

2015 ROBERT O. DAWSON
CONFERENCE ON CRIMINAL APPEALS



May 27–29, 2015
Radisson Hotel and Suites Downtown
Austin, Texas

Earn up to 13.25 Hours of Credit Including 2.50 Hours of Ethics Credit

TX Legal Specialization Credit Approved for Criminal Appellate Law, Criminal Law and Juvenile Law

TEXAS COURT OF CRIMINAL APPEALS
TEXAS CRIMINAL DEFENSE LAWYERS ASSOCIATION (TCDLA)
TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION (TDCAA)*

**TDCAA does not reimburse for this program*

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WEDNESDAY AFTERNOON, MAY 27, 2015

Presiding Officer:
Hon. Cheryl Johnson, Austin, TX

12:30 p.m. Registration Opens
Includes light refreshments.

1:20 p.m. Welcoming Remarks

1:30 p.m. 1.00 hr

Significant Decisions of the Texas Court of Criminal Appeals

Analyze significant decisions in the last year and what they mean for criminal law practitioners on both sides of the bar.

Hon. David C. Newell, Austin, TX

2:30 p.m. 1.00 hr

Supreme Court Update

An update on relevant criminal procedure and criminal law cases decided by the United States Supreme Court in the 2014 term, a review of decisions yet to be handed down, and a preview of cases in the pipeline for the 2015 term.

Jennifer E. Laurin, Austin, TX

3:30 p.m. Break

3:45 p.m. 1.50 hrs

Writs: Effective Writing, Process, Management, and Related Issues

A general overview of the law and procedures regarding Texas state writs from the perspectives of the practitioner and the court. Topics range from the nuts and bolts of investigating and preparing a writ application to the dos and don'ts from the perspective of the reviewing court. Recent cases and pending issues are also addressed.

John G. Jasuta, Austin, TX
Michael F. Stauffacher, Austin, TX

5:15 p.m. Adjourn

THURSDAY MORNING, MAY 28, 2015

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

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

9:00 a.m. .50 hr

Legal Writing for the Screen Reader

More and more legal documents are filed electronically and read on a computer. Screen reading changes the way we perceive and process information. Learn ways to craft legal documents to be more useful for screen reading.

Wayne Schiess, Austin, TX

9:30 a.m. 1.00 hr

Evolving Brief-Writing Techniques for the 21st Century: Rethinking What You May Have Been Taught in Law School about Effective Written Advocacy

Changes in reading habits, workload, and legal sophistication of the appellate judicial audience should change the way we write briefs. Hear tips for more effective written advocacy in today's appellate courts.

Kevin Dubose, Houston, TX

10:30 a.m. Break

10:45 a.m. .50 hr

Clash of Courts: Avenging a Bad Court of Appeals Decision by Petition for Discretionary Review (PDR)

Mechanics and practical strategies for convincing the Court of Criminal Appeals to exercise its discretion.

Stacey Meredith Goldstein, Austin, TX

11:15 a.m. .75 hr

Effective Oral Argument

What do you do when you're being bullied by a judge? When the judges argue among themselves and ignore you? When a judge asks a "dumb" question? An appellate specialist with experience on both sides of the bench answers these and other questions to help you put your best foot forward in oral argument.

Hon. J. Brett Busby, Houston, TX

12:00 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
Hon. Cheryl Johnson, Austin, TX

LUNCHEON PRESENTATION

12:20 p.m. 1.00 hr ethics

Reel Legal Ethics, Part Deux

A discussion of the ethical rules that offer guidance to legal dilemmas depicted in various movie scenes.

V. Ivan Martinez, El Paso, TX

1:20 p.m. Break

1:35 p.m. .50 hr

Error in Jury Charges

Finding arguable errors in jury charges, both objected-to and not, including jury unanimity, lesser included offenses, and defenses. Strategies for defending against such claims are also addressed.

Jay R. Brandon, San Antonio, TX

2:05 p.m. .75 hr

Solving the Dilemma of Wrongful Convictions

While we have recognized the most common causes of wrongful convictions and have diligently pursued methods to prevent punishing the "actually innocent," more work must be done.

