

## BROOKS HOLLAND

Professor of Law

J. Donald and Va Lena Scarpelli Curran  
Professor of 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*

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### PUBLICATIONS

Scholarship cited in more than 200 sources, including in opinions by the U.S. Court of Appeals for the Sixth Circuit and five state supreme courts, lower court opinions, books, academic and professional articles, and legal 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

- *A Bronx Tale: Integrating Music, Practical Skills, and Values to Introduce First-Year Law Students to Race and the Criminal Law*, in Dyszlewski, Gabriel, Harrington-Steppen, Russell, and Tung, INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION & EQUITY IN THE LAW SCHOOL CLASSROOM (Carolina Academic Press 2020) (forthcoming)
- *The Ethics of Criminal Practice*, WASHINGTON LEGAL ETHICS DESKBOOK (2<sup>nd</sup> ed. WSBA 2020) (forthcoming)

### ACADEMIC JOURNALS

- *Confronting the Bias Dichotomy in Jury Selection*, 81 LA. L. REV. \_\_\_\_ (2020) (forthcoming)
- *The Clarke Prize in Legal Ethics: An Introduction*, 55 GONZAGA L. REV. 217 (2019); 53 GONZAGA L. REV. 335 (2018); 52 GONZAGA 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. LAW & POL'Y 517 (2012)
- *Imagining the Open Road*, 64 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

- *Permission and Purpose: Does a Person Violate the Federal Computer Fraud Statute by Accessing a Database with Authorization but for an Unauthorized Purpose?*, \_\_ A.B.A. PREVIEW \_\_ (2020) (forthcoming)
- *Do The Police Seize a Person under the Fourth Amendment by Using Deadly Force if That Person Gets Away?*, 47 A.B.A. PREVIEW 30 (2020)
- *Federalism and Criminal Procedure Symmetry: Does the Sixth Amendment Require Unanimous Jury Verdicts in Both State and Federal Courts?*, 47 A.B.A. PREVIEW 15 (2019)

- *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 A.B.A. PREVIEW 30 (2018)
- *Does the Federal Drug Forfeiture Statute Impose Joint-and-Several Liability Among Drug Conspiracy Members?*, 44 A.B.A. PREVIEW 202 (2017)
- *What Are the Double Jeopardy Consequences of an Acquittal on a Related Conviction That Is Vacated?*, 44 A.B.A. PREVIEW 24 (2016)
- *When Is an Extortion Victim also a Partner in Crime? Defining the Scope of Hobbs Act Conspiratorial Liability*, 43 A.B.A. 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 A.B.A. PREVIEW 70 (2014)
- *Criminal Procedure in the October 2013 Term: Cell Phones and Some Other Stuff*, 41 A.B.A. PREVIEW 321 (2014)
- *The Fourth Amendment in the October 2012 Term*, 40 A.B.A. PREVIEW 336 (2013)
- *Does a Judge's Participation in Plead Discussions Automatically Invalidate a Guilty Plea?*, 40 A.B.A. 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 A.B.A. PREVIEW 90 (2012)
- *Does the Fourth Amendment Permit a Jail to Strip Search All Inmates, Including Inmates Arrested for Minor Offenses?*, 39 A.B.A. PREVIEW 19 (2011) (co-author)
- *The Armed Career Criminal Act & Revised State Drug Sentencing: It Depends on What "Is" Means*, 38 A.B.A. 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 A.B.A. 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 A.B.A. PREVIEW 220 (2010) (cross-posted on SCOTUSblog)
- *When Are Defendants Exempt from a Minimum Consecutive Sentence under 18 U.S.C. § 924(c)?*, 38 A.B.A. 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 A.B.A. PREVIEW 165 (2010)
- *Do Prisoners Have a Constitutional Right to the State's Biological Evidence?*, 36 A.B.A. 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

