

**BROOKS HOLLAND**  
Professor of Law  
Associate Dean for Academic Affairs  
J. Donald and Va Lena Scarpelli Curran  
Faculty Chair in Legal Ethics and Professionalism  
GONZAGA UNIVERSITY SCHOOL OF LAW

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**EDUCATION**

**Boston University School of Law**, Boston, MA May 1994  
Juris Doctor, *magna cum laude*

- G. Joseph Tauro Distinguished Scholar, 1991-92
- Paul J. Liacos Scholar, 1992-93
- Edward F. Hennessy Scholar, 1993-94

**San Francisco State University**, San Francisco, CA July 1991  
B.A. Political Science, *cum laude*

**PUBLICATIONS**

*Scholarship cited in over 200 sources, including opinions by the U.S. Court of Appeals for the Sixth Circuit and the supreme courts of Massachusetts, Vermont, and Kansas, numerous lower court opinions, books, academic and professional articles, and briefs*

**BOOKS**

- LEARNING PROFESSIONAL RESPONSIBILITY: FROM THE CLASSROOM TO THE PRACTICE OF LAW (2<sup>nd</sup> ed. West 2018) (with Leah Christensen)

**BOOK CHAPTERS**

- WASHINGTON LEGAL ETHICS DESKBOOK, *The Ethics of Criminal Practice* (WSBA 2<sup>nd</sup> ed. 2018) (forthcoming)

**ACADEMIC JOURNALS**

- *The Clarke Prize in Legal Ethics*, 52 GONZAGA U. L. REV. 603 (2017).
- *Anticipatory Self-Defense Claims as a Lens for Re-Examining Zealous Advocacy and Anti-Bias Disciplinary Norms*, 49 TEXAS TECH. L. REV. 89 (2016)
- *Teaching Miranda at Its 50<sup>th</sup> Anniversary*, 80 J. SOCIAL ED. 20 (2016)
- *The Two-Sided Speedy Trial Problem*, 90 WASH. L. REV. ONLINE 31 (2015)
- *The Call for Lawyers Committed to Social Justice to Champion Accessible Legal Services through Innovative Legal Education*, 16 NEV. L.J. 251 (2015) (with Olympia Duhart & George Critchlow)

- *Miranda v. Arizona: 50 Years of Judicial Regulation of Police Interrogation*, 16 INSIGHTS ON LAW & SOCIETY 4 (2015)
- *Washington State's Legal Technician Limited License Practice Rule: A National First in Access to Justice*, 82 MISS. L.J. SUPRA 75 (2013)
- *Crawford and Beyond: How Far Have We Traveled from Roberts after All?*, 20 J.L. & POL'Y 517 (2012)
- *Imagining the Open Road*, 1 FLA. L. REV. F. 1 (2012)
- *Race and Ambivalent Criminal Procedure Remedies*, 47 GONZ. L. REV. 341 (2012)
- *Racial Profiling and a Punitive Exclusionary Rule*, 20 TEMP. POL. & CIV. RTS. L. REV. 29 (2010)
- *The Exclusionary Rule as Punishment*, 36 RUTGERS L. REC. 38 (2009)
- *A Relational Sixth Amendment during Interrogation*, 99 J. CRIM. L. & CRIMINOLOGY 381 (2009)
- *Confidentiality & Candor under the 2006 Washington Rules of Professional Conduct*, 43 GONZAGA L. REV. 327 (2008)
- *The Road 'Round Edmond: Steering through Primary Purposes and Crime Control Agendas*, 111 PENN. ST. L. REV. 293 (2006)
- *Holistic Advocacy: An Important but Limited Institutional Role*, 30 N.Y.U. REV. L. & SOC. CHANGE 637 (2006)
- *Testimonial Statements under Crawford: What Makes Testimony ... Testimonial?*, 71 BROOK. L. REV. 281 (2005)
- *Using Excited Utterances to Prosecute Domestic Violence in New York: The Door Opens Wide, or Just a Crack?*, 8 CARDOZO WOMEN'S L.J. 171 (2002)
- *Safeguarding Equal Protection Rights: The Search for an Exclusionary Rule under the Equal Protection Clause*, 37 AM. CRIM. L. REV. 1107 (2000)
- *Section 60.41 of the N.Y. Criminal Procedure Law: The Sexual Assault Reform Act of 1999 Challenges Molineux and Due Process*, 27 FORDHAM URB. L.J. 435 (1999)

#### PROFESSIONAL JOURNALS

- *When a Vehicle is a Home: Does a Burglary Qualify as a Violent Felony under the Armed Career Criminal Act if the Definition Includes Burglary of a Vehicle That Is Designed or Used for Overnight Accommodation?*, 46 PREVIEW 30 (2018)
- *Does the Federal Drug Forfeiture Statute Impose Joint-and-Several Liability Among Drug Conspiracy Members?*, 44 PREVIEW 202 (2017)
- *What Are the Double Jeopardy Consequences of an Acquittal on a Related Conviction That Is Vacated?*, 44 PREVIEW 24 (2016)
- *When Is an Extortion Victim also a Partner in Crime? Defining the Scope of Hobbs Act Conspiratorial Liability*, 43 PREVIEW 27 (2015)
- *One Fish, Two Fish ... 72 Red Grouper Fish: Is a Fish Just a Fish or Is It also a "Tangible Object" under the Sarbanes-Oxley Act?*, 42 PREVIEW 70 (2014)
- *Criminal Procedure in the October 2013 Term: Cell Phones and Some Other Stuff*, 41 PREVIEW 321 (2014)
- *The Fourth Amendment in the October 2012 Term*, 40 PREVIEW 336 (2013)
- *Does a Judge's Participation in Plead Discussions Automatically Invalidate a Guilty Plea?*, 40 PREVIEW 316 (2013)

