

2019 ROBERT O. DAWSON
CONFERENCE ON CRIMINAL APPEALS



May 1–3, 2019
AT&T Conference Center ■ Austin, Texas

Earn up to 12.75 Hours of Credit, Including 1.50 Hours of Ethics Credit
MCLE Credit Approved in TX, CA, and OK (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

THE TEXAS COURT OF CRIMINAL APPEALS
THE APPELLATE LAW SECTION OF THE STATE BAR OF TEXAS
THE CRIMINAL DEFENSE LAWYERS ASSOCIATION (TCDLA)
TEXAS DISTRICT AND COUNTY ATTORNEYS ASSOCIATION (TDCAA)*

**TDCAA does not reimburse for this program*

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WEDNESDAY AFTERNOON, MAY 1, 2019

Presiding Officer:

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

12:30 p.m. Registration Opens

Includes light refreshments.

1:20 p.m. Welcoming Remarks

1:30 p.m. .75 hr

SCOTUS 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 2018 term, and get a preview of hot cases in the pipeline for the 2019 term.

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

2:15 p.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

3:15 p.m. Break

3:30 p.m. .50 hr

Double Jeopardy & Collateral Estoppel: A Thing Derided

Review the two doctrines and examine of the current state of the law, including predictions and potential pitfalls for practitioners.

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

4:00 p.m. .75 hr

Effective and Persuasive Briefing – Point and Counter-Point

Get perspectives from the State and the defense on how to concisely, but effectively, craft an appellate brief.

Mandy Goldman Miller, Attorney at Law, Katy, TX
Melissa Stryker, Harris County District Attorney's Office, Houston, TX

4:45 p.m. Adjourn

THURSDAY MORNING, MAY 2, 2019

Presiding Officer:

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

8:00 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .75 hr

Working with Conviction Integrity Units

Explore how to work collaboratively to investigate and rectify wrongful convictions.

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

9:45 a.m. .50 hr

Supremacy Clause Immunity

Learn about a "seldom-litigated corner" of constitutional law—Supremacy Clause immunity—through the lens of a State prosecution of a local police officer for manslaughter, in a case that was removed to federal court and resulted in a petition to the United States Supreme Court.

Rosa Theofanis, Travis County District Attorney, Austin, TX

10:15 a.m. Break

10:30 a.m. .75 hr

Standards of Review

Survey the standards of review applicable in criminal appeals, with emphasis on the standard of review in the context of sufficiency challenges.

Hon. Bonnie Sudderth, 2nd Court of Appeals, Fort Worth, TX

11:15 a.m. .75 hr

Writs

Explore Texas *habeas corpus* law and focus on best practices and procedures for litigating writ claims.

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

12:00 p.m. Pick Up Lunch

Included in registration.

THURSDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:20 p.m. .50 hr

Practical Tips for Preparing Oral Argument

Tips, suggestions and insight into oral argument – from advice for handling both "hot" and "cold" benches to when is argument granted, why, and how do judges view it.

Lauren Alicia Scott, Bexar County District Attorney's Office, San Antonio, TX

12:50 p.m. Break

1:05 p.m. .75 hr | .25 hr ethics

Nuts and Bolts of the Michael Morton Act

The Michael Morton Act fundamentally changed the criminal discovery process in Texas, imposing duties on prosecutors and criminal defense attorneys. Hear those changes and the ways in which courts and practitioners have implemented them.

Gerald S. Reamey, St. Mary's University School of Law, San Antonio, TX

1:50 p.m. .75 hr | .25 hr ethics

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

Delve into how the duty to disclose evidence compares under *Brady v. Maryland*, Article 39.14, and the Disciplinary Rules as presented in various hypotheticals and case examples.

Emily Johnson-Liu, Office of the State Prosecuting Attorney, Austin, TX
Richard Segura, Capital Area Private Defender Service, Austin, TX

2:35 p.m. .50 hr ethics

Ineffective Assistance of Counsel

Review the essentials of filing an ineffective assistance of counsel claim as defense counsel and responding as a prosecutor, with focus on essentials, pitfalls and necessity of claim.

Carmen Roe, Carmen Roe Law Firm, PLLC, Houston, TX

3:05 p.m. Break

3:15 p.m. .75 hr

Mandamus

The unicorn of criminal appeals, mandamus relief is the closest we come to instant gratification in appellate courts. As Joe Tex sang in *I Gotcha* (1972), "Now gimme what you promised me, give it here, come on!"

