

Dedicated to Robert O. Dawson

# CONFERENCE ON CRIMINAL APPEALS

Earn up to 13.00 Hours of Credit Including 1.75 Hours of Ethics Credit

Specialization Credit Expected for Criminal Law and Civil Appellate Law



May 11-13, 2005

Doubletree Hotel Austin

Austin, Texas

Sponsored by The University of Texas School of Law  
*in cooperation with*

The Court of Criminal Appeals

The Texas District and County Attorneys Association (TDCAA), and  
The Texas Criminal Defense Lawyers Association (TCDLA)

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**WEDNESDAY AFTERNOON, MAY 11, 2005**

**Presiding Officer:**  
**Hon. Barbara P. Hervey, Austin**

**12:30 p.m. Registration Opens**  
 Includes complimentary refreshments.

**1:20 p.m. Welcoming Remarks**

**1:30 p.m. .75 hr**

**Effective Brief Writing**  
 Practical advice on writing briefs, emphasizing suggestions and pet peeves from the people who grade our papers: appellate judges.  
 Jay R. Brandon, San Antonio

**2:15 p.m. .50 hr**

**Oral Argument—Talk, Breathe, Think**  
 What to do—and what not to do—during oral arguments, from the perspective of the people who have to listen to you, the judges on our appellate courts.  
 Betty Marshall, Austin

**2:45 p.m. Break**

**3:00 p.m. .75 hr**

**How to Get to the Starting Line—The ABCs of Criminal Appeals**  
 This presentation will demonstrate why perfecting and prosecuting a criminal appeal is uncomplicated and fun. It will also make you a better trial lawyer.  
 Warren L. Clark, Amarillo

**3:45 p.m. .50 hr**

**Procedures—Recent and Future**  
 What's recent, or under consideration for the future, in procedures for new trials, appeals, and habeas corpus after conviction.  
 Hon. Paul Womack, Austin

**4:15 p.m. Break**

**M C L E** This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.00 hours, of which 1.75 credit hours will apply to legal ethics/professional responsibility credit.

**4:30 p.m. 1.00 hr**  
**Looking into the Black Box: Process, Practice and Decision-Making in the Intermediate Courts**

Practical and important insights into the operation of the intermediate courts in criminal cases throughout the state.  
 Moderator: Hon. John T. Boyd, Amarillo  
 Hon. Molly Francis, Dallas  
 Hon. Ken Law, Austin  
 Hon. Brian Quinn, Amarillo  
 Hon. Tim Taft, Houston

**5:30 p.m. Adjourn**

**THURSDAY MORNING, MAY 12, 2005**

**Presiding Officer:**  
**Hon. John T. Boyd, Amarillo**

**8:30 a.m. Conference Room Opens**  
 Includes continental breakfast.

**9:00 a.m. .50 hr**

**US Supreme Court Update**  
 An update of all recent United States Supreme Court cases dealing with criminal law.  
 Gary A. Udashen, Dallas

**9:30 a.m. .50 hr**

**Frivolous Appeals, Meritless Appeals, and *Anders v. California* in the 21st Century**  
 A review of the history of "Anders" briefs and of the procedures utilized in Texas where counsel considers an appeal to be frivolous.  
 David A. Schulman, Austin

**10:00 a.m. .75 hr**

**What's Happening at the CCA**  
 A look back at key developments at the Court of Criminal Appeals over the past year, and a look ahead to what's likely in store over the next year.  
 Matthew W. Paul, Austin

**10:45 a.m. Break**

**11:00 a.m. .75 hr**

**Motion for a New Trial**  
 Lydia Clay-Jackson, Conroe

**11:45 a.m. .50 hr**  
**Motions for Rehearing and Abatement**  
 This presentation will cover issues related to the topics of motions for rehearing and abatement.  
 Doug Arnold, Georgetown

**12:15 p.m. .75 hr**

**Box Luncheon Breakout Sessions**  
 Select A or B on registration form.

**A. When the State Appeals**  
 This topic examines the legal authority and practical considerations involved in a decision to pursue a State's appeal.  
 Enrico Valdez, San Antonio

(OR)

**B. How to Start a Criminal Defense Practice**  
 Getting started, how to get going, be profitable and stay afloat in a criminal law practice.  
 Richard J. Segura, Jr., Austin

**THURSDAY AFTERNOON**

**Presiding Officer:**  
**Hon. John T. Boyd, Amarillo**

**1:30 p.m. 1.00 hr**

**Writs**  
 New developments and a review of "old" law regarding the use of writs to put matters before appellate courts, with a particular emphasis on writs as a means of pretrial "appeal."  
 George E. Dix, Austin

**2:30 p.m. Break**

**2:45 p.m. 1.00 hr ethics**

**Ethical Issues for Prosecutors and Defense Counsel**  
 A discussion of key ethical issues confronting criminal law bar, including client confidentiality, fees, prosecution obligations, candor with the court, presentation of false evidence, Brady issues, and a discussion of common ethical pitfalls and traps for prosecution and defense bars.  
 Ronald L. Goranson, Dallas

**3:45 p.m. Adjourn**

**FRIDAY MORNING, MAY 13, 2005**

**Presiding Officer:**  
**Hon. Barbara P. Hervey, Austin**

**8:30 a.m.** **.75 hr**

**The Error Thief: Preserving Error and Getting the Judge to Rule**

A leading defense attorney discusses pitfalls, strategies and best approaches to preserving error, making the record, and getting the Judge to rule.  
Randy Lee Schaffer, Jr., Houston

**9:15 a.m.** **1.00 hr including .50 hr ethics**

**Are You Ready for Your Close-up? Dealing with the Media, the Court and the Other Side**

A media savvy panel—with substantial experience trying and covering high-profile cases—discuss strategies for effective client representation, professional responsibility and ethical issues in balancing duties to court and client.

