



# **Eastern District Bench Bar Conference**

**Plano Marriott Legacy Town Center**  
7120 Dallas Parkway, Plano, Texas 75024  
October 20, 21 & 22, 2010



*“The Right Side of Texas”*

## Wednesday, October 20, 2010

**10:00 AM**      **2nd Annual Bench Bar Golf Tournament**  
Sponsored by Baker & Botts L.L.P.; Haltom & Doan; McKool Smith, P.C. and Winston & Strawn LLP  
*Additional Registration Fee: \$100*

**3:00 PM**      **Registration Opens**

**6:00 PM-7:30 PM**      **Welcome Reception for Early Birds**  
Sponsored by StoneTurn Group  
Special Thanks to Plano Convention & Visitors Bureau

*Dinner on Your Own*

## Thursday, October 21, 2010

**7:00-8:15 AM**      **Opening Breakfast**  
Sponsored by Haynes and Boone; Howrey LLP; Locke Lord Bissell & Liddell LLP and Ramey & Flock, P.C.

**8:15 AM**      **Welcoming Remarks**  
Chief Judge David Folsom, President Larry Phillips & Conference Chairman Clyde Siebman

**8:25 AM**      **Local Rules Update. New & On The Horizon**  
Wesley Hill, Chairman, ED Texas, Local Rules Committee; Tom Gibson, Member, ED Texas Local Rules Committee & Mark Sparks, Member, ED Texas Local Rules Committee

**9:00 AM**      **Expense & Delay Reduction, Past, Present & Future. Using Economics to Encourage Efficiency**  
Eric Albritton, Moderator; William Brewer; Doug Cawley & Peter Chassman

**9:45 AM**      **What Do Law Clerks Know That Lawyers Should Find Out?**  
Aileen Durrett, Law Clerk to Judge Schell; Andrea Houston, Law Clerk to Judge Davis & David Keyzer, Law Clerk to Chief Judge Folsom

**10:15 AM**      **Morning Break**

continued ➤➤

## Thursday, October 21, 2010

10:30 AM

### **The Interface Between Social Media & the Law**

Judge Caroline Craven; David Stein & Alex Martinez, Soltel Networks, LLC

11:00 AM

### **The Heterogeneity of ED Texas. Exposing the Myth of a Homogenized District**

Andrea Williams, Moderator; Jennifer Doan; Larry Phillips; Andy Tindel; Michael Truncala & Marshall Wood

11:45 PM

Lunch - Justice Catharina Haynes, Fifth Circuit Court of Appeals  
**30 Months in 30 Minutes - Life on the Court of Appeals**

1:00 PM

**Break-Out Sessions**

### **PATENT LITIGATION TRACK**

1:00 PM

### **Non-Practicing Entities v. Alleged Infringers**

Chip Molster, Moderator; Paul Lemer (General Patent Corporation); Erick Robinson; Robert Steinberg; Tisha Stender, (VP at Acacia Technologies LLC) John Thorne (Verizon) & Jen Yokoyama (Nike)

1:50 PM

### **E.D. Texas Patent Litigation. Can It Be Cheaper & Faster?**

Mike Chibib & David Healey, Co-Moderators; Edward Reines, NDCA; Michael Smith, EDTEX & Paul Vickrey, NDIII

2:45 PM

**Afternoon Break**

3:10 PM

### **Judges' Panel. Conversations Between Bench and Bar On Evolving Patent Litigation Practices**

Damon Young, Moderator; Chief Judge David Folsom; Judge T. John Ward; Judge Chad Everingham & Judge John Love

