

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

J.D., *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

Criminal law and ethics scholarship cited in more than 250 sources, including 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 (2nd ed. West 2018) (with Leah Christensen)

BOOK CHAPTERS

- *Exploring Two Sides of the Access Coin in Professional Responsibility: Access to Justice and Access to the Profession*, in Dyszlewski, Gabriel, Harrington-Steppen, Russell, and Tung, INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION & EQUITY BEYOND THE FIRST YEAR (Carolina Academic Press 2022) (forthcoming)
- *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 2021)
- *Ethics in Criminal Practice: Prosecution and Criminal Defense*, WASHINGTON LEGAL ETHICS DESKBOOK (2nd ed. WSBA 2020)

ACADEMIC JOURNALS

- *Prosecutorial Resistance to Change, from Coast to Coast*, 60 Am. Crim. L. Rev. ___ (2023) (forthcoming) (with Steve Zeidman)
- *Foreword: The 2021 Clarke Prize Conference in Legal Ethics: Ethics, Risk, and Compliance with Organizational Clients*, 56 GONZAGA L. REV. 205 (2021) (with Jacob H. Rooksby)
- *Confronting the Bias Dichotomy in Jury Selection*, 81 LA. L. REV. 165 (2020)
- *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 50th 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

- *Constitutional Rights Versus Constitutional Rules: Does a Miranda Violation Alone Establish a Federal Civil Rights Claim?*, 49 A.B.A. PREVIEW 22 (2022)
- *Does a Fourth Amendment Malicious Prosecution Claim Require Affirmative Proof of the Plaintiff's Innocence?*, 49 A.B.A. PREVIEW 32 (2021)
- *Permission and Purpose: Does a Person Violate the Federal Computer Fraud Statute by Accessing a Computer with Authorization but for an Improper Purpose?*, 48 A.B.A. PREVIEW 9 (2020)
- *Do The Police Seize a Person under the Fourth Amendment by Using Deadly Force if That Person Gets Away?*, 48 A.B.A. PREVIEW 43 (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, 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. 5th 2004)
- *Renewed Questions about Pretext Stops and Racial Profiling*, N.Y. L.J. (Sept. 15, 2003)
- *Using Medical Hearsay Evidence to Prosecute Child Abuse*, N.Y. L.J. (March 26, 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, 2002)
- *Reviewing Issues of Domestic Violence Victims' Privilege*, N.Y. L.J. (May 20, 2002)
- *Juror Investigations by the Prosecution in New York*, N.Y. L.J. (Dec. 14, 2000)
- *"Buy and Bust" Rulings Threaten Judicial Independence*, N.Y. L.J. (June 12, 2000)
- *Supreme Court Raises Strategic Issues for Defense*, N.Y. L.J. (March 30, 2000)
- *Defendants in Possession Cases Face a Standing Dilemma*, N.Y. L.J. (June 30, 1999)
- *High Court Improves Standing of Social Guests*, N.Y. L.J. (Jan. 12, 1999)

EDITORIAL POSITIONS

- Editorial Board Member, WASHINGTON LEGAL ETHICS DESKBOOK (2nd ed. WSBA 2020)
- Peer Reviewer, NEW CRIMINAL LAW REVIEW (Univ. of California Press) (2019-2021)
- Peer Reviewer, STANFORD LAW REVIEW (2021)

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, 2011)
 - *The Court Debates Intent Versus Reasonable Possibilities*, SCOTUSblog (April 1, 2011)
 - *The Speedy Trial Act, Motion Time & Un-Cert-Worthy Questions*, SCOTUSblog (Feb. 23, 2011)
 - *The Supreme Court Narrows an Exception to Mandatory Firearm Sentences*, SCOTUSblog (Nov. 17, 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, 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
-

LAW TEACHING EXPERIENCE

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

Administrative Positions:

Director of Global Legal Education (2019-2021)
Associate Dean for Academic Affairs (2017-2018)
Director, Gonzaga Law in Florence (2016-2019)
Chair, Gonzaga International Human Rights Symposium (2017-2021):