- Editorial Board Member, WASHINGTON LEGAL ETHICS DESKBOOK (2<sup>nd</sup> ed. WSBA 2020)
- Peer Reviewer, NEW CRIMINAL LAW REVIEW (Univ. of California Press)

#### 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)
- Comment, *Davis v. Washington & Hammon v. Indiana*, 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

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## LAW TEACHING EXPERIENCE

GONZAGA UNIVERSITY SCHOOL OF LAW, Spokane, WA 2005-present  
J. Donald and Va Lena Scarpelli Curran Professor  
of Legal Ethics and Professionalism (2015-2025)  
Professor (2018)  
Tenure granted (2013)  
Associate Professor (2012)  
Gonzaga Law Foundation Scholar (2009-2012)  
Assistant Professor (2006)  
Visiting Assistant Professor (2005)

### *Courses Taught:*

Criminal Law  
Criminal Procedure  
Advanced Criminal Procedure  
Professional Responsibility  
Comparative Criminal Law  
Constitutional Law  
Trial Advocacy  
Perspectives on the Law  
Criminal Law and Procedure (undergraduate)

### *Administrative Appointments:*

Director of Global Legal Education (2019-present)  
Associate Dean for Academic Affairs (2017-2018)  
Director, Gonzaga Law in Florence (2016-2019)  
Chair, Gonzaga Law International Human Rights Conference (2017-present):

- [\*Women's Rights as Human Rights\*](#) (2020) (postponed due to COVID-19)
- [\*Freedom of Expression as a Human Right\*](#) (2019)
- [\*Equal Justice as a Human Right\*](#) (2018)
- *Human Rights in Uncertain Times* (2017)

### *Faculty Committee Service:*

Diversity, Equity, and Inclusion Committee (2020-2021) (chair)  
*Ad Hoc* Committee on Global Engagement (2020-2021)  
Committee on Clinic Structure, Confidentiality, and Conflicts (Summer 2020) (chair)  
University Council on International Education (2017-2021) (Provost appointment)  
Assessments Committee (2019-2020) (chair)  
Dean's Advisory Committee (2019-2020) (chair) (elected by faculty)  
Faculty Recruitment Committee (Spring 2019)  
Assessments Committee (Spring 2019)  
University Provost Search Committee (Fall 2018) (Presidential appointment)  
Bar Support Committee (2018-2019)

Academic Affairs Committee (Fall 2018) (*ex officio*)  
 Academic Affairs Committee(2017-2018) (*ex officio*)  
 Center for Civil and Human Rights Steering Committee (2017-2019)  
 Budget Committee (2017-2018)  
*Ad Hoc* Externship Program Committee (2017)  
 Promotion, Retention, and Tenure Committee (2016-2018) (elected by faculty)  
 Budget Committee (2016-2017) (chair)  
 All-Purpose Summer Committee (2015)  
 Diversity (2014-2015) (chair)  
 University Grievance Committee (2014-2015) (Presidential appointment)  
 Faculty Recruitment Committee (2015)  
 Strategic Planning Committee (2013-2014)  
 Academic Affairs Committee (2013-2014)  
*Ad Hoc* International Programs Committee (2013-2014)  
 Academic Affairs Committee (2012-2013) (chair)  
 Dean's Advisory Committee (2012-2013) (elected by faculty)  
 Strategic Planning Committee (2012-2013)  
 Strategic Planning Committee (2011-12)  
 Dean's Advisory Committee (2011-2012) (elected by faculty)  
 Academic Affairs Committee (2011-2012)  
 University Committee on Graduate Programs (2009-2012)  
 Dean's Advisory Committee (2010-2011) (elected by faculty)  
 Faculty Recruitment Committee (2010-2011)  
 Dean's Advisory Committee (2009-2010) (chair) (elected by faculty)  
 Faculty Recruitment Committee (2009-2010)  
 Faculty Development & Scholarship Committee (2008-2009)  
 Diversity Committee (2008-2009)  
*Ad Hoc* Committee on Student Evaluation Instrument Committee (2008-2009)  
 Dean's Advisory Committee (2007-2008) (elected by faculty)  
 Diversity Committee (2007-2008)  
 Admissions Committee (2006-2007)  
 Diversity Committee (2006-2007)  
*Ad Hoc* Committee on School Size and Format Committee (2006-2007)  
 Admissions Committee (2005-2006)  
 Faculty Strategic Planning Committee (2005-2006)  
 Student Affairs Committee (2005-2006)

