

2022 ROBERT O. DAWSON  
**CONFERENCE ON CRIMINAL APPEALS**



May 25–27, 2022

AT&T Conference Center ▪ Austin, Texas

📺 Live Webcast May 25–27

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*Times listed are in Central Time*

**WEDNESDAY AFTERNOON, MAY 25, 2022**

**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. 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

**2:30 p.m. 1.00 hr**  
**Supreme Court 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 2021 term, and get a preview of hot cases in the pipeline for the 2022 term.

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

**3:30 p.m. 15-Minute Break**

**3:45 p.m. .50 hr**  
**War of the Words: Statutory Construction, Texas Criminal Law, and the Code Construction Act**

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.

Hon. Ryan Kellus Turner, Texas Municipal Courts Education Center, Austin, TX

**4:15 p.m. 1.00 hr**

**Beyond Brief Writing**  
 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.  
 Emily Johnson-Liu, Office of the State Prosecuting Attorney, Austin, TX  
 Stacey M. Soule, Office of the State Prosecuting Attorney, Austin, TX

**5:15 p.m. Adjourn to Reception**

**THANK YOU TO OUR RECEPTION SPONSORS**

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

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

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**5:15 p.m. – 6:15 p.m.**  
 Enjoy refreshments and a networking opportunity with colleagues and conference faculty.

**THURSDAY MORNING, MAY 26, 2022**

**Presiding Officer:**  
**Hon. David C. Newell, Texas Court of Criminal Appeals, Austin, TX**

**8:00 a.m. Conference Room Opens**  
 Includes continental breakfast.

**8:50 a.m. Morning Announcements**

**9:00 a.m. .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 a.m. .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 a.m. 15-Minute Break**

**10:30 a.m. .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 a.m. .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

**11:30 a.m. .75 hr**

**Advanced Appellate Tips**  
 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.  
 Carmen Roe, Carmen Roe Law Firm, PLLC, Houston, TX

**12:15 p.m. Pick Up Lunch**  
 Included in registration.

**M C L 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 12.25 hours, of which 2.00 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 (#169).

## THURSDAY AFTERNOON

### Presiding Officer:

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

12:35 p.m. .50 hr

### Briefing Tips from the Civil Side

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.

Robert B. Dubose, Alexander Dubose & Jefferson LLP, Houston, TX

1:05 p.m. 15-Minute Break

1:20 p.m. .75 hr

### Writ Judges' Panel

District Court and CCA judges' perspectives on 11.07 writs, gain insight into what works and what doesn't.

Hon. Mary Lou Keel, Texas Court of Criminal Appeals, Austin, TX  
Hon. Ana Martinez, 179<sup>th</sup> Criminal Court, Houston, TX

2:05 p.m. .50 hr

### Drafting Findings of Fact and Conclusions of Law

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.

Catherine G. Burnett, South Texas College of Law Houston, Houston, TX

2:35 p.m. 15-Minute Break

2:50 p.m. .50 hr

### Reversal Trends in the Appellate Courts

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.

James Huggler, Law Office Of James Huggler, Tyler, TX

## ECONFERENCES

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[www.utcle.org/econferences](http://www.utcle.org/econferences)

3:20 p.m. 1.00 hr | .25 hr ethics

### Court of Appeals Judicial Panel

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.

#### Moderator:

Jay Brandon, Bexar County District Attorney's Office, Appeals Section, San Antonio, TX

#### Panelists:

Hon. Judy C. Parker, Seventh Court of Appeals, Amarillo, TX  
Hon. Gisela D. Triana, Third Court of Appeals, Austin, TX

4:20 p.m. Adjourn

## FRIDAY MORNING, MAY 27, 2022

### Presiding Officer:

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

8:30 a.m. Conference Room Opens

Includes continental breakfast.

8:50 a.m. Morning Announcements

9:00 a.m. .75 hr

### Writs

Discuss the law of 11.07 habeas corpus with tips for writ practice at the Court of Criminal Appeals.

Michael Staats Falkenberg, Harris County Public Defender's Office, Houston, TX

9:45 a.m. .75 hr ethics

### Brady

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.

Hon. Jesse McClure, Texas Court of Criminal Appeals, Austin, TX

10:30 a.m. 15-Minute Break

10:45 a.m. 1.00 hr ethics

### Ethics of Criminal Appellate Practice

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.

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

11:45 a.m. Adjourn

## 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](mailto:service@utcle.org) for more details.

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UT Law CLE is committed to helping attorneys meet their annual Texas MCLE requirements. Following the event, live webcast customers will receive a free, on-demand eSupplement that will bring their total available hours to 15.00, including 3.00 hours of ethics.

## ACTION THROUGH EDUCATION

Our efforts for real change against racism.

Learn how we as lawyers can join the fight against racial injustice.

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## UT Law CLE is committed to Practice Excellence.

We are here to support our community while we navigate the coronavirus pandemic together. Information and updates regarding our in-person conferences and live webcasts will be posted at [www.utcle.org](http://www.utcle.org).