- *Who Bears the Burden of Proof When a Defendant Charged with Conspiracy Produces Evidence that He or She Withdrew Outside the Statute of Limitations?*, 40 PREVIEW 90 (2012)
- *Does the Fourth Amendment Permit a Jail to Strip Search All Inmates, Including Inmates Arrested for Minor Offenses?*, 39 PREVIEW 19 (2011) (co-author)
- *The Armed Career Criminal Act & Revised State Drug Sentencing: It Depends on What "Is" Means*, 38 PREVIEW 288 (2011)
- *Does the Federal Witness-Protection Murder Statute Require Proof That the Victim Would Have Communicated with a Federal Officer or Judge?*, 38 PREVIEW 261 (2011) (cross-posted on SCOTUSblog)
- *Does the Speedy Trial Act Exclude from Its Trial Deadline the Time During Which a District Court Resolves Any Pretrial Motions, Even When the Motions Do not Delay Trial?*, 38 PREVIEW 220 (2010) (cross-posted on SCOTUSblog)
- *When Are Defendants Exempt from a Minimum Consecutive Sentence under 18 U.S.C. § 924(c)?*, 38 PREVIEW 24 (2010) (cross-posted on SCOTUSblog)
- *How the Court Retooled Miranda*, NAT'L L.J. (July 14<sup>th</sup>, 2010)
- *May the State Require the Defense to Produce a Prosecution Witness for Cross-Examination?*, 37 PREVIEW 165 (2010)
- *Do Prisoners Have a Constitutional Right to the State's Biological Evidence?*, 36 PREVIEW 302 (2009)
- *Review of the U.S. Supreme Court's 2007 Criminal Term*, NAT'L L.J. (Aug. 2008)
- *Review of the U.S. Supreme Court's 2006 Criminal Term*, NAT'L L.J. (Aug. 2007)
- *Review of the U.S. Supreme Court's 2005 Criminal Term*, NAT'L L.J. (Aug. 2006)
- *Thorton Recasts Vehicle Searches under Belton*, N.Y. L.J. (Aug. 5<sup>th</sup> 2004)
- *Renewed Questions about Pretext Stops and Racial Profiling*, N.Y. L.J. (Sept. 15<sup>th</sup>, 2003)
- *Using Medical Hearsay Evidence to Prosecute Child Abuse*, N.Y. L.J. (March 26<sup>th</sup>, 2003)
- *Grounds May Exist to Challenge Orders Suspending Speedy Trials in Aftermath of September Attack*, 74 N.Y. ST. B.J. 34 (2002) (with Hon. Paul G. Feinman)
- *Pretext Stops and Racial Targeting Claims after People v. Robinson*, N.Y. DEF. ASSOC., DEF. PRACTICE REPT., at 11 (Sept.-Oct. 2002)
- *Has the High Court Bought Repeat Felons a Ticket to "Apprendi-Land?"*, N.Y. L.J. (Sept. 16<sup>th</sup>, 2002)
- *Reviewing Issues of Domestic Violence Victims' Privilege*, N.Y. L.J. (May 20<sup>th</sup>, 2002)
- *Juror Investigations by the Prosecution in New York*, N.Y. L.J. (Dec. 14<sup>th</sup>, 2000)
- *"Buy and Bust" Rulings Threaten Judicial Independence*, N.Y. L.J. (June 12<sup>th</sup>, 2000)
- *Supreme Court Raises Strategic Issues for Defense*, N.Y. L.J. (March 30<sup>th</sup>, 2000)
- *Defendants in Possession Cases Face a Standing Dilemma*, N.Y. L.J. (June 30<sup>th</sup>, 1999)
- *High Court Improves Standing of Social Guests*, N.Y. L.J. (Jan. 12<sup>th</sup>, 1999)

## EDITORIAL POSITIONS

- WASHINGTON LEGAL ETHICS DESKBOOK (WSBA 2<sup>nd</sup> ed. 2018) (forthcoming). Editorial board member, and lead editor on chapter addressing ethical issues involving Limited License Legal Technicians.
- *Reviewer*, NEW CRIMINAL LAW REVIEW (U.C. Press). A peer-reviewed, interdisciplinary journal examining criminal law topics in domestic, transnational, and international contexts.

