

2017 ROBERT O. DAWSON

# CONFERENCE ON CRIMINAL APPEALS



May 10–12, 2017  
Austin Marriott South ■ Austin, Texas

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Earn up to 13.00 Hours of Credit Including 2.00 Hours of Ethics Credit  
Specialization Credit Approved for Criminal Law, Criminal Appellate 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 10, 2017**

**Presiding Officer:**

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

**2:30 p.m. 1.00 hr**

**Supreme Court Update**

Hear an update on relevant criminal law and criminal procedure cases decided by the United States Supreme Court in the 2016 term, review decisions yet to be handed down, and preview hot cases in the pipeline for the 2017 term.

Jennifer E. Laurin, The University of Texas School of Law, Austin, TX

**3:30 p.m. Break**

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

**Legal Writing:**

**Clearly, Using Intensifiers is Literally a Crime**

Intensifiers (clearly, obviously, blatantly) show up in briefs from time to time. But are they persuasive, and if not, what can you do instead?

Wayne Schiess, The University of Texas School of Law, Austin, TX

**4:15 p.m. 1.00 hr**

**Mandamus**

Discuss Texas mandamus law in criminal cases, and explore how the cases are litigated at the appellate level.

Michael Staats Falkenberg, Texas Court of Criminal Appeals, Austin, TX

**5:15 p.m. Adjourn**

**THURSDAY MORNING, MAY 11, 2017**

**Presiding Officer:**

Hon. David C. Newell, Texas Court of Criminal Appeals, Austin, TX

**8:00 a.m. Conference Room Opens**  
Includes continental breakfast.

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

**Appeals You Never Thought You Would See**

Review the basics for CPS and Juvenile Delinquency Appeals.

April E. Smith, Attorney at Law, Mesquite, TX

**9:30 a.m. 1.00 hr**

**Nuts and Bolts—Emerging Issues in PDRs**

Gain a working knowledge of the procedural rules, optimal structure, and strategies needed to successfully pursue discretionary review, and familiarize yourself with emerging legal issues and trends in the Court of Criminal Appeals.

Gary Hart, Texas Court of Criminal Appeals, Austin, TX  
Stacey Soule, Office of the State Prosecuting Attorney, Austin, TX

**10:30 a.m. Break**

**10:45 a.m. 1.00 hr | .25 hr ethics**

**False Evidence, Actual Innocence, and 11.073 Writs**

Analyze legal issues in actual innocence claims, with particular focus on false evidence leading to wrongful convictions and wrongful convictions based on invalid scientific testimony.

Jay R. Brandon, Bexar County District Attorney's Office, Appeals Section, San Antonio, TX  
Gary Alan Udashen, Sorrels, Udashen & Anton, Dallas, TX

**11:45 a.m. .50 hr**

**The Court's Charge:**

**Was it Right? Did it Hurt?**

Examine jury charge issues that commonly cause error on appeal, including lesser-included offense instructions.

Lauren Alicia Scott, Bexar County District Attorney's Office, San Antonio, TX

**12:15 p.m. Pick Up Lunch**

Included in registration.

**THURSDAY AFTERNOON**

**Presiding Officer:**

Hon. David C. Newell, Texas Court of Criminal Appeals, Austin, TX

**LUNCHEON PRESENTATION**

**12:35 p.m. 1.00 hr | .50 hr ethics**

**Michael Morton Act and Brady on Appeal**

Explore how to raise and defend disclosure issues in a post-Michael Morton Act world.

Patricia J. Cummings, Law Office of Patricia J. Cummings, Round Rock, TX  
Bill Wirsky, Collin County District Attorney's Office, McKinney, TX

**1:35 p.m. Break**

**1:50 p.m. .50 hr**

**Motions For New Trial**

Examine motions for new trial and the rare opportunity they provide to change the course of a conviction or sentence, or alternatively, to develop a better record on appeal.

Carmen M. Roe, Carmen Roe Law Firm, Houston, TX

**2:20 p.m. .50 hr**

**Pretrial Writs:**

**Tips from Both Sides of the Aisle**

Learn how to raise, litigate, and defend pretrial writs from both the prosecution and defense perspectives.

David M. Gonzalez, Sumpter & Gonzalez, Austin, TX

**2:50 p.m. Break**

**3:00 p.m. .50 hr**

**Rules of Appellate Procedures**

From motions for new trial to motions for rehearing, an attorney's grasp of the Rules of Appellate Procedure can make or break a case. Explore some of the most important appellate rules for criminal practitioners and highlight recent changes to the rules.