- *Black Lives Matter as a Global Human Rights Movement* (2021)
- [*Women's Rights as Human Rights*](#) (2020)
- [*Freedom of Expression as a Human Right*](#) (2019)
- [*Equal Justice as a Human Right*](#) (2018)
- *Human Rights in Uncertain Times* (2017)

Courses Taught:

Criminal Law
Criminal Procedure
Advanced Criminal Procedure
Professional Responsibility
International Criminal Law
Comparative Criminal Law
Constitutional Law
Trial Advocacy
Perspectives on the Law
Civil and Human Rights Advocacy Clinic
Criminal Law and Procedure (undergraduate)

Faculty Committee Service:

Academic Affairs Committee (2022-2023)
University Council on Diversity, Equity, and Inclusion (2020-2022)
Faculty Recruitment Committee (2021-2022)
Law School Diversity, Equity, and Inclusion Committee (2020-2021) (chair)
University Council on International Education (2017-2021) (Provost appointment)
Ad Hoc Committee on Global Engagement (2020-2021)
Committee on Clinic Structure, Confidentiality, and Conflicts (Summer 2020) (chair)
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*)
Budget Committee (2017-2018)
Promotion, Retention, and Tenure Committee (2016-2018) (elected by faculty)
Budget Committee (2016-2017) (chair)
All-Purpose Summer Committee (2015)
Diversity Committee (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 (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 (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; Gender & Sexuality Alliance;
ACLU Student Club; Armed Forces Club

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

2000-2002

LEGAL EXPERIENCE

FEDERAL APPELLATE PRACTICE, Spokane, WA 2007-present
Criminal Justice Act Panel Attorney
Representing public defense clients in the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court for Western District of Washington

AMICUS CURIAE ADVOCACY

- *State v. Bagby*, Washington Supreme Court No. 98622-3 (Wa. 2022): Brief by the Gonzaga Civil and Human Rights Advocacy Clinic and University of Washington Racial Justice Clinic on behalf of Gonzaga and University of Washington BLSA in support of Bagby
- *In the Matter of the Honorable David S. Keenan*, Washington Supreme Court No. 201, 996-0 (Wa. 2021): Brief of Legal Ethics Professors and Practitioners
- *Soule v. Conn. Assoc. of Schools, Inc., et al.*, U.S. Court of Appeals for the Second Circuit No. 21-1365 (2nd Cir. 2021): Brief of 42 Legal Ethics Scholars as *Amicus Curiae*
- *City of Kent v. Jenkins*, Washington Supreme Court No. 98622-3 (Wa. 2021): Brief by the Gonzaga Civil and Human Rights Advocacy Clinic in support of Jenkins
- *United States v. Varner*, U.S. Court of Appeals for the Fifth Circuit No. 19-40016 (5th Cir. 2020): Brief of 83 Legal Ethics Scholars as *Amicus Curiae*
- *Morgan v. Washington*, U.S. Supreme Court No. 19-494 (2019): Brief in support of *certiorari* petition by Petitioner Morgan, *available at* 2019 WL 6170550 (2019)
- *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
Advised staff of 30+ attorneys on legal developments relevant to criminal practice.

Staff Attorney 1998-2005
Represented indigent criminal defendants in all classes of felony and misdemeanor cases.

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.