## OTHER WRITINGS

- Contributor, LEGAL ETHICS FORUM, 2012-2015
- *The LLLT Program in Washington State Progresses with a Comprehensive RPC Proposal*, AALS PROFESSIONAL RESPONSIBILITY NEWSLETTER (Fall 2014)
- Commentary, *Florence v. Board of Chosen Freeholders*, SCOTUSBlog (Oct. 11<sup>th</sup>, 2011)
- *The Court Debates Intent Versus Reasonable Possibilities*, SCOTUSblog (April 1<sup>st</sup>, 2011)
- *The Speedy Trial Act, Motion Time, and “Un-Cert-Worthy Questions”*, SCOTUSblog (Feb 23<sup>rd</sup>, 2011)
- *The Supreme Court Narrows an Exception to Mandatory Firearm Sentences*, SCOTUSblog (Nov. 17<sup>th</sup>, 2010)
- *Briscoe v. Virginia: A Post-Decision Interview*, A.B.A. PREVIEW ONLINE (Feb. 2010)
- Commentary, *Davis v. WA & Hammon v. IN*, SCOTUSblog (June 19<sup>th</sup>, 2006)
- Guest contributor, PRAWFSBLAWG, Aug.-Sept. 2005; Jan., June & Oct. 2006; June 2007; Aug. 2008; March 2009; June 2010; July 2012
- Contributing editor, CRIMPROF BLOG, 2008 to 2009

## WORKS IN PROGRESS

- *Confronting the Bias Dichotomy in Jury Selection*
- *Sepultura as a Thrash Metal Guide to Social Justice Lawyering*

## **LAW TEACHING EXPERIENCE**

**Gonzaga University School of Law**, Spokane, WA 2005-present

J. Donald and Va Lena Scarpelli Curran Faculty

Chair in Legal Ethics and Professionalism (2015-present)

Professor (2018)

Tenure granted (2013)

Associate Professor (2012)

Gonzaga Law Foundation Scholar (2009-2012)

Assistant Professor (2006-2012)

Visiting Assistant Professor (2005-06)

### **Courses Taught:**

Professional Responsibility

Criminal Law

Criminal Procedure

Advanced Criminal Procedure

Comparative Criminal Law

Constitutional Law I

Perspectives on the Law

Trial Advocacy

### **Administrative Appointments:**

Director, Gonzaga Law in Florence (2016-2019)

Chair, Gonzaga Law Human Rights Conference (2017-2019)

Associate Dean for Academic Affairs (2017-2018)

### **Committee Assignments:**

University Provost Search Committee (Fall 2018) (Presidential appointment)

University International Education Council (2017-19) (Provost appointment)

Recruitment Committee (2018-2019)

Academic Affairs Committee (*ex officio*) (Fall 2018)

Academic Affairs Committee (*ex officio*) (2017-18)

Center for Civil and Human Rights Steering Committee (2017-19)

Budget Committee (2017-18)

*Ad Hoc* Externship Program Committee (2017)

Promotion, Retention, and Tenure Committee (2016-18) (elected by faculty)

Budget Committee (2016-17) (chair)

All-Purpose Summer Committee (2015)

Diversity (2014-15) (chair)

University Grievance Committee (2014-15) (Presidential appointment)

*Ad Hoc* Recruitment (2015)

Strategic Planning (2013-14)

Academic Affairs (2013-14)

*Ad Hoc* International Program Committee (2013-14)

Academic Affairs (2012-13) (chair)

Dean's Advisory (2012-13) (elected by faculty)  
 Strategic Planning (2012-13)  
 Strategic Planning (2011-12)  
 Dean's Advisory (2011-12) (elected by faculty)  
 Academic Affairs (2011-12)  
 University Committee on Graduate Programs (2009-2012)  
 Dean's Advisory (2010-11) (elected by faculty)  
 Faculty Recruitment (2010-11)  
 Dean's Advisory (chair) (2009-10) (elected by faculty)  
 Faculty Recruitment (2009-10)  
 Faculty Development & Scholarship (2008-09)  
 Diversity (2008-09)  
 Ad Hoc Committee on Student Evaluation Instrument (2008-09)  
 Dean's Advisory (2007-08) (elected by faculty)  
 Diversity (2007-08)  
 Admissions (2006-07)  
 Diversity (2006-07)  
 Ad Hoc Committee on School Size and Format (2006-07)  
 Admissions (2005-06)  
 Faculty Strategic Planning (2005-06)  
 Student Affairs (2005-06)

**Faculty Advisor:** Hispanic Law Caucus; Criminal Law Society

**Brooklyn Law School**, Brooklyn, N.Y. 2000-2002  
*Adjunct Legal Research & Writing Instructor*

#### LEGAL PRACTICE EXPERIENCE

**Federal Appellate Practice**, Spokane, WA 2007-present  
*Criminal Justice Act Panel Attorney*  
 Representing indigent criminal defendants in the United States Court of Appeals for the Ninth Circuit.

*Amicus Curiae Counsel*

Reported Decisions:

*United States v. Rose*, 71 M.J. 138 (C.A.A.F. 2012)

**New York County Defender Services**, New York, N.Y. 2003-2005  
*Attorney in Charge of Legal Development*  
 Responsible for advising staff of approximately 30 attorneys on developments in criminal law, criminal procedure, and evidence. Researched and prepared the New York County Defender Services Law Bulletin. Designed and delivered CLE programs.

*Staff Attorney* 1998-2005

Represented indigent criminal defendants in all classes of felony and misdemeanor cases, from pre-arrest procedures to trial and post-conviction proceedings.

**Legal Aid Society, Crim. Defense Div.,** Bronx, N.Y. 1994-1998

*Staff Attorney*

Represented indigent criminal defendants in all classes of felony and misdemeanor cases, from pre-arrest procedures to trial and post-conviction proceedings.

