

CATHERINE GREENE BURNETT

EDUCATION

The University of Texas School of Law; Austin, Texas

J.D. 1976

Administrative Editor, TEXAS INTERNATIONAL LAW JOURNAL

The University of Texas; Austin, Texas

B.A. 1973 -- High Honors

LAW TEACHING

South Texas College of Law Houston

Houston, Texas

Professor of Law (1993 to present)

Associate Dean (1996 to present)

Associate Professor (1992-1993)

Assistant Professor (1989-1991)

Director of Clinical Studies (1989-1996)

Assistant Professor of Research & Writing (1988-1989)

Adjunct Professor of Research & Writing in Residence (1987-1988)

COURSES TAUGHT: Criminal Law Seminar, Criminal Procedure, International Criminal Law, International Criminal Procedure, Texas Capital Punishment Seminar, Texas Criminal Procedure, Judicial Externship, Public Interest Externship, Government Process Externship, Criminal Law Externship, Civil Law Externship, Texas Capital Punishment Clinic, Domestic Violence Clinic, Actual Innocence Clinic, Disability Clinic, Mediation Clinic, HIV and the Law Clinic, Legal Research & Writing I and II, Interviewing and Counseling, International Professional Sports Law, International Amateur Sports Law, International Dispute Resolution, International Arbitration

LAW PRACTICE

1976 to 1977

Briefing Attorney

Texas Court of Criminal Appeals

Austin, Texas

1977 to 1979

Assistant Attorney General

Texas Attorney General's Office

Law Enforcement Division

1979 to 1986

Morrow & Burnett

Houston, Texas

Partner in small firm concentrating primarily on a criminal appellate state court practice. Developed expertise in appellate drafting and oral argument. Participated in pretrial planning and motion practice for major criminal trials, primarily capital murder, sexual assault of children, and homicide. Additional appellate experience garnered by representing rural prosecutors at the appellate stage of selected major cases.

BAR ADMISSIONS

State of Texas, admitted to practice, 1976

Certified by Texas Board of Legal Specialization in Criminal Law (1985) and Criminal Appellate (2012)

United States Courts of Appeals, Fifth & Eleventh Districts

SCHOLARSHIP

TEXTS and BOOKS

TEXAS CRIMINAL WRIT PRACTICE (Austin: International Publishing Co. 1997) (with John G. Jasuta & Richard Wetzel)
Cited by: *Ramirez v. State*, 36 S.W.3d 660, 663 n. 2 (Tex. App. - - Waco, 2001).

STATE CONSTITUTIONAL CRIMINAL PROCEDURE: CASES & MATERIALS (John Marshall 1994) (with:
Neil Colman McCabe).
Cited by: John B. Wefing, *State Supreme Court Justices: Who are They?*, 32 NEW ENG. L. REV. 49, n. 5 (1997).

Robert F. Williams, *Foreword; Looking Back at the New Judicial
Federalism's First Generation*, 30 VAL. U. L. REV. xiii, n. 25 (1996).

Robert F. Williams, Introduction, Seventh Annual Issue on State Constitutional Law, 26
RUTGERS L.J. 909, n. 10 (1995).

Jennifer Frisen, *Adventures in Federalism: Some Observations on the Overlapping Spheres
of State and Federal Constitutional Law*, 3 WIDENER J. PUB. L. 25 n. 22 (1993).

Michael B. Charlton, *Art. I, Sec. 13 of the Texas Constitution Due Course of Law*, DOCKETT,
Jan.-Feb. 1992, at 18, n. 1.

Robert F. Williams, *State Constitutional Law: Teaching and Scholarship*, 41 J. LEGAL EDUC.
243, n. 23 (1991).

Jean-Paul Layrison, Note, *The Exclusion of Unconstitutionally Obtained
Evidence and Why the Louisiana Supreme Court Should Reject United States v. Leon on
Independent State Grounds*, 51 LA. L. REV. 861, n. 54 (1991).

