

PAUL G. CASSELL

S.J. Quinney College of Law at the University of Utah
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EMPLOYMENT:

- 1/92 - present* Ronald N. Boyce Presidential Professor of Law and University Distinguished Professor of Law, University of Utah, College of Law (Assoc. Prof. until 1997; Farr Professor 2000-2002; Professor 2002-08; Presidential Professor 2008-present; Distinguished Professor 2016-present). Subjects taught include criminal procedure, criminal law, and crime victims' rights.
- 5/02-11/07* United States District Judge for the District of Utah (nominated by President Bush and confirmed by the United States Senate on May 9, 2002). Chair, Judicial Conference Committee on Criminal Law (2005-07) (appointed by Chief Justice Rehnquist).
- 5/88-9/91* Assistant United States Attorney, Eastern District of Virginia, criminal litigation, handling general felony cases. Recognized by the Attorney General with a Special Achievement Award.
- 9/86-5/88* Associate Deputy Attorney General, U.S. Department of Justice. Policy position, handling constitutional, criminal justice, natural resources, and antitrust issues.
- 7/85-9/86* Clerk—Chief Justice Warren E. Burger, U.S. Supreme Court.
- 9/84-7/85* Clerk—Judge Antonin Scalia, U.S. Court of Appeals, D.C. Circuit.

EDUCATION:

- 9/81-6/84* STANFORD LAW SCHOOL
J.D., 1984 (Order of the Coif).
- President, *Stanford Law Review*, Volume 36.
- Finalist, Stanford Kirkwood Moot Court Competition. Argued in front of Justice John Paul Stevens, Judge Mary Schroeder (9th Circuit), Chief Justice Rose Bird (California Supreme Court).
- Associate Editor, *Stanford Journal of International Law*.

9/77 - 6/79

STANFORD UNIVERSITY

6/81 - 8/81

B.A. in Economics, 1981 (with distinction and Departmental Honors).

Finalist, Rhodes and Truman Scholarships.

Member, Omicron Delta Epsilon (economic honorary).

9/79 - 6/81

WESTERN WASHINGTON UNIVERSITY

Temporarily transferred from Stanford to participate in intercollegiate debate program.

First place, 1981 Pi Kappa Delta (speech honorary) National Debate Tournament.

Ninth place, 1981 National Debate Tournament.

Winner of numerous other debate tournaments and public speaking awards.

**AWARDS
AND HONORS:**

Member, American Law Institute (2016-).

Fellow, American Bar Foundation (2016-).

Christine M. Durham Public Service Award, UVU Christine M. Durham Prelaw Club, 2015.

Faculty Achievement Award for Research Excellence, S.J. Quinney College of Law, 2014.

Scott M. Matheson Award for Outstanding Service to Utah Law Related Education, 2013.

Paul M. Bator Award (presented by the Federalist Society for the outstanding young law professor in the country), 1998.

Faculty Achievement Award for Teaching Excellence, S.J. Quinney College of Law, 1997.

PUBLICATIONS:

Books -

VICTIMS IN CRIMINAL PROCEDURE (4th ed. Carolina Academic Press forthcoming 2018) (co-author with Douglas Beloof, Steven J. Twist, and Margaret Garvin) (also co-author on 3d and 2d eds.).

DEBATING THE DEATH PENALTY: THE EXPERTS FROM BOTH SIDES MAKE THEIR CASE (2004 Oxford Univ. Press and paperback ed. 2005) (author and co-editor with Hugo Bedau) (cited in *Kansas v. Marsh*, 548 U.S. 163, 189 (2006) (Scalia, J., concurring)).

Articles -

“What Caused the 2016 Chicago Homicide Spike? An Empirical Examination of the ‘ACLU Effect’ and the Role of Stop and Frisks in Preventing Gun Violence” (Feb. 2018 draft circulating for publication) (co-author with Richard Fowles).

“Overstating America’s Wrongful Conviction Rate? Reassessing the Conventional Wisdom About the Incidence of Wrongful Convictions,” __ ARIZ. L. REV. __ (forthcoming 2018).

“Where Have All the Innocents Gone? A Response to Professor Thomas,” __ ARIZ. L. REV. __ (forthcoming 2018).

“Tradeoffs Between Wrongful Convictions and Wrongful Acquittals: Analyzing the Risks and Avoiding the Risks,” __ SETON HALL L. REV. ____ (forthcoming 2018) (invited symposium article).

“Policy Paper: The Need to Enhance Victims’ Rights in the Florida Constitution to Fully Protect Crime Victims’ Rights,” Paper distributed to the Florida Constitutional Revision Commission (Dec. 12, 2017) (co-author with Margaret Garvin).

“Crime Victims’ Rights,” in ACADEMY FOR JUSTICE: A REPORT ON SCHOLARSHIP AND CRIMINAL JUSTICE REFORM (Erik Luna ed., 2017).

“Still Handcuffing the Cops After all These Years: A Review of Fifty Years of Empirical Evidence of *Miranda*’s Harmful Effects on Law Enforcement,” 97 BOSTON U.L. REV. 687 (2017) (co-author with Richard Fowles).

“Can We Protect the Innocent Without Freeing the Guilty? Thoughts on the Innocence Movement and Avoiding Harmful Tradeoffs,” in WRONGFUL CONVICTIONS AND THE DNA REVOLUTION: TWENTY FIVE YEARS OF FREEING THE INNOCENT (Cambridge Univ. Press 2017).

“The Rationality of Restitution for Child Pornography Victims: The Supreme Court’s *Paroline* Decision and Congress’ Proposed Response (co-author with James R. Marsh), appearing in PROCEEDINGS OF THE CHANGBAI INT’L FORUM OF CRIMINAL LAW (Jilin Univ., Changchun, China 2016).

“The Fifth Amendment’s Criminal Procedure Provisions,” National Constitution Center’s Interactive Constitution Project (2015) (co-authority with Yale Law Prof. Kate Stith) (found at <http://constitutioncenter.org/interactive-constitution/amendments/amendment-v/the-fifth-amendment-criminal-procedure-clauses/clause/6>).

“Not Just ‘Kiddie Porn’: The Real Harms from Possession of Child Pornography” (co-author with James Marsh and Jeremy Christiansen), appearing in REFINING CHILD PORNOGRAPHY LAW: CRIME, LANGUAGE, AND SOCIAL CONSEQUENCE (Michigan Univ. Press 2016).

“Introduction: The Maturing Victims’ Rights Movement,” 13 OHIO ST. J. CRIM. L. 1 (2015) (introduction to symposium issue on crime victims’ rights; symposium editor).

“Full Restitution for Child Pornography Victims: The Supreme Court’s *Paroline* Decision and the Need for a Congressional Response” (co-author with James Marsh), 13 OHIO ST. J. CRIM. L. 5 (2015).

“Protecting Crime Victims’ Rights Before Charges Are Filed: The Need for Expansive Interpretation of the Crime Victims’ Rights Act and Similar State Statutes,” 104 J. CRIM. L. & CRIMINOLOGY 59 (2014) (co-author with Bradley J. Edwards and Nathanael James Mitchell).

“Full Restitution for Victims of Child Pornography Crimes,” 82 GEORGE WASHINGTON L. REV. 61 (2013) (co-author with James Marsh and Jeremy Christiansen).

