

2021 ROBERT O. DAWSON
**CONFERENCE ON
CRIMINAL APPEALS**



May 13–14, 2021

 Live Webcast

Earn up to 12.75 Hours of Credit, Including 2.00 Hours of Ethics Credit

MCLE Credit Approved in TX, CA, OK and PA (Hours Vary by Jurisdiction)

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

Earn up to 15.00 Hours of TX Accounting CPE Credit

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Times listed are Central

THURSDAY MORNING, MAY 13, 2021

Presiding Officer:

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

8:50 a.m. Welcoming Remarks

9:00 a.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.

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

10:00 a.m. 10-Minute Break

10:10 a.m. 1.00 hr

Supreme Court Update

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 2020 term, and get a preview of hot cases in the pipeline for the 2021 term.

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

11:10 a.m. 10-Minute Break

11:20 a.m. .75 hr

Tell the Story: Persuasive Writing and Speaking

Examine persuasive writing and speaking for appellate lawyers.

David Keltner, Kelly Hart & Hallman LLP, Fort Worth, TX

12:05 p.m. Break for Lunch

Presentations resume at 12:30 p.m.

THURSDAY AFTERNOON

Presiding Officer:

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

12:30 p.m. .75 hr

Writs

Discuss the law of 11.07 habeas corpus with tips for writ practice at the Court of Criminal Appeals.

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

1:15 p.m. 10-Minute Break

1:25 p.m. 1.00 hr

Writ Requirements and Best Practices: Defense and Prosecution Perspective

Hear an overview of the requirements for litigating an 11.07 and 11.072 writ of habeas corpus from beginning to end; from both a defense and prosecution perspective. Explore best practices from each perspective, including investigation and drafting a writ to filing an answer and presenting at a hearing. Gain helpful tips for the everyday practitioner, the beginner in practice as well as the judge presiding over the case.

Matthew Bryant Howard, Bexar County Criminal District Attorney's Office, San Antonio, TX
Carmen Roe, Carmen Roe Law Firm, PLLC, Houston, TX

2:25 p.m. 10-Minute Break

2:35 p.m. .75 hr

Emerging Issues in PDRs

Gain insight on significant and emerging issues pending in the Court of Criminal Appeals.

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

3:20 p.m. 10-Minute Break

3:30 p.m. .50 hr

Every Fool is Quick to Quarrel: Tips to Avoid Argument at Argument

Make oral argument more productive by helping the court solve a problem...in your favor.

John Robertson Messinger, Office of the State Prosecuting Attorney, Austin, TX

4:00 p.m. 10-Minute Break

4:10 p.m. .50 hr

Findings of Fact

Catherine G. Burnett, South Texas College of Law Houston, Houston, TX

4:40 p.m. 10-Minute Break

4:50 p.m. .75 hr ethics

Ineffective Assistance of Counsel and State Misconduct

Explore the ethical dimensions of ineffective assistance of counsel and prosecutorial misconduct claims, as well as best practices on how to handle these claims.

Cynthia Rodriguez Garza, Dallas County District Attorney's Office, Dallas, TX
Gary Alan Udashen, Udashen Anton, Dallas, TX

5:35 p.m. Adjourn

FRIDAY MORNING, MAY 14, 2021**Presiding Officer:**

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

9:00 a.m. .75 hr

Appellate Advocacy in the CCA

Maximize your effectiveness in front of Texas's highest criminal court by knowing what makes it unique. Please submit questions in advance to ConferenceQA@utcle.org.

Hon. Mary Lou Keel, Texas Court of Criminal Appeals, Austin, TX

9:45 a.m. 10-Minute Break

9:55 a.m. .75 hr

Appellate Tips from the Practitioners

Practical tips for effective and persuasive appellate advocacy from the prosecution and defense perspectives.

Aimee Bolletino, The Law Office of Aimee Bolletino, Houston, TX
Melissa Stryker, Harris County District Attorney's Office, Houston, TX

10:40 a.m. 10-Minute Break

10:50 a.m. .50 hr

Legal Writing Just Means It's Not Against the Law, Right?

No. Get advice on writing even better briefs, guided by what appellate judges themselves want to see and not see.

Jay Brandon, Bexar County District Attorney's Office, Appeals Section, San Antonio, TX

11:20 a.m. 10-Minute Break

11:30 a.m. .50 hr

Statutory Analysis on Appeal

Hear discussion of reading and analyzing statutes, dissecting issues in brief writing, and providing practical tips on briefing and arguing statutory construction issues before appellate courts.

Hon. Melissa Young Goodwin, Third Court of Appeals, Austin, TX

12:00 p.m. Break for Lunch

Presentation Resumes at 12:30 p.m.

**M
C
L
E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 12.75 hours, of which 2.00 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).

FRIDAY AFTERNOON**Presiding Officer:**

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

12:30 p.m. .50 hr

Appellate Practice in the Digital Age

Explore how the digital revolution and the consequent move from paper to electronic filing of legal documents has changed the way that legal texts are written and read, and learn effective strategies for appellate lawyers to communicate within this new digital reality.

Rosa Theofanis, Travis County District Attorney's Office, Austin, TX

1:00 p.m. 10-Minute Break

1:10 p.m. .75 hr

Preservation of Error

Thoughts, strategies, forms, and tools you may immediately use for the effective preservation of error beginning pretrial, continuing during trial, and concluding post-trial.

Michael C. Gross, Gross & Esparza, P.L.L.C., San Antonio, TX

1:55 p.m. 10-Minute Break

2:05 p.m. 1.00 hr | .25 hr ethics

Court of Appeals Judicial Panel

Practical advice from the people whose opinions matter about what they like to see in briefs and appeals and what they do not. Appellate judges will give tips and take your questions.

