

2009

ROBERT O. DAWSON

CONFERENCE ON CRIMINAL APPEALS

Earn up to 15.00 Hours of Credit Including 2.25 Hours of Ethics Credit

Specialization Expected for Civil Appellate Law and Criminal Law



April 29 - May 1, 2009

Radisson Hotel & Suites • Austin, Texas

Presented by The University of Texas School of Law

in cooperation with

The Court of Criminal Appeals

The Texas Criminal Defense Lawyers Association (TCDLA)

The Texas District and County Attorneys Association (TDCAA*)

* TDCAA does not reimburse for this program.

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WEDNESDAY AFTERNOON, APRIL 29, 2009

Presiding Officer:

Hon. Barbara P. Hervey, Austin, TX

12:30 p.m. Registration Opens

Includes complimentary refreshments.

1:20 p.m. Welcoming Remarks

1:30 p.m. .75 hr

Court of Criminal Appeals Update

A look at significant decisions issued by the Court of Criminal Appeals between May 2007 and April 2009.

David C. Newell, Houston, TX

2:15 p.m. 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. Catherine M. Stone
San Antonio, TX

Hon. Molly M. Francis, Dallas, TX
Hon. J. Woodfin Jones, Austin, TX
Hon. Patrick A. Pirtle, Amarillo, TX

3:15 p.m. Break

3:30 p.m. .75 hr ethics

Judicial Ethics: Courtesy and Respect Between Bench and Bar?

As a result of this segment you will be able to: trace the history of judicial conduct codes; define ethics; list causes of judicial misconduct; and explore ways to respond to judicial abuse.

Hon. Michael Keasler, Austin, TX

4:15 p.m. .75 hr

DNA Testing: Types, Issues and What's New

An overview of the types of DNA testing available, case examples demonstrating the advantages and drawbacks of each kind of testing, emerging technologies, and issues related to retesting samples subjected to early forms of DNA testing.

Marjorie I. Bachman, Austin, TX

5:00 p.m. .50 hr

New Appellate Rules

A review of recent appellate rule changes.

Hon. Paul Womack, Austin, TX

5:30 p.m. Adjourn

THURSDAY MORNING, APRIL 30, 2009

Presiding Officer:

Hon. Cheryl Johnson, Austin, TX

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .75 hr

The Process of Getting to Appellate Review

Getting into the appellate process and staying there. How to avoid getting thrown out for late filings, incomplete pleadings, etc. for both prosecutors and defense counsel.

Ronald Leroy Goranson, Dallas, TX

9:45 a.m. 1.00 hr ethics

OMG—Did I Leave That in the Brief?

Ethical issues for appellate counsel and their supervisors, including relationship with the court and counsel.

Richard Alan Anderson, Dallas, TX
Edward L. Wilkinson, Fort Worth, TX

10:45 a.m. Break

11:00 a.m. .75 hr

Eyewitness ID: Present Methods and Suggested Changes

A look at the issues related to eyewitness identification; an overview of methods currently used and how they could be improved.

Hon. Barbara P. Hervey, Austin, TX

11:45 a.m. .50 hr

Continuing Crawford Conundrums

Update on the current scope of *Crawford* and the right to in-court confrontation, as well as the current exceptions to that right. Session concludes with a few crystal ball predictions for the future.

Hon. Cathy Cochran, Austin, TX

THURSDAY AFTERNOON

Presiding Officer:

Hon. Cheryl Johnson, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Box lunch included in conference registration.

12:30 p.m. 1.00 hr

Preservation of Error

A review of recent appellate case law to analyze preservation of error claims for appellate review.

Richard E. Langlois, San Antonio, TX

1:30 p.m. Break

1:45 p.m. 3.75 hrs including .25 hr ethics

Anatomy of a Texas Writ

Post-conviction challenges from investigation and drafting to litigating in Texas trial and appellate Courts. Panelists explore the realities of Texas writ practice and recommend best practices. Session includes one 15-minute break.

Moderator: Catherine G. Burnett, Houston, TX
Hon. Jay W. Burnett, Houston, TX
Hon. Cathy Cochran, Austin, TX
Robert A. Morrow, The Woodlands, TX
Roe Meredith Wilson, Houston, TX

5:45 p.m. Adjourn

FRIDAY MORNING, MAY 1, 2009

Presiding Officer:

Hon. Barbara P. Hervey, Austin, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr

Oral Arguments: A Toolbox of Suggestions

"May it please the Court..." and now what? How do you capture the appellate court's undivided attention at the very beginning and hold it? How do you control the direction of the presentation and focus the court's collective genes on what can make or break the case? Is it a matter of persuade or perish?

Hon. Kerry P. Fitzgerald, Dallas, TX

9:15 a.m.

1.00 hr

Writing Effective Briefs

Advice primarily from the consumers of briefs, appellate judges, on what to emphasize and leave out of appellate briefs, as well as tips on style and achieving the effect you want. Included: writing petitions for discretionary review that have a chance to be granted.

Jay Robert Brandon, San Antonio, TX

10:15 a.m.

.75 hr

Supreme Court Update

A review of Supreme Court cases and their impact on criminal law and procedures.

Gary Alan Udashen, Dallas, TX

11:00 a.m.

1.00 hr including .25 hr ethics

Current Developments in the Law of Expert Evidence: *Daubert* and Beyond

Explore current trends and issues in the law of expert evidence. A brief review of the basic standards associated with the *Daubert* test, both in how it was described in the trilogy of cases of *Daubert*, *Joiner*, and *Kumho Tire*, as well as its operation in Texas courts. Particular focus on how the *Daubert* test has been applied in criminal cases and recent controversies regarding the admissibility of certain of the forensic identification sciences. Other issues discussed: the applicability of *Daubert* to the so-called "soft social sciences," the use of court appointed experts and technical advisers, and what standard of appellate review should apply to expert evidence admissibility determinations.

David L. Faigman, San Francisco, CA

12:00 p.m.

Adjourn

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ROBERT O. DAWSON

The Conference on Criminal Appeals is named in honor of Robert O. Dawson, a beloved UT Law professor for 37 years, who passed away on February 26, 2005.

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 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*.

REGISTRATION FOR CR09**Mail this registration form to:**

The University of Texas School of Law, Attn. CR09

P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**

PLEASE PRINT CLEARLY

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Assistant's Email (optional) _____

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CONFERENCE REGISTRATION*

Registration includes Course Binder and Thursday Box Lunch Presentation

- ☐ Early Registration Fee due by Wed. April 22, 2009..... \$395.00
- ☐ Registration Fee after Wed. April 22, 2009 \$445.00
- ☐ State Employee Registration due by Wed. April 22, 2009..... \$325.00
- ☐ State Employee Registration after Wed. April 22, 2009 \$375.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

- ☐ Course Binder WITHOUT Conference Registration \$200.00
- ☐ Audio CD Set \$175.00
- ☐ eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 15.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

*TDCAA does not reimburse for this program.

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AUSTIN

April 29-May 1, 2009

CONFERENCE LOCATION



Radisson Hotel & Suites

111 E. Cesar Chavez
Austin, TX 78701
512-478-9611

Government rate \$85;
Standard rate \$145
(subject to availability)
good through March 29, 2009.

Self-Parking: \$6 day;
\$15 overnight (subject to change)

Rooms sell out quickly—reserve early!

KEY DATES

Registration & Cancellation

April 22, 2009–5 p.m.

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

April 24, 2009–5 p.m.

last day for full refund

April 27, 2009–5 p.m.

last day for partial refunds
\$50 processing fee applied

April 29, 2009–1:30 p.m.

conference begins

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