“The Victims’ Rights Amendment: A Sympathetic, Clause-By-Clause Analysis of the Proposal,” 5 PHOENIX L. REV. 301 (2012) (lead symposium article).

“Freeing the Guilty Without Protecting the Innocence: Some Skeptical Observations on Proposed New ‘Innocence’ Procedures,” 56 N.Y.L. SCH. L. REV. 1063 (2012).

“Protecting Taxpayers and Crime Victims: The Case for Restricting Utah’s Preliminary Hearings to Felony Offenses,” 2011 UTAH L. REV. 1377(2012) (co-author with Thomas Goodwin).

“Sense and Sensibility in Mandatory Minimum Sentencing,” 23 FEDERAL SENTENCING REPORTER 219 (2011) (co-author with Erik Luna).

“Victim Impact Statements and Ancillary Harm: The American Perspective,” 15 CANADIAN CRIMINAL LAW REVIEW 149 (2011) (co-author with Edna Erez).

“The Crime Victim’s Expanding Role in a System of Public Prosecution: A Response to the Critics of the Crime Victims’ Rights Act,” 105 NW. U.L. REV. COLLOQUY 164 (2011) (co-author with Steven Joffe).

“Mandatory Minimalism,” 32 CARDOZO L. REV. 1 (2010) (co-author with Erik Luna).

“Symposium: Judicial Discretion: A Look Forward and a Look Back Five Years After *Booker*,” 22 FEDERAL SENTENCING REPORTER 297 (June 2010) (symposium organizer and participant).

“Protecting Crime Victims in Federal Appellate Courts: The Need to Broadly Construe the Crime Victims’ Rights Act’s Mandamus Provision,” 87 DENV. U.L. REV. 599 (2010).

“In Defense of Victim Impact Statements,” 6 OHIO STATE J. CRIM. LAW 611 (2009).

“What’s Wrong With Democracy? A Critique of “The Supreme Court and the Politics of Death,” 94 VA. L. REV. IN BRIEF 65 (2009) (co-author with Joshua K. Marquis).

“In Defense of the Death Penalty,” JOURNAL OF THE INSTITUTE FOR THE ADVANCEMENT OF CRIMINAL JUSTICE 15 (Summer 2008), *reprinted in The Prosecutor* (Nov. 2009).

“Treating Crime Victims Fairly: Integrating Victims into the Federal Rules of Criminal Procedure,” 2007 UTAH L. REV. 861.

“Crime Shouldn’t Pay: A Proposal to Create an Effective and Constitutional Federal Anti-Profiting Statute,” 19 FEDERAL SENTENCING REPORTER 119 (2006).

“Recognizing Victims in the Federal Rules of Criminal Procedure: Amendments in Light of the Crime Victims’ Rights Act,” 2005 BYU L. REV. 835 (2005).

“The Victim’s Right to Attend Trials: The Reascendant National Consensus,” 9 LEWIS & CLARK L. REV. 481 (2005) (co-author with Douglas Beloof).

“Too Severe? A Defense of the Federal Sentencing Guidelines (and a Critique of the Federal Mandatory Minimums),” 56 STAN. L. REV. 1017 (2004).

“The Paths Not Taken: A Critique of the Supreme Court’s Decision in *Dickerson*,” 99 MICH. L. REV. 898 (2001).

“Will *Miranda* Survive? *Dickerson v. United States*: The Right to Remain Silent, The Supreme Court, and Congress,” 37 AM. CRIM. L. REV. 1165 (2000) (annual *American Criminal Law Review* debate; versus Bob Litt).

“The Statute That Time Forgot: 18 U.S.C. § 3501 and the Overhauling of *Miranda*,” 85 IOWA L. REV. 175 (1999).

“Barbarians at the Gates: A Reply to the Critics of the Victims’ Rights Amendment,” 1999 UTAH L. REV. 479 (1999).

“The Guilty and the ‘Innocent’: An Examination of Alleged Cases of Wrongful Conviction from False Confessions,” 22 HARV. J.L. & PUBLIC POL’Y 523 (1999).

“Handcuffing the Cops? A Thirty Year Perspective on *Miranda*’s Effects on Law Enforcement,” 50 STANFORD L. REV. 1055 (1998) (co-author with Richard Fowles).

“Declining Clearance Rates After *Miranda*: Coincidence or Consequence?,” 50 STANFORD L. REV. 1181 (1998) (co-author with Richard Fowles).

“Protecting the Innocent from False Confessions and Lost Confessions c And From *Miranda*,” 88 J. CRIM. L. & CRIMINOLOGY 497 (1998).

“Evidence of Repeated Acts of Child Molestation and Rape: The Need to Reform Utah Law to Insure Admissibility,” 1998 UTAH L. REV. 145 (co-author with Evan Strassberg).

“Balanced Approaches to the False Confession Problem: A Brief Comment on Ofshe, Leo and Alschuler,” 74 DENV. U.L. REV. 1123 (1997).

“*Miranda’s* Negligible Effect on Law Enforcement: Some Skeptical Observations,” 20 HARV. J.L. & PUB. POL’Y 327 (1997).

“The Costs of the *Miranda* Mandate: A Lesson in the Dangers of Inflexible, ‘Prophylactic’ Supreme Court Inventions,” 28 ARIZ. ST. L.J. 299 (1996).

“Police Interrogation in the 1990s: An Empirical Study of the Effects of *Miranda*,” 42 UCLA L. REV. 839 (1996) (co-author with Bret Hayman).

“All Benefits, No Costs: The Grand Illusion of *Miranda’s* Defenders,” 90 NORTHWESTERN U.L. REV. 1084 (1996).

“*Miranda’s* Social Costs: An Empirical Reassessment,” 90 NORTHWESTERN U.L. REV. 387 (1996).

“Search and Seizure Law in Utah: The Irrelevance of the Antipolygamy Raids,” 1995 BYU LAW REV. 1.

“Balancing the Scales of Justice: The Case For and Effects of Utah’s Victims’ Rights Amendment,” 1994 UTAH LAW REV. 1373.

“The Rodney King Trials and the Double Jeopardy Clause: Some Observations on Original Meaning and the ACLU’s Schizophrenic Views of the Dual Sovereign Doctrine,” 41 UCLA LAW REV. 693 (1994).

“The Mysterious Creation of Search and Seizure Exclusionary Rules Under State Constitutions: The Utah Example,” 1993 UTAH LAW REV. 753.

“The Supreme Court’s Decisions on the Not-So-Peremptory Challenge,” PUBLIC INTEREST LAW REV. 11 (1992).

“Protecting the Innocent: A Response to the Bedau-Radelet Study,” 41 STANFORD L. REV. 121 (1988) (co-author with Stephen J. Markman) (cited with approval in *Kansas v. Marsh*, 548 U.S. 163 (2006) (Scalia, J., concurring)) (reprinted in part in 136 CONG. REC. S6648 (May 21, 1990) and in A CAPITAL PUNISHMENT ANTHOLOGY (Victor L. Strieb. ed. 1993)).

“Restrictions on Press Coverage of Military Operations: The Right of Access, Grenada, and ‘Off the Record’ Wars,” 73 GEORGETOWN L.J. 931 (1985).

