

2007 Conference on Criminal Appeals
May 9-11, 2007 • Radisson Hotel and Suites on Town Lake • Austin, TX

Wednesday Afternoon, May 9, 2007

Presiding Officer:

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

12:30 pm	Registration opens Includes complimentary refreshments
1:20 pm	Welcoming Remarks Welcoming Remarks
1:30 pm 0.75 hr 0.25 hr ethics	Effective Brief Writing Practical advice on writing briefs that will be read and appreciated, including practice tips from the audience that matters: judges. Jay Robert Brandon, Law Office of Jay Brandon - San Antonio, TX
2:15 pm 0.50 hr	Changes to TRAPs This presentation will include comments upon recent appellate rule changes affecting motions for new trial and the defendant's notice of appeal. Hon. Paul Womack, Court of Criminal Appeals - Austin, TX
2:45 pm 0.25 hr	Report from Governors Criminal Justice Advisory Committee Hon. Barbara P. Hervey, Texas Court Of Criminal Appeals - Austin, TX
3:00 pm	Break Break
3:15 pm 0.75 hr	What's Happening in the CCA? What the CCA has been saying that criminal lawyers need to hear. Jeffrey L. Van Horn, State Prosecuting Attorney - Austin, TX
4:00 pm 0.50 hr	Juvenile Appeals: Special Issues and Considerations This topic is designed to distinguish between adult criminal appeals and juvenile appeals, which are civil in nature. Relevant case law and statutes governing post adjudication in a juvenile case will be presented. Stephanie L. Stevens, Saint Mary's School Of Law - San Antonio, TX

4:30 pm 0.75 hr	Supreme Court Update A summary of the Supreme Court cases in the area of criminal law and procedure for the last year. Gary Alan Udashen, Sorrels, Udashen & Anton - Dallas, TX
5:15 pm	Adjourn Adjourn

Thursday Morning, May 10, 2007

Presiding Officer:

Hon. Cheryl Johnson, TX Court Of Criminal Appeals - Austin, TX

8:30 am	Conference Room Opens Includes continental breakfast. Conference Room Opens Includes continental breakfast.
9:00 am 0.50 hr	Creative Research Techniques How to find and present innovative or unusual legal sources and secondary material effectively in appellate briefs. Hon. Cathy Cochran, Court of Criminal Appeals - Austin, TX
9:30 am 1.00 hr	Process, Practice, and Decision-Making in the Intermediate Courts Practical insights into the operations of the intermediate courts in criminal cases throughout the state. Moderator: Hon. John T. Boyd, 7th Court Of Appeals, Retired - Amarillo, TX Hon. David W. Chew, El Paso, TX Hon. W. Kenneth Law, Third Court of Appeals - Austin, TX Hon. Tim Taft, Houston, TX Hon. Linda Reyna Yanez, Edinburg, TX
10:30 am	Break Break
10:45 am 1.00 hr	Writs Applications A brief overview of the Writ application process and accompanying substantive law. Stacey Meredith Goldstein, Court of Criminal Appeals - Austin, TX Sian R. Schilhab, Austin, TX

11:45 am	Pick up Box Lunch Please choose Prosecution or Defense Luncheon on Registration Form -- \$5.00 fee.
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Thursday Afternoon, May 10, 2007

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Hon. Cheryl Johnson, TX Court Of Criminal Appeals - Austin, TX

12:00 pm 0.75 hr	How to Get Started in a Criminal Defense Practice Richard J. Segura Jr., Austin, TX
12:00 pm 0.75 hr	Best Practices Networking and Discussion Luncheon for Prosecutors
12:45 pm	Break Break

Prosecution Track

1:00 pm 0.50 hr	Presenting Effective Writs: The Defense Perspective How to determine the issues for a habeas corpus proceeding; investigate the claims; prepare the application, brief exhibits, and proposed findings of fact and conclusions of law; and presenting the case in the trial court and court of criminal appeals. Randy Schaffer Jr., The Schaffer Firm - Houston, TX
1:30 pm 0.75 hr ethics	Advising Clients of Their Appellate Rights Recent changes to the appellate rules clarify counsel's duty to advise clients of their right to pursue discretionary review from the Texas Court of Criminal Appeals. This presentation provides tips and context for fulfilling that obligation. Catherine G. Burnett, South Texas College of Law - Houston, TX
2:15 pm 0.75 hr	Defense Perspective on PDRs A discussion of key issues of practice tips and traps on PDRs from the defense perspective. Keith Stewart Hampton, Keith S. Hampton, Attorney At Law - Austin, TX

Defense Track

1:00 pm 0.50 hr	Effective Prosecution Responses to Writs Strategies for responding to common and uncommon claims. Roe Meredith Wilson, Houston, TX
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1:30 pm 0.75 hr	State Appeals Tips, trial-level pointers, and procedural issues on state appeals. Enrico Valdez, Bexar County DA's Office - San Antonio, TX
2:15 pm 0.75 hr	State Perspective on PDRs Tips for improving the chances of getting your PDR granted. Lisa C. McMinn, State Prosecuting Attorney's Office - Austin, TX
3:00 pm	Break Break
3:15 pm 1.25 hrs ethics	Ethical Issues for Prosecutors and Defense Counsel A reminder and refresher on ethical issues for prosecutors and defense counsel including latest cases. Ronald Leroy Goranson, Dallas, TX
4:30 pm	Adjourn Adjourn

Friday Morning, May 11, 2007

Presiding Officer:

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

8:00 am	Conference Room Opens Includes continental breakfast. Conference Room Opens Includes continental breakfast.
8:30 am 1.00 hr	Appeals Originating in Municipal Courts of Record An overview of the unique jurisdictional traps and other issues arising in appeals from municipal courts of record from the perspectives of the defense, prosecution, and the appellate courts. Alex Wathen, Kubosh & Associates - Houston, TX
9:00 am 0.75 hr	Attacking and Defending Eyewitness Testimony: Current Law Overview of case law, motions and success on appeals. Marjorie I Bachman, Law Office of E.G. Morris - Austin, TX

9:45 am 1.00 hr	<p>Panel Discussion: Attacking and Defending Eyewitness Testimony</p> <p>An exchange of views by leading defense and prosecuting attorneys on how to best attack and defend eyewitness testimony and use the trial record on appeal.</p> <p>Marjorie I Bachman, Law Office of E.G. Morris - Austin, TX David B. Frank, Austin, TX Kevin Patrick Yeary, Bexar Co Criminal District Attys Office - San Antonio, TX</p>
10:30 am 1.00 hr	<p>Actual Innocence: Practical Advice and Strategies on Effective Practice</p> <p>This session discusses pure innocence claims including DNA exonerations, Non DNA (General Proof of Innocence) and recantations. It also covers claims of constitutional violations with underlying claims of innocence (Schlup Claims).</p> <p>Jeff Blackburn, Attorney at Law - Amarillo, TX Hon. Cathy Cochran, Court of Criminal Appeals - Austin, TX Hon. Barbara P. Hervey, Texas Court Of Criminal Appeals - Austin, TX</p>
11:15 am 1.00 hr	<p>Post Conviction Motions for DNA Testing—Chapter 64 CCP</p> <p>This session covers the requirements to obtain post conviction DNA testing and the types of testing available. It also provides insight into how the state processes requests for DNA testing and prosecutors' duties in responding to DNA motions.</p> <p>A. What the Applicant Needs to Establish B. How Should the State Respond</p> <p>Marjorie I Bachman, Law Office of E.G. Morris - Austin, TX John Richard Rolater Jr., Collin County Criminal District Attorney - Mckinney, TX</p>

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