*Faculty Advisor:*

Latina-Latino Law Student Association  
 Criminal Law Society  
 GSA Alliance  
 ACLU Student Club  
 Armed Forces Club

BROOKLYN LAW SCHOOL, Brooklyn, N.Y.  
 Adjunct Legal Research & Writing Instructor

2000-2002

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## LEGAL PRACTICE EXPERIENCE

FEDERAL APPELLATE PRACTICE, Spokane, WA 2007-present  
*Criminal Justice Act Panel Attorney*  
Representing indigent criminal defendants on appeals to the United States Court of Appeals for the Ninth Circuit.

### AMICUS CURIAE CASES

- *Morgan v. Washington*, U.S. Supreme Court No. 19-494 (*certiorari* petition), available at 2019 WL 6170550
- *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, CRIMINAL 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

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#### ACADEMIC PRESENTATIONS

|   |            |
|---|------------|
| Society of American Law Teachers Social Justice in Action Webinar<br><i>Anti-Racist Law School Hiring Practices</i><br>Moderator  | Oct. 2020  |
| SEALs Annual Conference, Fort Lauderdale, FL<br><i>Law School as Experience: Teaching Skills, Values, and Knowledge Throughout Legal Education</i><br>Discussion Group Participant  | Aug. 2020  |
| Center for Civil & Human Rights Social Justice Series, Spokane, WA<br><i>The Criminalization of Color: A Look to the Past to Understand Today</i><br>Co-Presenter   | June 2020  |
| Center for Civil & Human Rights Social Justice Series, Spokane, WA<br><i>Ramos v. Louisiana: The Many Civil Rights Implications of this Decision</i><br>Presenter   | June 2020  |
| Louisiana Law Review Symposium, Baton Rouge, LA<br><i>We the Jury: Conversations on the American Jury's Past, Present, and Future</i><br>Panel: An Impartial Jury<br>Paper: <i>Confronting the Bias Dichotomy in Jury Selection</i> | Jan. 2020  |
| English for Law & International Transactions, Lago d'Iseo, Italy<br><i>The American Way: Law &amp; Business in the USA</i><br>Instructor on comparative United States and Italian ethics and plea bargaining                        | June 2019  |
| Clarke Prize Legal Ethics Conference, Spokane, WA<br><i>The Ethical Implications of Artificial Intelligence Technologies</i><br>Program chair and presenter   | April 2019 |
| AALS Annual Conference, New Orleans, LA<br><i>Bias in the Courtroom</i><br>Paper: <i>Confronting the Bias Dichotomy in Jury Selection</i>   | Jan. 2019  |
| SALT Teaching Conference, University Park, PA<br><i>Access to Justice in the Classroom</i><br>Panel presenter<br><i>Providing Study Abroad Opportunities to First-Generation Students</i><br>Panel presenter                        | Oct. 2018  |
| The Pursuit of Justice, Spokane, WA<br><i>Bias in the Criminal Justice System</i>   | Sept. 2018 |



Panel at inaugural conference of the Center for Civil and Human Rights at Gonzaga Law  
Paper: *Confronting the Bias Dichotomy in Jury Selection*

SEALs Annual Conference, Fort Lauderdale, FL Aug. 2018  
*Complying with the New A.B.A. Standards on Assessment and Feedback*  
Discussion Group Participant

Clarke Prize Legal Ethics Conference, Spokane, WA April 2018  
*Access to Justice as an Ethics Question*  
Program chair and moderator