“Exemption of International Shipping Conferences from the American Antitrust Laws: An Economic Analysis,” 20 NEW ENGLAND L. REV. 1 (1984).

Note, “Establishing Violations of International Law: Yellow Rain and the Chemical and Biological Warfare Agreements,” 35 STANFORD L. REV. 259 (1983).

Blog Posts:

Various blog post on “The Volokh Conspiracy,” www.washingtonpost.com/news/volokh-conspiracy.

TESTIMONY:

“Opposition to Overturning *State v. Strief* in Utah Statutory Law,” Written and Oral Testimony Before the Utah House Judiciary Comm., Feb. 27, 2018.

“Marsy’s Law for New Hampshire,” Presentation to the Legislative Luncheon of the New Hampshire House of Representatives,” Feb. 22, 2018 (Concord, New Hampshire).

“Concerns About Amending Utah’s Constitutional Search and Seizure Provision,” Written and Oral Testimony before the Utah House Judiciary Committee, Feb. 13, 2018.

“Protecting Crime Victims in Iowa’s Constitution,” Testimony before the Iowa Senate Judiciary Subcommittee, Jan. 31, 2018 (Des Moines, Iowa).

“Protecting Crime Victims in Iowa’s Constitution,” Testimony before the Iowa House Judiciary Subcommittee, Jan. 31, 2018 (Des Moines, Iowa).

“Marsy’s Law for Florida,” Further Testimony before the Florida Constitutional Revision Commission, Jan. 19, 2018 (Tallahassee, Florida).

“Marsy’s Law for Florida,” Testimony before the Florida Constitutional Revision Commission, Dec. 12, 2017 (Tallahassee, Florida).

“S.J. Res. 53, H.J. Res. 47, Regarding Wisconsin’s Constitutional Amendment Protecting Crime Victims’ Rights,” Testimony before

the Joint Committee of the Wisconsin Senate and House, June 15, 2017 (Madison, Wisconsin).

“S.J. Res. 17 Regarding Nevada’s Constitutional Amendment Protecting Crime Victims’ Rights,” Testimony before the Nevada Assembly Governmental Affairs Comm., May 9, 2017 (Carson City, Nevada).

“S.J. Res. 103 Regarding Idaho’s Constitutional Amendment Protecting Crime Victims’ Rights,” Testimony before the Idaho House State Affairs Comm., March 20, 2017 (Boise, Idaho).

“S.J. Res. 103 Regarding Idaho’s Constitutional Amendment Protecting Crime Victims’ Rights,” Testimony before the Idaho Senate State Affairs Comm., March 10, 2017 (Boise, Idaho).

“Amending Utah Rule of Evidence 1102 to Protect Child Sexual Assault Victims,” Testimony before the Supreme Court’s Advisory Comm. on Utah Rules of Evidence, Feb. 21, 2017.

“H.B. 399 Regarding Victims’ Rights Advocates,” Testimony before the Utah House Judiciary Committee, March 1, 2016 (written testimony submitted).

“The Victim’s Rights Amendment,” Testimony before the Constitution Subcommittee of the House Judiciary Committee, May 1, 2015 (Washington, D.C.).

“The Need for a Congressional Response to the Supreme Court’s *Paroline* Decision,” Testimony before the Crime Subcomm. of the House Judiciary Committee, March 19, 2015 (Washington, D.C.).

“Collecting DNA Evidence from Felony Arrestees,” Testimony before the Utah House Law Enforcement Comm., Feb. 10, 2014.

“The Victim’s Rights Amendment,” Testimony before the Constitution Subcommittee of the House Judiciary Committee, Apr. 27, 2013 (written testimony submitted).

“The Victim’s Rights Amendment,” Testimony before the Constitution Subcommittee of the House Judiciary Committee, Apr. 26, 2012 (Washington, D.C.).

“Protecting Crime Victims’ Rights in the Federal Sentencing Process,” Testimony before the U.S. Sentencing Commission, Oct. 20, 2009 (Denver, CO).

“Improving Restitution in Federal Criminal Cases,” Testimony before the Crime, Terrorism, and Homeland Security Subcommittee of the House Judiciary Committee, April 3, 2008 (Washington, D.C.).

“Mandatory Minimum Sentencing Practices,” Testimony before the Crime, Terrorism, and Homeland Security Subcommittee of the House Judiciary Comm., June 26, 2007 (Washington, D.C.).

“Federal Sentencing Practices,” Testimony before the Crime Subcommittee of the House Judiciary Comm., Mar. 16, 2006 (Washington, D.C.).

“Victims’ Rights under the U.S. Sentencing Guidelines,” Testimony before the U.S. Sentencing Comm., Mar. 15, 2006 (Washington, D.C.).

“*Booker’s* Impact on Federal Sentencing,” Testimony before the U.S. Sentencing Comm., Feb. 15, 2005 (Washington, D.C.).

“The Effects of *Blakely v. Washington* on the Federal Judicial System,” Testimony before the Senate Judiciary Comm., July 12, 2004 (Washington, D.C.).

Testimony before the ABA Kennedy Commission, on the Severity of the Federal Sentencing Guidelines, November 13, 2003 (Washington, D.C.).

“The Justice Department’s Failure to Enforce 18 U.S.C. § 3501,” Testimony before the Subcomm. on Criminal Justice Oversight of the Senate Judiciary Comm., May 13, 1999 (Washington, D.C.).

“The Right of Crime Victims to be Heard Throughout the Criminal Justice Process,” Testimony before the Subcomm. on the Constitution of the Senate Judiciary Comm., May 1, 1999 (St. Louis, Missouri).

“A Response to the Critics of the Victims’ Rights Amendment,” Testimony before the Senate Judiciary Comm., Mar. 24, 1999 (Washington, D.C.).

“The Victims’ Rights Amendment,” Testimony before the Senate Judiciary Comm., Apr. 28, 1998 (Washington, D.C.).

“A Constitutional Amendment Protecting the Rights of Crime Victims,” Testimony before the Senate Judiciary Comm., Apr. 16, 1997 (Washington, D.C.).

“The Victims Bill of Rights Amendment,” Testimony before the Senate Judiciary Comm., Apr. 23, 1996 (Washington, D.C.).

“Admission of Sexual Assault Counselors During Trials,” Testimony before the House Judiciary Comm. of the Utah Legislature, Feb. 7 and 9, 1996.

“The Performance of the Solicitor General’s Office in Criminal Cases,” Testimony before the Senate Judiciary Comm., Nov. 14, 1995 (Washington, D.C.).

“Reforming the *Miranda* Rules in Federal Courts,” Testimony before the Senate Judiciary Comm., Mar. 7, 1995 (Washington, D.C.).

“Amending the Idaho Constitution to Provide for Consistent Interpretation of Search and Seizure Rules,” Testimony before the Senate Judiciary Comm. of the Idaho Legislature, Feb. 1, 1995 (Boise, Idaho).

“Amending the Idaho Constitution to Provide for the Rights of Crime Victims,” Testimony before the Senate Judiciary Committee of the Idaho Legislature, March 2, 1994 (Boise, Idaho).

“A Constitutional Declaration of the Rights of Crime Victims,” Testimony before the Utah House State and Local Affairs Comm., Feb. 24, 1994.