#### OTHER LEGAL WORK EXPERIENCE

**Professor Pnina Lahav,** Boston, MA 1993-1994

Boston University School of Law

*Research Assistant*

**Hon. J. Anthony Kline,** San Francisco, CA Summer 1993

Presiding Justice, California Court of Appeal

*Law Clerk*

**S.F. Public Defender Office,** San Francisco, CA Summer 1992

*Law Intern*

#### ACADEMIC PRESENTATIONS

**AALS Annual Conference,** New Orleans, LA Jan. 2019

*Confronting the Bias Dichotomy in Jury Selection*

Presenting paper on panel, *Bias in the Courtroom*.

**SALT Teaching Conference,** University Park, PA Oct. 2018

*Access to Justice in the Classroom*

Panel presenter.

*Providing Study Abroad Opportunities to First-Generation Students*

Panel presenter.

**The Pursuit of Justice,** Spokane, WA Sept. 2018

*Confronting the Bias Dichotomy in Jury Selection*

Presented on panel addressing bias in the criminal justice system at inaugural conference of the Center for Civil and Human Rights at Gonzaga Law.

**SEALs Annual Conference,** Fort Lauderdale, FL Aug. 2018

*Complying with the New A.B.A. Standards on Assessment and Feedback*

Presented on assessing students in an asynchronous, online doctrinal course.

**Clarke Prize Legal Ethics Conference,** Spokane, WA April 2018

*Access to Justice as an Ethics Question*

Program chair and presenter.

**Gonzaga Journal of International Law Symposium**, Spokane, WA April 2018  
*American Leadership in International Economic Law in the 21<sup>st</sup> Century*  
Moderator to panel on the current U.S. administration's leadership in international economic law in the 21<sup>st</sup> century.

**35<sup>th</sup> International Congress on Law & Mental Health**, Prague, CZ July 2017  
*Therapeutic Jurisprudence: Perspectives and Practices in Criminal Sentences*  
Panel discussant and moderator.

**Clarke Prize Legal Ethics Conference**, Spokane, WA April 2017  
*Ethics & Technology: Emerging and Evolving Issues*  
Program chair and moderator.

**Gonzaga Journal of International Law Symposium**, Spokane, WA April 2017  
*Global Gender Equality: Bridging the Gap*  
Education and leadership panel moderator.

**SALT Teaching Conference**, Chicago, IL Oct. 2016  
*Important and Different Ways to Promote Diversity in the Classroom*  
Panel presenter.  
*Access to Justice and Curriculum Reform*  
Panel presenter.

**Clarke Prize Legal Ethics Conference**, Spokane, WA April 2016  
*The Three Hardest Questions*  
Program chair, moderator, and presenter.

**Gonzaga University School of Law Faculty Colloquia**, Spokane, WA March 2016  
*A Critical Look at Lawyer Advocacy and Gender in Anticipatory Self-Defense Cases*  
Presenter.

**Seattle University Poverty Law Conference**, Seattle, WA Feb. 2016  
*Why Ordinary People Frequently Cannot Obtain Legal Assistance and What Legal Educators Can Do About It*  
Panel participant.

**Gonzaga University School of Law Faculty Colloquia**, Spokane, WA Feb. 2016  
*Why Ordinary People Frequently Cannot Obtain Legal Assistance and What Legal Educators Can Do About It*  
Panel participant.

**AALS Annual Conference**, New York, NY Jan. 2016  
*A Critical Look at Lawyer Advocacy, Gender, and Anticipatory Self-Defense Claims*  
Presented on ethical issues involving gender and anticipatory self-defense claims as part of a Texas Tech University Law Review symposium, *Punishing Violence Against Women: Seeking the Right Balance*



<b>Lewis &amp; Clark Law School Faculty Colloquia</b> , Portland, OR <i>Three Perspectives on Limited License Legal Technicians</i> Presenter.	Oct. 2015
<b>Gonzaga University School of Law Faculty Colloquia</b> , Spokane, WA <i>Three Perspectives on Limited License Legal Technicians</i> Presenter.	Oct. 2015
<b>Clarke Prize Legal Ethics Conference</b> , Spokane, WA <i>Social Media and Legal Ethics</i> Program chair and moderator.	April 2015
<b>Society of American Law Teachers</b> , Chicago, IL <i>Limited License Legal Technicians and Legal Education</i> Roundtable presenter.	March 2015
<b>Gonzaga Faculty Roundtable</b> , Spokane, WA <i>Should Law Teachers Committed to Social Justice Champion the De-Structuring of the Legal Profession?</i> Co-presenter.	Oct. 2014
<b>SALT Teaching Conference</b> , Las Vegas, NV <i>Should Law Teachers Committed to Social Justice Champion the De-Structuring of the Legal Profession?</i> Panel participant.	Oct. 2014
<b>Law &amp; Society Annual Conference</b> , Boston, MA <i>Criminal Justice Panel: Adjudication</i> Panel moderator and discussant.	May 2013
<b>Pursuit of Justice Conference</b> , Spokane, WA <i>Hate Crimes Law &amp; Intervention</i> Panel moderator.	April 2013
<b>Gonzaga Federalist Society</b> , Spokane, WA Discussant for presentation by Robert Alt on gun control and public safety.	March 2013
<b>University of Mississippi School of Law</b> , Oxford, MS <i>Mississippi Law Journal Symposium: Poverty &amp; Access to Justice</i> Presenter, <i>Washington State's Legal Technician Limited License Practice Rule: A National First in Access to Justice.</i>	Feb. 2013
<b>Gonzaga Federalist Society</b> , Spokane, WA Discussant for presentation by Professor Richard Duncan, <i>Originalism and the Living Constitution: What if They Both Are Right?</i>	Nov. 2012

**SALT Teaching Conference**, Baltimore, MD Oct. 2012

*Race & The Criminal Justice System:*

*Harmonizing Clinical & Doctrinal Teaching to Advance Social Justice*

Panelist, presenter, and roundtable participant.