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*  
Paper discussant and panel 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 and moderator

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  
Texas Tech University Law Review Symposium, *Punishing Violence Against Women: Seeking the Right Balance*  
Paper: *A Critical Look at Lawyer Advocacy, Gender, and Anticipatory Self-Defense Claims*

Lewis & Clark Law School Faculty Colloquia, Portland, OR Oct. 2015  
*Three Perspectives on Limited License Legal Technicians*  
Presenter

Gonzaga University School of Law Faculty Colloquia, Spokane, WA Oct. 2015  
*Three Perspectives on Limited License Legal Technicians*  
Presenter

Law Day Program, Spokane, WA May 2015  
*Magna Carte: Symbol of Liberty under the Rule of Law*

Clarke Prize Legal Ethics Conference, Spokane, WA April 2015  
*Social Media and Legal Ethics*  
Program chair and moderator

Society of American Law Teachers, Chicago, IL March 2015  
*Limited License Legal Technicians and Legal Education*  
Roundtable presenter

Gonzaga Faculty Roundtable, Spokane, WA Oct. 2014  
*Should Law Teachers Committed to Social Justice Champion the De-Structuring of the Legal Profession?*  
Co-presenter

SALT Teaching Conference, Las Vegas, NV Oct. 2014  
*Should Law Teachers Committed to Social Justice Champion the De-Structuring of the Legal Profession?*  
Panel participant

Law & Society Annual Conference, Boston, MA May 2013  
*Criminal Justice Panel: Adjudication*  
Panel moderator and paper discussant

Pursuit of Justice Conference, Spokane, WA April 2013  
*Hate Crimes Law & Intervention*

Panel moderator

Gonzaga Federalist Society, Spokane, WA March 2013  
Discussant for presentation by Robert Alt on gun control and public safety.

University of Mississippi School of Law, Oxford, MS Feb. 2013  
Mississippi Law Journal Symposium: *Poverty & Access to Justice*  
Paper: *Washington State's Legal Technician Limited License Practice Rule: A National First in Access to Justice*

Gonzaga Federalist Society, Spokane, WA Nov. 2012  
Discussant for presentation by Professor Richard Duncan, *Originalism and the Living Constitution: What if They Both Are Right?*

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  
Symposium: *Crawford & Beyond III*, Co-sponsored by the Journal of Law & Policy  
Panel Participant

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*  
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  
Paper: *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)

Law & Society Conference, Chicago, IL May 2010  
Panel: *Race and the Criminal Law*  
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*

Gonzaga Law School, Spokane, WA March 2010  
Faculty Roundtable  
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

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  
Panel: Criminal Law and Emotions  
Presenter, *Can't Let Go: Obsession and the Criminal Law*

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  
Symposium: *Crawford & Beyond: Exploring the Future of Confrontation in Light of Its Past*  
Paper: *Testimonial Statements under Crawford: What Makes Testimony ... Testimonial?*

New York City Bar Association, New York, N.Y. Sept. 2004  
Symposium: *Crawford v. Washington and Its Effect*  
Paper: *Testimonial Statements under Crawford: What Makes Testimony ... Testimonial?*

New York State Judicial Institute, White Plains, N.Y. April 2004  
*Annual New York City Criminal Court Judge's Seminar*  
Panel member examining issues in domestic violence cases, including the impact of *Crawford v. Washington*, 541 U.S. 36 (2004), on "evidence-based" prosecutions

#### PROFESSIONAL & CLE PRESENTATIONS

11<sup>th</sup> Annual SCBA Indian Law Conference, Spokane, WA March 2020  
Ethics Panel Participant

WSBA Ethical Dilemmas Seminar, Seattle, WA Nov. 2019  
Ethics Panel Participant

New York County Defender Services Trainer, New York, NY Oct. 2019  
*Legal Ethics Mash-Up*  
Featured ethics presenter