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

San Francisco Public Defender Office, San Francisco, CA Summer 1992
Law Intern

ACADEMIC PRESENTATIONS

- Georgetown American Criminal Law Review, Washington, D.C. October 2022
Reform-minded Prosecution
Presenting Paper, *Prosecutorial Resistance to Change, from Coast to Coast*
- Society of American Law Teachers, Chicago, IL October 2022
SALT Biennial Teaching Conference
Panelist, *Prosecutorial Resistance to Change, from Coast to Coast*
Panelist,
- Law and Society Conference, Lisbon, Portugal July 2022
International Human Rights
Panel Chair and Discussant
- Society of American Law Teachers, Wake Forest, NC Feb. 2022
SALT Social Justice in Action Webinar Series
Webinar Moderator: *Critical Justice: Advocacy in Law and Society*
- SEALs 2021 Annual Conference, FL July 2021
Annual Criminal Law & Procedure Paper Workshop: *From Police to Prisons: Pandemic & Post-Pandemic Reforms in the Criminal Legal System*
Paper Presented: *Is Washington's Batson Reform an Effective Model for Reform in Other Jurisdictions?*
Paper discussant: *Pondering Presence*, by Professor Janet Hoeffel
- Gonzaga in Florence, Florence, Italy June 2021
Human Rights Symposium: *Black Lives Matter as a Global Human Rights Movement*
Panel Moderator: *Black Lives Matter: Global Legal Issues and Systems*
- Universities of Gonzaga and Florence Schools of Law, Florence, Italy June 2021
Panel Speaker: *Bringing Sustainability into Dispute Resolution: A New Approach to Business ADR Tools and Strategies?*
- Gonzaga International Education Council, Spokane, WA March 2021
Panel Moderator: *IEC Global Engagement Professional Development Grant Panel*
- Gonzaga Law Human Rights Conference, Spokane, WA Nov. 2020
Women's Rights as Human Rights
Myra: A Reading
Video production of short original play involving Myra Bradwell and U.S. Supreme Court Justice Joseph Bradley. Read as Joseph Bradley, and Washington Supreme Court Chief Justice Debra Stephens read as Myra Bradwell
- Society of American Law Teachers, East Lansing, MI Oct. 2020

Social Justice in Action Webinar: *Anti-Racist Law School Hiring Practices*
Panel Moderator

American Bar Association Division of Public Education Oct. 2020
[Preview—Madrid v. Torres](#)
Educational video on pending U.S. Supreme Court case addressing police deadly force

SEALs Annual Conference, Fort Lauderdale, FL Aug. 2020
Law School as Experience: Teaching Skills, Values, and Knowledge Throughout Legal Education
Virtual Discussion Group Participant

Center for Civil & Human Rights Social Justice Series, Spokane, WA June 2020
The Criminalization of Color: A Look to the Past to Understand Today
Co-Presenter

Center for Civil & Human Rights Social Justice Series, Spokane, WA June 2020
Ramos v. Louisiana: The Broad Civil Rights Implications of this Decision
Presenter

Louisiana Law Review Symposium, Baton Rouge, LA Jan. 2020
We the Jury: Conversations on the American Jury's Past, Present, and Future
Panel: *An Impartial Jury*
Paper: *Confronting the Bias Dichotomy in Jury Selection*

English for Law & International Transactions, Lago d'Iseo, Italy June 2019
The American Way: Law & Business in the USA
Instructor on comparative United States and Italian legal ethics and plea bargaining

Clarke Prize Legal Ethics Conference, Spokane, WA April 2019
The Ethical Implications of Artificial Intelligence Technologies
Program chair and presenter

AALS Annual Conference, New Orleans, LA Jan. 2019
Bias in the Courtroom
Paper: *Confronting the Bias Dichotomy in Jury Selection*

SALT Teaching Conference, University Park, PA Oct. 2018
Access to Justice in the Classroom
Panel participant
Providing Study Abroad Opportunities to First-Generation Students
Panel participant

The Pursuit of Justice, Spokane, WA Sept. 2018
Bias in the Criminal Justice System
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 21st Century
Moderator to panel on the current U.S. administration's leadership in international economic law in the 21st century

