



Fall 2011 Newsletter

Welcome to the latest edition of the Smith Law Group's quarterly e-newsletter. For more frequent updates, follow us on [Twitter](#), connect with us on [Facebook](#), [Google+](#), or [LinkedIn](#), or subscribe to the [Texas Appellate Law Blog](#).

SLG Assists in Jury Trial Victory

D. Todd Smith participated in a jury trial resulting in a complete victory for a client sued after a failed real-estate transaction. Smith handled the legal issues in the case, including the jury charge. The trial court directed a defense verdict on two theories, and the jury found for the firm's client on all remaining claims.

Firm Wins Discovery Mandamus

SLG prevailed in a mandamus proceeding in which a corporate defendant attempted to avoid discovery relating to Texas lawsuits arising from similar accidents over the past five years. Plaintiff sought the information to identify other accidents in which it was alleged that a company driver was negligent, that the defendant did not employ proper safety measures, or that the defendant was negligent regarding vehicle operation policies, driver training, or setting safety policies. *In re Waste Mgmt. of Texas, Inc.*, No. 13-11-00197-CV, 2011 WL 3855745 (Tex. App.—Corpus Christi Aug. 31, 2011, [mand. filed]). Brandy Wingate was lead counsel for the real party in interest.

Amicus Curiae's Position Prevails

SLG represented an amicus curiae in an appeal in which the City of Austin denied approval of a site plan to build a hotel. The City rejected the plan as a change in project from a preliminary plan filed in 1985. The appellate court held that the proposed hotel was part of the project initiated in 1985 and a permitted use under the Barton Creek Watershed ordinances and regulations then in effect. *Harper Park Two, LP v. City of Austin*, No. 03-10-00506-CV, 2011 WL 3658923 (Tex. App.—Austin Aug. 18, 2011, no pet. h.). Todd Smith was counsel for the amicus, which supported the developer's position in the case.



D. Todd Smith



Brandy M. Wingate



Recent and Upcoming

Speaking Engagements

- *Standards of Review*, Todd Smith, [Advanced Civil](#)

Other Noteables

- Todd Smith has been recognized as a leading appellate practitioner in the Fifth Circuit in the 2011-2012 edition of *Benchmark: Appellate*, a part of *Benchmark: Litigation, The Guide to America's Leading Litigation Firms and Attorneys*.
- Smith was elected to the Board of Directors of the St. Mary's University School of Law Alumni Association.
- Brandy Wingate argued a family-law matter before the Thirteenth Court of Appeals in Edinburg.

Selected Texas Appellate Law Blog Posts

- [How Not to Handle Oral Argument](#)
- [Ethical Lapses in Motions for Rehearing](#)
- [What's New in Standards of Review](#)
- [Must Attorney Fees Be Superseded on Appeal?](#)

[Appellate Practice Course](#), Austin, Sept. 8

- [Integrating Social Media Into Your Practice](#), Todd Smith, Travis County Women Lawyers' Association Panel Discussion, Austin, October 19
- [Gateway to Appellate Practice](#), Todd Smith, online seminar at [AppealsCourse.com](#)



Read the Summer 2011 Issue

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