$50!

**LIVE** Austin  
September 6, 2022  
Four Seasons

**WEBCAST REPLAY**  
October 3, 2022 (Monday)

Watch from your computer  
or mobile device!

### PLEASE NOTE:

Because the health and safety of staff and attendees is our top priority, TexasBarCLE and host hotels will follow the latest CDC guidelines for in-person events. Attendance will require you to comply with protocols that promote a safe environment. ([See more details.](#))

If an event is rescheduled or changed to webcast, registrants will be seamlessly transferred or may request a refund.

### MCLE CREDIT

6.5 Hours (.5 Ethics)

MCLE Course No: 174161606

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



Scan to report  
your MCLE hours.



## TUESDAY

6.5 hours including .5 ethics

- 8:00 **Registration**  
**Coffee and Pastries Provided**
- 8:25 **Welcoming Remarks**  
**Course Director**  
Hon. Beth Watkins, *San Antonio*  
Justice, Fourth Court of Appeals
- 8:30 **Summary Judgments** .5 hr  
Hon. Melissa Bellan, *Dallas*  
Judge, Dallas County Court at Law No. 2
- 9:00 **Error Preservation** .5 hr  
Jasmine S. Wynton, *Dallas*  
Thompson Coburn
- 9:30 **Standards of Review** .5 hr  
Kirk Cooper Antuna, *El Paso*  
Cooper Appeals, P.L.L.C.
- 10:00 **Break**
- 10:15 **Findings of Fact and Conclusions of Law** .5 hr  
Karlene Poll, *Houston*  
Slate & Associates
- 10:45 **Post-Verdict and Post-Judgment Motions** .5 hr  
Mary Barkley, *Fort Worth*  
Cantey Hanger
- 11:15 **Comparing and Contrasting State and Federal Appeals** .5 hr  
Stephani A. Michel, *Houston*  
Bracewell
- 11:45 **Lunch on Your Own**
- 12:15 **Optional Brown Bag Lunch Presentation: Preparing for the Specialization Exam – with Q&A** (No MCLE Credit)  
Jennie Knapp, *Amarillo*  
The Underwood Law Firm  
Shelby O'Brien, *Austin*  
Enoch Keever

- 1:00 **Break**
- 1:15 **Supersedeas Bonds** .5 hr  
Christina Crozier, *Houston*  
Haynes Boone
- 1:45 **Checklist for Your First Appeal** .5 hr  
Tyler Talbert, *Waco*  
Scanes Yelverton Talbert
- 2:15 **Interlocutory Appeals** .5 hr  
Amanda Taylor, *Austin*  
Butler Snow
- 2:45 **Break – Early check-in available for the Advanced Course**
- 3:00 **Preserving and Presenting Constitutional Challenges** .5 hr  
Raffi Melkonian, *Houston*  
Wright Closer & Barger
- 3:30 **Jury Charges** .5 hr  
David F. Johnson, *Fort Worth*  
Winstead
- 4:00 **It's All in the Language, or Is It? Determining Judgment Finality** .5 hr  
Madison Hagopian, *Corpus Christi*  
Former Staff Attorney, Thirteenth Court of Appeals  
Stephanie Ibarra, *Corpus Christi*  
Staff Attorney, Thirteenth Court of Appeals
- 4:30 **Taking the 'I' Out of Mistakes on Appeal** .5 hr ethics  
Jody S. Sanders, *Fort Worth*  
Kelly Hart & Hallman
- 5:00 **Adjourn**

# TexasBarCLE presents the 36<sup>th</sup> Annual Course 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 5 for details.)

**LIVE** Austin  
September 7-8, 2022  
Four Seasons

Register by **August 24** to save!

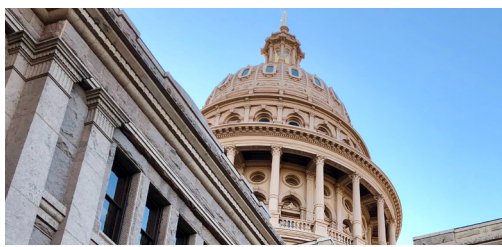
**WEBCAST REPLAY**  
October 4-5, 2022  
(Tuesday-Wednesday)

Watch from your computer  
or mobile device!

## PLEASE NOTE:

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## MCLE CREDIT

11.75 Hours (3.75 Ethics)  
MCLE Course No: 174161613  
Applies to the Texas Bar College and the Texas Board of Legal Specialization in Civil Appellate, Civil Trial, and Personal Injury Trial Law.



Scan to report  
your MCLE hours.