In addition, we continue to offer multiple educational opportunities online—both live and on-demand—by bringing practitioners together virtually. We are fortunate to serve so many of you who strive for excellence in the practice of law.

## CONFERENCE FACULTY

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Bexar County District Attorney's Office, Appeals  
Section  
San Antonio, TX

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Law Office Of James Huggler  
Tyler, TX

HON. JUDY C. PARKER  
Seventh Court of Appeals  
Amarillo, TX

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Texas Court of Criminal Appeals  
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HON. GISELA D. TRIANA  
Third Court of Appeals  
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NAOMI HOWARD  
Naomi Howard, P.C., Attorney at Law  
Austin, TX

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Texas Court of Criminal Appeals  
Austin, TX

HON. RYAN KELLUS TURNER  
Texas Municipal Courts Education Center  
Austin, TX

## PLANNING COMMITTEE

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## HOW TO REGISTER

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### 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

## REGISTRATION BENEFITS

**Comprehensive Course Materials:** Access course materials in "Your Briefcase" approximately 48 hours before the live webcast, and enjoy unlimited access to the final, complete course materials – downloadable PDFs of papers and slides.

**Accredited eConference:** Complimentary access to the eConference – with papers, slides, and video – accredited for one year in both TX and CA are available in "Your Briefcase" 4–6 weeks after the live webcast.

**TX MCLE Credit Reporting:** UT Law CLE can report credit on your behalf directly to the State Bar of Texas. Track the Texas MCLE credit reported on your behalf at "Your Account" after you've logged in at www.utcle.org.

## TROUBLE LOGGING IN?

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## REGISTRATION FORM

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CR22

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Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Registrant's Email (required) \_\_\_\_\_

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

### LIVE WEBCAST REGISTRATION

*Includes Electronic Course Binder Download (PDF) in "Your Briefcase." Special group registration rates available. Call 512.475.6700.*

Live, In-Person Event Registration . . . . . \$525 | \$575 after May 18

Live Webcast Registration . . . . . \$525 | \$575 after May 18

*Special rates available for Court of Criminal Appeals Employees. Call 512.475.6700 to receive these rates.*

**Printed and Shipped Binder with Registration (Shipping Included)** – Available for order through Friday, May 27, 2022

*Please note that the printed binder will arrive 2–3 weeks after the scheduled webcast. Delivery to P.O. boxes is not permitted. Binders will not be distributed on-site.*

Printed and Shipped Course Binder . . . . . \$70.36 (\$65\*)

### Webcast Add-on

*Register for the in-person conference and add on the webcast format for attendance flexibility.*

Webcast Add-on . . . . . \$75

**TOTAL EVENT REGISTRATION \$ \_\_\_\_\_**

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

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#### eConference – For Texas and California MCLE Credit

*Includes Electronic Course Binder Download (PDF) and program video/audio. Available 4–6 weeks after live event. Hours may vary depending on actual event runtime.*

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#### Post-Course Binder – For Research and Self-Study

*Comprehensive binder with papers and slides, available for delivery 4–6 weeks after live event.*

Electronic Post-Course Download (PDF) . . . . . \$265.21 (\$245\*)

Printed Post-Course Binder . . . . . \$319.34 (\$295\*)

#### Annual eLibrary Subscription – For Research and Self-Study

*Extensive resources including audio, video, papers, and slides from UT Law CLE programs.*

eLibrary 12-Month Subscription . . . . . \$319.34 (\$295\*)

**TOTAL POST-CONFERENCE PRODUCTS \$ \_\_\_\_\_**

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**@UTLawCLE****SCAN TO VIEW OUR  
COVID-19 PROTOCOLS**

See what we're doing differently this year to address the safety concerns of our staff and attendees at in-person events.



CR22

**AUSTIN**

May 25–27, 2022

**CONFERENCE LOCATION****Hotel**The University of Texas at Austin  
1900 University Avenue  
Austin, TX 78705  
877.744.8822 (reservations)**Special Room Rate: \$189**good through April 24  
reference "Criminal Appeals Conference"  
(subject to availability)**Parking:**Please visit [www.utcle.org/conferences/CR22](http://www.utcle.org/conferences/CR22)  
for daily and overnight rates**KEY DATES****May 18, 2022***Last day for early registration rates***May 20, 2022***Last day for full refund cancellation***May 23, 2022***Last day for partial refund cancellation*  
\$50 processing fee applied**May 25, 2022, 1:20 p.m., CT***Conference begins***May 27, 2022***Last day to order a printed and shipped course binder  
with in-person or webcast conference registration.***REASONS TO ATTEND**UT Law CLE's **2022 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, including

- A review of significant decisions from both the Texas Court of Criminal Appeals and the U.S. Supreme Court from the past year.
- Advanced tips on brief writing and appellate practice.
- Insight from directly judges from both the Texas Court of Criminal Appeals and different Courts of Appeals in the state.
- Practical tips for writ practice, writing findings of fact, statutory analysis, and more.
- Speedy trial issues related to the pandemic.

NEW THIS YEAR! Join your colleagues and conference faculty at the Wednesday Evening Opening Reception.

**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*.