“Amending the Idaho Constitution to Provide for the Rights of Crime Victims,” Testimony before the House Judiciary Comm. of the Idaho Legislature, February 12, 1994 (Boise, Idaho).

“Requiring the Admission of Evidence Obtained in Lawful Searches,” Testimony before the Utah Senate Comm. on the Judiciary, Jan. 24, 1994; Before the House Comm. on the Judiciary, Feb. 2, 1994.

“The Role of the Death Penalty in Protecting the Innocent,” Testimony before the Subcomm. on Crime of the U.S. House Judiciary Committee, Oct. 21, 1993 (Washington, D.C.).

“Claims of Innocence in Capital Cases,” Testimony before the Subcomm. on Civil and Const. Rights of the U.S. House Judiciary Committee, July 23, 1993 (Washington, D.C.).

“Procedures for Raising Claims of Innocence in Capital Cases,” Testimony before the U.S. Senate Judiciary Committee, April 1, 1993 (Washington, D.C.).

“Requiring the Admission of relevant Evidence in Criminal Proceedings,” Testimony before the Utah Senate Comm., on the Judiciary, Feb. 11, 1993; Before the Utah Senate (Comm. of the Whole), Feb. 17, 1993; Before the Utah House Comm. on the Judiciary, Feb. 25, 1993.

“The Possibility of Mistake in Capital Cases,” Testimony before the U.S. Senate Committee on the Judiciary, Sept. 28, 1989 (Washington, D.C.).

“Habeas Corpus and Capital Punishment Legislation,” Testimony before the Subcommittee on Government Information, Justice, and Agriculture of the U.S. House Comm. on Government Operations, Feb. 26, 1988 (Tallahassee, Fla.).

**EXPERT
WITNESS:**

Consultant to Attorneys General’s Offices, prosecutors, crime victims, and defense attorneys about criminal justice issues, including crime victims’ rights, police questioning and false confessions, sentencing practices, and death penalty procedures.

Expert testimony on *Miranda* and related police interrogation practices, *State v. Worlton*, No. 1516700009 (6th Jud. Dist. Utah 2017) (provided expert report for criminal defendant).

Expert testimony on false confessions in *Kluppelberg v. Burge et al.*, 13-cv-3963 (N.D. Ill. 2016) (provided expert report and deposition testimony).

Expert testimony on false confessions in *Harris v. City of Chicago et al.*, 14-cv-4391 (N.D. Ill. 2016) (provided expert report and deposition testimony).

Expert testimony on false confessions in *Koh v. Graf et al.*, No. 11 C 2605 (E.D. Ill. 2015) (provided expert report).

Expert testimony on false confessions in *Tankleff v. County of Suffolk*, No. CV-09-1207 (E.D.N.Y. 2015) (provided expert report and deposition testimony).

Expert testimony on false confessions in *Wilcoxson v. Buncome County*, No. 1:13-cv-224 (W.D.N.C. 2015) (provided expert report and deposition testimony).

Expert Testimony on False Confessions in *Grayson v. City of Aurora*, No. 1:13-cv-01705 (U.S. Dist. Ct. N.D. Ill. 2015) (provided expert report and deposition testimony).

Expert testimony on false confessions in *United States v. Phillipos* (U.S. Dist. Ct. D. Mass 2014) (provided expert report) (Boston Marathon bombing-related case) (testimony of defendant's expert, Richard Leo, excluded in district court based, in part, on my report), *decision affirmed*, 849 F.3d 464 (1st Cir. 2017).

Expert testimony on false confessions in *Caine v. Burge et al.* (U.S. Dist. Ct. N.D. Ill. 2013) (provided expert report and deposition testimony).

Expert testimony on false confessions in *State v. Morales*, No. 31-342 (Laramie County District Court, Wyoming) (2012) (provided expert report and testified at admissibility hearing; testimony of defendant's expert Richard Ofshe excluded based, in part, on my testimony).

Expert testimony on false confessions in *Kogut v. Nassau County*, No. 06-CIV-6995 (2012) (provided expert report).

Expert testimony on false confessions in *Commonwealth v. Harrell*, No. CR 08-899 (2009) (provided expert report).

Expert testimony on false confessions in *People v. Thomas*, No. 08-1074 (Superior Court County of Rensselaer, NY) (testified at admissibility hearing; testimony of defendant's expert Richard Ofshe excluded based, in part, on my testimony).

Expert testimony on false confessions in *State v. Maughan*, No. 051100355 (1st Dist. Court, UT 2009) (testified at admissibility hearing and provided expert report - Leo excluded).

Expert testimony on false confessions in *Gonzalez v. County of Los Angeles*, No. CV 07-2064 (C.D. Cal. 2009) (provided expert report and deposition testimony).

Expert testimony on false confessions in *Marlatt et al. v. Perez et al.*, No. CS-00-0221-AAM (E.D. Wash. 2001) (provided expert report and videotaped testimony).

Expert testimony on false confessions on behalf of the United States, in *United States v. Wildcat*, No. CR-99-2-E-BLW (D. Idaho, July 7, 1999) (provided report and testimony at preliminary hearing).

Expert Testimony on the Utah State Constitution and Death Qualification of Juries in Capital Cases, in *State v. Decorso*, No. 95-1900991 (3rd Dist. Court, UT 1996) (provided expert report).

**OTHER
PUBLICATIONS:**

“Cop Who Arrested Nurse was Wrong, But the Law Is Complicated,” SALT LAKE TRIB., Sept. 1, 2017.

“Why Jeff Sessions Would Be Best for Crime Victims,” Foxnews.com, Dec. 14, 2016.

“National Trends Favor Marsy’s Law,” GRAND FORKS HERALD, Oct. 29, 2016.

“Weldon Angelos is Free, But Many More Still Wait for Criminal Justice Reform,” SALT LAKE TRIB., June 12, 2016.

“Criminal Justice Reforms Would Improve Public Safety,” WASHINGTON TIMES, Dec. 2, 2015 (co-author with Bret Tolman and Eric Benson).

“A Hero and Killer: Moral Clarity in Millcreek,” SALT LAKE TRIB., Nov. 2, 2015.

“Shaun Cowley Act Properly in Shooting Danielle Willard,” SALT LAKE TRIB., June 10, 2015 (co-author with Lindsay Jarvis).

“Public Defenders Fall to the Sequester,” WALL STREET JOURNAL, Aug. 21, 2013, at A9 (co-author with Hon. Nancy Gertner).

“Crimes, Courts and Cures: Reviewing *The Collapse of American Criminal Justice*,” WALL STREET JOURNAL, Oct. 26, 2011, at A13.

“Sentencing Symposium,” IN CAMERA, Feb. 28, 2005.

“We’re Not Executing the Innocent,” WALL STREET JOURNAL, June 16, 2000, at A14.

“Take Technicality Out of *Miranda*,” L.A. TIMES, Dec. 6, 1999, at B7.

“Make Amends to Crime Victims,” WALL STREET JOURNAL, July 20, 1999, at A22.

“Sentence Structure,” WALL STREET JOURNAL, Oct. 20, 1998, at A16 (reviewing *Fear of Justice*).

“Embed the Rights of Victims in the Constitution,” L.A. TIMES, July 6, 1998, at B7 (co-author with Laurence H. Tribe).