Bauder v. State, 921 S. W. 2d 696, 700 n.* (Tex. Crim. App. 1996) (Clinton J.,
concurring).

CHAPTERS and MANUALS

Evans, Burnett, Willis, *MEDIATION TRAINING MANUAL* (Tbilisi, Georgia: National Center for Alternative Dispute
Resolution 2014)

Motions for Rehearing and Petitions for Discretionary Review, in *TEXAS CRIMINAL APPELLATE MANUAL* (Austin: State Bar of
Texas, 1996 and 1989) (with Matthew W. Paul).

Client Correspondence, in *TEXAS CRIMINAL APPELLATE MANUAL* (Austin: State Bar of Texas 1996) (with Richard
Anderson).

Motions for Rehearing and Petitions for Discretionary Review, in *TEXAS CRIMINAL APPELLATE MANUAL* (Austin: State Bar of
Texas, 1986).

LAW REVIEW ARTICLES

Burnett, *Advising Clients About ADR: A Practical Guide to Having Difficult Conversations About Selecting Options*,
2014 Nat'l Center ADR Yearbook, (Tbilisi State University, Georgia 2014).

Burnett, *"If Only": Best Practices for Evidence Retention in the Wake of the DNA Revolution*, 52 S. Tex L. Rev. 335
(2011).

Burnett & Harrington, *Laws Schools Working Together to Increase Access to Justice*, 51 S. Tex. L. Rev. 680 (2010).

Burnett, *Guidelines and Standards for Texas Capital Counsel: The Dilemma of Enforcement*, 34 AM. J. CRIM. L. 165
(2008).

Burnett, *Tribute to R. Hanson Lawton: Whistle in the Hall*, 48 S. TEX. L. REV. 833 (2007).

Burnett, *Prosecutorial Ethics Foreward*, 47 S. Tex. L. Rev. 677 (2006).

Burnett, Moore & Butcher, *In Pursuit of Independent, Qualified, and Effective Counsel: The Past and Future of Indigent Criminal Defense in Texas*, 42 S. TEX. L. REV. 595 (2001).

Burnett & Burnett, *Ethical Dilemmas Confronting a Felony Trial Judge: To Remove or Not to Remove Deficient Counsel*, 41 S. TEX. L. REV. 1315 (2000).

Burnett, *Of Crime, Punishment, Community and an Accused's Responsibility to Plead Guilty: A Response to Gerard Bradley*, 40 S. TEX. L. REV. 281 (1999).

Burnett & McCabe, *Compass in the Swamp: A Guide to Tactics in State Constitutional Law Challenges*, 25 TEX. TECH L. REV. 75 (1993).

Cited by:

Lawrence Friedman, *The Constitutional Value of Dialogue and the New Judicial Federalism*, 28 HASTINGS CONST. L.Q. 93, n. 58 (2000).

Jessica L. Schneider, *Breaking Stride: The Texas Court of Criminal Appeals' Rejection of the Lockstep Approach 1988-1998*, 62 ALB. L. REV. 1593, nn. 4, 36, 47, 122 (1999).

Donna M. Nakagiri, *Developing State Constitutional Jurisprudence After Michigan v. Long: Suggestions for Opinion Writing and Systematic Change*, 1998 DET. C.L. MICH. ST. U. L. REV. 807, n. 269.

Wolfgang P. Hirczy de Mino, *Does an Equal Rights Amendment Make a Difference?*, 60 ALB. L. REV. 1581, n. 10 (1997).

JOSHUA DRESSLER, UNDERSTANDING CRIMINAL LAW 3, n. 9 (1997).

Robert F. Williams, *In the Glare of the Supreme Court: Continuing Methodology and Legitimacy in Independent State Constitutional Rights Adjudication*, 72 NOTRE DAME L. REV. 1015, n. 22 (1997).