4:00 PM

### **Twombly & Rule 11 Due Diligence - East Texas Style**

Max Ciccarelli, Moderator; Jennifer Parker Ainsworth; Mike Jones & Brendan Roth

4:30 PM

### **EDTX Patent Stats for 2009-2010**

Number of cases filed, disposed, tried and appealed & Discussion of Federal Circuit. Dave Maland, District Clerk & James E. Brookshire, Executive Director, Federal Circuit Bar Association

continued ➡

**Thursday, October 21, 2010**

**CRIMINAL LAW TRACK**

- 1:00 PM**      **Judicial Panel:**  
Arnold Spencer, AUSA & Patrick Black, Public Defender, Co-Moderators; Judge Leonard Davis; Judge Thad Heartfield; Judge Richard Schell & Judge Keith Giblin
- 1:45 PM**      **Sentencing Practices and Advocacy.**  
Jon Johnson, Chief Federal Probation Officer; Nikki Stephens, Federal Probation Officer; Robert T. Jarvis, Former DA, Grayson County & James Rolfe, Former USA, ND Texas
- 2:45 PM**      **Afternoon Break**
- 3:10 PM**      **Practice of Detention Hearings**  
Judge Judith Guthrie
- 3:30 PM**      **Texas Eastern Caseloads & Trends**  
Patrick Black, Federal Public Defender, ED Texas
- 4:00 PM**      **CJA Forms & Payment Procedures**  
Peggy Thompson, Chief Clerk, CJA Program

**4:20 PM**

**When & Where Criminal and Civil Law Collide**

Joint Session Criminal Law and Civil Law tracks. Otis Carroll, Moderator; Malcolm Bales, USA ED Texas; Jerry Cobb; Chuck Meadows & Robert Smith

**GENERAL CIVIL TRIAL TRACK**

**1:00 PM**

**How to Get and Stay in Federal Court**

Betty Chen, Moderator/Panelist; Scott Breedlove & John Pickett

**1:45 PM**

**Judges & Magistrates Panel**

Charles Bundren, Moderator; Judge Marsha Crone; Judge Michael Schneider; Judge Don Bush & Judge Earl Hines

**2:45 PM**

**Afternoon Break**

**3:10 PM**

**Surviving Federal Discovery in ED Texas and Beyond in the Electronic Age**

Rob Garner, Moderator/Panelist; Larry Carlson; J. Don Gordon & Dewayne Layfield

**4:20 PM**

**Joint Segment With Criminal Track**

continued ➤➤

## Thursday, October 21, 2010

- 5:30 PM**      **VIP RECEPTION**  
Sponsored by Findlay Craft, LLP; King & Spalding LLP; Shore Chan Bragalone DePumpo LLP and Williams, Morgan and Amerson, P.C.
- 6:45 PM**      **Dinner**
- 8:00 PM**      **Tom Russell. Legendary Texas Singer-Songwriter Opens As Evening's Premier Entertainment**  
Sponsored by Akin Gump Strauss Hauer & Feld LLP; Latham & Watkins LLP; Munck Carter, LLP; Sonnenschein Nath & Rosenthal LLP; Winston & Strawn LLP and Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP
- 10:00 PM**      **After hours Conversation in the Presidential Suite & Dancing to the Music of Emerald City in the Trinity Ballroom 3 & 4**

## Friday, October 22, 2010

- 7:45 AM**      **Breakfast for All Conference Participants**  
Sponsored by Duff & Phelps; Scheef & Stone, LLP and Yarbrough & Wilcox, PLLC
- 9:00 AM**      **Venue & Mandamus - Is it an Eastern District of Texas phenomenon?**  
Deron Dacus & Glenn Thames
- 9:30 AM**      **Interactive Session/Lawyers & Judges e-Polled**  
Chief Judge David Folsom & Clyde Siebman, Co-Moderators; Judge Marcia Crone; Judge Leonard Davis; Judge Richard Schell; Judge Michael Schneider; Judge Don Bush; Judge Caroline Craven; Judge Chad Everingham; Judge Keith Giblin; Judge Judith Guthrie; Judge Earl Hines; Judge John Love & Judge Amos Mazzant
- 10:45 AM**      **Morning Break**
- 11:00 AM**      **Local Counsel Encrypted/Confidential Survey of Leading Local Counsels**  
Rodney Gilstrap & Claude E. Welch, Moderators
- 11:45 AM**      **ED Texas Bar Association Meeting**