35th 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 Discussant for presentation by Robert Alt on gun control and public safety.	March 2013
University of Mississippi School of Law, Oxford, MS Mississippi Law Journal Symposium: <i>Poverty & Access to Justice</i> Paper: <i>Washington State's Legal Technician Limited License Practice Rule: A National First in Access to Justice</i>	Feb. 2013
Gonzaga Federalist Society, 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 <i>Race & The Criminal Justice System: Harmonizing Clinical & Doctrinal Teaching to Advance Social Justice</i> Panelist, presenter, and roundtable participant	Oct. 2012
Gonzaga Law School, Spokane, WA <i>How Far Did Crawford Take Us from Roberts After All?</i> Presented to faculty, students, and federal bar	Feb. 2012
Brooklyn Law School, Brooklyn, NY Symposium: <i>Crawford & Beyond III</i> , Co-sponsored by the Journal of Law & Policy Panel Participant	Nov. 2011
Gonzaga Federalist Society, Spokane, WA Discussant for presentation by Professor John Radsan, <i>The Irrelevance of Al Qaeda as a Legal Category</i>	Nov. 2011
Gonzaga Law School, Spokane, WA <i>Race & Criminal Justice in the West</i> Panel member, <i>Law Enforcement: From Police to Prosecutors</i> Paper: <i>Racial Bias and Criminal Justice Remedies</i>	Sept. 2011
Gonzaga Federalist Society, Spokane, WA Discussant for presentation by Dr. Roger Pilon from the Cato Institute, <i>The Tea Party and the Constitution: The Roots of Deficits and the Debt Crisis</i>	Sept. 2011
Gonzaga Federalist Society, Spokane, WA <i>Libertarianism: Is It Right for America?</i> Moderated panel that included Manny Klausner, Esq.	April. 2011
Gonzaga Federalist Society, Spokane, WA <i>Guns Rights & the Second Amendment</i> Moderated panel that included Illya Shapiro from the Cato Institute	March 2011

Gonzaga International Law Journal, Spokane, WA <i>International Environmental Law in a Changing World</i> Presented on ethics in environmental law, and participated in panel discussion	March 2011
Gonzaga Law School, Spokane, WA Presented work-in-progress, <i>Kick-Ass Lawyering</i>	Jan. 2011
Texas Wesleyan Law School, Fort Worth, TX Paper: <i>Kickin' Ass & Takin' Names: Zealous Advocacy and the Virtuous Lawyer</i>	Sept. 2010
Junior CrimProf Conference, Chicago, IL Discussant for paper presented by John Bronsteen, Christopher Buccafusco & Jonathan Masur, <i>Retribution and the Experience of Punishment</i> , 98 CA. L. REV. 1463 (2010)	July 2010
Law & Society Conference, Chicago, IL Panel: <i>Race and the Criminal Law</i> Paper: <i>Racial Profiling and a Punitive Exclusionary Rule</i>	May 2010
Gonzaga Journal of International Law, Spokane, WA <i>The War on Terror: From Guantanamo Bay to the Shores of Australia</i> Presenter, <i>Teaching Virtuous Lawyering in a Post-9/11 World</i>	March 2010
Gonzaga Law School, Spokane, WA Faculty Roundtable Paper: <i>Zealous Advocacy and Virtuous Lawyering</i>	March 2010
Gonzaga Law School, Spokane, WA <i>Atticus Finch & Legal Ethics</i> Panelist exploring lessons from Atticus Finch's character in <i>To Kill a Mockingbird</i> , as part of the Spokane Public Library's "Big Read" program	Feb. 2010
Gonzaga Federalist Society, Spokane, WA Discussant for presentation by Professor John Rasdan, <i>Obama's Repackaging of Cheney's National Security Policies</i>	Feb. 2010
Gonzaga Law School, Spokane, WA <i>Referendum 71—Approve or Reject?</i> 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	Oct. 2009
Gonzaga University Constitution Day, Spokane, WA <i>Voting Rights in the 21st Century</i> Presented overview of voting rights in the United States, from the Founding to the 2006 extension of the Voting Rights Act	Oct. 2008