**Gonzaga Law School**, Spokane, WA Feb. 2012

*How Far Did Crawford Take Us from Roberts After All?*

Presented to faculty, students, and federal bar.

**Brooklyn Law School**, Brooklyn, NY Nov. 2011

*Crawford & Beyond III*

Presenter at symposium, co-sponsored by the Journal of Law & Policy, exploring perspectives on Confrontation Clause jurisprudence.

**Gonzaga Federalist Society**, Spokane, WA Nov. 2011

Discussant for presentation by Professor John Radsan, *The Irrelevance of Al Qaeda as a Legal Category*.

**Gonzaga Law School**, Spokane, WA Sept. 2011

*Race & Criminal Justice in the West*

Panel member, "Law Enforcement: From Police to Prosecutors," and presented paper, *Racial Bias and Criminal Justice Remedies*.

**Gonzaga Federalist Society**, Spokane, WA Sept. 2011

Discussant for presentation by Dr. Roger Pilon from the Cato Institute, *The Tea Party and the Constitution: The Roots of Deficits and the Debt Crisis*.

**Gonzaga Federalist Society**, Spokane, WA April. 2011

*Libertarianism: Is It Right for America?*

Moderated panel that included Manny Klausner, Esq.

**Gonzaga Federalist Society**, Spokane, WA March 2011

*Guns Rights & the Second Amendment*

Moderated panel that included Illya Shapiro from the Cato Institute.

**Gonzaga International Law Journal**, Spokane, WA March 2011

*International Environmental Law in a Changing World*

Presented on ethics in environmental law, and participated in panel discussion.

**Gonzaga Law School**, Spokane, WA Jan. 2011

Presented work-in-progress, *Kick-Ass Lawyering*.

**Texas Wesleyan Law School**, Fort Worth, TX Sept. 2010

Presenter, *Kickin' Ass & Takin' Names: Zealous Advocacy and the Virtuous Lawyer*.

- Junior CrimProf Conference, Chicago, IL** July 2010  
Discussant for paper presented by John Bronsteen, Christopher Buccafusco & Jonathan Masur, *Retribution and the Experience of Punishment*, 98 CA. L. REV. 1463 (2010).
- ACLU-WA, Seattle, WA** July 2010  
Co-presented to ACLU-WA Board of Directors and Executive Staff on “Civil Liberties and the Right to Bear Arms.”
- Law & Society Conference, Chicago, IL** May 2010  
Chaired panel, “Race and the Criminal Law,” and presented paper, *Racial Profiling and a Punitive Exclusionary Rule*.
- Gonzaga Journal of International Law, Spokane, WA** March 2010  
*The War on Terror: From Guantanamo Bay to the Shores of Australia*  
Presenter, *Teaching Virtuous Lawyering in a Post-9/11 World*, and participated on panel.
- Gonzaga Law School, Spokane, WA** March 2010  
*Faculty Roundtable*  
Presented paper, *Zealous Advocacy and Virtuous Lawyering*.
- Gonzaga Law School, Spokane, WA** Feb. 2010  
*Atticus Finch & Legal Ethics*  
Panelist exploring lessons from Atticus Finch’s character in *To Kill a Mockingbird*, as part of the Spokane Public Library’s “Big Read” program.
- Gonzaga Federalist Society, Spokane, WA** Feb. 2010  
Discussant for presentation by Professor John Rasdan, *Obama’s Repackaging of Cheney’s National Security Policies*.
- Gonzaga Law School, Spokane, WA** Oct. 2009  
*Referendum 71—Approve or Reject?*  
Debated another faculty member on the policy and constitutional implications of Washington State’s Referendum 71, addressing Washington State’s same-sex domestic partnership law.
- ACLU-WA, Seattle, WA** July 2009  
*Civil Liberties and the Supreme Court’s 2008 Term*  
Presented to the ACLU-WA Board of Directors and executive staff.
- ACLU-WA, Seattle, WA** June 2009  
*Executive Detention Law & Policy from President Bush to President Obama*  
Co-presented to the ACLU-WA Board of Directors and executive staff.
- Gonzaga University Constitution Day, Spokane, WA** Oct. 2008  
*Voting Rights in the 21st Century*

Presented overview of voting rights in the United States, from the Founding to the 2006 extension of the Voting Rights Act.

**Junior CrimProf Conference**, Washington, D.C. Aug. 2008

Discussant for paper presented by Sonja Starr, *Sentence Reduction as a Remedy for Prosecutorial Misconduct*, 97 GEO. L.J. 1509 (2009).

**Law & Society Conference**, Montreal, Canada June 2008

Presenter, *Can't Let Go: Obsession and the Criminal Law*, on panel dedicated to criminal law and emotions.

**Gonzaga William O. Douglas Society**, Spokane WA April 2008

*Faculty Debate: Student Free Speech*

Moderated debate between faculty members on student free speech jurisprudence

**Gonzaga Journal of International Law**, Spokane, WA Feb. 2008

*International Trade: Law or Politics?*

Panelist for presentation on "The World Trade Organization and the U.S."