“Paying the Highest Price,” WASHINGTON POST BOOK WORLD, Feb. 8, 1998, at A5 (reviewing anti-death penalty books).

“Another Law Janet Reno Doesn’t Like,” WALL STREET JOURNAL, Aug. 27, 1997, at A13 (co-author with Paul Kamenar).

“A Bill of Rights for Crime Victims,” WALL STREET JOURNAL, Apr. 24, 1996, p. A15 (co-author with Steven Twist).

“True Confessions: *Miranda*’s Hidden Costs,” NATIONAL REVIEW, Dec. 25, 1995, at 30 (co-author with Steve Markman).

“What’s Ken Starr Looking For?,” WALL STREET JOURNAL, Nov. 1, 1995, p. A15.

“How Many Criminals Has *Miranda* Set Free?,” WALL STREET JOURNAL, Mar. 1, 1995, p. A17.

THE GREAT DEBATE: INTERPRETING OUR WRITTEN CONSTITUTION (editor) (collection of speeches by Attorney General Meese, Justices Brennan and Stevens, and Judge Robert Bork) (1987) (30,000 copies sent to lawyers, federal judges and law professors around the country).

“Report to the Deputy Attorney General on Capital Punishment and the Sentencing Commission,” Feb. 13, 1987 (co-author with William F. Weld).

**SPEECHES,
DEBATES AND
PRESENTATIONS:**

Frequent appearances in mass media on legal issues, including appearances on ABC, NBC, CBS, CNN, C-SPAN, BBC World Service, NPR, and quotations in the *New York Times*, *Washington*

Post, The Wall Street Journal, USA Today, Parade Magazine, The Christian Science Monitor, The Salt Lake Tribune, and the Deseret News.

“First Amendment on Campus,” Panel Participant, Hinckley Institute Community Dialog Presentation, Feb. 28, 2018.

“Scalia Speaks: The Speeches of Justice Scalia,” Commenter on Presentation by Ed Whalen to the Federalist Society, Jan. 30, 2018.

“The Need to Amend Idaho’s Constitution to Better Protect Crime Victims’ Rights,” Information presentation to legislative and other policy makers, Dec. 7, 2017 (Boise, Idaho).

Moderator, 34th Annual Jefferson B. Fordham Debate, “Affirmative Consent: Does Yes Mean Yes?,” Nov. 7, 2017.

“Risks Involved with Wrongful Conviction: Quantifying the Risk, Evaluating the Risk, and Avoiding the Risk,” Presentation at Symposium at Seton Hall Law School, Oct. 28, 2017 (Newark, NJ).

“Criminal Law in American Criminal Justice,” Presentation to Faculty and Students, Kominsky University Law School, Oct. 19, 2017 (Warsaw, Poland) (co-presenter).

Roundtable Discussion on Legal Education with Faculty and Students, Jilin University, Sept. 12, 2017 (Changchun, China).

“The Role of Prosecutors and Crime Victims in American Criminal Procedure,” Presentation to Jilin University, Sept. 11, 2017 (Changchun, China).

“Crime Victims’ Rights in America,” Presentation to Griffith Criminology Institute, Griffith Univ., Sept. 8, 2017 (Brisbane, Australia).

Keynote Speaker, “The Expansion of Crime Victims’ Rights in American Criminal Procedure,” National Victims of Crime Conference Program, Sept. 7, 2017 (Brisbane, Australia).

Participant, U.S. Dept. of Justice National Summit on Crime Reduction and Public Safety, June 20-21, 2017 (Bethesda, MD).

“Crime Victims’ Rights,” Presentation to “Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform,” Ariz. St. College of Law, February 11, 2017 (Phoenix).

“Aggressive Police Tactics,” Moderator for Panel Presentation at Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform,” Ariz. St. College of Law, February 11, 2017 (Phoenix).

“Miranda’s Harmful Effects on Law Enforcement: A Fifty Year Empirical Perspective,” Keynote Opening Address to the Boston Univ. Law School Conference on Miranda, Sept. 30, 2016 (Boston).

Oxford Style Debate on Resolved: That Miranda Should be Overruled, Against Susan Herman, President, ACLU, for the Heritage Foundation, Sept. 29, 2016 (Washington, D.C.).

“The Role of Guidelines in Delivering Procedural Justice” (panel participant), National Association of Sentencing Commissions Annual Conference (Aug. 8, 2016).

“The Expansion of Victims’ Rights in American Criminal Procedure,” Presentation to the 10th Annual Columbia-Ono Criminal Law Conference, June 23, 2016. (Tel Aviv, Israel).

“Advanced Crime Victims’ Rights Litigation: A Comparison of the Civilian and Military Systems (co-presenter), NCVLI Conference, June 10, 2016 (Portland, OR).

“Don’t Wait in the Wings: Representing a Victim in a Criminal Case,” Webinar Presentation for the National Alliance of Victims’ Rights Attorneys and Advocates (May 5, 2016).

“Remembering Justice Scalia,” Presentation to the Federalist Society at the S.J. Quinney College of Law at the University of Utah, April 13, 2016 (one of four former Scalia clerks).

“Mandatory Minimum Sentencing Reform,” Presentation for the Faith and Freedom Coalition, April 8, 2016 (Washington, D.C.).

“A 50 Year Perspective on *Miranda*,” Presentation to the Symposium on the *Miranda* Decision Hosted by Northern Kentucky University Law School, Feb. 26, 2016 (Highland Heights, KY).

“Can We Convict the Guilty While Protecting the Innocent,” Presentation at the S.J. Quinney College of Law at the University of Utah, Feb. 3, 2016.

Miranda v. Arizona: C-SPAN Landmark Cases Series, Dec. 14, 2015 (one of two panelists on 90-minute analysis of the case).

“Compensating Victims Through the Criminal Justice System,” Address to the Utah Association for Justice Annual Conference, Oct. 29, 2015.

“Protecting the Innocent While Convicting the Guilty,” Presentation to the Conference on Wrongful Convictions and the DNA Revolution, Northeastern Univ. School of Law, Sept. 25, 2015 (Boston, MA).

“Emerging Issues in Crime Victim Restitution,” Presentation the Annual National Training Conference of the National Crime Victim Center, Sept. 11, 2015 (Anaheim, CA).

“Dynamics of Officer-Involved Shootings Involving Vehicles: Civil and Criminal Ramifications,” Presentation at the Institute of Public Safety, June 25, 2015.

“Victims’ Rights and Remedies,” NCVLI 14th Annual Crime Victims Law Conference, May 28, 2015 (Portland, OR).

“Fifty Years of Miranda’s Harmful Effects on Law Enforcement,” Presentation to the S.J. Quinney College of Law Faculty, April 15, 2015.

“National Podcast on Government Wrongs and Victims’ Rights,” for the Federalist Society, Jan. 27, 2015.

“National Podcast on the Upcoming Supreme Court Case, *Whitfield v. United States*,” for the Federalist Society,” Nov. 25, 2014.

“Defending Child Pornography Victims and a Police Officer,” Presentation to Salt Lake City alumni of Stanford Law School, Nov. 12, 2014.