Junior CrimProf Conference, Washington, D.C. Discussant for paper presented by Sonja Starr, <i>Sentence Reduction as a Remedy for Prosecutorial Misconduct</i> , 97 GEO. L.J. 1509 (2009)	Aug. 2008
Law & Society Conference, Montreal, Canada Panel: Criminal Law and Emotions Presenter, <i>Can't Let Go: Obsession and the Criminal Law</i>	June 2008
Gonzaga William O. Douglas Society, Spokane WA <i>Faculty Debate: Student Free Speech</i> Moderated debate between faculty members on student free speech jurisprudence	April 2008
Gonzaga Journal of International Law, Spokane, WA <i>International Trade: Law or Politics?</i> Panelist for presentation on "The World Trade Organization and the U.S."	Feb. 2008
Gonzaga William O. Douglas Society, Spokane, WA <i>Faculty Debate: COPA and ACLU v. Gonzales</i> Debated faculty member on the constitutionality of the Child Online Protection Act and the U.S. District Court's decision in <i>ACLU v. Gonzales</i> (E.D. Pa. 2007)	April 2007
Gonzaga Multicultural Law Caucus, Spokane, WA <i>Perceptions of Islam in Our Community</i> Panel member	Oct. 2006
N.Y.U. Journal of Law & Liberty, New York, N.Y. <i>Online Symposium: Anticipatory Search Warrants</i> Online panel exploring anticipatory search warrants under the Fourth Amendment, focusing on <i>United States v. Grubbs</i> , 126 S. Ct. 1494 (2006)	Feb. 2006
Gonzaga Multicultural Law Caucus, Spokane, WA <i>"Crash," the Movie: An Ethics Discussion</i>	Feb. 2006
New York State Judicial Institute, White Plains, N.Y. <i>Partners in Justice: A Colloquium on Developing Collaborations among Courts, Law School Clinical Programs, and the Practicing Bar</i> 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	May 2005
Brooklyn Law School, Brooklyn, N.Y. Symposium: <i>Crawford & Beyond: Exploring the Future of Confrontation in Light of Its Past</i> Paper: <i>Testimonial Statements under Crawford: What Makes Testimony ... Testimonial?</i>	Feb. 2005
New York City Bar Association, New York, N.Y. Symposium: <i>Crawford v. Washington and Its Effect</i> Paper: <i>Testimonial Statements under Crawford: What Makes Testimony ... Testimonial?</i>	Sept. 2004

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

Eastern District of Washington Federal Bar Association, Spokane, WA Sept. 2022
Annual Bar Association Meeting
Ethics presenter

Northwest Justice Project, Seattle, WA Sept. 2022
NJP Litkit CLE Program, *The Ethics of Client Expectations*
Ethics presenter

Eastern Washington Bankruptcy Bar Association, Lake Chelan, WA May 2022
Ethical Considerations in Bankruptcy and Beyond
Featured ethics presenter

Washington State Bar Association, Trial Advocacy Program, Seattle, WA May 2021
Annual Trial Advocacy Training Program: *Opening Statements*
Trainer for state-wide trial advocacy program

U.C. Irvine School of Law, Irvine, CA April 2021
Careers in Public Interest and Social Justice
Participant in professional development panel for 1L law students

Federal Bar & King County Bar Associations CLE, Seattle, WA Jan. 2021
The Ninth Circuit's New Rules and an Update on the Court's Practices During the Pandemic
Panel Participant

11th 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 <i>Criminal Defense Training Academy</i> Faculty trainer—cross-examination	Sept. 2019
Housing Law CLE, Spokane, WA <i>What's the Scoop? Updates in Landlord-Tenant Law</i> Ethics Presenter	Aug. 2019
Representing Individuals with Mental Disabilities CLE, Spokane, WA Panel Participant	April 2019
10 th Annual SCBA Indian Law Conference, Spokane, WA Ethics Co-Presenter	March 2019
WSBA Ethical Dilemmas Seminar, Seattle, WA Ethics Panel Participant	Nov. 2018
Annual Montana Federal Defender & MACDL Conference, Pray, MT <i>Ineffective Assistance and You: Understanding, Preventing, and Addressing IAC Claims</i> Keynote Ethics Presenter	March 2018
Washington Defender Association Annual Conference, Seattle, WA <i>How Much Should You Prioritize Therapeutic Jurisprudence in Your Practice? Balancing Zealous Conscientious and Ardent Advocacy with Collaborative and Holistic Practice Models</i> Keynote Ethics Presenter	Dec. 2017
WSBA Ethical Dilemmas Seminar, Seattle, WA Ethics Panel Participant	Nov. 2017
NACOLE 2017 Annual Conference, Spokane, WA <i>Perspectives on the Law of Police Accountability</i> Panel Participant	Sept. 2017
11 th Annual Federal Civil Trial Practice Seminar, Richland, WA <i>Ethics & Technology 2.0: Emerging and Evolving Issues from the 2016 RPC Amendments</i> Keynote Ethics Presenter	May 2017
Annual WSBA Trusts & Estate Section Conference, Seattle, WA Co-Presenter on Legal Ethics and Technology	April 2017
WSBA Ethical Dilemmas Seminar, Seattle, WA Ethics Panel Participant	Nov. 2016
Washington Defender Association Conference, Spokane, WA <i>The Ethics of Social Media Investigations</i> Presenter	Nov. 2016

