

# 2018 Robert O. Dawson Conference on Criminal Appeals

## May 2-4, 2018 • AT&T Conference Center • Austin, TX

### Wednesday Afternoon, May 2, 2018

**Presiding Officer:**

**Carson R. Guy**, Texas Court of Criminal Appeals - Austin, TX

|                                      |  |
|--------------------------------------|--|
| 12:30 pm                             | <p><b>Registration Opens</b></p> <p>Includes light refreshments.</p>   |
| 1:20 pm                              | <p><b>Welcoming Remarks</b></p>  |
| 1:30 pm<br>1.00 hr                   | <p><b>Significant Decisions of the Texas Court of Criminal Appeals</b></p> <p>Analyze significant decisions in the last year and what they mean for criminal law practitioners.</p> <p>Hon. David C. Newell, Texas Court of Criminal Appeals - Austin, TX</p>  |
| 2:30 pm<br>0.75 hr                   | <p><b>Supreme Court Update</b></p> <p>Hear an update on criminal law and criminal procedure cases relevant to Texas criminal appellate practice that were heard and decided by the United States Supreme Court in the 2017 term, and get a preview of hot cases in the pipeline for the 2018 term.</p> <p>Jennifer E. Laurin, The University of Texas School of Law - Austin, TX</p> |
| 3:15 pm                              | <p><b>Break</b></p>  |
| 3:30 pm<br>0.75 hr<br>0.25 hr ethics | <p><b>A Guide To Art. 11.07 Writs of Habeas Corpus and Other State Writs</b></p> <p>Examine procedures, issues, and do's and don'ts pertaining to Article 11.07 and other State writs.</p> <p>Michael F. Stauffacher, Texas Court of Criminal Appeals - Austin, TX</p>   |
| 4:15 pm<br>0.50 hr<br>0.25 hr ethics | <p><b>How to Improve Your Brief Writing</b></p> <p>Explore techniques for sharpening your persuasive focus while complying with your ethical obligations when writing briefs.</p> <p>Kamela Bridges, The University of Texas School of Law - Austin, TX</p>  |
| 4:45 pm<br>0.50 hr                   | <p><b>Preservation of Error and Standards of Review</b></p> <p>Understanding how the Court evaluates the preservation of error on appeal is essential for any practitioner. Explore how the Court approaches different rights, and how this approach impacts your appeal.</p> <p>Patrick F. McCann, Law Offices of Patrick McCann - Houston, TX</p>                                  |
| 5:15 pm                              | <p><b>Adjourn</b></p>  |

## Thursday Morning, May 3, 2018

### Presiding Officer:

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

|                                       |  |
|---------------------------------------|--|
| 8:00 am                               | <b>Conference Room Opens</b><br><br>Includes continental breakfast.  |
| 9:00 am<br>0.75 hr                    | <b>Emerging Issues in PDRs</b><br><br>Discuss significant and emerging issues pending in the Court of Criminal Appeals.<br><br>Kathleen Mary Schneider, Texas Court of Criminal Appeals - Austin, TX<br>Stacey Soule, Office of the State Prosecuting Attorney - Austin, TX  |
| 9:45 am<br>0.75 hr                    | <b>Avoiding the Dreaded Non-Compliant “White Card”</b><br><br>A step-by-step walk through of TRAP Rule 73 and 11.07 habeas application compliance. Plus insight into other reasons for habeas dismissals, including discharged sentences, non-final convictions, misdemeanors, juvenile matters, and subsequent applications.<br><br>Alison Fox Dahlberg, Texas Court of Criminal Appeals - Austin, TX |
| 10:30 am                              | <b>Break</b>   |
| 10:45 am<br>1.00 hr<br>0.25 hr ethics | <b>Actual Innocence Claims and 11.073 Writs</b><br><br>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.<br><br>Gary Alan Udashen, Sorrels, Udashen & Anton - Dallas, TX  |
| 11:45 am<br>0.75 hr                   | <b>Jury Charges</b><br><br>Explore <i>sua sponte</i> instructions and appellate hot topics, and gain practical tips for crafting jury instructions.<br><br>Angie Creasy, Travis County District Attorney's Office - Austin, TX<br>Sarah Beth Landau, Harris County Public Defender's Office - Houston, TX  |
| 12:30 pm                              | <b>Pick Up Lunch</b>   |