Center for Civil and Human Rights at Gonzaga Law, Spokane, WA Oct. 2019  
*Supreme Court Year in Review: Criminal Law*  
Panel presenter

Washington Office of Public Defense, Spokane, WA Sept. 2019  
*Criminal Defense Training Academy*  
Faculty trainer—cross-examination

Housing Law CLE, Spokane, WA Aug. 2019  
*What's the Scoop? Updates in Landlord-Tenant Law*  
Ethics Presenter

Representing Individuals with Mental Disabilities CLE, Spokane, WA April 2019  
Panel Participant

10<sup>th</sup> Annual SCBA Indian Law Conference, Spokane, WA March 2019  
Ethics Co-Presenter

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 Presenter

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| Washington Defender Association Annual Conference, Seattle, WA<br><i>How Much Should You Prioritize Therapeutic Jurisprudence in Your Practice? Balancing Zealous Conscientious and Ardent Advocacy with Collaborative and Holistic Practice Models</i><br>Keynote Ethics Presenter | Dec. 2017  |
| WSBA Ethical Dilemmas Seminar, Seattle, WA<br>Ethics Panel Participant  | Nov. 2017  |
| NACOLE 2017 Annual Conference, Spokane, WA<br><i>Perspectives on the Law of Police Accountability</i><br>Panel Participant  | Sept. 2017 |
| 11 <sup>th</sup> Annual Federal Civil Trial Practice Seminar, Richland, WA<br><i>Ethics &amp; Technology 2.0: Emerging and Evolving Issues from the 2016 RPC Amendments</i><br>Keynote Ethics Presenter   | May 2017   |
| Annual WSBA Trusts & Estate Section Conference, Seattle, WA<br>Co-Presenter on Legal Ethics and Technology  | April 2017 |
| WSBA Ethical Dilemmas Seminar, Seattle, WA<br>Ethics Panel Participant  | Nov. 2016  |
| Washington Defender Association Conference, Spokane, WA<br><i>The Ethics of Social Media Investigations</i><br>Presenter  | Nov. 2016  |
| Annual Montana Public Defense Conference, Bozeman, MT<br><i>The Ethics of Social Media Investigations</i><br>Keynote Ethics Presenter   | Oct. 2016  |
| 10 <sup>th</sup> Annual WSBA Solo and Small-Firm Conference, Seattle, WA<br><i>Ethics in the 21<sup>st</sup> Century Practice</i><br>Presenter  | July 2016  |
| New York County Defender Services, New York, NY<br><i>The Ethics of Mobile Computing and Social Media in a Criminal Practice</i><br>Presenter   | Jan. 2016  |
| WSBA Small Firm CLE, Spokane, WA<br><i>Ethics and Technology Webinar for the Solo Practitioner</i><br>Presenter   | Dec. 2015  |
| WSBA Ethical Dilemmas Seminar, Seattle, WA<br>Ethics Panel Participant  | Nov. 2015  |

