

# 2021 Robert O. Dawson Conference on Criminal Appeals

## May 13-14, 2021 • Live Webcast

### Thursday Morning, May 13, 2021

**Presiding Officer:**

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

|                     |   |
|---------------------|---|
| 8:50 am             | <b>Welcoming Remarks</b>  |
| 9:00 am<br>1.00 hr  | <b>Significant Decisions of the Texas Court of Criminal Appeals</b><br><br>Analyze significant decisions in the last year and what they mean for criminal law practitioners.<br><br>Hon. David C. Newell, Texas Court of Criminal Appeals - Austin, TX  |
| 10:00 am            | <b>10-Minute Break</b>  |
| 10:10 am<br>1.00 hr | <b>Supreme Court Update</b><br><br>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.<br><br>Jennifer E. Laurin, The University of Texas School of Law - Austin, TX |
| 11:10 am            | <b>10-Minute Break</b>  |
| 11:20 am<br>0.75 hr | <b>Tell the Story: Persuasive Writing and Speaking</b><br><br>Examine persuasive writing and speaking for appellate lawyers.<br><br>David Keltner, Kelly Hart & Hallman LLP - Fort Worth, TX  |
| 12:05 pm            | <b>Break for Lunch—Presentations resume at 12:30 p.m.</b>   |

### Thursday Afternoon, May 13, 2021

**Presiding Officer:**

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

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| 12:30 pm<br>0.75 hr | <b>Writs</b><br><br>Discuss the law of 11.07 habeas corpus with tips for writ practice at the Court of Criminal Appeals.<br><br>Michael Staats Falkenberg, Texas Court of Criminal Appeals - Austin, TX |
| 1:15 pm             | <b>10-Minute Break</b>  |

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| 1:25 pm<br>1.00 hr        | <p><b>Writ Requirements and Best Practices: Defense and Prosecution Perspective</b></p> <p>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.</p> <p>Matthew Bryant Howard, Bexar County Criminal District Attorney's Office - San Antonio, TX<br/>Carmen Roe, Carmen Roe Law Firm, PLLC - Houston, TX</p> |
| 2:25 pm                   | <p><b>10-Minute Break</b></p>  |
| 2:35 pm<br>0.75 hr        | <p><b>Emerging Issues in PDRs</b></p> <p>Gain insight on significant and emerging issues pending in the Court of Criminal Appeals.</p> <p>Gary Hart, Texas Court of Criminal Appeals - Austin, TX<br/>Stacey M. Soule, Office of the State Prosecuting Attorney - Austin, TX</p>   |
| 3:20 pm                   | <p><b>10-Minute Break</b></p>  |
| 3:30 pm<br>0.50 hr        | <p><b>Every Fool is Quick to Quarrel: Tips to Avoid Argument at Argument</b></p> <p>Make oral argument more productive by helping the court solve a problem...in your favor.</p> <p>John Robertson Messinger, Office of the State Prosecuting Attorney - Austin, TX</p>  |
| 4:00 pm                   | <p><b>10-Minute Break</b></p>  |
| 4:10 pm<br>0.50 hr        | <p><b>Findings of Fact</b></p> <p>Catherine G. Burnett, South Texas College of Law Houston - Houston, TX</p>   |
| 4:40 pm                   | <p><b>10-Minute Break</b></p>  |
| 4:50 pm<br>0.75 hr ethics | <p><b>Ineffective Assistance of Counsel and State Misconduct</b></p> <p>Explore the ethical dimensions of ineffective assistance of counsel and prosecutorial misconduct claims, as well as best practices on how to handle these claims.</p> <p>Cynthia Rodriguez Garza, Dallas County District Attorney's Office - Dallas, TX<br/>Gary Alan Udashen, Udashen Anton - Dallas, TX</p>  |
| 5:35 pm                   | <p><b>Adjourn</b></p>  |

## Friday Morning, May 14, 2021

**Presiding Officer:**

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| 9:00 am<br>0.75 hr  | <p><b>Appellate Advocacy in the CCA</b></p> <p>Maximize your effectiveness in front of Texas’s highest criminal court by knowing what makes it unique. Please submit questions in advance to <a href="mailto:ConferenceQA@utcle.org">ConferenceQA@utcle.org</a>.</p> <p>Hon. Mary Lou Keel, Texas Court of Criminal Appeals - Austin, TX</p> |
| 9:45 am             | <p><b>10-Minute Break</b></p>  |
| 9:55 am<br>0.75 hr  | <p><b>Appellate Tips from the Practitioners</b></p> <p>Practical tips for effective and persuasive appellate advocacy from the prosecution and defense perspectives.</p> <p>Aimee Bolletino, The Law Office of Aimee Bolletino - Houston, TX<br/>Melissa Stryker, Harris County District Attorney's Office - Houston, TX</p>                 |
| 10:40 am            | <p><b>10-Minute Break</b></p>  |
| 10:50 am<br>0.50 hr | <p><b>Legal Writing Just Means It's Not Against the Law, Right?</b></p> <p>No. Get advice on writing even better briefs, guided by what appellate judges themselves want to see and not see.</p> <p>Jay Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX</p>  |
| 11:20 am            | <p><b>10-Minute Break</b></p>  |
| 11:30 am<br>0.50 hr | <p><b>Statutory Analysis on Appeal</b></p> <p>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.</p> <p>Hon. Melissa Young Goodwin, Third Court of Appeals - Austin, TX</p>                  |
| 12:00 pm            | <p><b>Break for Lunch—Presentation Resumes at 12:30 p.m.</b></p>   |

## Friday Afternoon, May 14, 2021

### Presiding Officer:

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

|                     |   |
|---------------------|---|
| 12:30 pm<br>0.50 hr | <p><b>Appellate Practice in the Digital Age</b></p> <p>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.</p> <p>Rosa Theofanis, Travis County District Attorney's Office - Austin, TX</p> |
| 1:00 pm             | <p><b>10-Minute Break</b></p>   |

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| <p>1:10 pm<br/>0.75 hr</p>                    | <p><b>Preservation of Error</b></p> <p>Thoughts, strategies, forms, and tools you may immediately use for the effective preservation of error beginning pretrial, continuing during trial, and concluding post-trial.</p> <p>Michael C. Gross, Gross &amp; Esparza, P.L.L.C. - San Antonio, TX</p>  |
| <p>1:55 pm</p>                                | <p><b>10-Minute Break</b></p>   |
| <p>2:05 pm<br/>1.00 hr<br/>0.25 hr ethics</p> | <p><b>Court of Appeals Judicial Panel</b></p> <p>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.</p> <p>Moderator:<br/>Jay Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX</p> <p>Panelists:<br/>Hon. Tracy Christopher, Chief Justice, Fourteenth Court of Appeals - Houston, TX<br/>Hon. Chari L. Kelly, Justice, Third Court of Appeals - Austin, TX</p> |
| <p>3:05 pm</p>                                | <p><b>10-Minute Break</b></p>   |
| <p>3:15 pm<br/>1.00 hr ethics</p>             | <p><b>Ethics for Criminal Lawyers</b></p> <p>Examine the ethical considerations facing attorneys in post-conviction representation.</p> <p>Hon. Michael Keasler, Texas Court of Criminal Appeals, Retired - Austin, TX</p>  |
| <p>4:15 pm</p>                                | <p><b>Adjourn</b></p>   |