

**2022 Robert O. Dawson Conference on Criminal Appeals**  
**May 25-27, 2022 • AT&T Conference Center • Austin, TX**  
**May 25-27, 2022 • Live Webcast**

**Wednesday Afternoon, May 25, 2022**

**Presiding Officer:**

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

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| 12:30 pm<br>In Austin Only | <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>1.00 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 2021 term, and get a preview of hot cases in the pipeline for the 2022 term.</p> <p>Jennifer E. Laurin, The University of Texas School of Law - Austin, TX</p>                                                                                                                                                                                                                                                                                                        |
| 3:30 pm                    | <p><b>15-Minute Break</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3:45 pm<br>0.50 hr         | <p><b>War of the Words: Statutory Construction, Texas Criminal Law, and the Code Construction Act</b></p> <p>Lawyers and judges are unified by words contained in statutes (i.e., statutory law). The “war of the words,” the struggle to determine the meaning of statutory law, entails more than conflicts in courtrooms or disagreements among lawyers or judges. It occurs repeatedly in the mind of every lawyer and judge when interpreting and construing statutes. Gain insight on statutory construction and the pervasive influence of the Code Construction Act on Texas criminal law.</p> <p>Hon. Ryan Kellus Turner, Texas Municipal Courts Education Center - Austin, TX</p> |
| 4:15 pm<br>1.00 hr         | <p><b>Beyond Brief Writing</b></p> <p>Go beyond the basics of brief writing in this talk that encourages breaking the mold of tedious, superficial briefing through strategic choices, charts and pictures, better issue-framing, and more.</p> <p>Emily Johnson-Liu, Office of the State Prosecuting Attorney - Austin, TX<br/>         Stacey M. Soule, Office of the State Prosecuting Attorney - Austin, TX</p>                                                                                                                                                                                                                                                                         |

5:15 pm  
In Austin Only

**Adjourn to Reception (5:15 p.m. - 6:15 p.m.)**

Enjoy refreshments and a networking opportunity with colleagues and conference faculty.

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**Appellate Section of the State Bar of Texas  
Criminal Justice Section of the State Bar of Texas**

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**Thursday Morning, May 26, 2022**

**Presiding Officer:**

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

8:30 am  
In Austin Only

**Conference Room Opens**

Includes continental breakfast.

9:00 am  
0.75 hr

**PreTrial Writ from Texas Jails: Pandemic Justice Delayed and Pandemic Justice Denied**

As Martin Luther King, Jr. wrote from Birmingham Jail, "Justice too long delayed is justice denied," but with the Covid-19 pandemic wearing on, Texas courts have to rethink their analysis of the Speedy Trial guarantee under *Barker v. Wingo*.

Naomi Howard, Naomi Howard, P.C., Attorney at Law - Austin, TX

9:45 am  
0.50 hr

**Pretrial Writs**

Gain insight into pretrial writs of mandamus, prohibition, and habeas corpus. Focus on when, how, and where to file these writs, as well as the standards that apply to the courts deciding them.

Jessica Caird, Harris County District Attorney's Office - Houston, TX

10:15 am

**15-Minute Break**

10:30 am  
0.50 hr

**Mandamus**

Learn rules governing the form and content of petitions for writ of mandamus, as well as jurisdictional and substantive requirements to obtain mandamus relief, from both a defense and prosecution perspective.

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

11:00 am  
0.50 hr

**Defense and Jury Charges**

Defenses and jury charges from the viewpoint of the trial attorney for the benefit of the appellate attorney.

