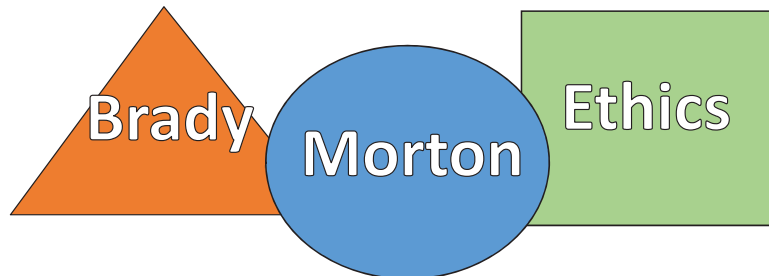


DIFFERENCES in the DUTY to DISCLOSE



Emily Johnson-Liu

Richard Segura

Roadmap

- **Hypotheticals about Prosecutorial Disclosure**
 - Illustrating Major Differences in Duties
 - More Involved Examples
- **Defense Lawyer Hypotheticals**
 - Ethics Rule 3.04 (duty not to conceal)
 - Morton Act violation

Should the State Disclose?

If you're asking, disclose it.

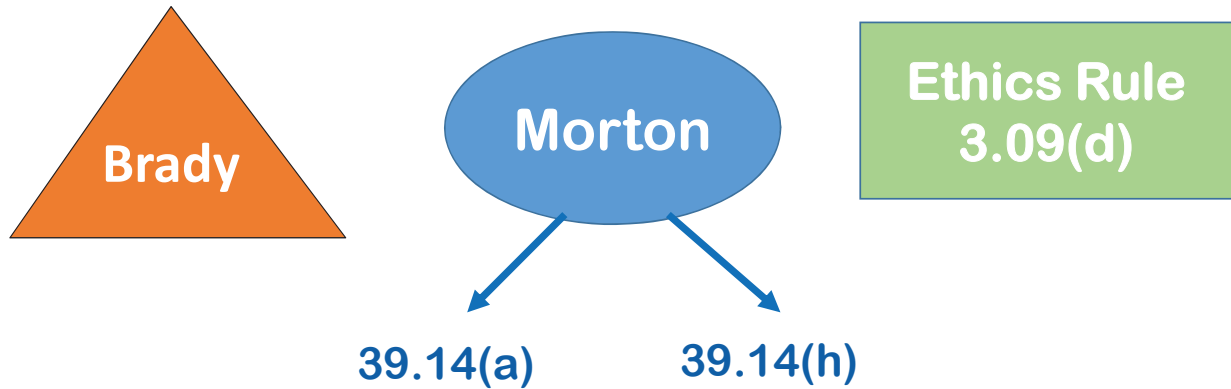


Should the State Disclose?

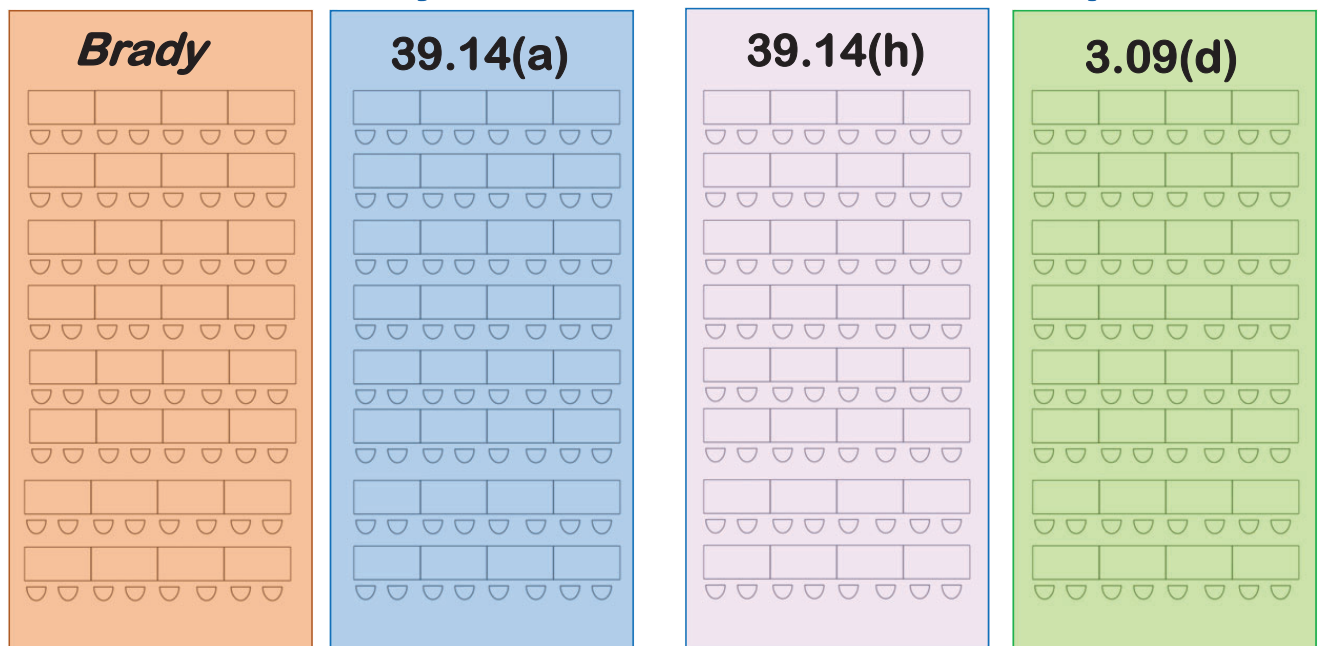
VS

**Is it a violation of a particular duty
when the State has failed to disclose?**

Primary Sources of Duty to Disclose



Room Layout—Divide into Groups



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Differences in the Duty to Disclose

Also available as part of the eCourse

[2019 Robert O. Dawson eConference on Criminal Appeals](#)

First appeared as part of the conference materials for the

2019 Robert O. Dawson Conference on Criminal Appeals session

"Differences in the Duty to Disclose: The Michael Morton Act, Brady, and the Ethics Rules"