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

Panelists:
Hon. Tracy Christopher, Chief Justice, Fourteenth Court of Appeals, Houston, TX
Hon. Chari L. Kelly, Justice, Third Court of Appeals, Austin, TX

3:05 p.m. 10-Minute Break

3:15 p.m. 1.00 hr ethics

Ethics for Criminal Lawyers

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

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

4:15 p.m. Adjourn

EARN YOUR FULL TEXAS MCLE REQUIREMENTS

UT Law CLE is committed to helping attorneys meet their annual MCLE requirements. Attendees of this conference will receive a promotional code for a free eSupplement following the event that will bring their total available MCLE hours to 15.00, including 3.00 hours of ethics.

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The Law Office of Aimee Bolletino
Houston, TX

JAY BRANDON

Bexar County District Attorney's Office, Appeals
Section
San Antonio, TX

CATHERINE G. BURNETT

South Texas College of Law Houston
Houston, TX

HON. TRACY CHRISTOPHER

Chief Justice, Fourteenth Court of Appeals
Houston, TX

MICHAEL STAATS FALKENBERG

Texas Court of Criminal Appeals
Austin, TX

CYNTHIA RODRIGUEZ GARZA

Dallas County District Attorney's Office
Dallas, TX

HON. MELISSA YOUNG GOODWIN

Third Court of Appeals
Austin, TX

MICHAEL C. GROSS

Gross & Esparza, P.L.L.C.
San Antonio, TX

GARY HART

Texas Court of Criminal Appeals
Austin, TX

MATTHEW BRYANT HOWARD

Bexar County Criminal District Attorney's Office
San Antonio, TX

HON. MICHAEL KEASLER

Texas Court of Criminal Appeals, Retired
Austin, TX

HON. MARY LOU KEEL

Texas Court of Criminal Appeals
Austin, TX

HON. CHARI L. KELLY

Justice, Third Court of Appeals
Austin, TX

DAVID KELTNER

Kelly Hart & Hallman LLP
Fort Worth, TX

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The University of Texas School of Law
Austin, TX

JOHN ROBERTSON MESSINGER

Office of the State Prosecuting Attorney
Austin, TX

HON. DAVID C. NEWELL

Texas Court of Criminal Appeals
Austin, TX

CARMEN ROE

Carmen Roe Law Firm, PLLC
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Austin, TX

MELISSA STRYKER

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Houston, TX

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Austin, TX

GARY ALAN UDASHEN

Udashen Anton
Dallas, TX

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HOW TO REGISTER

Online:

www.utcle.org/conferences/CR21/signup

Mail:

The University of Texas
School of Law
ATTN: CLE
PO Box 7759
Austin, TX 78713-7759

Fax:

512.475.6876

Questions? 512.475.6700

REGISTRATION BENEFITS

Comprehensive Course Materials: Access course materials in "Your Briefcase" approximately 48 hours before the live webcast, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

Accredited eConference: Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 4–6 weeks after the live webcast.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

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A UT Law CLE account is created for conference attendees and product customers with information provided on the order form. An email address will serve as the User Name.

Forget Your Password or Need it Reset? Just select "Forgot Password" under "Sign In or Join" at www.utcle.org.

Still Need Assistance? Contact customer service at 512.475.6700 or service@utcle.org during business hours.

REGISTRATION FORM

PLEASE PRINT CLEARLY

CR21

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Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

LIVE WEBCAST REGISTRATION

Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.

- Individual Registration \$475
- State Employee \$375
- Full-time Judicial Employee – Court of Criminal Appeals Only \$175

Printed and Shipped Course Binder – Available for order through Friday, May 14, 2021

Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted.

- Printed and Shipped Course Binder \$59.54 (\$55*)

TOTAL EVENT REGISTRATION \$ _____

FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST \$150! CALL 512.475.6700 TO REGISTER.

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eConference – For Texas and California MCLE Credit

Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4-6 weeks after live event. Hours may vary depending on actual event runtime.

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Extensive resources including audio, video, papers, and slides from UT Law CLE programs.

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- Check (make check payable to The University of Texas at Austin)
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LIVE WEBCAST

May 13–14, 2021

KEY DATES

May 7, 2021

Last day for full refund cancellation

May 10, 2021

Last day for partial refund cancellation
\$50 processing fee applied

May 13, 2021, 8:50 a.m., CT

Webcast begins

May 14, 2021

*Last day to order printed and shipped binder
at conference pricing*

REASONS TO ATTEND

UT Law CLE's **2021 Robert O. Dawson Conference on Criminal Appeals** is coming to you virtually again this year! This essential event continues to feature members of the Court of Criminal Appeals and judges from the intermediate courts around Texas joining prosecutors and defense attorneys for balanced discussions and insights into current issues facing the criminal justice system. This year's conference includes:

- In-depth reviews of significant decisions from both the Texas Court of Criminal Appeals and the U.S. Supreme Court from the past year.
- Tips for writ practice, including best practices for litigating an 11.07 from both the prosecution and defense perspectives.
- Guidance for effective and persuasive appellate advocacy, from the prosecution, defense, and judicial perspectives.
- Practical tips to advance your brief writing, including structure, issue spotting, and anticipating what appellate judges want to see.
- Information on a range of key concerns, including issues in PDRs, findings of fact, statutory analysis, preservation of error, and more.
- An exploration of the ethical dimensions of ineffective assistance of counsel and prosecutorial misconduct claims.
- The popular *Court of Appeals Judicial Panel*, as well as *Ethics for Criminal Lawyers*.



UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, live webcast customers will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

ACTION THROUGH EDUCATION

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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 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*.

