

# 2019 Robert O. Dawson Conference on Criminal Appeals

## May 1-3, 2019 • AT&T Conference Center • Austin, TX

### Wednesday Afternoon, May 1, 2019

#### Presiding Officer:

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

12:30 pm	<b>Registration Opens</b>  Includes light refreshments.
1:20 pm	<b>Welcoming Remarks</b>
1:30 pm 0.75 hr	<b>SCOTUS Update</b>  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 pm 1.00 hr	<b>Significant Decisions of the Texas Court of Criminal Appeals</b>  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 pm	<b>Break</b>
3:30 pm 0.50 hr	<b>Double Jeopardy &amp; Collateral Estoppel: A Thing Derided</b>  Review the two doctrines and get an update on jeopardy law, including predictions and potential pitfalls for practitioners.  John Robertson Messinger, Office of the State Prosecuting Attorney - Austin, TX
4:00 pm 0.75 hr	<b>Effective and Persuasive Briefing - Point and Counter-Point</b>  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 pm	<b>Adjourn</b>

### Thursday Morning, May 2, 2019

#### Presiding Officer:

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

8:00 am	<b>Conference Room Opens</b>  Includes continental breakfast.
9:00 am 0.75 hr	<b>Working with Conviction Integrity Units</b>  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 am 0.50 hr	<b>Supremacy Clause Immunity</b>  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's Office - Austin, TX
10:15 am	<b>Break</b>
10:30 am 0.75 hr	<b>Standards of Review</b>  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 am 0.75 hr	<b>Court of Appeals Judicial Panel</b>  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.  <b>(session previously scheduled for 4:00 p.m.)</b>  Moderator: Jay R. Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX Panelists: Hon. J. Brett Busby, Former Justice, Fourteenth Court of Appeals - Houston, TX Hon. Jeffrey L. Rose, Third Court of Appeals - Austin, TX
12:00 pm	<b>Pick Up Lunch</b>

## Thursday Afternoon, May 2, 2019

### Presiding Officer:

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

### Luncheon Presentation

12:20 pm 0.50 hr	<p><b>Practical Tips for Preparing Oral Argument</b></p> <p>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.</p> <p>Jay R. Brandon, Bexar County District Attorney's Office, Appeals Section - San Antonio, TX</p>
12:50 pm	<p><b>Break</b></p>
1:05 pm 0.75 hr 0.25 hr ethics	<p><b>Nuts and Bolts of the Michael Morton Act</b></p> <p>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.</p> <p>Gerald S. Reamey, St. Mary's University School of Law - San Antonio, TX</p>
1:50 pm 0.75 hr 0.25 hr ethics	<p><b>Differences in the Duty to Disclose: The Michael Morton Act, Brady, and the Ethics Rules</b></p> <p>Delve into how the duty to disclose evidence compares under <i>Brady v. Maryland</i>, Article 39.14, and the Disciplinary Rules as presented in various hypotheticals and case examples.</p> <p>Emily Johnson-Liu, Office of the State Prosecuting Attorney - Austin, TX Richard Segura, Capital Area Private Defender Service - Austin, TX</p>
2:35 pm 0.50 hr ethics	<p><b>Ineffective Assistance of Counsel</b></p> <p>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.</p> <p>Carmen Roe, Carmen Roe Law Firm, PLLC - Houston, TX</p>
3:05 pm	<p><b>Break</b></p>
3:15 pm 0.75 hr	<p><b>Mandamus</b></p> <p>The unicorn of criminal appeals, mandamus relief is the closest we come to instant gratification in appellate courts. As Joe Tex sang in <i>I Gotcha</i> (1972), “Now gimme what you promised me, give it here, come on!”</p> <p>Josh Schaffer, Schaffer Law Offices - Houston, TX</p>
4:00 pm 0.75 hr	<p><b>Writs</b></p> <p>Explore Texas <i>habeas corpus</i> law and focus on best practices and procedures for litigating writ claims.</p> <p><b>(session previously scheduled for 11:15 a.m.)</b></p> <p>Michael Staats Falkenberg, Texas Court of Criminal Appeals - Austin, TX</p>
4:45 pm	<p><b>Adjourn</b></p>

## Friday Morning, May 3, 2019

### Presiding Officer:

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

8:30 am	<b>Conference Room Opens</b>  Includes continental breakfast.
9:00 am 1.00 hr	<b>Tips for Everyday Appellate Practice</b>  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 am 0.75 hr	<b>Emerging Issues in PDRs</b>  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 am	<b>Break</b>
11:00 am 0.75 hr	<b>12 Techniques for Sentence-Level Concision</b>  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 am 0.50 hr ethics	<b>Ethics for Post-Conviction Lawyers</b>  Discuss ethical rules and practical considerations governing post-conviction work by criminal practitioners.  Laura Popps, Attorney at Law - Austin, TX
12:15 pm	<b>Adjourn</b>