Felicia Harris Kyle, Note, *Constitutional Law - - Peremptory Challenges - - Religious-Based Peremptory Challenges in Light of J.E.B. and the Texas Constitution - - Casarez v. State*, 913 S.W. 2d 468 (Tex. Crim. App. 1994), 38 S. TEX. L. REV. 281, n. 118 (1997).

JENNIFER FRIESEN, STATE CONSTITUTIONAL LAW: LITIGATING INDIVIDUAL RIGHTS, CLAIMS AND DEFENSES 883 (2d ed. 1996).

Michael v. Young, Note, *Double Jeopardy and Defendant's Request for Mistrial: Texas Court of Criminal Appeals Finds Prosecutor's Intent No Longer Critical: Prosecutor Should Have Known; Bauder v. State*, 921 S.W. 2d 696 (Tex. Crim. App. 1996), 27 TEX. TECH L. REV. 1631, n. 261 (1996).

Matthew S. Crider, Note, *Criminal Procedure - - Searches and Seizures - - Police Officers Must Meet "Reasonable Officer" Standard to Withstand Pretext Claim. State v. Haskell*, 645 A. 2d 619 (Me. 1994), 36 S. TEX. L. REV. 629, n. 22 (1995).

Angie Patrick, Note, *Criminal Law - - Search and Seizure - - Use of a Pen Register May be a Search Within the Purview of Article I, Section 9 of the Texas Constitution. Richardson v. State*, 865 S.W. 2d. 944 (Tex. Crim. App. 1993) (En Banc), 26 ST. MARY'S L. J. 643, n. 79 (1995).

Johnson v. State, 912 S. W. 2d 227, 237 (Tex. Crim App. 1995).

Tracey Levy, *Rediscovering Rights: State Courts Reconsider the Free Exercise Clauses of Their Own Constitutions in the Wake of Employment Division v. Smith*, 67 TEMP. L. REV. 1017, n. 119 (1994).

James W. Paulsen, *Family Law: Parent and Child, Annual Survey of Texas Law*, 47 SMU L. REV. 1197, n. 28 (1994).

Autran v. State, 887 S. W. 2d 31, 37 n. 6. (Tex. Crim. App. 1994).

FitzGerald & Burnett, *Criminal Procedure: Pre-Trial, Trial and Appeal*, 46 SMU L. REV. 1261 (1993).

JOURNAL ARTICLES

Burnett, *Advising Clients About ADR: A Practical Guide to Having Difficult Conversations About Selecting Options*, Nat'l Center for ADR Yearbook, Tbilisi State University, (2014).

Burnett, FitzGerald & Lensing, *Year in Review 2008: Criminal Law*, 72 TEX. B. J. 37 (January 2009).

Burnett & FitzGerald, *Year in Review 2007: Texas Court of Criminal Appeals*, 71 TEX. B. J. 25 (January 2008).

Burnett & FitzGerald, *Changes to the Texas Rules of Appellate Procedure: Ethical and Practical Impacts on Criminal Trial and Appellate Counsel*, 70 TEX. B. J. 772 (October 2007).

FitzGerald & Burnett, *Petition for Discretionary Review: Claimed Malfeasance & Remedial Measures*, 69 Tex.Bar J. 266 (2006).

Maron, Mitten & Burnett, *Criminal Consequences of Commotio Cordis*, 89 AMER. J. CARDIOLOGY 210 (2002).

Significant Recent Decision Report, VOICE for the Defense (1986 to 1994).

The Law of Search & Seizure: A Brief Overview, VOICE for the Defense (August-October 1990).

A New Generation in Public Service, 30 HOUS. LAW., Jan.-Feb. 1993, at 45.

Significant Cases Report, DOCKETT CALL (1982-1985).