*Conference Adjourns at Conclusion of Bar Meeting*

## 2010 Conference Sponsors

Akin Gump Strauss Hauer & Feld LLP  
Albritton Law Firm  
Alston & Bird LLP  
Antonelli, Harrington & Thompson LLP  
Baker Botts L.L.P.  
Baker & McKenzie LLP  
Beck Redden & Secrest, LLP  
Bracewell & Giuliani LLP  
Capshaw DeRieux, LLP  
Chadbourn & Parke LLP  
Collins, Edmonds & Pogorzelski, PLLC  
Duff & Phelps  
Findlay Craft, LLP  
Fish & Richardson, P.C.  
Fulbright & Jaworski L.L.P.  
Gibbs & Bruns LLP  
Gibson, Dunn & Crutcher LLP  
Gillam & Smith, L.L.P.  
Haltom & Doan  
Hartline, Dacus, Barger, Dreyer & Kern, L.L.P.  
Haynes and Boone  
Howrey LLP  
Ireland, Carroll & Kelley, PC  
Jackson Walker L.L.P.  
Jones Day  
King & Spalding LLP  
Klemchuk Kubasta LLP  
Latham & Watkins LLP

Locke Lord Bissell & Liddell LLP  
McDermott Will & Emery LLP  
McKool Smith, P.C.  
Mehaffy Weber, P.C.  
Morgan Lewis & Bockius, LLP  
Munck Carter, LLP  
Nix, Patterson & Roach LLP  
Osha Liang LLP  
Parker Bunt & Ainsworth, P.C.  
Potter Minton, A Professional Corporation  
Ramey & Flock, P.C.  
Robins, Kaplan, Miller & Ciresi L.L.P.  
Scheef & Stone, LLP  
Shore Chan Bragalone DePumpo LLP  
Siebman, Burg, Phillips & Smith, L.L.P.  
Sonnenschein Nath & Rosenthal LLP  
Spangler Law P.C.  
Stevens Love  
StoneTurn Group  
Ward & Smith Law Firm  
Weil, Gotshal & Manges LLP  
Law Office of Claude E. Welch  
Williams, Morgan and Amerson, P.C.  
Wilson Sonsini Goodrich & Rosati P.C.  
Winston & Strawn LLP  
Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP  
Yarbrough & Wilcox, PLLC

*Partial list of sponsors at time of publishing*



## 2010 Bench Bar Conference Planning Committee

Amanda A. Abraham  
Eric M. Albritton  
Mark Andrews  
Stephanie Barnes  
Barry Bell  
Elizabeth Berry  
Patrick Black  
Charles Bundren  
Larry Carlson  
Diana Barron – Carter  
Peter Chassman  
Betty H. Chen  
Michael Chibib  
Max Ciccarelli  
Judge Caroline Craven  
Robert Garner  
Bryan Haynes  
David Healey  
John Hintz  
Areya Holder  
Robert Jarvis  
Mike Jones  
James King  
Kevin Kudlac  
Charles Lauffer  
Larry Levick

Michael Mitchell  
Charles Molster  
Kim Moses  
Mark C. Nelson  
Hubert Oxford  
Theda Page  
Michael Pegues  
John Pickett  
Susan Purcell  
Mark Reiter  
Scott Ritcheson  
Erick Robinson  
Brendan Roth  
Steve Scheve  
Betty Schroeder  
Josh Searcy  
Clyde M. Siebman - Chairman  
Arnold Spencer  
David Stein  
Robert Steinberg  
Judith Swift  
Glenn Thames  
Claude E. Welch  
Stephen Wilcox  
Trey Yarbrough

*Partial list of members at time of publishing*



## THURSDAY EVENING RECEPTION

Don't miss the **John H. Hannah, Jr. Award for Public Service** Music and dancing will be provided by *Emerald City*. Smart Casual Attire.

## CONFERENCE

October 20-22, 2010 • Plano Marriott Legacy Town Center  
7120 Dallas Parkway, Plano, Texas 75024

## REGISTRATION

Register today by fax or email. Registration form attached, fax to 903-870-0066 or email to [siebman@siebman.com](mailto:siebman@siebman.com).