**Gonzaga William O. Douglas Society**, Spokane, WA April 2007

*Faculty Debate: COPA and ACLU v. Gonzales*

Debated faculty member on the constitutionality of the Child Online Protection Act and the U.S. District Court's decision in *ACLU v. Gonzales* (E.D. Pa. 2007).

**Gonzaga Multicultural Law Caucus**, Spokane, WA Oct. 2006

*Perceptions of Islam in Our Community*

Panel member

**N.Y.U. Journal of Law & Liberty**, New York, N.Y. Feb. 2006

*Online Symposium: Anticipatory Search Warrants*

Online panel exploring anticipatory search warrants under the Fourth Amendment, focusing on *United States v. Grubbs*, 126 S. Ct. 1494 (2006).

**Gonzaga Multicultural Law Caucus**, Spokane, WA Feb. 2006

"Crash," the Movie: An Ethics Discussion

**New York State Judicial Institute**, White Plains, N.Y. May 2005

*Partners in Justice: A Colloquium on Developing Collaborations among Courts, Law School Clinical Programs, and the Practicing Bar*

Submitted paper and participated in working groups seeking to generate ideas for improving the quality of legal representation. Paper addressed the "holistic advocacy" model of lawyering.

**Brooklyn Law School**, Brooklyn, N.Y. Feb. 2005

*Crawford & Beyond: exploring the Future of Confrontation in Light of Its Past*

Symposium exploring the Supreme Court's decision in *Crawford v. Washington*, 541 U.S. 36 (2004). Participated on panel addressing meaning of "testimonial" statements.

**New York City Bar Association**, New York, N.Y.

Sept. 2004

*Crawford v. Washington and Its Effect*

Symposium addressing *Crawford v. Washington*, 541 U.S. 36 (2004), and its impact on criminal practice. Presented paper outlining important recent decisions analyzing and applying *Crawford*, focusing on the continued viability of the excited utterance exception following *Crawford*.

**New York State Judicial Institute**, White Plains, N.Y.

April 2004

*Annual New York City Criminal Court Judge's Seminar*

Panel member at judicial seminar examining issues in domestic violence prosecutions, including the impact of *Crawford v. Washington*, 541 U.S. 36 (2004), on "evidence-based" prosecutions.

#### **PROFESSIONAL & CLE PRESENTATIONS**

**WSBA Ethical Dilemmas Seminar**, Seattle, WA

Nov. 2018

Ethics Panel Participant

**Annual Montana Federal Defender & MACDL Conference**, Pray, MT March 2018

*Ineffective Assistance and You: Understanding, Preventing, and Addressing IAC Claims*  
Keynote Ethics Speaker

**Washington Defender Association**, Seattle, WA

Dec. 2017

*How Much Should You Prioritize Therapeutic Jurisprudence in Your Practice? Balancing Zealous Conscientious and Ardent Advocacy with Collaborative and Holistic Practice Models*

Keynote Ethics Speaker

**WSBA Ethical Dilemmas Seminar**, Seattle, WA

Nov. 2017

Ethics Panel Participant

**NACOLE 2017 Annual Conference**, Spokane, WA

Sept. 2017

*Perspectives on the Law of Police Accountability*

Presenter at annual conference of the National Association for Civilian Oversight of Law Enforcement

**11<sup>th</sup> Annual Federal Civil Trial Practice Seminar**, Richland, WA May 2017

*Ethics & Technology 2.0: Emerging and Evolving Issues from the 2016 RPC Amendments*  
Keynote Ethics Speaker

**Annual WSBA Trusts & Estate Section Conference**, Seattle, WA

April 2017

Co-Presenter on Legal Ethics and Technology

<b>WSBA Ethical Dilemmas Seminar, Seattle, WA</b>	Nov. 2016
Ethics Panel Participant	
<b>Washington Defender Association Conference, Spokane, WA</b>	Nov. 2016
<i>The Ethics of Social Media Investigations</i>	
<b>Annual Montana Public Defense Conference, Bozeman, MT</b>	Oct. 2016
<i>The Ethics of Social Media Investigations</i>	
<b>10<sup>th</sup> Annual WSBA Solo and Small-Firm Conference, Seattle, WA</b>	July 2016
<i>Ethics in the 21<sup>st</sup> Century Practice</i>	
<b>New York County Defender Services, New York, NY</b>	Jan. 2016
<i>The Ethics of Mobile Computing and Social Media in a Criminal Practice</i>	
<b>WSBA Small Firm CLE, Spokane, WA</b>	Dec. 2015
<i>Ethics and Technology Webinar for the Solo Practitioner</i>	
<b>WSBA Ethical Dilemmas Seminar, Seattle, WA</b>	Nov. 2015
Ethics Panel Participant	
<b>Gonzaga Intellectual Property Merit Scholarship CLE, Spokane, WA</b>	Sept. 2015
<i>Ethical Issues Relating to Prospective IP Clients</i>	
<b>WSBA Elder Law Conference, Seattle, WA</b>	Sept. 2015
<i>The Ethics of Working with Trusts and Trustees</i>	
<b>10<sup>th</sup> Annual WSBA Solo and Small-Firm Conference, Spokane, WA</b>	July 2015
<i>Ethics and Technology for the Solo Practitioner</i>	
<b>Law Day Program, Spokane, WA</b>	May 2015
<i>Magna Carte: Symbol of Liberty under the Rule of Law</i>	
<b>Federal Defender of Eastern Washington and Idaho,</b>	Dec. 2014
<i>Ethics and Ineffective Assistance of Counsel Waivers</i>	
<b>WSBA Ethical Dilemmas Seminar, Seattle, WA</b>	Nov. 2014
Ethics Panel Participant	
<b>Hands Up! Don't Shoot!, Spokane, WA</b>	Oct. 2014
Moderated student-led panel discussion on issues of police accountability and race.	
<b>WA State Office of Public Defense, Spokane, WA</b>	Sept. 2014
<i>Criminal Defense CLE</i>	
Co-presented on preserving records for appeal.	