“Rationality and Restitution for Child Pornography Victims,” Report to the Changbai International Forum on Criminal Law, Jilin University School of Law, Oct. 25-26, 2014 (Changchun, China).

“Expanding the Role of Victims in Criminal Justice,” Address to Students of Jilin University School of Law, Oct. 24, 2014 (Changchun, China).

“Architecture of a Victims’ Rights Case: How Amy Made It to the Supreme Court,” Keynote Address to NCVLI’s 13th Annual Crime Victim Law Conference, June 20, 2014 (Portland, OR).

“The Federal Crime Victims’ Rights Act: Looking Back at Ten Years of Litigation,” NCVLI 13th Annual Crime Victims Law Conference, June 21, 2014 (Portland, OR).

“New Developments in Child Pornography Restitution in the Wake of *Paroline v. United States*,” Federalist Society Podcast of Discussion with John Malcolm (May 20, 2014).

“Arguing Before the Supreme Court for Child Pornography Victims,” Presentation for the University of Utah Downtown Bar Program, April 22, 2014.

“Using Acquitted Conduct at Sentencing,” Federalist Society Podcast of Debate With Professor Doug Berman (April 18, 2014).

“The Future of Presidential Pardons and Commutations,” Presentation at NYU Law School for the Conference “Mercy in the Criminal Justice System: Clemency and Post-Conviction Strategies,” April 15, 2014 (New York City).

“A Debate on the Death Penalty,” Debate against Ralph Dellapiana, Esq., for the Univ. of Utah American Constitution Society, Mar. 15, 2014.

“*Paroline v. United States*,” Presentation for the Univ. of Utah College of Law Federalist Society, Feb. 14, 2014.

“Arguing Before the Supreme Court for Crime Victims,” Presentation at the Ave Maria Law School, Jan. 30, 2014 (Naples, FL).

“*Gideon* After Fifty Years,” Panelist on American Constitutional Society Program Regarding Right to Counsel, Nov. 25, 2013.

“Defending Full Restitution for Child Pornography Victims,” Presentation to the S.J. Quinney College of Law Faculty (with Professor Michael Teter), Oct. 9, 2013.

“Obtaining Restitution for Child Pornography Victims,” Presentation to the National Crime Victims Bar Association, Sept. 10, 2013 (Phoenix, AZ).

“Preview of the Supreme Court’s 2013 Term,” Presentation to the Constitutional Law Section of the Utah State Bar, Sept. 5, 2013.

“Child Pornography and Federal Restitution Laws,” Presentation to University of Chicago Law School Class on Pornography and Society, May 13, 2013 (Chicago, IL).

“Restitution Laws and Litigation: The State of the Nation,” Presentation to the Annual Meeting of the National Assoc. of Crime Victim Compensation Boards, April 9, 2013.

“A State Role in Immigration Enforcement: Some Skeptical Observations,” Debate Against Stephen Cox for the Univ. of Utah Federalist Society, Mar. 18, 2013.

“Defining ‘Victims’ of Environmental Crimes,” Greenbag Presentation to the Wallace Stegner Center, S.J. Quinney College of Law, Nov. 28, 2012.

“Advocating for Crime Victims,” Training for Attorneys and Victim Advocates, Aug. 14, 2012.

“Who is a Victim for Victim’s Rights Enforcement,” Presentation to NCVLI’s 11th Annual Crime Victim Law Conference, June 8, 2012 (Portland, OR).

“Advancing Crime Victims’ Rights Through Litigation,” Webinar Presentation for NCVLI, August 3, 2011.

“Strategic Litigation of Crime Victims’ Rights: “Test Cases,” Presentation to NCVLI’s 10th Annual Crime Victim Law Conference, June 14, 2011 (Portland, OR).

“The Utah Exclusionary Rule: No Foundation in the Utah Constitution?,” Debate Before the Criminal Law Section of the Utah Bar, Feb. 24, 2011.

“A Public Safety Exception to *Miranda* for Questioning Terrorism Suspects?,” Debate Against Professor Guoira (podcast by the Federalist Society February 7, 2011; followup debate on March 31, 2011).

“Some Skeptical Observations About Innocence Procedures,” Presentation to the Univ. of Utah College of Law Faculty, Jan. 19, 2011.

“Innocence Procedures: Some Questions, Concerns, and Alternative Proposals,” Symposium Presentation at New York Law School, Nov. 5, 2010 (New York, NY).

“Arguing and Securing Restitution,” Presentation to the 36th Annual National Conference of the National Organization for Victim Assistance (Aug. 23, 2010).

“New Developments in Restitution Law” and “Victims’ Rights in Plea Bargains,” Presentations to the Annual National Conference of the National Crime Victim Law Institute (June 9-10, 2010) (Portland, OR).

Expert Witness in the Mock Trial of *The Queen v. The United States Death Penalty*, Program Sponsored by Amicus in the Emmanuel Centre, Mar. 2, 2010 (London, UK).

“The U.S. Supreme Court at Mid-Term, Conference at Stanford Law School, Feb. 5-6, 2010 (conference participant) (Palo Alto, CA).

“A Look Back at the Year in Federal Victim’s Rights Law,” Keynote Address to the 8th Annual National Conference of the National Crime Victim’s Law Institute, June 30, 2009 (Portland, OR).

“The Crime Victims’ Rights Movement: A Look Backward, A Look Forward,” Keynote Address for the 2009 National Crime Victims’ Rights Week Commemoration Ceremony Sponsored by the Oregon Department of Justice, April 28, 2009 (Portland, OR).

“A Proposed Amendment Allowing Videotaping as a Substitute for *Miranda* Procedures,” Presentation to the Utah Rules of Criminal Procedure Advisory Comm., Oct. 27, 2008.

“Upcoming Criminal Cases Before the U.S. Supreme Court,” Presentation to the College of William and Mary School of Law, Institute of Bill of Rights Law Annual Preview, Sept. 27, 2008 (Williamsburg, VA).

“The Crime Victims’ Rights Amendment,” Presentation to the Federal Judicial Conference’s Annual Sentencing Institute, June 25, 2008 (Long Beach, CA).

“Crime Victims’ Rights: The View from Behind the Bench and In Front of the Bench,” Keynote Address to the 7th Annual National

Conference of the National Crime Victim Law Institute, May 31, 2008 (Portland, OR).

“Emerging Issues in Crime Victims’ Law,” Remarks to the National District Attorney’s Training Conference, April 21, 2008 (Chicago, IL).

“In Defense of Victim Impact Statements,” The Nineteenth Annual Walter C. Reckless-Simon Dinitz Memorial Lecture, Ohio State University, Apr. 7, 2008 (Columbus, OH).

“A New Initiative to Protect Victims’ Rights in California,” Presentation at Stanford Law School, Jan. 25, 2008 (Palo Alto, CA).

“Mandatory Minimums and the Crack/Powder Sentencing Disparity,” Presentation at Stanford Law School, Sept. 6, 2007 (Palo Alto, CA).

“American Sentencing Guidelines in Operation and Practice,” Presentation to the State Duma Committee on Constitutional Legislation, October 13, 2005 (Moscow, Russia).

“The Effects of *Booker* on Federal Sentencing,” Panel Discussion for the 2005 National Sentencing Policy Institute, July 11, 2005 (Washington, D.C.).