PAPERS and PRESENTATIONS

Case Studies, Actual Innocence Conference: Habeas Issues (Plano, Texas: Center for American and International Law, 2016)

Challenges That Lie Ahead, Texas Fair Defense Act – 15th Anniversary Symposium (Austin, Texas: Texas Indigent Defense Commission 2016)

Developing Cultural Competence (Houston, Texas: Aid to Victims of Domestic Violence, Houston, Texas, 2015)

Ethics in Habeas Litigation, Actual Innocence Conference: Habeas Issues (Plano, Texas: Center for American and International Law, 2016)

Expert Witnesses: A Quick Historical Overview (Houston: Harris County Criminal Judges, 2014)

Expert Witnesses: A Quick Historical Overview, 1st Annual Expert Witness Testimony Workshop (Houston, Texas: Harris County Institute of Forensic Sciences, 2013)

Extraneous Acts,

42nd Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2016) (Chap. 23)

29th Annual Rusty Duncan Advanced Criminal Law Course (Austin: Texas Criminal Defense Lawyers Association, 2016)

Indigent Defense Clinic (Matagorda / Wharton County, 2016)

41st Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2015) (Chap. 30)

40th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2014) (Chap. 3)

39th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2013) (Chap. 23)

Harris County Criminal Lawyers Association (2013)
38th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2012) (Chap. 23)
Harris County Criminal Judges (Houston, 2012)
Mexican American Bar Association (Houston, 2012)

37th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2011) (Chap. 19)
36th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2010) (Chap. 23)
35th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2009) (Chap. 7)
34th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2008) (Chap. 6)
33rd Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2007) (Chap. 7)
32nd Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2006) (Chap. 24)

Sex Crimes,

31st Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2005). (Chap. 41)
30th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2004). (Chap. 31)

Sex Offender Registration, Texas Criminal Defense Lawyers Association (Austin, Texas, 2006- 2009; 2011-2013)

Texas Writs (Center for American and International Law, Plano, Texas 2006 – 2012)

Post Conviction Writs, 29th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2003). (Chap. 24)

Texas Sex Offense Punishment and Collateral Consequences Update, Criminal Law Seminar (Corpus Christi, TX: Corpus Christi Bar Association, 2003).

When You Don't Win At Trial: Appeals is the Next Step, 2nd Annual Learn Trial Skills from the Masters: Aggressive Representation in Criminal Court (Houston: South Texas College of Law, 2003).

Sex Offenses, 28th Annual Advanced Criminal Law Course (Austin: State Bar of Texas, 2002). (Chap. 31)

Non-Capital Punishment in Texas, Texas Fair Defense Act Court Appointed Criminal Law Certification (Midland: Texas Independent Legal Studies, Inc., 2002).

Texas Sex Offense Punishment and Collateral Consequences, Criminal Law Seminar (Corpus Christi, TX: Corpus Christi Bar Association, 2002).

Non-Capital Punishment in Texas, TEXAS FAIR DEFENSE ACT COURT APPOINTED CRIMINAL LAW CERTIFICATION (Midland, TX: Texas Independent Legal Studies, Inc. 2002).

Texas Sex Offense Punishment and Collateral Consequences, CRIMINAL LAW SEMINAR (Corpus Christi, TX: Corpus Christi Bar Association, 2002).

Non-Capital Punishment in Texas: Issues and Options, CERTIFICATION SEMINAR (Houston, TX: Houston Bar Association, Criminal Law & Procedure Section, 1999).

Sex Offenders: Punishment Options and Collateral Consequences, ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1999). (Tab T)

Texas Punishment Update: Recent Federal and Texas Decisions, SENTENCING SEMINAR (Houston, TX: Harris County Criminal Lawyers Association, 1999).

Mediation Training in Law School: A Case Study of the Dilemma of Skills Training Pedagogy in Current American Legal Education, FIFTH BIENNIAL DISPUTE RESOLUTION CONFERENCE (Houston, TX: University of Houston, Clear Lake, 1998)(with Frank G. Evans and R. Hanson Lawton).

Communications, Perceptions and Stereotypes, MEDIATION TRAINING PROGRAM (Houston, TX: Resolution Forum Inc. & Center for Legal Responsibility, 1998).