<b>WA State Office of Public Defense, Vancouver, WA</b> <i>Capital Defense Training Conference</i> Co-presented on “Confidentiality and Capital Case Mitigation.” Also participated in panel discussion on preserving issues for appellate review.	Aug. 2014
<b>Clark Family Ethics CLE, Spokane, WA</b> Presenter and panelist addressing the ethical implications for lawyers of practicing with limited license legal technicians.	April 2014
<b>PB &amp; J Lunch Presentation, Spokane, WA</b> <i>The Ethics of Journalism Advocacy</i> Panelist focusing on ethical consideration for lawyers when collaborating with or retaining non-lawyer professionals such as journalists.	March 2014
<b>PB &amp; J Lunch Presentation, Spokane, WA</b> <i>Peremptory Challenges and Jury Selection</i> Co-Moderator to presentation by Washington Supreme Court Justice Steven González.	March 2014
<b>Washington Defender Association, Seattle, WA</b> <i>Ethics 2013: Celebrating Gideon &amp; the Right to Competent Counsel</i> Presented, <i>Preparing a Case for the Next Stage: Competence When Closing a Case.</i>	Dec. 2013
<b>WSBA Ethical Dilemmas Seminar, Spokane, WA</b> Ethics Panel Participant	Oct. 2013
<b>WA State Office of Public Defense, Spokane, WA</b> <i>Capital Defense Training Conference</i> Lectured on ethical requirements and considerations before accepting a capital case.	Aug. 2013
<b>WSBA Ethical Dilemmas Seminar, Spokane, WA</b> Ethics Panel Participant.	Nov. 2012
<b>Washington Defender Association, Spokane, WA</b> Lectured on current issues concerning effective assistance of counsel.	Nov. 2012
<b>5<sup>th</sup> Annual WSBA Intellectual Property Institute, Spokane, WA</b> Lectured on ABA Model Rules 2012 technology amendments.	Oct. 2012
<b>Prosecutor &amp; Defender Panel, Spokane, WA</b> Moderated panel of prosecutors and defense lawyers addressing careers in criminal law.	Oct. 2012
<b>Washington State Office of Public Defense, Yakima, WA</b> <i>Panel Participant</i> Addressed the Washington Supreme Court’s new indigent defense standards.	Aug. 2012
<b>WSBA Ethical Dilemmas Seminar, Spokane, WA</b>	Nov. 2011

Ethics Panel Participant

**Prosecutor & Defender Panel**, Spokane, WA Oct. 2011  
Moderated panel of prosecutors and defense lawyers addressing careers in criminal law.

**Seattle Public Defender Office**, Seattle, WA Aug. 2011  
The Ethics of Padilla v. Kentucky & Adverse Consequences to Criminal Conviction

**WSBA Law of Lawyering Seminar**, Seattle, WA Nov. 2010  
*Ethics of Criminal Defense*  
Panel chair and participant, appearing with Tom Hillier, Esq., Federal Defender for the Western District of Washington, Annette Hayes, Esq., First Assistant U.S. Attorney for the Western District of Washington, and Carl Oreskovich, Esq.

**WSBA Moderate Means Program**, Seattle, WA Oct. 2010  
Online Ethics Video

**Tri-Cities Legal Aid CLE**, Tri-Cities, WA Oct. 2010  
*Preview of U.S. Supreme Court's 2010 Term*

**Gonzaga Law School Ethics Program**, Spokane, WA July 2010  
*Ethics and the 1<sup>st</sup> Amendment*

**Federal Defender of Eastern Washington**, Spokane, WA June 2010  
*Confidentiality, Candor & Zeal in the Eastern District*

**Seattle Public Defender Office**, Seattle, WA March 2010  
*Confidentiality, Candor & Zeal under the Washington RPC*

**Washington State Association for Justice**, Spokane, WA Dec. 2009  
*The Scent of Ethics: A Potpourri—New Rules and More*

**Spokane City Prosecutor's Office**, Spokane, WA April 2009  
*The Brady Rule as an Intersection of Constitutional Law, Ethics, and Strategy*