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

## WEDNESDAY

6.75 hours including 2.5 ethics

- 8:00 **Registration**  
**Coffee and Pastries Provided**
- 8:40 **Welcoming Remarks**  
**Course Director**  
Jerry D. Bullard, *Grapevine*  
Adams Lynch & Loftin
- 8:45 **U.S. Supreme Court Update** 1 hr  
Kannon Shanmugam, *Washington, D.C.*  
Paul Weiss Rifkind Wharton & Garrison
- 9:45 **Anti-SLAPP and Recent Appellate Decisions** .5 hr  
Mia Lorick, *Houston*  
Locke Lord
- 10:15 **Break**
- 10:30 **Texas Supreme Court Update** .75 hr (.25 ethics)  
Hon. Jeffrey Boyd, *Austin*  
Justice, Supreme Court of Texas  
Kurt Kuhn, *Austin*  
Kuhn Hobbs
- 11:15 **Mandamus and Jurisdiction After Panda Power** .5 hr  
Christopher Dove, *Houston*  
Locke Lord
- 11:45 **Break - Lunch Provided**
- 12:00 **Texas Appellate Hall of Fame Inductee Presentation**
- 12:15 **Luncheon Presentation: Promoting the Pipeline for Lawyers and Judges** .5 hr ethics  
**Moderator**  
Hon. Erin Nowell, *Dallas*  
Justice, Fifth District Court of Appeals  
**Panelists**  
Dylan O. Drummond, *Dallas*  
Mayer  
Hon. Amparo Monique Guerra, *Houston*  
Justice, First Court of Appeals
- 12:45 **Break**
- 1:00 **Waiver Issues** .5 hr ethics  
Lucy Forbes, *Houston*  
The Forbes Firm

- 1:30 **What Are the Standards for Disqualification and Recusal and How Are They Applied?** .5 hr ethics  
Chad Baruch, *Dallas*  
Johnston Tobey Baruch
- 2:00 **Strategies for Rehearing and En Banc Review** .5 hr  
Michael J. Ritter, *San Antonio*  
Schmoyer Reinhard
- 2:30 **Court of Appeals Panel** .75 hr (.25 ethics)  
**Moderator**  
Hon. Dori Contreras, *Corpus Christi*  
Chief Justice, 13th Court of Appeals  
**Panelists**  
Hon. Darlene Byrne, *Austin*  
Chief Justice, Third Court of Appeals  
Hon. Brian Quinn, *Amarillo*  
Chief Justice, Seventh Court of Appeals  
Hon. Bonnie Sudderth, *Fort Worth*  
Chief Justice, Second Court of Appeals
- 3:15 **Break**
- 3:30 **Appeals and Writs in Voting Cases** .75 hr (.25 ethics)  
Kyle Hawkins, *Austin*  
Lehotsky Keller  
Sean McCaffity, *Dallas*  
Sommerman McCaffity Quesada & Geisler
- 4:15 **Fifth Circuit Update** .5 hr (.25 ethics)  
Hon. Gregg J. Costa, *Houston*  
Judge, Fifth Circuit Court of Appeals
- 4:45 **Adjourn - Section Meeting**

## Welcome Reception

5:00 – 6:15 p.m.  
Join us for cocktails and hors d'oeuvres  
as we honor the Judiciary.

**Sponsored by**

STATE BAR OF TEXAS  
APPELLATE SECTION

## THURSDAY

5 hours including 1.25 ethics

8:15 **Coffee and Pastries Provided**

8:40 **Announcements**

8:45 **New Advertising Rules and Ethical Marketing** .5 hr ethics

Zach Wolfe, *Houston*  
Zach Wolfe Law Firm

9:15 **Supreme Court Statistics** .5 hr

Don Cruse, *Austin*  
Law Office of Don Cruse

9:45 **Recent Developments in Arbitration-Related Appeals** .5 hr

J. Joseph Vale, *McAllen*  
Atlas Hall & Rodriguez

10:15 **Break**

10:30 **Attorney Disqualification** .5 hr ethics

Douglas Alexander, *Austin*  
Alexander Dubose & Jefferson

11:00 **Compare and Contrast the Texas Supreme Court and Appellate Practice Across Modern Eras** 1 hr

**Moderator**  
Lynne Liberato, *Houston*  
Haynes and Boone

### **Panelists**

Hon. Nathan Hecht, *Austin*  
Chief Justice, Supreme Court of Texas  
Hon. Wallace B. Jefferson, *Austin*  
Former Chief Justice  
Alexander Dubose & Jefferson  
Hon. Thomas R. Phillips, *Austin*  
Former Chief Justice  
Baker Botts