Moderator: Brian W. Wice, Houston  
Rusty Hardin, Houston  
Kelly Siegler, Houston  
Clara Tuma, KVUE, Austin

**10:15 a.m.** **1.00 hr including .25 hr ethics**

**Post Conviction Relief: The Actual Innocence Remedies Including the Clemency Option**

This session covers actual innocence remedies including pending legislation and training options; the clemency alternative and process; and related ethical issues.

William P. Allison, Austin  
Hon. Barbara P. Hervey, Austin

**11:15 a.m.** **Break**

**11:30 a.m.** **1.00 hr**

**DNA Testing: Lessons from the Last Three Years**

How to screen the case from precedent and draft the DNA motion that will get the test.

E.G. "Gerry" Morris, Austin  
Steven Conder, Fort Worth

**12:30 p.m.** **Adjourn**

**PLANNING COMMITTEE**

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Mail this registration form or fax a copy to: **(512) 475-6876**

**REGISTRATION FOR CR05**

The University of Texas School of Law • Office of Continuing Legal Education  
Attn: CR05 • Post Office Box 7759 • Austin TX 78713-7759

**PLEASE PRINT CLEARLY**

Bar Card# \_\_\_\_\_  TX  Other State: \_\_\_\_\_  N/A

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Registrant's Email **(required)** \_\_\_\_\_

Assistant's Email **(optional)** \_\_\_\_\_

Invoices, confirmations and receipts are emailed to these addresses.

**REGISTRATION**

*Includes Course Binder*

Early Registration Fee due by Wed., May 4, 2005 ..... \$325.00

Registration Fee after Wed., May 4, 2005 ..... \$375.00

**ADD LUNCH**

Optional Thursday Box Luncheon Presentation ..... \$5.00

Select a Luncheon Session:

A. *When the State Appeals* - Enrico Valdez

B. *How to Start a Criminal Defense Practice* - Richard J. Segura, Jr.

**CONFERENCE PUBLICATIONS AND MEDIA**

*Allow 2-4 weeks from the conference date for delivery.*

Course Binder ..... \$150.00  
*Note: Conference registration includes Course Binder.*

Audio CD Set ..... \$175.00

eBinder on CD (PDF format) ..... \$150.00/\$50.00  
*(\$150 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)*

**GROUP CLE: Bring the conference in-house and learn at your convenience.**

*Allow 2-4 weeks from the conference date for delivery.*

Group CLE for 2—*Includes Audio CD Set and Course Binder* ..... \$600.00

\_\_\_\_\_ Add participants (includes Course Binder) for \$150 each ..... \$ \_\_\_\_\_

TOTAL ENCLOSED ..... \$ \_\_\_\_\_

**METHOD OF PAYMENT**

Check (make checks payable to: **The University of Texas at Austin**)

VISA or  Mastercard (sorry, no AMEX or Discover)

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Authorized Signature Exp. Date (mm/yy)

**AUSTIN**  
**May 11-13, 2005**  
**CONFERENCE LOCATION**



**Doubletree Hotel Austin**  
 6505 IH-35 North  
 Austin, Texas  
 1-800-347-0330

**SPECIAL RATE \$80 single/\$120 double**  
 (subject to availability)  
 Good through April 27, 2005

**Parking: Complimentary self-parking for  
 UT CLE conference attendees**

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**KEY DATES**

**Registration and Cancellation**

**May 4, 2005, 5 p.m.**

• **last day for early registration**  
 add \$50 for registrations  
 received after this time

**May 6, 2005, 5 p.m.**

• **last day for full refund**

**May 9, 2005, 5 p.m.**

• **last day for partial refunds**  
 \$50 processing fee applied

**May 11, 2005, 1:30 p.m.**

• **conference begins**

[www.utcle.org](http://www.utcle.org)  
**Online Courses**

**ROBERT O. DAWSON**

This year's Conference on Criminal Appeals is dedicated to Robert O. Dawson, a beloved UT Law professor for 37 years. He passed away on February 26, 2005, at age 65.



From 1974 through 1998, he served as the director of the Criminal Defense Clinic, where he and his co-supervisors worked with students on over 7,200 criminal defendants' cases. He also served as co-director of UT Law's new Actual Innocence Clinic, a clinic teaching students how to screen and investigate claims from prison inmates that they are actually innocent of their convicted offense.

As a reformer and scholar, Professor Dawson wrote extensively on criminal and juvenile law and drafted much of the juvenile legislation enacted by the Texas legislature during the past 30 years. He authored and co-authored many books, including *Texas Criminal Practice and Procedure*, *Texas Juvenile Law*, *Criminal Justice Administration* and *The Juvenile Justice Process*.

Shortly before Professor Dawson died, he was voted the Student Bar Association's Outstanding Faculty Member for 2004-05. He left a commanding legacy of thousands of law students who completed his classes and his clinics at UT, and will be greatly missed by the school and the community.

**CONFERENCE FACULTY**

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 Law Office of Ronald Goranson  
 Dallas

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*This program is not printed or mailed at state expense.*

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