**Idaho Assoc. of Criminal Defense Lawyers**, Sun Valley, ID March 2009  
Ethics seminar at annual retreat

**Gonzaga Law School Ethics Program**, Spokane, WA Jan. 2009  
Mission Possible Fundraising CLE

**WA State Criminal Defense Lawyers Assoc.**, Winthrop, WA April 2008  
Ethics seminar at annual retreat

**Gonzaga Law School Ethics Program**, Spokane, WA Jan. 2008  
Thomas More Society CLE seminar



<b>Idaho Assoc. of Criminal Defense Lawyers</b> , Coeur d'Alene, ID <i>Mental Health and Criminal Defense Ethics</i>	Sept. 2007
<b>Gonzaga Law School Ethics Program</b> , Spokane, WA Reunion ethics seminar	Aug. 2007
<b>WA State Office of Public Defense</b> , Spokane, WA July 2007 <i>The 2006 Washington RPC and Criminal Practice</i>	
<b>Washington State Office of Public Defense</b> , Vancouver, WA <i>The 2006 Washington RPC and Criminal Practice</i>	June 2007
<b>ACLU-WA</b> , Spokane, WA Police Accountability Seminar	Dec. 2006
<b>Washington State Trial Lawyer's Assoc.</b> , Spokane, WA <i>Confidentiality &amp; Candor under the New Washington RPC</i>	Dec. 2006
<b>Washington State Office of Public Defense</b> , Ocean Shores, WA <i>The 2006 Washington RPC and Criminal Practice</i>	Nov. 2006
<b>Washington State Office of Public Defense</b> , Wenatchee, WA <i>The 2006 Washington RPC and Criminal Practice</i>	Nov. 2006
<b>Gonzaga Law School Ethics Program</b> , Spokane, WA <i>Taking Law Seriously</i>	Aug. 2006
<b>Gonzaga Phi Delta Phi</b> , Spokane, WA <i>Legal Ethics in the 21st Century</i>	March 2006
<b>Misc. CLE Presentations</b> , New York, N.Y.	
<ul style="list-style-type: none"> <li>• Presentation on New York grand jury practice (March 2005).</li> <li>• Presentation on recent Fourth Amendment developments (Feb. 2004).</li> <li>• Presentation on speedy-trial issues following the 9/11 terrorist attack, co-taught with Hon. Paul G. Feinman, Justice of the New York State Supreme Court, Appellate Division (June 2002).</li> </ul>	

## MEDIA APPEARANCES

- Ryan Gabrielson, *Sustained Objections*, PRO PUBLICA 10/28/2016
- Mitch Ryals, *There's No Defense*, THE INLANDER 04/28/2016.
- Matt Shafer Powell, *Justice for All: The Sum and Its Parts*, WUOT RADIO (NPR Tennessee) 08/29/13.
- Jacob Jones, *Freedom Lovers*, THE INLANDER 02/19/2013.
- Joe O'Sullivan, *Homeland Droneland*, THE INLANDER 07/03/2012.
- Robert Barnes, *As Stevens Retires from Court, One Final Duel with Scalia*, WASHINGTON POST 07/26/10.
- Marcia Coyle, *Justices to Review Speedy Trial Quagmire*, NAT'L L.J. 01/12/09.
- KPBX SPOKANE (NPR), All Things Considered segment on police surveillance (2009).
- Editorial, *Our View: Remove the Limits*, SPOKESMAN REVIEW 08/29/07.
- Corey Stephensen, *It's the First Monday in October, and They're Baaack ...*, MINN. LAWYER 10/02/2006.
- Corey Stephenson, *U.S. Supreme Court Begins Its New Term*, ST. LOUIS DAILY REC. AND ST. CHARLES CO. BUS. REC. 10/01/06.
- Reni Gertner, *Court Rules on Admissibility of 911 Calls, Statements to Police*, ST. LOUIS DAILY REC. AND ST. CHARLES CO. BUS. REC. 07/06/06.
- Dan Mitchell, *What's Online: Doing Executive Time*, N.Y. TIMES 9/24/05.

## PROFESSIONAL SERVICE

- **Society of American Law Teachers**
  - Board of Governors 2013-present
  - Executive Committee 2016-present
  - Co-Chair, Access to Justice Committee 2016-present
- **WSBA Committee on Professional Ethics** 2017-present
  - Committee Member*
- **WSBA Council on Public Defense**
  - Chair* 2010-2017
  - Vice-Chair* 2014-2016
  - Emeritus Member* 2012-2014
  - 2017-2018
- **American Bar Association** 2015-present
  - Screening Committee, Silver Gavel Awards for Media and the Arts*
- **ACLU-WA**
  - Board of Directors* 2007-2013
  - Legal Committee* 2011-present
- **New York City Bar Association** 2012-2015
  - Criminal Law Committee*
- **WSBA Limited License Legal Technician Board** 2013-2014
  - LLLTRPC Committee*
  - Lawyer RPC Concordance Committee*
- **Washington State Office of Public Defense** 2013-2014
  - Chair, Capital Defense Training Program*
- **National Organization of Bar Counsel** 2015

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| <i>Alternative Licensure Committee</i>             |           |
| • <b>Washington State Office of Public Defense</b> | 2012      |
| <i>RFP Evaluator</i>                               |           |
| • <b>Washington State Criminal Justice Summit</b>  | 2009-2010 |
| <i>Summit Participant</i>                          |           |
| • <b>Spokane County Bar Association</b>            | 2007-2011 |
| <i>Judicial Candidate Evaluation Panel Member</i>  |           |

#### **BAR ADMISSIONS & MEMBERSHIPS**

- U.S. Court of Appeals for the Armed Forces (2012)
- U.S. Court of Appeals for the Ninth Circuit (2007)
- New York State (1995)
- Association of American Law Schools
- American Bar Association