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| Gonzaga Intellectual Property Merit Scholarship CLE, Spokane, WA<br><i>Ethical Issues Relating to Prospective IP Clients</i><br>Co-Presenter   | Sept. 2015 |
| WSBA Elder Law Conference, Seattle, WA<br><i>The Ethics of Working with Trusts and Trustees</i><br>Presenter   | Sept. 2015 |
| 10 <sup>th</sup> Annual WSBA Solo and Small-Firm Conference, Spokane, WA<br><i>Ethics and Technology for the Solo Practitioner</i><br>Keynote Ethics Presenter   | July 2015  |
| Federal Defender of Eastern Washington and Idaho,<br><i>Ethics and Ineffective Assistance of Counsel Waivers</i><br>Presenter  | Dec. 2014  |
| WSBA Ethical Dilemmas Seminar, Seattle, WA<br>Ethics Panel Participant   | Nov. 2014  |
| Hands Up! Don't Shoot!, Spokane, WA<br>Moderated student-led panel discussion on issues of police accountability and race  | Oct. 2014  |
| WA State Office of Public Defense, Spokane, WA<br><i>Criminal Defense CLE</i><br>Co-presented on preserving records for appeal   | Sept. 2014 |
| WA State Office of Public Defense, Vancouver, WA<br><i>Capital Defense Training Conference</i><br>Co-presented on Confidentiality and Capital Case Mitigation. Also participated in panel discussion on preserving issues for appellate review | Aug. 2014  |
| Clark Family Ethics CLE, Spokane, WA<br>Chair and panelist   | April 2014 |
| Gonzaga PB & J Lunch Presentation, Spokane, WA<br><i>The Ethics of Journalism Advocacy</i><br>Panelist focusing on ethical consideration for lawyers when collaborating with or retaining non-lawyer professionals such as journalists         | March 2014 |
| Gonzaga PB & J Lunch Presentation, Spokane, WA<br><i>Peremptory Challenges and Jury Selection</i><br>Co-Moderator to presentation by Washington Supreme Court Justice Steven González.   | March 2014 |
| Washington Defender Association, Seattle, WA<br><i>Ethics 2013: Celebrating Gideon &amp; the Right to Competent Counsel</i>  | Dec. 2013  |



Presenter: *Preparing a Case for the Next Stage: Competence When Closing a Case*

WSBA Ethical Dilemmas Seminar, Spokane, WA Oct. 2013  
Ethics Panel Participant

WA State Office of Public Defense, Spokane, WA Aug. 2013  
*Capital Defense Training Conference*  
Lectured on ethical requirements and considerations before accepting a capital case

WSBA Ethical Dilemmas Seminar, Spokane, WA Nov. 2012  
Ethics Panel Participant

Washington Defender Association, Spokane, WA Nov. 2012  
Lectured on current issues concerning effective assistance of counsel

5<sup>th</sup> Annual WSBA Intellectual Property Institute, Spokane, WA Oct. 2012  
Lectured on ABA Model Rules 2012 technology amendments

Prosecutor & Defender Panel, Spokane, WA Oct. 2012  
Moderated panel of prosecutors and defense lawyers addressing careers in criminal law

Washington State Office of Public Defense, Yakima, WA Aug. 2012  
*The Washington Supreme Court's Indigent Defense Standards*  
Panel Participant

WSBA Ethical Dilemmas Seminar, Spokane, WA 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*  
Presenter

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  
*Ethics and Pro Bono*  
Online Ethics Presenter