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

WA State Office of Public Defense, Vancouver, WA <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
Clark Family Ethics CLE, Spokane, WA Chair and panelist	April 2014
Gonzaga PB & J Lunch Presentation, Spokane, WA <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
Gonzaga PB & J Lunch Presentation, Spokane, WA <i>Peremptory Challenges and Jury Selection</i> Co-Moderator to presentation by Washington Supreme Court Justice Steven González.	March 2014
Washington Defender Association, Seattle, WA <i>Ethics 2013: Celebrating Gideon & the Right to Competent Counsel</i> Presenter: <i>Preparing a Case for the Next Stage: Competence When Closing a Case</i>	Dec. 2013
WSBA Ethical Dilemmas Seminar, Spokane, WA Ethics Panel Participant	Oct. 2013
WA State Office of Public Defense, Spokane, WA <i>Capital Defense Training Conference</i> Lectured on ethical requirements and considerations before accepting a capital case	Aug. 2013
WSBA Ethical Dilemmas Seminar, Spokane, WA Ethics Panel Participant	Nov. 2012
Washington Defender Association, Spokane, WA Lectured on current issues concerning effective assistance of counsel	Nov. 2012
5 th Annual WSBA Intellectual Property Institute, Spokane, WA Lectured on ABA Model Rules 2012 technology amendments	Oct. 2012
Prosecutor & Defender Panel, Spokane, WA Moderated panel of prosecutors and defense lawyers addressing careers in criminal law	Oct. 2012
Washington State Office of Public Defense, Yakima, WA <i>The Washington Supreme Court's Indigent Defense Standards</i> Panel Participant	Aug. 2012
WSBA Ethical Dilemmas Seminar, Spokane, WA Ethics Panel Participant	Nov. 2011

Prosecutor & Defender Panel, Spokane, WA Moderated panel of prosecutors and defense lawyers addressing careers in criminal law	Oct. 2011
Seattle Public Defender Office, Seattle, WA <i>The Ethics of Padilla v. Kentucky & Adverse Consequences to Criminal Conviction</i> Presenter	Aug. 2011
WSBA Law of Lawyering Seminar, Seattle, WA <i>Ethics of Criminal Defense</i> 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.	Nov. 2010
WSBA Moderate Means Program, Seattle, WA <i>Ethics and Pro Bono</i> Online Ethics Presenter	Oct. 2010
Tri-Cities Legal Aid CLE, Tri-Cities, WA <i>Preview of U.S. Supreme Court's 2010 Term</i> Presenter	Oct. 2010
Gonzaga Law School Ethics Program, Spokane, WA <i>Ethics and the 1st Amendment</i> Presenter	July 2010
ACLU-WA, Seattle, WA <i>ACLU-WA Board of Directors: Civil Liberties and the Right to Bear Arms</i> Co-Presenter	July 2010
Federal Defender of Eastern Washington, Spokane, WA <i>Confidentiality, Candor & Zeal in the Eastern District</i> Presenter	June 2010
Seattle Public Defender Office, Seattle, WA <i>Confidentiality, Candor & Zeal under the Washington RPC</i> Presenter	March 2010
Washington State Association for Justice, Spokane, WA <i>The Scent of Ethics: A Potpourri—New Rules and More</i> Presenter	Dec. 2009
Spokane City Prosecutor's Office, Spokane, WA <i>The Brady Rule as an Intersection of Constitutional Law, Ethics, and Strategy</i> Presenter	April 2009

