

**2005 Conference on Criminal Appeals**  
**May 11-13, 2005 • Doubletree Hotel • Austin, TX**

**Wednesday Afternoon, May 11, 2005**

**Presiding Officer:**

**Hon. Barbara P. Hervey**, Texas Court Of Criminal Appeals - Austin, TX

1:30 pm 0.75 hr	<p><b>Effective Brief Writing</b></p> <p>Practical advice on writing briefs, emphasizing suggestions and pet peeves from the people who grade our papers: appellate judges.</p> <p>Jay R. Brandon, San Antonio, TX</p>
2:15 pm 0.50 hr	<p><b>Oral Argument—Talk, Breathe, Think</b></p> <p>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.</p> <p>Betty Marshall, State Prosecuting Attorney - Austin, TX</p>
3:00 pm 0.75 hr	<p><b>How to Get to the Starting Line—The ABCs of Criminal Appeals</b></p> <p>This presentation will demonstrate why perfecting and prosecuting a criminal appeal is uncomplicated and fun. It will also make you a better trial lawyer.</p> <p>Warren L. Clark, Amarillo, TX</p>
3:45 pm 0.50 hr	<p><b>Procedures—Recent and Future</b></p> <p>What’s recent, or under consideration for the future, in procedures for new trials, appeals, and habeas corpus after conviction.</p> <p>Paul Womack, Court Of Criminal Appeals - Austin, TX</p>
4:30 pm 1.00 hr	<p><b>Looking into the Black Box: Process, Practice and Decision-Making in the Intermediate Courts</b></p> <p>Practical and important insights into the operation of the intermediate courts in criminal cases throughout the state.</p> <p>Hon. John T. Boyd, 7th Court Of Appeals, Retired - Amarillo, TX Molly Francis, 5th Court Of Appeals - Dallas, TX Hon. Ken Law, 3rd Court Of Appeals - Austin, TX Brian Quinn, Seventh Court Of Appeals - Amarillo, TX Tim Taft, 1st Court Of Appeals - Houston, TX</p>

**Thursday Morning, May 12, 2005**

**Presiding Officer:**

**Hon. John T. Boyd**, 7th Court Of Appeals, Retired - Amarillo, TX

9:00 am 0.50 hr	<b>US Supreme Court Update</b>  An update of all recent United States Supreme Court cases dealing with criminal law.  Gary A. Udashen, Sorrels & Udashen - Dallas, TX
9:30 am 0.50 hr	<b>Frivolous Appeals, Meritless Appeals, and Anders v. California in the 21st Century</b>  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, Law Office Of David Schulman - Austin, TX
10:00 am 0.75 hr	<b>What’s Happening at the CCA</b>  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, TX
11:00 am 0.75 hr	<b>Motion for a New Trial</b>  Lydia Clay-Jackson, Conroe, TX
11:45 am 0.50 hr	<b>Motions for Rehearing and Abatement</b>  This presentation will cover issues related to the topics of motions for rehearing and abatement.  Douglas Arnold, Assistant District Attorney - Georgetown, TX

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12:15 pm 0.75 hr	<b>How to Start a Criminal Defense Practice</b>  Getting started, how to get going, be profitable and stay afloat in a criminal law practice.  Richard J. Segura Jr., Austin, TX
12:15 pm 0.75 hr	<b>When the State Appeals</b>  This topic examines the legal authority and practical considerations involved in a decision to pursue a State’s appeal.  Enrico Valdez, Bexar County District Attorney's Office - San Antonio, TX
1:30 pm 1.00 hr	<b>Writs</b>  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 Dix, University Of Texas School Of Law - Campus Mail, D1800

2:45 pm  
0.00 hr  
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, TX

## **Friday Morning, May 13, 2005**

### **Presiding Officer:**

**Hon. Barbara P. Hervey**, Texas Court Of Criminal Appeals - Austin, TX

8:30 am  
0.75 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.

Randolph Lee Schaffer Jr., Houston, TX

9:15 am  
0.00 hr  
0.50 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.

Russell Hardin Jr., Rusty Hardin & Assoc, P.C. - Houston, TX  
Kelly J. Siegler, Houston, TX  
Clara Tuma, KVUE - Austin, TX  
Brian W. Wice, Houston, TX

10:15 am  
0.00 hr  
0.25 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, University Of Texas School Of Law - Campus Mail  
Hon. Barbara P. Hervey, Texas Court Of Criminal Appeals - Austin, TX

11:30 am  
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.

Steven Conder, Tarrant County Crim Das Ofc - Fort Worth, TX  
E. G. (Gerry) Morris, Austin, TX