## Thursday Afternoon, May 3, 2018

### Presiding Officer:

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

### Luncheon Presentation

|                                      |   |
|--------------------------------------|---|
| 12:50 pm<br>0.50 hr ethics           | <b>Maintaining Your Credibility in Court</b><br><br>Discuss creativity versus credibility and how to zealously advocate for your client without falling on your face.<br><br>Mandy Goldman Miller, Attorney at Law - Katy, TX   |
| 1:20 pm                              | <b>Break</b>  |
| 1:35 pm<br>0.75 hr                   | <b>Prosecuting and Defending Motions for New Trial</b><br><br>Review the various uses for a motion for new trial including the procedures for filing a motion after trial and on appeal with perspectives from both a prosecutor and a defense attorney.<br><br>Jay R. Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX<br>Carmen Roe, Carmen Roe Law Firm, PLLC - Houston, TX   |
| 2:20 pm<br>0.50 hr                   | <b>Procedures for Bail—Appeals and Writs of Habeas Corpus</b><br><br>Discuss the procedures for seeking an appellate or writ bond during post-conviction litigation, with insight from the defense and prosecutorial perspectives.<br><br>Jennifer Rossmeier Brown, Bexar County District Attorney's Office - San Antonio, TX   |
| 2:50 pm<br>0.50 hr                   | <b>Six (or More) Techniques for Readable, Persuasive Sentences</b><br><br>Address sentence-level techniques that can help legal writers create readable, persuasive sentences. Learn to recognize, describe, and appropriately use or avoid techniques including length, subordination, dangling elements, nominalizations, correlative conjunctions, compound prepositions, and more.<br><br>Wayne Schiess, The University of Texas School of Law - Austin, TX |
| 3:20 pm                              | <b>Break</b>  |
| 3:30 pm<br>0.50 hr                   | <b>Morton Case Law Update</b><br><br>Analyze significant decisions handed down since the Michael Morton Act was enacted and discuss what they mean for the prosecution and defense.<br><br>Patricia J. Cummings, Law Office of Patricia J. Cummings - Round Rock, TX  |
| 4:00 pm<br>1.00 hr<br>0.50 hr ethics | <b>"Brady" Case Law Update</b><br><br>Explore the practical application of <i>Brady v. Maryland</i> , Article 39.14, and Disciplinary Rule 3.09(d), recent case law, and emerging issues under those ethical provisions.<br><br>Inger H. Chandler, Criminal Defense Attorney - Conroe, TX<br>Lisa Dotin Stewart, Travis County District Attorney's Office - Austin, TX  |
| 5:00 pm                              | <b>Adjourn</b>  |

## Friday Morning, May 4, 2018

**Presiding Officer:**

**Carson R. Guy**, Texas Court of Criminal Appeals - Austin, TX

|                            |  |
|----------------------------|--|
| 8:30 am                    | <b>Conference Room Opens</b><br><br>Includes continental breakfast.  |
| 9:00 am<br>0.75 hr         | <b>Recent Legislative and Rule Changes for Criminal Appellate Practitioners</b><br><br>The Legislature focused on wrongful convictions last session and passed significant legislation impacting criminal appellate practitioners. Examine some of the most important legislative changes and notable rule changes.<br><br>Holly E. Taylor, Texas Court of Criminal Appeals - Austin, TX   |
| 9:45 am<br>0.75 hr         | <b>Federal Writs and SCOTUS Certs</b><br><br>Review the deadlines and requirements for federal writs and SCOTUS certs, and discuss strategy decisions for each of these filings.<br><br>Michael C. Gross, Gross & Esparza, P.L.L.C. - San Antonio, TX  |
| 10:30 am                   | <b>Break</b>   |
| 10:45 am<br>0.75 hr        | <b>Appellate Tips from the Experts</b><br><br>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.<br><br>Dayna LeAnn Jones, The Law Office of Dayna L. Jones - San Antonio, TX<br>Enrico Baltazar Valdez, Bexar County District Attorney's Office - San Antonio, TX |
| 11:30 am<br>0.50 hr ethics | <b>Ethics for Post-Conviction Lawyers</b><br><br>Examine the ethical considerations facing attorneys in post-conviction representation.<br><br>Hon. Michael Keasler, Texas Court of Criminal Appeals - Austin, TX  |
| 12:00 pm                   | <b>Adjourn</b>   |