Josh Schaffer, Schaffer Law Offices, Houston, TX

4:00 p.m. .75 hr

Court of Appeals Judicial Panel

Learn from the people who grade our work what they want to see and hear in briefs and oral arguments, and better ways for practitioners to represent parties before the Court. You have questions; they have answers.

Hon. J. Brett Busby, Former Justice, Fourteenth Court of Appeals, Houston, TX
Hon. Jeffrey L. Rose, Third Court of Appeals, Austin, TX

4:45 p.m. Adjourn

FRIDAY MORNING, MAY 3, 2019

Presiding Officer:

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

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. 1.00 hr

Tips for Everyday Appellate Practice

Get a view from both sides of the criminal bar with practical tips on how appellate advocates and appellate courts can make their briefs and opinions interesting, easier to understand, and less likely to inflame the opposing side or losing party.

Dayna LeAnn Jones, The Law Office of Dayna L. Jones, San Antonio, TX
Andrew Nelson Warthen, Bexar County District Attorney's Office, San Antonio, TX

10:00 a.m. .75 hr

Emerging Issues in PDRs

Review of significant and emerging issues pending in the Court of Criminal Appeals.

Kathleen Mary Schneider, Texas Court of Criminal Appeals, Austin, TX
Stacey M. Soule, Office of the State Prosecuting Attorney, Austin, TX

10:45 a.m. Break

11:00 a.m. .75 hr

12 Techniques for Sentence-Level Concision

If all you need is brevity, you can simply cut a section, an argument, or a paragraph. But if you need that content, then you want concision. Concision results from many small edits that add up, and this session offers 12 techniques to improve concision.

Wayne Schiess, The University of Texas School of Law, Austin, TX

11:45 a.m. .50 hr ethics

Ethics for Post-Conviction Lawyers

Discuss ethical rules and practical considerations governing post-conviction work by criminal practitioners.

Laura Popps, Attorney at Law, Austin, TX

12:15 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.

ECONFERENCES

Missed a live conference? Experience the full conference online and earn CLE credits – on your time. eConferences are accredited in Texas and California.

www.utcle.org/econferences

RESEARCH AND SELF-STUDY

Did you know that the quality presentations and papers attendees receive at our conferences are available for self-study as part of our eLibrary? Purchase individual pieces a la cart or subscribe annually for just \$295. See the Registration Form or email service@utcle.org for more details.

UPCOMING CONFERENCES

A PRACTICAL GUIDE TO IMMIGRATION REMOVAL PROCEEDINGS

June 6–7, 2019
Drury Plaza Hotel San Antonio
North Stone Oak
San Antonio, TX

29TH ANNUAL CONFERENCE ON STATE AND FEDERAL APPEALS

June 20–21, 2019
AT&T Conference Center
Austin, TX

**M
C
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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 1.50 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 (#179).

CONFERENCE FACULTY

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Former Justice
Fourteenth Court of Appeals
Houston, TX

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Texas Court of Criminal Appeals
Austin, TX

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Dallas, TX

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Texas Court of Criminal Appeals
Austin, TX

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Attorney at Law
Austin, TX

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St. Mary's University School of Law
San Antonio, TX

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Carmen Roe Law Firm, PLLC
Houston, TX

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Third Court of Appeals
Austin, TX

JOSH SCHAFFER
Schaffer Law Offices
Houston, TX

WAYNE SCHIESS
The University of Texas School of Law
Austin, TX

KATHLEEN MARY SCHNEIDER
Texas Court of Criminal Appeals
Austin, TX

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Bexar County District Attorney's Office
San Antonio, TX

RICHARD SEGURA
Capital Area Private Defender Service
Austin, TX

STACEY M. SOULE
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Dallas, TX

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Austin, TX

RICK WARDROUP
Texas Criminal Defense Lawyers Association (TCDLA)
Austin, TX

HOW TO REGISTER

Online:

www.utcle.org/conferences/CR19

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

If you would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the conference.

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in "Your Briefcase" approximately 48 hours before the event.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in "Your Briefcase."

eConference: Complimentary access to the eConference—with papers, slides, and audio—for CLE credit (TX and CA) you may have missed at the live Conference. Available in "Your Briefcase" 4–6 weeks after the event.

TX MCLE Credit Reporting: UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track your Texas MCLE credit claimed and reported through UT Law CLE in "Your Account."

Your Account: Activate "Your Account" online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address(es) provided.