Hon. Barbara P. Hervey, Austin, TX

2:50 p.m. Break

3:00 p.m. 1.00 hr

Appellate Tips from the Experts

A view from both sides of the criminal bar with practical tips on how appellate advocates and appellate courts can make their briefs and opinions interesting, easier to understand, and less likely to inflame the opposing side or losing party.

Edward L. "Chip" Wilkinson, Fort Worth, TX
George McCall "Mac" Secrest Jr., Houston, TX

4:00 p.m. 1.00 hr ethics

Disclosure, Ethics, and the Michael Morton Case: Lessons Learned

Examine ethical issues that confront prosecutors and defense counsel with respect to evidentiary disclosure in the context of the prosecution and subsequent exoneration of Michael Morton. Review disclosure-based causes of Morton's wrongful conviction, legislative reforms intended to address those discovery failures, and the adaptation of prosecutors and defense attorneys to those changes—especially in the appellate context.

Patricia J. Cummings, Austin, TX

5:00 p.m. Adjourn

FRIDAY MORNING, MAY 29, 2015

Presiding Officer:

Hon. Barbara P. Hervey, Austin, TX

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .50 hr

Juvenile Appeals: What Law Applies?

Juvenile law is a mix of Criminal, Civil and Family Code rules. Explore the important differences in juvenile appeal cases that result from the amalgamation that is juvenile law.

Pamela Jackson Sigman, Austin, TX

9:30 a.m. .50 hr

Creative Research Techniques:

Digging Deep without Deep Pockets

Learn how to find secondary material and other legal sources cost-effectively and present those sources in appellate briefs so as to inspire the court's confidence.

Gretchen Sims Sween, Austin, TX

10:00 a.m. Break

10:15 a.m. 1.00 hr | .50 hr ethics

Scientific Evidence: When to Open and Close the Door as Gatekeeper

How to determine the qualifications of the witness as a scientist or expert and insure the integrity of the criminal justice process.

Cynthia Eva Hujar Orr, San Antonio, TX

11:15 a.m. .75 hr

Court of Appeals Judicial Panel

Courts of Appeals judges discuss what they do, the Courts' dockets, and better ways for practitioners to represent parties before the Courts.

Moderator:

Jay R. Brandon, San Antonio, TX

Panelists:

Hon. Terry Jennings, Houston, TX

Hon. Sandee Bryan Marion, San Antonio, TX

12:00 p.m. Adjourn

REGISTRATION FORM

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(w)

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REGISTRATION—Includes Course Materials and Thursday Luncheon Presentation

Special group registration rates available. Call 512.475.6700.

1. Select Registration Type

Individual

☐ Registration by Wednesday, May 20 \$450

☐ Registration after Wednesday, May 20 \$500

State Employee

☐ Registration by Wednesday, May 20 \$350

☐ Registration after Wednesday, May 20 \$400

Judicial Employee (Appellate)*

☐ Registration \$225

**Registration MUST be accompanied by a letter from a sponsoring judge*

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May 27–29, 2015 ■ Radisson Hotel and Suites Downtown ■ Austin, TX

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AUSTIN

May 27–29, 2015

CONFERENCE LOCATION



Radisson Hotel and Suites Downtown

111 E. Cesar Chavez Street
Austin, Texas
512.478.9611

Parking:

\$4 daily self-parking; \$25 valet
\$10 overnight self-parking

KEY DATES

May 20, 2015

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

May 22, 2015

last day for cancellation (full refund)

May 25, 2015

last day for cancellation (partial refund)
\$50 processing fee applied

May 27, 2015, 1:20 p.m.

Conference begins

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Austin, TX

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Austin, TX

EDWARD L. "CHIP" WILKINSON
Tarrant County District Attorney's Office
Fort Worth, TX

*Planning Committee member

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 in 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 over the past 35 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*.



MCLE

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.25 hours, of which 2.50 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).