Idaho Assoc. of Criminal Defense Lawyers, Sun Valley, ID Ethics Seminar	March 2009
Gonzaga Law School Ethics Program, Spokane, WA <i>Mission Possible Fundraising CLE</i> Presenter	Jan. 2009
WA State Criminal Defense Lawyers Assoc., Winthrop, WA Ethics Seminar	April 2008
Gonzaga Law School Ethics Program, Spokane, WA <i>Thomas More Society CLE Seminar</i> Presenter	Jan. 2008
Idaho Assoc. of Criminal Defense Lawyers, Coeur d'Alene, ID <i>Mental Health and Criminal Defense Ethics</i> Presenter	Sept. 2007
Gonzaga Law School Ethics Program, Spokane, WA Reunion Ethics Seminar	Aug. 2007
WA State Office of Public Defense, Spokane, WA <i>The 2006 Washington RPC and Criminal Practice</i>	July 2007
Washington State Office of Public Defense, Vancouver, WA <i>The 2006 Washington RPC and Criminal Practice</i> Presenter	June 2007
ACLU-WA, Spokane, WA <i>Police Accountability Seminar</i> Presenter	Dec. 2006
Washington State Trial Lawyer's Assoc., Spokane, WA <i>Confidentiality & Candor under the New Washington RPC</i> Presenter	Dec. 2006
Washington State Office of Public Defense, Ocean Shores, WA <i>The 2006 Washington RPC and Criminal Practice</i> Presenter	Nov. 2006
Washington State Office of Public Defense, Wenatchee, WA <i>The 2006 Washington RPC and Criminal Practice</i> Presenter	Nov. 2006
Gonzaga Law School Ethics Program, Spokane, WA <i>Taking Law Seriously</i>	Aug. 2006

Presenter

Gonzaga Phi Delta Phi, Spokane, WA
Legal Ethics in the 21st Century
Presenter

March 2006

Misc. CLE Presentations, New York, N.Y.

- Presentation on New York grand jury practice (March 2005)
- Presentation on recent Fourth Amendment developments (Feb. 2004)
- Presentation on speedy-trial issues following the 9/11 terrorist attack, co-taught with Hon. Paul G. Feinman, then-Justice of the New York State Supreme Court, and later Judge of the New York State Court of Appeals (June 2002)

MEDIA APPEARANCES

- Maggie Quinlan, *Spokane Police Investigated a Woman's Miscarriage as Suspected Mistreatment of a Child, But Is It a Crime?*, SPOKESMAN REVIEW 06/06/2021
 - 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 Baaaack ...*, 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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ACADEMIC & PROFESSIONAL SERVICE

- SOCIETY OF AMERICAN LAW TEACHERS
 - Board of Governors 2013-present
 - Executive Committee 2016-2019
 - Teaching Conference Committee, Chair 2022
 - Social Justice in Action Webinar Committee 2020-2021
 - Co-Chair, Access to Justice Committee 2016-2019
 - WSBA COMMITTEE ON PROFESSIONAL ETHICS 2017-present
 - Committee Member
 - WASHINGTON RACIAL JUSTICE CONSORTIUM 2021-present
 - Consortium Member
 - CENTER FOR CIVIL & HUMAN RIGHTS AT GONZAGA LAW 2019-present
 - Board of Advisors
 - AMERICAN BAR ASSOCIATION
 - Screening Committee, Silver Gavel Awards for Media and the Arts 2015-present
 - WSBA COUNCIL ON PUBLIC DEFENSE
 - Chair 2014-2016
 - Vice-Chair 2012-2014
 - Member 2010-2017
 - Emeritus* Member 2017-2018
 - ACLU-WA
 - Board of Directors 2007-2013
 - Legal Committee 2011-2018
 - NEW YORK CITY BAR ASSOCIATION
 - Criminal Law Committee 2012-2015
 - WSBA LIMITED LICENSE LEGAL TECHNICIAN BOARD
 - LLLT RPC Committee 2013-2014
 - Lawyer RPC Concordance Committee 2013-2014
 - WASHINGTON STATE OFFICE OF PUBLIC DEFENSE
 - Chair, Capital Defense Training Program 2013-2014
 - NATIONAL ORGANIZATION OF BAR COUNSEL
 - Alternative Licensure Committee 2015
 - WASHINGTON STATE OFFICE OF PUBLIC DEFENSE
 - RFP Evaluator 2012
 - WASHINGTON STATE CRIMINAL JUSTICE SUMMIT
 - Summit Participant 2009-2010
 - SPOKANE COUNTY BAR ASSOCIATION
 - 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