Standards of Review in Criminal Cases, BRIEFING ATTORNEY PROJECT (Houston, TX: Houston Bar Association, Appellate Section, 1997)(with Neil Colman McCabe).

Clinical Education in America, (Istanbul, Turkey: University of Mamara, 1997).

Enhancements, ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1997). (Tab R).

Texas Punishment Law, ADVANCED CRIMINAL LAW SHORT COURSE (Austin: Texas Criminal Defense Lawyers Association, 1996).

Attacking and Defending Enhancements, 22ND ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1996).

Punishment: From Dismissal to Death, CERTIFICATION SEMINAR (Houston, Texas: Houston Bar Association, Criminal Law and Procedure Section, 1996).

Texas Criminal Appellate Practice, ADVANCED CRIMINAL LAW SHORT COURSE (Austin: Texas Criminal Defense Lawyers Association, 1995).

Extraordinary Writ Relief, 21ST ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin, State Bar of Texas, 1995) (with Helen Cassidy).

Texas Constitutional Law: Attacking the Death Penalty on Independent State Constitutional Grounds, CAPITAL MURDER CERTIFICATION COURSE (Houston: Houston Bar Association Criminal Law and Procedure Section, 1995) (with Neil Colman McCabe).

Criminal Law Update, REGIONAL JUDICIAL CONFERENCES (Austin: Texas Center for the Judiciary, 1994).

Punishment Law: Evidentiary Issues, 20TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1994).

Texas Punishment Law, CERTIFICATION COURSE (Houston: Houston Bar Association, Criminal Law and Procedure Section, 1994).

Texas Punishment Law, 19TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1993).

Criminal Law Update, REGIONAL JUDICIAL CONFERENCES (Austin: Texas Center for the Judiciary, 1992).

State Appellate Practice, 22ND, 21ST, 20TH, 19TH AND 18TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1996, 1995, 1994, 1993, 1992) (with Kerry P. FitzGerald, John G. Jasuta and C. Chris Marshall).

Attorney Ethics: Texas Prosecutor Perspective, REGIONAL CONFERENCES (Austin: Texas Municipal Court Association Training Center, 1992).

Federal Update: Supreme Court Decisions of Note, JUDICIAL SECTION ANNUAL CONFERENCE (Austin: Texas Center for the Judiciary, 1991).

Prosecutorial Misconduct, 16TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1990).

Texas Rules of Criminal Evidence: Recent Developments in Relevance, Hearsay and Opinion/Expert Testimony, CRIMINAL JUSTICE CONFERENCE (Austin: Texas Center for the Judiciary, 1990).

Batson v. Kentucky: A Review of Its Application in Texas Criminal Cases, JUDICIAL SECTION ANNUAL CONFERENCE (Austin: Texas Center for the Judiciary, 1990) (Reprinted, Austin: Texas Criminal Defense Lawyers Association, 1990).

The Law of Search & Seizure: A Brief Overview, REGIONAL JUDICIAL CONFERENCES (Austin: Texas Center for the Judiciary, 1990).

Ineffective Assistance and Prosecutorial Misconduct, 15TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1989).

Prosecution and Defense of Enhancement Allegations, 14TH ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1988).

Criminal Appeals, CRIMINAL LAW INSTITUTE (Houston: South Texas College of Law, 1988) (with Kerry P. FitzGerald).

Law of Enhancements, ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1987).

Issues in Sex Crimes (Houston, Texas: Houston Bar Association, 1987).

Prosecution and Defense of Enhancement Paragraphs, ANNUAL ADVANCED CRIMINAL LAW COURSE (Austin: State Bar of Texas, 1986).

Evidence of Prior Sexual Acts (Austin: Texas Criminal Defense Lawyers Association, 1985).

Character, Reputation & Opinion Evidence, REGIONAL CONFERENCES (Austin: Texas Criminal Defense Lawyers Association, 1985).