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

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| <p>11:30 am<br/>0.75 hr</p>        | <p><b>Advanced Appellate Tips</b></p> <p>Practical tips and appellate hacks for the busy practitioner in both prosecution and defense of appellate matters. Explore some of the best practices in areas of appellate law with a focus on the most common and important areas with helpful tips for anyone who wants to strengthen their appellate game.</p> <p>Carmen Roe, Carmen Roe Law Firm, PLLC - Houston, TX</p> |
| <p>12:15 pm<br/>In Austin Only</p> | <p><b>Pick Up Lunch (in Austin)</b></p> <p>Included in registration.</p>                                                                                                                                                                                                                                                                                                                                               |

## Thursday Afternoon, May 26, 2022

### Presiding Officer:

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

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| <p>12:35 pm<br/>0.50 hr</p> | <p><b>Briefing Tips from the Civil Side</b></p> <p>Research has demonstrated that readers rely heavily on the visible structure of documents, paragraphs, and even sentences. These insights suggests tools that brief writers can use to make briefs easier to understand and more persuasive.</p> <p>Robert B. Dubose, Alexander Dubose &amp; Jefferson LLP - Houston, TX</p>                                                 |
| <p>1:05 pm</p>              | <p><b>15-Minute Break</b></p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>1:20 pm<br/>0.75 hr</p>  | <p><b>Writ Judges' Panel</b></p> <p>District Court and CCA judges' perspectives on 11.07 writs, gain insight into what works and what doesn't.</p> <p>Hon. Mary Lou Keel, Texas Court of Criminal Appeals - Austin, TX<br/>Hon. Ana Martinez, 179th Criminal Court - Houston, TX</p>                                                                                                                                            |
| <p>2:05 pm<br/>0.50 hr</p>  | <p><b>Drafting Findings of Fact and Conclusions of Law</b></p> <p>Practical tips for post-conviction litigators: drafting proposed Findings of Fact; increasing the likelihood they will be adopted; and framing the issues for favorable review.</p> <p>Catherine G. Burnett, South Texas College of Law Houston - Houston, TX</p>                                                                                             |
| <p>2:35 pm</p>              | <p><b>15-Minute Break</b></p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>2:50 pm<br/>0.50 hr</p>  | <p><b>Reversal Trends in the Appellate Courts</b></p> <p>Analyze issues and trends of every criminal opinion issued by the Texas Courts of Appeal for the 2018-2019 judicial year. This was the year when four appellate courts flipped from Republican to Democratic majorities. Discuss statistical differences between party affiliations of the justices.</p> <p>James Huggler, Law Office Of James Huggler - Tyler, TX</p> |

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| 3:20 pm<br>1.00 hr<br>0.25 hr ethics | <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. Melissa Young Goodwin, Third Court of Appeals - Austin, TX<br/> Hon. Judy C. Parker, Seventh Court of Appeals - Amarillo, TX</p> |
| 4:20 pm                              | <p><b>Adjourn</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Friday Morning, May 27, 2022

### Presiding Officer:

**Stacey M. Soule**, Office of the State Prosecuting Attorney - Austin, TX

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| 8:30 am<br>In Austin Only  | <p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>                                                                                                                                                                                                                                                                               |
| 9:00 am<br>0.75 hr         | <p><b>Writs</b></p> <p>Discuss the law of 11.07 habeas corpus with tips for writ practice at the Court of Criminal Appeals.</p> <p>Michael Staats Falkenberg, Harris County Public Defender's Office - Houston, TX</p>                                                                                                                                   |
| 9:45 am<br>0.75 hr ethics  | <p><b>Brady</b></p> <p>When it comes to the State's discovery obligation, what exactly does it mean to say that evidence is "material?" What factors do courts consider? Learn about state and federal case law illustrating why certain evidence is material or immaterial.</p> <p>Hon. Jesse McClure, Texas Court of Criminal Appeals - Austin, TX</p> |
| 10:30 am                   | <p><b>15-Minute Break</b></p>                                                                                                                                                                                                                                                                                                                            |
| 10:45 am<br>1.00 hr ethics | <p><b>Ethics of Criminal Appellate Practice</b></p> <p>Ethical representation is required at the appellate level as well as the trial level. Explore rules of ethics and situations specifically centered on appellate representation.</p> <p>Stephanie L. Stevens, St. Mary's University School of Law - San Antonio, TX</p>                            |
| 11:45 am                   | <p><b>Adjourn</b></p>                                                                                                                                                                                                                                                                                                                                    |