

Actual Innocence for Lawyers

Co-sponsored with the Innocence Project of Texas

Austin, TX: August 1 - 2, 2024 11.25 CLE, including 1.00 Ethics

Course Directors

Allison Clayton – Lubbock, Jessi Freud – Waco,
Gary Udashen – Dallas, Mike Ware – Fort Worth

Overview

Innocence for a citizen accused may come at a number of intervals in a case. Trial counsel may be able to investigate the facts of the allegation and develop evidence of innocence which, when presented to the prosecutor, justifies a dismissal of the case. Thorough investigation may also result in a “not guilty” verdict at trial when the evidence and the procedures of a trial produce a “not guilty” verdict. Very often, though, it is the prosecution of a Writ of Habeas Corpus which results in a determination that the citizen who was convicted is actually innocent. This seminar will train on the development of an innocence claim at each of the three stages of litigation described. Particular attention will be paid to the type of investigation, the assistance which will be necessary and the process of the prosecution of the claim.

Agenda - Thursday, August 1, 2024

- 12:00 pm *Registration*
12:55 pm *Opening Remarks ~ Mike Ware*
1:00 pm Update on Legal Issues on Wrongful Convictions ~ **Gary Udashen**
2:00 pm Police Misconduct & Wrongful Convictions ~ **Mike Ware & Patricia Cummings**
3:15 pm Cell Phone Tracking Evidence ~ **Jerry Grant**
4:30 pm A Discussion of the Ben Spencer Case ~ **Ben Spencer & Barbara Bradley**
5:00 pm *Adjourn*
5:45 pm *Dinner Line*
6:00 pm *Dinner Program:* Panel Discussion with Investigative Journalists ~ **Deb Esquenazi & Mike Hall, Moderated by Mike Ware**
8:00 pm *Adjourn*

Agenda - Friday, August 2, 2024

- 8:00 am *Registration and Continental Breakfast*
8:25 am *Opening Remarks ~ Jessi Freud*
8:30 am DNA – Chapter 64 Litigation, New DNA Evidence, Degradation & Contamination ~ **Jessi Freud & Chase Baumgartner**
9:30 am Suppression of Exculpatory Evidence ~ **Jani Maselli-Wood (Ethics)**
10:45 pm Confession Reliability, Sleep Deprivation, Fatigue & Circadian Misalignment ~ **Dr. Zlatan Krizan**
12:00 pm *Lunch Presentation:* Trends in the Texas Criminal Justice System ~ **Judge Barbra Hervey**
1:00 pm Litigating Scientific Evidence Issues ~ **Allison Clayton & Cynthia Garza**
2:15 pm Exoneree Panel ~ **Moderated by Anna Vasquez**
3:15 pm *Adjourn*

Hotel Stipends | Meeting Location

TCDLA will cover the hotel costs for **Wednesday July 31, 2024 and Thursday August 1, 2024. Attendees are responsible for calling the hotel making a room reservation in our block and guaranteeing the room.** TCDLA will move the room to the direct bill upon attendees' arrival. In the event you need to cancel attendees are responsible for canceling with the hotel. TCDLA will not pay no shows fees.

The meeting will be held at the Austin Southpark Hotel, located at 4140 Governors Row, Austin, TX 78744. The TCDLA room rate is \$139 for a single/double room. **Call the Southpark Hotel at 512-448-2222 and refer to “TCDLA” to receive the group rate. The group rate is available until July 15, 2024 or until room block is full, whichever occurs first**

Registration | Materials

Registration before 7/22/2024	
<input type="checkbox"/>	\$40 including \$20 deposit (for all classes, meals, and materials) **plus a \$20 voluntary payment to support TCDLA. <div><input type="checkbox"/> Criminal Defense Lawyer <input type="checkbox"/> Judge <input type="checkbox"/> Student <input type="checkbox"/> Mitigation Specialist <input type="checkbox"/> Paralegal <input type="checkbox"/> Investigator <input type="checkbox"/> Legal Assistant <input type="checkbox"/> Social Worker <input type="checkbox"/> Other</div>
<input type="checkbox"/>	If you do not wish to make the voluntary payment, please remit only \$20 and mark this box.
<input type="checkbox"/>	Add on Vegetarian Meal Option - \$5* *No accommodations will be made after the cut-off or onsite.
Onsite Registration after 7/22/2024	
<input type="checkbox"/>	\$80 including \$60 Tuition* (for all classes, continental breakfast and materials) plus a \$20 voluntary**
<input type="checkbox"/>	If you do not wish to make the voluntary contribution** , please remit only \$60 and mark this box.

Unable to pay tuition? E-mail mschank@tcdla.com to request tuition assistance.

WWW.TCDLA.COM

This course is funded by a grant from the Texas Court of Criminal Appeals.

Contact Information

Name _____

Bar Number _____

Street Address _____

City _____ State _____ Zip _____

E-mail _____

Cell _____ Phone _____

Join TCDLA #tcdlastrong #onevoice

- ☐ New Member or Second-Year Member \$100
☐ Renew Membership \$180
☐ Public Defender \$60

☐ prefer not to participate in auto renewal

For your convenience, TCDLA uses AUTO RENEWAL for all membership dues, using your checking account or credit card. You will be automatically enrolled in the auto renewal program so you do not have to do anything while continuing to enjoy membership benefits every year! You can always opt out of auto-renewal anytime by simply emailing mduarte@tcdla.com or by checking the opt-out option above.

Payment ☐ Check ☐ Credit Card

Credit Card Number _____ Expiration Date _____

Signature _____ CVV _____

Register - Payment Must Accompany Registration

Online www.tcdla.com
Email register@tcdla.com
Phone 512.478.2514
Fax 512.469.0512
Mail 6808 Hill Meadow Dr | Austin, TX 78736

General Information

NOTE: Please read before registering: you may not register for this program if you are, or are working for, or are affiliated, clerking or interning with: a full-time law enforcement officer, a full or part-time state or federal prosecutor, or if you are a full or part-time criminal defense attorney who is currently acting as a prosecutor or special prosecutor in a capital case. CDLP programs are for criminal defense lawyers and supporting staff who regularly represent indigent defendants. (unfortunately, no exceptions).

*Tuition will be used to cover expenses of TCDLA's grant programs. Voluntary contributions go to support The Texas Criminal Defense Lawyers Association (TCDLA), a nonprofit organization, and will go directly to TCDLA's private fund account to cover items grant cannot sufficiently cover.

CANCELLATION POLICY: Written notice must be received 14 days prior to the program (E-mail: mschank@tcdla.com). After this date, no refunds, but substitution of attendees will be permitted with prior approval. Registrants who paid tuition and are not entitled to a refund can receive the course materials. Note: Tuition waiver recipients must attend the program to receive materials.

By registering, you acknowledge that an inherent risk of exposure to COVID-19 exists in any public place where people are present. By attending the TCDLA Events, you and any guests voluntarily assume all risks related to exposure to COVID-19 and agree not to hold the TCDLA, or any of their affiliates, directors, officers, employees, agents, contractors, or volunteers liable for any illness or injury.

Tax Notice: \$36 of your annual dues (\$19 if a student member) is for a one-year subscription to the VOICE for the Defense. Dues to TCDLA are not deductible as a charitable contribution but may be deducted as an ordinary business expense. MEDIA CONSENT: I hereby grant permission to the Texas Criminal Defense Lawyers Association (TCDLA) to use photographs and/or video of me taken at this event in publications, news releases, online, and in other communications related to the mission of TCDLA.

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