Tri-Cities Legal Aid CLE, Tri-Cities, WA Oct. 2010

*Preview of U.S. Supreme Court's 2010 Term*

Presenter

Gonzaga Law School Ethics Program, Spokane, WA

July 2010

*Ethics and the 1<sup>st</sup> Amendment*

Presenter

ACLU-WA, Seattle, WA

July 2010

*ACLU-WA Board of Directors: Civil Liberties and the Right to Bear Arms*

Co-Presenter

Federal Defender of Eastern Washington, Spokane, WA

June 2010

*Confidentiality, Candor & Zeal in the Eastern District*

Presenter

Seattle Public Defender Office, Seattle, WA

March 2010

*Confidentiality, Candor & Zeal under the Washington RPC*

Presenter

Washington State Association for Justice, Spokane, WA

Dec. 2009

*The Scent of Ethics: A Potpourri—New Rules and More*

Presenter

Spokane City Prosecutor's Office, Spokane, WA

April 2009

*The Brady Rule as an Intersection of Constitutional Law, Ethics, and Strategy*

Presenter

Idaho Assoc. of Criminal Defense Lawyers, Sun Valley, ID

March 2009

Ethics Seminar

Gonzaga Law School Ethics Program, Spokane, WA

Jan. 2009

*Mission Possible Fundraising CLE*

Presenter

WA State Criminal Defense Lawyers Assoc., Winthrop, WA

April 2008

Ethics Seminar

Gonzaga Law School Ethics Program, Spokane, WA

Jan. 2008

*Thomas More Society CLE Seminar*

Presenter

Idaho Assoc. of Criminal Defense Lawyers, Coeur d'Alene, ID

Sept. 2007

*Mental Health and Criminal Defense Ethics*

Presenter

Gonzaga Law School Ethics Program, Spokane, WA

Aug. 2007

## Reunion Ethics Seminar

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| WA State Office of Public Defense, Spokane, WA<br><i>The 2006 Washington RPC and Criminal Practice</i>   | July 2007  |
| Washington State Office of Public Defense, Vancouver, WA<br><i>The 2006 Washington RPC and Criminal Practice</i><br>Presenter  | June 2007  |
| ACLU-WA, Spokane, WA<br><i>Police Accountability Seminar</i><br>Presenter  | Dec. 2006  |
| Washington State Trial Lawyer's Assoc., Spokane, WA<br><i>Confidentiality &amp; Candor under the New Washington RPC</i><br>Presenter   | Dec. 2006  |
| Washington State Office of Public Defense, Ocean Shores, WA<br><i>The 2006 Washington RPC and Criminal Practice</i><br>Presenter   | Nov. 2006  |
| Washington State Office of Public Defense, Wenatchee, WA<br><i>The 2006 Washington RPC and Criminal Practice</i><br>Presenter  | Nov. 2006  |
| Gonzaga Law School Ethics Program, Spokane, WA<br><i>Taking Law Seriously</i><br>Presenter   | Aug. 2006  |
| Gonzaga Phi Delta Phi, Spokane, WA<br><i>Legal Ethics in the 21st Century</i><br>Presenter   | March 2006 |
| Misc. CLE Presentations, 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> |            |

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## MEDIA APPEARANCES

- Chad Sokol, *A Look at Matt Shea's Legal Career*, SPOKESMAN REVIEW 02/10/2020
- 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

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## PROFESSIONAL SERVICE

- SOCIETY OF AMERICAN LAW TEACHERS
  - Board of Governors 2013-present
  - Executive Committee 2016-2019
  - Biennial Teaching Conference Committee 2020-2021
  - Social Justice in Action Webinar Committee 2020
  - Co-Chair, Access to Justice Committee 2016-2019
- WSBA COMMITTEE ON PROFESSIONAL ETHICS
  - Committee Member 2017-present
- CENTER FOR CIVIL & HUMAN RIGHTS AT GONZAGA LAW
  - Board of Advisors 2019-present
- AMERICAN BAR ASSOCIATION
  - Screening Committee, Silver Gavel Awards for Media and the Arts 2015-present
- WSBA COUNCIL ON PUBLIC DEFENSE
  - Member 2010-2017
  - Chair 2014-2016
  - Vice-Chair 2012-2014
  - Emeritus Member 2017-2018
- ACLU-WA

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| Board of Directors   | 2007-2013 |
| Legal Committee  | 2011-2018 |
| • NEW YORK CITY BAR ASSOCIATION<br>Criminal Law Committee                              | 2012-2015 |
| • WSBA LIMITED LICENSE LEGAL TECHNICIAN BOARD<br>LLLT RPC Committee                    | 2013-2014 |
| Lawyer RPC Concordance Committee   | 2013-2014 |
| • WASHINGTON STATE OFFICE OF PUBLIC DEFENSE<br>Chair, Capital Defense Training Program | 2013-2014 |
| • NATIONAL ORGANIZATION OF BAR COUNSEL<br>Alternative Licensure Committee              | 2015      |
| • WASHINGTON STATE OFFICE OF PUBLIC DEFENSE<br>RFP Evaluator                           | 2012      |
| • WASHINGTON STATE CRIMINAL JUSTICE SUMMIT<br>Summit Participant                       | 2009-2010 |
| • SPOKANE COUNTY BAR ASSOCIATION<br>Judicial Candidate Evaluation Panel Member         | 2007-2011 |

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#### **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