12:00 **Lunch on Your Own**

12:30 **Optional Brown Bag Lunch Presentation: Preparing for the Specialization Exam** (No MCLE Credit)

Mia Lorick, *Houston*  
Locke Lord

Tyler Talbert, *Waco*  
Scanes Yelverton Talbert

1:15 **Break**

1:30 **Action in the Trial Court During the Appeal** .75 hr

**Moderator**  
Rebecca Rowan, *Dallas*  
Turner McDowell Rowan

### **Panelists**

Hon. April L. Farris, *Houston*  
Justice, First Court of Appeals  
Hon. Emily Miskel, *McKinney*  
Judge, 470th District Court

2:15 **One Lie Spoils a Thousand Truths: Trends and Questions in Spoliation Claims Since *Brookshire Brothers***

.5 hr (.25 ethics)  
Hon. Tanya N. Garrison, *Houston*  
Judge, 157th District Court  
R. Russell Hollenbeck, *Houston*  
Wright Close & Barger

2:45 **Appealing to Staff Attorneys: Tips to Help Present Your Case** .75 hr

Michael Choyke, *Austin*  
Supreme Court of Texas  
Jeanette E. Walton Strange, *Dallas*  
Fifth Court of Appeals

3:30 **Adjourn**

TexasBarCLE gratefully acknowledges the Adv. Civil Appellate Practice Course Sponsors

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*Appeal Bond Specialist*

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](http://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.



[www.tex-app.org](http://www.tex-app.org)



## Ways to Save on the Advanced Course!

### Register for the Live Course by August 24 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.

### Virtual Course Discount for the Webcast Replay - Save \$50 Automatically

### 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](https://www.texasbar.com/sections) to pay by mail. Please do not send section membership payment with your registration fee.

### Appellate Section Scholarships for the 101 and Advanced Courses

Deadline to apply is August 1, 2022. For details, please email [AdvAppScholarships@gmail.com](mailto:AdvAppScholarships@gmail.com).

### Texas Bar College Members Can Save \$25

To join or learn more, visit [texasbarcollege.com](https://www.texasbarcollege.com) or call (800) 204-2222, x1819.

### Texas Paralegal Division Members Can Save \$25

To join or learn more, visit [txpd.org](https://www.txpd.org) or call (806) 443-2209.

### 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](mailto:laura.angle@texasbar.com).

### HALF OFF for Attorneys Licensed in Texas 5 Years or Less!

Attorneys licensed in Texas 5 years or less get half off the regular course fee.

## FYI

### 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.

**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 ONLINE BENEFITS! 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 view the [TexasBarCLE Course List](#) and contact us at [clesponsorships@texasbar.com](mailto: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

98 San Jacinto Boulevard

Austin, TX 78701

(512) 478-4500

\$325 city view / \$375 lake view

**Hotel Deadline: August 8**

Make your reservation online:

<http://www.FourSeasons.com/Austin>

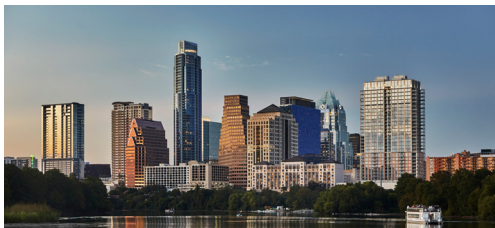
**Promo Code: 220906STA**

### Parking Information

Discounted parking rates are available for our course attendees at the Four Seasons.

**Self-parking:** \$16 daily (no overnight privileges)

**Valet parking:** \$18 per day (overnight rate may vary)



## Benefits of Attending a LIVE Course

- Make the connections you need for the business you want: 80% of clients come from trusted sources such as fellow attorneys.
- Be the first to learn of vital developments and potential changes in your practice area.
- Gain guidance and insight from face to face Q & A with course faculty.
- Get inspired and motivated by connecting with judges, fellow attorneys, and other professionals - many with the same issues and concerns you may have.
- Take time away from the office to focus on CLE without distractions!

**REGISTER FOR THE LIVE COURSE**



**ONLINE**

TexasBarCLE.com  
Credit Card Only

**PHONE**

(800) 204-2222, x1574  
during business hours  
Credit Card Only

**MAIL**

State Bar of Texas  
P.O. Box 676916  
Dallas, TX 75267-6916  
check or credit card

**Registering five or more?**  
E-mail Laura Angle at  
[laura.angle@texasbar.com](mailto:laura.angle@texasbar.com) for  
group discount information

**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, 2022. For details, please email [AdvAppScholarships@gmail.com](mailto:AdvAppScholarships@gmail.com).

