

# 2017 Robert O. Dawson Conference on Criminal Appeals

## May 10-12, 2017 • Austin Marriott South • Austin, TX

### Wednesday Afternoon, May 10, 2017

**Presiding Officer:**

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

12:30 pm	<b>Registration Opens</b>  Includes light refreshments.
1:20 pm	<b>Welcoming Remarks</b>
1:30 pm 1.00 hr	<b>Significant Decisions of the Texas Court of Criminal Appeals</b>  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 pm 1.00 hr	<b>Supreme Court Update</b>  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 pm	<b>Break</b>
3:45 pm 0.50 hr	<b>Legal Writing: Clearly, Using Intensifiers is Literally a Crime</b>  Intensifiers ( <i>clearly, obviously, blatantly</i> ) 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 pm 1.00 hr	<b>Mandamus</b>  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 pm	<b>Adjourn</b>

### Thursday Morning, May 11, 2017

**Presiding Officer:**

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8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
9:00 am 0.50 hr	<b>Appeals You Never Thought You Would See</b>  Review the basics for CPS and Juvenile Delinquency Appeals.  April E. Smith, Attorney at Law - Mesquite, TX
9:30 am 1.00 hr	<b>Nuts and Bolts—Emerging Issues in PDRs</b>  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 am	<b>Break</b>
10:45 am 1.00 hr 0.25 hr ethics	<b>False Evidence, Actual Innocence, and 11.073 Writs</b>  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 am 0.50 hr	<b>The Court's Charge: Was it Right? Did it Hurt?</b>  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 pm	<b>Pick Up Lunch</b>

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### Luncheon Presentation

12:35 pm 1.00 hr 0.50 hr ethics	<b>Michael Morton Act and <i>Brady</i> on Appeal</b>  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 Wirskey, Collin County District Attorney's Office - McKinney, TX
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1:35 pm	<b>Break</b>
1:50 pm 0.50 hr	<b>Motions For New Trial</b>  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 pm 0.50 hr	<b>Pretrial Writs: Tips from Both Sides of the Aisle</b>  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 pm	<b>Break</b>
3:00 pm 0.50 hr	<b>Rules of Appellate Procedures</b>  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 pm 0.50 hr	<b>Ineffective Assistance of Counsel</b>  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 pm 0.75 hr 0.25 hr ethics	<b>A Guide To Art. 11.07 Writs of Habeas Corpus and Other State Writs</b>  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 pm	<b>Adjourn</b>

## Friday Morning, May 12, 2017

### Presiding Officer:

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

8:30 am	<b>Conference Room Opens</b>  Includes continental breakfast.
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9:00 am 1.00 hr ethics	<b>Ethics for Post-Conviction Lawyers</b>  Examine the ethical considerations facing attorneys in post-conviction representation.  Hon. Michael Keasler, Texas Court of Criminal Appeals - Austin, TX
10:00 am	<b>Break</b>
10:15 am 1.00 hr	<b>Appellate Tips from the Experts</b>  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 am 0.75 hr	<b>Court of Appeals Judicial Panel</b>  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 Hon. Melissa Young Goodwin, Third Court of Appeals - Austin, TX Hon. Sue Walker, Second Court of Appeals - Fort Worth, TX
12:00 pm	<b>Adjourn</b>