“Sentencing After *Booker*,” Panel Presentation for the Sentencing Commission’s Annual Conference on Sentence, May 26, 2005 (San Francisco, CA).

“Separation of Powers and the American Judicial System,” Presentation to the Kharkiv National Law Academy, March 30, 2005 (Kharkiv, Ukraine).

“The Sentencing Guidelines After *Booker*,” Presentation to the ABA’s Annual White Collar Crime Convention, March 3, 2005 (Las Vegas, NV).

“The Effects of *Booker v. United States*,” Presentation to the ABA National Convention, Criminal Justice Section, Feb. 11, 2005 (Salt Lake City, UT).

Presentation to the Federal Judiciary Center’s National Workshop for District Judges, the Effects of *Blakely v. Washington*, Sept. 20, 2004 (Seattle, WA).

Presentation to the Annual National Seminar on the Federal Sentencing Guidelines, on Downward Departures after the PROTECT Act, May 20, 2004 (Miami, FL).

Presentation to the *Stanford Law Review* Symposium, on federal sentencing practices, February 20, 2004 (Palo Alto, CA).

Moderator, Discussion on the U.S. Supreme Court by Justices Antonin Scalia and Stephen Breyer, Tenth Circuit Judicial Conference in Jackson, Wyoming (Sept. 5, 2003).

2001 Oxford-Annenberg Debate, on the Death Penalty, June 14, 2001, City University of New York (New York, NY).

“What Next on *Miranda*?” Presentation to the AALS Annual Convention, Jan. 6, 2001 (San Francisco, CA).

Panel Presentation on the Future of *Miranda* After *Dickerson*, with Profs. Yale Kamisar and Stephen Schulhofer, Nov. 17, 2000, Univ. of Michigan Law School (Ann Arbor, MI).

Debate Against Prof. Stephen Schulhofer, Univ. of Chicago Law School, on the Crime Victims Rights Amendment, Oct. 23, 2000 (Chicago, IL).

“Considering the Death Penalty,” Mayor, Day, Caldwell & Keeton Debate against Stephen Bright, Oct. 3, 2000 (University of Houston Law Center) (broadcast on C-SPAN).

The Future of *Miranda*,” Mellon Lecture to the Univ. of Pittsburgh School of Law, Sept. 14, 2000 (Pittsburgh, PA).

Stranahan National Issues Forum Lecture, “The Future of *Miranda*: Arguing *Dickerson v. United States* Before the United States Supreme Court,” Apr. 20, 2000 (Univ. of Toledo Law Center).

“*Miranda* Revisited,” Debate Against Professor Yale Kamisar, Univ. of Sand Diego School of Law (San, Diego, CA Mar. 7, 2000) (broadcast on C-SPAN).

Featured in segment on *Sixty Minutes* (Dec. 6, 1999) and profiled in the *New York Times Sunday Magazine*, *USA Today*, the *Legal Times*, the *American Prospect*, and the *ABA Journal* (cover story) for Supreme Court litigation on *Miranda*.

Participant in television program *Debates, Debates* on the topic Resolved: That Victims' Rights Amendment Should Be Adopted (October 22, 1998 (New York, NY)).

"Should *Miranda* Be Overruled?," Presentation at Stanford Law School (Palo Alto, CA, Apr. 7, 1998).

"Combating New Types of Economic Crimes in Russia and the United States," Presentation to the U.S. Dept. of Justice International Conference of Criminalists and Criminologists' Union (Moscow, Russia May 20-21, 1997).

"Policy Orientation Program for Newly Elected U.S. Senators: Criminal Justice Issues," Library of Congress (Washington, D.C., Dec. 5, 1996).

Debate against Prof. Alan Dershowitz and Wendy Kamenar (Moderator, Prof. Charles Fried), on the death penalty (Harvard Law School, Mar. 22, 1995).

Debate against Larry Weiss, on Congressional Modification of the Exclusionary Rule (BYU, Mar. 16, 1995).

"Admission of Similar Crimes Evidence in Rape and Child Molestation Cases," Presentation to the Utah Supreme Court Advisory Comm. on Rules of Evidence (Feb. 15, 1995).

"Admission of Hearsay in Preliminary Hearings," Presentation to the Salt Lake County District Attorney's Office (Feb. 15, 1995).

"A Preliminary Empirical Inquiry into the Costs of *Miranda*," Presentation to the Criminal Justice Conference, International Scholarly Conference Held on the Internet (Jan. 12-13, 1995).

Debate against Larry Weiss, Esq., on Proposition 1—The Victims Rights Amendment (Park City, UT, Oct. 26, 1994).

"Protecting Children in Utah's Courts," Presentation to the Advocacy for Children and Families Conference (BYU, Oct. 20, 1994).

"Utah Search and Seizure Reform Proposals," Presentation to the Constitutional Revision Commission (Sept. 9, 1994).

**BAR AND
COMMUNITY**

ACTIVITIES:

Member, Utah Bar (1992-).

Previously Admitted: U.S. Supreme Court; U.S. Court of Appeals, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, and D.C. Circuits; U.S. District Ct. (D. Utah); Utah Supreme Court.
Member, American Law Institute (2016-)

Winner of the 2013 Scott M. Matheson Award from the Utah State Bar for contributions to law-related education in the State of Utah.

Board of Directors, Utah Crime Victim's Legal Clinic (2012-).

Member, U.S. Sentencing Commission's Crime Victim's Advisory Group (2009-2015).

Judicial Advisor, American Inns of Court (Aldon Anderson Chapter), 2002-07.

Member, The Constitution Project, Sentencing Initiative, 2004-07.

Member, Constitution Project Blue-Ribbon Committee on Sentencing Initiatives (2005-07) (Co-chaired by Edwin Meese III and Philip Heymann).

Mentor Judge for the ABA Minority Clerkship Program, ABA National Convention (Salt Lake City, UT, Feb. 11, 2005).

Member, Executive Board National Victims' Constitutional Amendment Network. Assisted in drafting and publicizing proposed 28th Amendment to the U.S. Constitution protecting the rights of crime victims (1996-2002).

Member of the Advisory Council of the National Institute for Victim Studies (organized by Mothers Against Drunk Driving) (2000-02).

Member, Supreme Court Advisory Committee on Rules of Criminal Procedure (1994-2002).

Member, Utah Council on Victims (1993-2002). Chair, Constitutional Amendment Subcommittee. Organized statewide campaign in support of Proposition 1—the Victims Rights Amendment, including publicity and fund raising efforts, that lead to Proposition 1 receiving 69% voter approval with more than 300,000 votes in favor. Recipient of Public Policy Development Award for 1994.

Winner, 1998 Morton Bard Allied Professional Award from the National Organization for Victim Assistance.

Member, A.B.A. Section on Criminal Justice Ad Hoc Committee on the U.S. Sentencing Commission (1987-88).

SIGNIFICANT LITIGATION:

U.S. Supreme Court

Co-counsel for Amicus Law Professors in *Tyler v. U.S.*, No. 17-5410 (cert petition seeking review of 3rd Circuit dual sovereign ruling).

Co-counsel for Petitioner in *Downs v. Van Orden*, No. 15-655 (cert petition seeking review of 9th Circuit qualified immunity ruling).