Charging Instruments, ROBBERY, BURGLARY & THEFT (Austin: Texas Criminal Defense Lawyers Association, 1984).

PROFESSIONAL ASSOCIATIONS AND SERVICE

American Bar Association

Member, American Bar Association, Section on Legal Education and Admission to the Bar, Clinic and Legal Skills Committee (2002- 2008)

Consortium for Innovative Legal Education

Executive Director, 1998 - 2002

State Bar of Texas

Chair, Legal Needs of the Poor in Criminal Matters (1996-2003, 2013-present)

Vice-Chair, Legal Needs of the Poor in Criminal Matters (1994-1995, 2008-2014)

Texas Court of Criminal Appeals

Texas Court of Criminal Appeals Rules Advisory Committee (2005-2007)

Innocence Project of Texas

Board Member (2008 – 2012)

Texas Criminal Defense Lawyers Association

Executive Committee: 1986 to 1994

Harris County Criminal Lawyers Association

Board of Directors: 1983 to 1985

Texas Access to Justice Commission

Member, Legal Education Subcommittee (2002- present)

Texas Forensic Science Commission

Member, DNA Mixture Subcommittee (2015 – present)

Texas Indigent Defense Commission

Discretionary Grant Reviewer (2005 – present)

Texas Indigent Defense Commission

Advisory Panel, Indigent Defense Attorney Mentoring in Texas: A Guide to Establishing a Mentorship Program (2015)

University of Houston, Law Center

Advisory Board, Police, Jails, and Vulnerable People Symposium: New Strategies for Confronting Today's Challenges (2016)

INTERNATIONAL PRESENTATIONS

1997	<i>Clinical Education in America</i> Istanbul, Turkey
1997	<i>American Courts and the Police</i> Istanbul, Turkey: University of Mamara
2001	<i>Introduction to American Criminal Procedure</i> ABA, CEELI, Banjaluka, Bosnia Herzegovina
2006	<i>Introduction to Mediation Training</i> Guyana Supreme Court and Bar Association
2006	<i>Introduction to American Legal Education</i> University of WeiHai, China
2008	<i>Restorative Justice Mediation Training</i> Peace and Justice Initiative, Montego Bay, Jamaica
2011	Delegate to Republic of Georgia for law school assessment as part of four-year program East West Management Institute [funded by USAID]
2011-2014	Judicial Independence Legal Empowerment Project (JELIP) [funded by USAID], Georgia Various multiple day trainings in alternative dispute resolution: basic mediation training for faculty and professionals, mediation training for law students, introduction to international arbitration training for faculty and professionals Various legal education “master classes” in assessment best practices, incorporating comparative law; advanced legal scholarship, adding experiential learning across the curriculum

INTERNATIONAL TEACHING EXPERIENCE: Various United States-based programs in England, Czech Republic, Malta, Italy, Netherlands, and Australia (1997 – present).

CONTINUING LEGAL EDUCATION ACTIVITIES

State Bar of Texas

Course Director, Advanced Criminal Law Course, 1992
Advanced Criminal Law Course Planning Committee: 1983, 1986-2002
Lecturer: 1983- present, Advanced Criminal Law Course

Center for American and International Law

Program Director, Writ Practice, 2006-2012, 2016

Texas Center for the Judiciary

Lecturer 1990-1994

Texas Criminal Defense Lawyers Association

Lecturer 1982 - present

Houston Bar Association

Criminal Law and Procedure Section

Lecturer, Certification Course

Examination Drafter

Lecturer, General CLE

Resolution Forum, Inc.

1998-2003 Mediation Training

Harris County Criminal Lawyers Association
Lecturer

Harris County Criminal Judges
Lecturer 2012, 2014

LEGAL EDUCATION PRESENTATIONS

Association of American Law Schools
2010 Clinical Conference
Assessing Ethical Development

University of Denver
2010 Crossroads Conference
Assessing Ethical Development in Clinic Context