CAN'T MAKE THE CONFERENCE? PRE-ORDER THE ACCREDITED ECONFERENCE TODAY

While nothing can replace the experience and networking opportunities of the live event, you can still catch up on all the latest developments in criminal appeals with the eConference.

The online eConference includes papers, slides and audio – and CLE credit (TX and CA) – from this year's live Conference. Available in "Your Briefcase" through the user's account at www.utcle.org 4-6 weeks after the live event.

REGISTRATION FORM

PLEASE PRINT CLEARLY

CR19

Bar Card# _____ TX Other State: _____ N/A

Name [Mr. / Ms.] _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

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

REGISTRATION—Includes Electronic Course Materials, Continental Breakfasts, and Thursday Luncheon Presentation. eConference access is also included and available 4–6 weeks after the Conference.

Special group registration rates available. Call 512.475.6700.

Select Registration Type

Individual

Registration by April 24 \$475

Registration after April 24 \$525

State Employee

Registration by April 24 \$375

Registration after April 24 \$375

Full-Time Judicial Employee – Court of Criminal Appeals Only

Registration (MUST be accompanied by a letter from a sponsoring judge) \$150

Printed Course Binder available for an additional fee through April 24

Conference registration includes Electronic Course Binder Download (PDF) in "Your Briefcase" at www.utcle.org.

Printed Course Binder \$37.89

Price includes 8.25% Sales Tax

Printed Course Binder for tax exempt registrants. \$35

(e.g., government employees and nonprofits)

Dietary Restrictions – food requests will be relayed to the service provider, but please note we cannot guarantee accommodation. Available through April 24.

Vegetarian Vegan Gluten Free Dairy Free None

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

POST-CONFERENCE PRODUCTS

eConference—For Texas MCLE Credit

Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org.

Available 4–6 weeks after the live conference date. MCLE hours may vary from the live conference.

Individual eConference \$425

Call 512.475.6700 or fax 512.475.6876 to register additional participants.

Complete Conference Binder[†]—For Research and Self-Study

Comprehensive Binder with papers and slides from the live event.

Available for delivery 4–6 weeks after conference date. Texas customers add 8.25% sales tax.

eBinder Download (PDF) \$225

Printed Materials Binder (*shipping included*). \$275

[†]Texas customers—add 8.25% sales tax or include an exemption certificate. \$ _____

Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

TOTAL \$ _____

METHOD OF PAYMENT

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

VISA MasterCard American Express P.O.

Card / P.O. # _____ Exp. Date _____ / _____
(mm/yy)

Authorized Signature _____

Visit
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AUSTIN
 May 1–3, 2019

CONFERENCE LOCATION



AT&T Conference Center
 The University of Texas at Austin
 1900 University Avenue
 Austin, Texas
 877.744.8822 (reservations)

Special Room Rate: \$189
 good through April 4, 2019
 reference "2019 UTCLE Criminal Appeals
 Conference"
 (subject to availability)

Parking:

Extremely limited daily self-parking will be validated for the AT&T Conference Center garage or surrounding UT garages. Please note Dobie is not a UT garage and parking cannot be validated. Separate fees apply for valet and overnight parking.

KEY DATES

April 24, 2019

Last day to order a printed binder

April 24, 2019

*Last day for early registration
 add \$50 for registrations
 received after this time*

April 26, 2019

Last day for full refund cancellation

April 29, 2019

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

May 1, 2019, 1:20 p.m.

Conference begins

REASONS TO ATTEND

UT Law CLE's **2019 Robert O. Dawson Conference on Criminal Appeals** features 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.

2019 highlights include:

- In-depth reviews of significant decisions from both the Texas Court of Criminal Appeals and the U.S. Supreme Court from the past year.
- Guidance on working with conviction integrity units, filing and responding to ineffective assistance of counsel claims, and preparing for oral argument.
- Practical advice on *Effective and Persuasive Briefing* from both sides of the bar, along with tips from UT Law's Professor Wayne Schiess for concision in all your drafting.
- A deep dive into the Michael Morton Act, including the nuts and bolts of changing discovery obligations and their intersection with obligations under *Brady* and the Disciplinary Rules.
- The opportunity to earn 12.75 hours of MCLE credit (including 1.50 hours of ethics) while networking with your fellow practitioners and members of the judiciary.

Following the conference, attendees will receive a bonus eSupplement containing an additional 2.25 hours of MCLE (including 1.50 hours of ethics) to ensure practitioners can earn their required 15.00/3.00 MCLE hours for the year.

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*.

