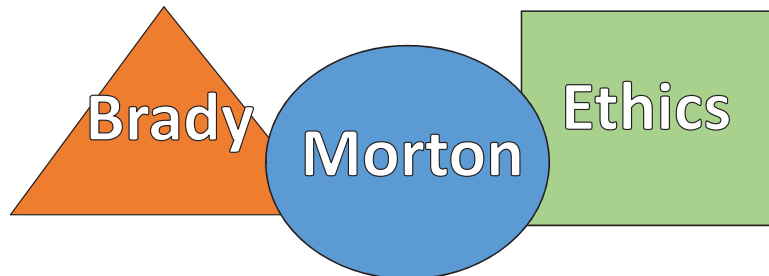


# **DIFFERENCES in the DUTY to DISCLOSE**



Emily Johnson-Liu

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## **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.

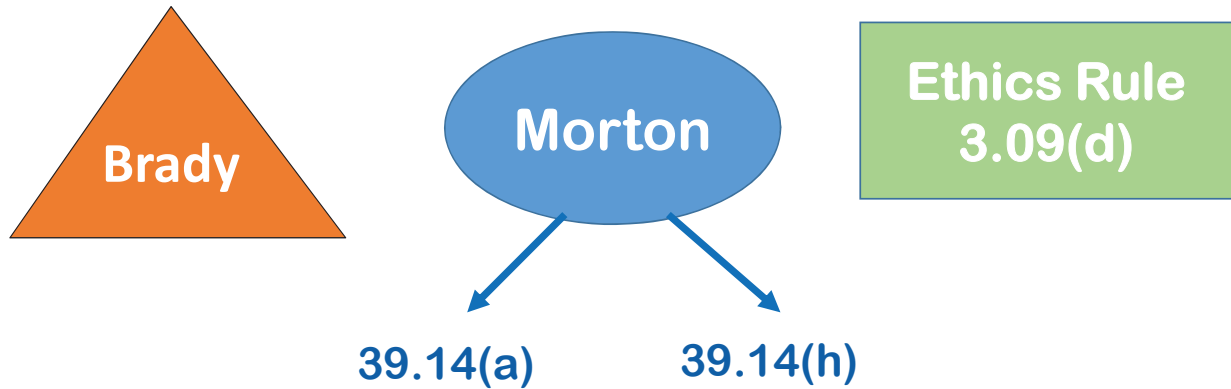


## Should the State Disclose?

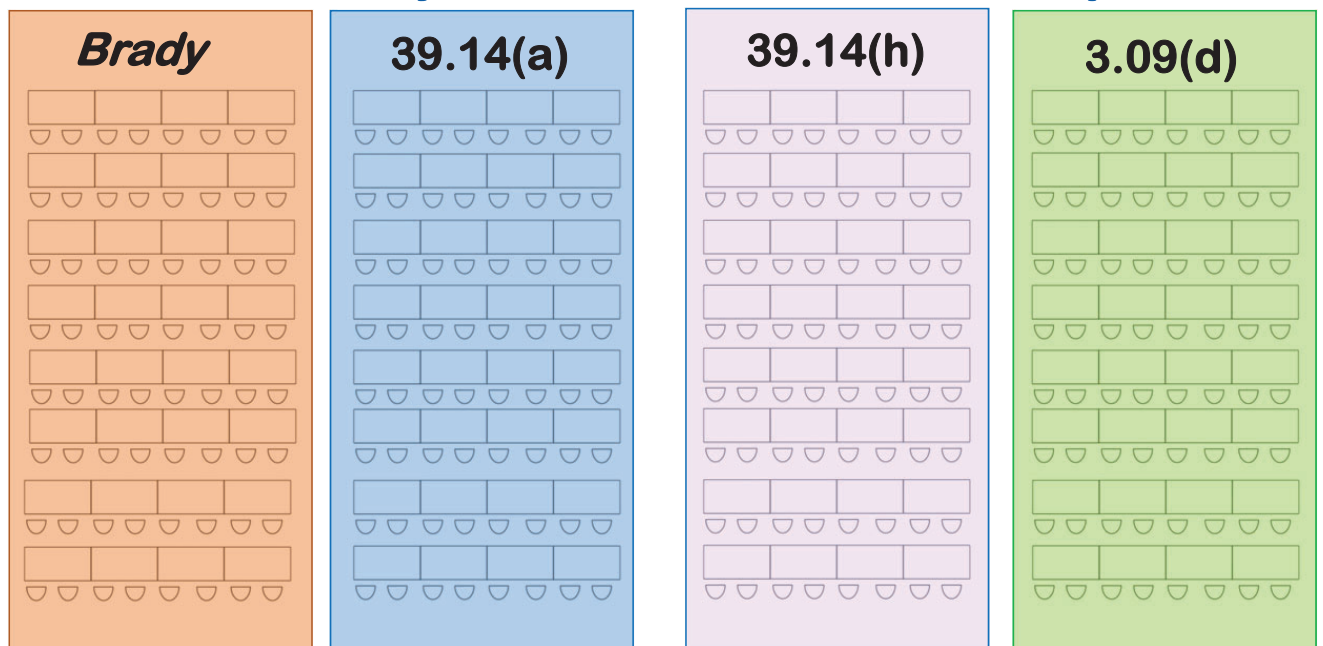
VS

**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

[The Michael Morton Act, Brady, and the Ethics Rules](#)

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"