**Advanced Civil Appellate Practice [5035]**

• **LIVE Austin** • September 7-8, 2022

Registration fee ..... \$795

Take \$50 OFF: Register by August 24

Licensed 5 years or less, **HALF OFF** ..... \$397.50\*

• **WEBCAST REPLAY** • October 4-5, 2022

To register for the webcast, please DO NOT USE THIS FORM. Instead, register online at [TexasBarCLE.com](http://TexasBarCLE.com). See Webcast Registration on page 7 for details.

**Civil Appellate Practice 101 [5036]**

• **LIVE Austin** • September 6, 2022

Registration fee ..... \$275

Licensed 5 years or less, **\$50 OFF** ..... \$225\*

• **WEBCAST REPLAY** • October 3, 2022

To register for the webcast, please DO NOT USE THIS FORM. Instead, register online at [TexasBarCLE.com](http://TexasBarCLE.com). See Webcast Registration on page 7 for details.

**I may attend complimentary because I am a (see p. 5):**

Qualifying judge     Judge's staff attorney

\*Does not qualify for further discounts in the Discounts section at right.

• **Course Materials**

**Advanced Course** • I want my 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.

Note: Please download the materials before you arrive at the course, since internet access may be limited.

• **Discounts**

I am entitled to 1 or 2 discounts on the **Advanced Course**:

**\$50 OFF** because I am registering by August 24.

(If by mail, date of postmark will be determinative.)

**\$50 OFF** because I'm a member of the:

Appellate Section

- OR -

**\$25 OFF** because (choose 1 box only) I'm a member of the

Texas Bar College

Paralegal Division

For more information, see page 5.

• **I can't attend, but would like the materials.**

**FREE Shipping & Handling**

Advanced Course hard copy book \$155<sup>†</sup>

101 Course PDF download \$85<sup>†</sup>

To order a discounted PDF download of course materials, search **Publications** at [TexasBarCLE.com](http://TexasBarCLE.com) (available 1-2 weeks after the course).

<sup>†</sup>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.

Online videos and MP3 files of topics will be available from [TexasBarCLE.com](http://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 or (512) 427-1574

• **My total is \$ \_\_\_\_\_ . I am paying by:**

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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.



## REGISTER FOR THE WEBCAST

### • Webcast Registration

Webcast registration is offered online using a credit card at [TexasBarCLE.com](https://www.texasbarcle.com). If you have any questions or would like to register by phone, please call 800-204-2222, x1574. Mail or fax registrations are not accepted at this time.

### • Webcast Replay Fees

#### Advanced Civil Appellate Practice • October 4-5, 2022

- \$645 regular fee | Now \$595 with virtual discount!
- \$322.50 half off for attorneys licensed 5 years or less

#### Civil Appellate Practice 101 • October 3, 2022

- \$245 regular fee
- \$195 for attorneys licensed 5 years or less

### • Course Materials

Course materials are included as PDFs for the webcast. A hard copy book is included in your Advanced Course registration, or Go GREEN for a discount! When ordering a hard copy book, please confirm your shipping address. Pre-ordered books are generally shipped the week of the program. Book orders placed within 2 weeks of the program date may not arrive before the program begins. For any questions, please email [cleregistration@texasbar.com](mailto:cleregistration@texasbar.com).

### • Claiming MCLE Credit

For the webcast, click the **Claim Credit** tab at the conclusion of your viewing. Please read & acknowledge the instructions, edit any information if needed, then click Submit Hours at the bottom of the page.

### • Replaying the Webcast

If you cannot watch the entire webcast at its scheduled time, an archived recording will be available under **My Purchases** within a few days of the live program. You may then complete the program at your convenience and claim MCLE credit through August 31, 2023.

**IMPORTANT:** Registration for this webcast admits only the registrant. Registrants are expressly prohibited from allowing nonregistrants access to the program.

**For group viewings of a webcast,** contact Firm & Group Sales Manager Laura Angle at (512) 263-2802 or [laura.angle@texasbar.com](mailto:laura.angle@texasbar.com).

### QUESTIONS?

Please email [cleregistration@texasbar.com](mailto:cleregistration@texasbar.com) or call (800) 204-2222, x1574.

### • Advanced Course Director

Jerry D. Bullard ..... Grapevine

### • 101 Course Director

Hon. Beth Watkins..... San Antonio

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