Holly E. Taylor, Texas Court of Criminal Appeals, Austin, TX

3:30 p.m. .50 hr

**Ineffective Assistance of Counsel**

Review how to investigate, develop, and prosecute the most important type of claim in post-conviction litigation, and explore some of the fundamental legal principles associated with it.

Josh Schaffer, Schaffer Law Offices, Houston, TX

4:00 p.m. .75 hr | .25 hr ethics

**A Guide To Art. 11.07 Writs of Habeas Corpus and Other State Writs**

Hear procedures, issues, and do's and don'ts pertaining to Article 11.07 and other State writs.

Michael F. Stauffacher, Texas Court of Criminal Appeals, Austin, TX

4:45 p.m. Adjourn

**FRIDAY MORNING, MAY 12, 2017**

**Presiding Officer:**

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

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. 1.00 hr ethics

**Ethics for Post-Conviction Lawyers**

Examine the ethical considerations facing attorneys in post-conviction representation.

Hon. Michael Keasler, Texas Court of Criminal Appeals, Austin, TX

10:00 a.m. Break

10:15 a.m. 1.00 hr

**Appellate Tips from the Experts**

Get 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.

Enrico Baltazar Valdez, Bexar County District Attorney's Office, San Antonio, TX  
Mike Ware, Attorney at Law, Fort Worth, TX

11:15 a.m. .75 hr

**Court of Appeals Judicial Panel**

Hear Court of Appeals judges discuss what they do, Court dockets, and better ways for practitioners to represent parties before the Court. You have questions; they have answers.

**Moderator:**  
Jay R. Brandon, Bexar County District Attorney's Office, Appeals Section, San Antonio, TX

**Panelists:**  
Hon. Melissa Young Goodwin, Third Court of Appeals, Austin, TX  
Hon. Sue Walker, Second Court of Appeals, Fort Worth, TX

12:00 p.m. Adjourn

**REGISTRATION FORM**

PLEASE PRINT CLEARLY

CR17

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Name [ Mr. / Ms. ] \_\_\_\_\_

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

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**REGISTRATION—Includes Electronic Course Materials and Thursday Luncheon Presentation**

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- Registration by May 3. . . . . \$450
- Registration after May 3. . . . . \$500

**State Employee**

- Registration by May 3. . . . . \$375
- Registration after May 3. . . . . \$425

**Full-Time Judicial Employee – Appellate Courts Only**

- Registration (must be accompanied by a letter from a sponsoring judge). . . . . \$150

**Printed course binder available for an additional fee through May 3**

*Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at utcle.org.*

- Printed Course Binder. . . . . \$27.06  
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- Printed Course Binder for tax exempt registrants . . . . . \$25  
*(e.g., government employees and nonprofits)*

**ECONFERENCE—For Texas MCLE Credit**

Complete eConference package includes all conference materials for download from "Your Briefcase" at utcle.org. Available 6–8 weeks after the live conference date.

- Individual eConference . . . . . \$400  
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**COMPLETE CONFERENCE MATERIALS<sup>†</sup>—For Research and Self-Study**

Comprehensive Binder and Audio products from the live conference.

Available for delivery 4–6 weeks after conference date. Shipping included.

- eBinder Download (PDF) . . . . . \$225
- Printed Binder. . . . . \$275
- Audio Download (MP3) . . . . . \$175

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**AUSTIN**

May 10–12, 2017

**CONFERENCE LOCATION**



**Austin Marriott South**

4415 S. IH. 35  
Austin, TX 78744  
512.441.7900

844.473.3959 (reservations)

**Special Room Rate: \$165**

good through April 19, 2017

reference The University of Texas School of Law  
and 2017 Conference on Criminal Appeals  
(subject to availability)

**Parking:**

Complimentary garage and  
ground level self parking

**KEY DATES**

**May 3, 2017**

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

**May 3, 2017**

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

**May 5, 2017**

*last day for cancellation (full refund)*

**May 8, 2017**

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

**May 10, 2017, 1:20 p.m.**

*Conference begins*

**CONFERENCE FACULTY AND PLANNING COMMITTEE**

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Attorney at Law  
Fort Worth, TX

BILL WIRSKYE  
Collin County District Attorney's Office  
McKinney, 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*.