Please make your checks payable to the Eastern District of Texas Bar Association and mail to Eastern District of Texas Bar Association, P.O. Box 2649, Longview, Texas 75606.

The registration fee is \$395 for Association Members and \$445 for non-members. Contact Elizabeth Siebman for more information at (903) 870-0070 or [elizabethsiebman@siebman.com](mailto:elizabethsiebman@siebman.com).

## DEADLINE FOR REGISTRATION

is September 28, 2010.  
Additional fee of \$50 applies after September 28.

## REGISTRATION FEE INCLUDES

Opening breakfast, buffet lunch, refreshment breaks, cocktail reception, dinner & dancing on Thursday, buffet breakfast on Friday morning & CLE.  
Register your spouse or significant other for Thursday evening dinner and entertainment for \$75.

## SPONSORS

The Bar Association is seeking conference sponsors. If interested, contact Elizabeth Black Berry at (713) 546-5055 or [elizabeth.berry@weil.com](mailto:elizabeth.berry@weil.com)

## CONTINUING EDUCATION

This course is pending approval for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 9.2 Participatory credit hours of which 1 credit hour will apply to legal ethics.

This course is also pending approval by the Texas Board of Legal Specialization for certification and recertification continuing legal education requirements for attorneys and legal assistants in the following specialty field:

Civil Trial Law 9.2 approved hours.  
Criminal Law 7.7 approved hours.

## HOTEL RESERVATIONS

Through September 28, 2010 conference rate applies at \$129 + tax per night with complimentary self-parking. Please make reservations by calling Marriott Reservations at (888) 236- 2427 or directly with the hotel (972) 473-6444 and reference the Eastern District of Texas Bar Association.



**Fourteenth Annual Eastern District Bench Bar Conference  
Wednesday, Thursday and Friday, October 20, 21 & 22, 2010**

**REGISTRATION FORM**

Name: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_

My guest will attend the Thursday evening reception and dinner? \_\_\_\_\_ Yes \_\_\_\_\_ No

Guest's name: \_\_\_\_\_

*If you plan to bring your spouse or guest to the dinner, there is an additional \$75 fee.*

**E.D. TEX. BAR ASSOCIATION RENEWAL AND CONFERENCE REGISTRATION FEES:**

\_\_\_\_\_ I wish to renew my E.D. Bar Dues (2010-11) and register for the conference (\$445.00) \_\_\_\_\_  
\_\_\_\_\_ I have paid my E.D. Bar Dues (2010-11) and wish to register for the conference (\$395.00) \_\_\_\_\_  
\_\_\_\_\_ I am not a member of the E.D. Bar Assoc. and wish to register for the conference (\$445.00) \_\_\_\_\_  
\_\_\_\_\_ I will be participating in the Wednesday, October 20, 2010 Golf Tournament (\$100.00) \_\_\_\_\_  
\_\_\_\_\_ I wish to renew my E.D. Bar Dues (2010-11) but cannot attend the conference (\$50.00) \_\_\_\_\_  
\_\_\_\_\_ I am paying for my spouse or significant other to attend the Thursday evening reception and dinner (\$75.00) \_\_\_\_\_  
**TOTAL:** \_\_\_\_\_

***RESPONSE REQUIRED NO LATER THAN SEPTEMBER 28, 2010  
AFTERWARDS, THERE WILL BE AN ADDITIONAL FEE OF \$50***

**MAIL THIS REGISTRATION FORM AND YOUR CHECK PAYABLE TO:  
EASTERN DISTRICT OF TEXAS BAR ASSOCIATION**

**c/o Eric M. Albritton, Secretary/Treasurer  
Albritton Law Firm  
P.O. Box 2649 • Longview, Texas 75606  
email: [ema@emafirm.com](mailto:ema@emafirm.com)**

*To make hotel reservations call the Dallas/Plano Marriott at Legacy Town Center at (888) 236- 2427 or directly with the hotel (972) 473-6444 and reference the Eastern District of Texas Bar Association. Conference room rate is available through September 28, 2010 at \$129.00/night + taxes with complimentary self-parking.*