Pro bono counsel for Respondent Amy, Child Pornography Victim, *Paroline v. United States*, No. 12-8561 (2013) (respondent defending restitution victory obtained in the Fifth Circuit) (argued before the Supreme Court Jan. 22, 2014).

Pro bono counsel for Petitioner Vicky, Child Pornography Victim, *Vicky v. Fast*, No. 13-69 (2013) (certiorari petition seeking review of 8th Circuit restitution ruling).

Pro bono counsel for the National Organization for Victims of Crime, *Roe v. United States*, No. 12-112 (2013) (amicus supporting certiorari on issue of denial of restitution to victims of RICO crime).

Counsel for Petitioners Amy and Victim, Child Pornography Victims, *Amy and Vicky v. Kennedy*, No. 12-651 (2012) (certiorari petition seeking review of 9th Circuit restitution ruling).

Amicus Brief on Behalf of former Judges Paul Cassell and Nancy Gertner, *United States v. Dorsey*, 132 S.Ct. 2321(2012) (arguing for retroactive application of crack/powder cocaine amendments).

Pro bono counsel for James R. Fisher in *Fisher v. U.S. Dist. Court for the N. Dist. Texas*, No. 11-1518 (2011) (seeking certiorari on the issue of standard of review for crime victims petitions).

Pro bono counsel for James R. Fisher in *Fisher v. U.S. Dist. Court for the N. Dist. Texas*, No. 11-589 (2011) (seeking certiorari on the issue of standard of review for crime victims petitions).

Pro bono counsel for Amy in *Amy v. Monzel*, No. 11-85 (2011) (seeking certiorari on restitution issue).

Pro bono counsel for *Amicus* National Crime Victim Law Institute in *Ritchie Special Credit Investments, Ltd. V. Petters*, No. 10-738 (2011) (seeking certiorari to protect victims right to written decision on restitution claim).

Pro bono counsel for *Amicus* National Crime Victim Law Institute in *State v. Ott*, No. 10-490 (2010) (supporting certiorari to determine constitutionality of victim sentencing opinion testimony).

Pro bono counsel for Cynthia Hubbard in *Ryan v. Nash*, No. 09-567 (2010) (supporting certiorari on speedy trial grounds for wife of murder victim in a case delayed for 22 years).

Pro bono counsel for K.G. in *District Attorney's Office v. Osborne*, 129 S.Ct. 2308 (2009) (arguing for protection of rape victim K.G. in DNA evidence case).

Appointed by the United States Supreme Court to brief and argue on behalf of the judgment below in *United States v. Dickerson*, 530 U.S. 428 (2000) (considering question of whether federal statute superseded *Miranda* rule).

Pro bono counsel for *Amicus* Washington Legal Foundation in *Peevy v. California*, No. 98-6125 (1998) (seeking certiorari to defend police questioning outside of *Miranda*).

Pro bono co-counsel on *Amicus* Brief for the Washington Legal Foundation in *Felker v. Warden*, 581 U.S. 651 (1996) (defending Effective Death Penalty Act provisions).

Pro bono counsel of Record for *Amicus* Washington Legal Foundation in *Davis v. U.S.*, 512 U.S. 452 (1994) (raising 18 U.S.C. § 3501) (brief discussed in opinions by Justice O'Connor and Justice Scalia).

U.S. Court of Appeals

Pro bono counsel for child pornography victim in *In re Amy Unknown*, 591 F.3d 792 (5th Cir. 2009 (attempting to secure \$3.3 million in restitution for child pornography victim), *rev'd*, 636 F.3d 190 (5th Cir. 2011), *aff'd* *In re Unknown*, 697 F.3d 306 (5th Cir. en banc 2012), *opinion withdrawn and superseded on rehearing en banc*, 701 F.3d 749 (5th Cir.(Tex.) Nov 19, 2012), *certiorari granted in part* sub nom. *Paroline v. U.S.*, 133 S.Ct. 2886 (2013).

Pro bono counsel for child pornography victim in *In re Amy Unknown*, No. 13-20485 (5th Cir. 2013) (securing summary reversal of district court decision to vacate \$250,000 restitution award) (motion to publish decision pending).

Pro bono counsel for child pornography victim in *Vicky v. Fast*, 709 F.3d 712 (8th Cir. 2013), *petn. for cert. filed*, No. 13-69 (July 2013).

Pro bono counsel for child pornography victim in *In re Amy & Vicky*, ___ F.3d ___, No. 12-73414 (9th Cir. 2012), *petn. for cert. filed*, No. 12-651 (Nov. 2012).

Pro bono counsel for victims of environmental crime in *In re Jewell Allen*, ---F.3d---, No. 12-40954 (5th Cir. 2012) (securing summary reversal of district court decision to deny crime victim status to community members harmed by environmental crime), *on remand*, *U.S. v. CITGO*, No. 2:06-cr-563 (S.D. Tex. 2013).

Pro bono counsel for sexual assault victims in *Jane Doe #1 and Jane Doe #2 v. U.S.*, ---F.Supp.2d--- (S.D. Fla. 2013) (securing ruling that plea bargain could be invalidated for crime victims' rights violation and allowing discovery to move forward), *on appeal*, No. 13-12923 (11th Cir. 2013).

Pro bono counsel for victim of big-rigging crime in *U.S. v. Fisher*, 640 F.3d 645 (5th Cir. 2011), *reh'g denied*, 649 F.3d 401 (5th Cir. 2011), *cert. denied*, --U.S.-- (2012), *parallel appeal rejected*, --F.3d-- (5th Cir. 2012).

Pro bono counsel for child pornography victim in *U.S. v. Monzel*, 641 F.3d 528 (D.C. Cir. 2011) (restitution issue), *cert. denied*, No. 11-85 (Nov. 28, 2011), *on remand*, No. 09-243GK (D.C. Dist. 2012), *on appeal*, No. 12-3100 (argued May 10, 2013).

Pro bono counsel for victims in *In re Antrobuses*, 519 F.3d 1123 (10th Cir. 2008) (attempting to secure right to deliver impact statement by parents on behalf of murdered daughter), *petn. for panel rehearing denied*, 519 F.3d 1123, *on remand*, *U.S. v. Hunter*, No. 2:07-cr-307DAK (D. Utah 2008), *appeal dismissed*, 548 F.3d 1308 (10th Cir. 2008), *on remand*, No. No. 2:07-cr-307DAK (D. Utah. 2009), *aff'd on appeal*, 563 F.3d 1092 (10th Cir. 2009)

Pro bono counsel for victims in *In re Parker*, 2009 WL 5609734 (9th Cir. 2009) (attempting to secure recognition of asbestosis victims as "victims" of federal environmental crime).

Pro bono counsel for victims in *In re Stewart*, 552 F.3d 1285 (11th Cir. 2008) (securing remand for determination of restitution on behalf of victims).

Pro bono counsel for victims in *In re Dean*, 527 F.3d 391 (5th Cir. 2008) (securing reversal of district court order finding that victims of Texas City, TX oil refinery disaster were not protected “victims” under the Crime Victims Rights Act).

Pro bono counsel for *amici* victims of the Oklahoma City bombing, in *United States v. Nichols*, 169 F.3d 1255 (10th Cir. 1999) (successfully defending \$14.5 million restitution order on argument not pressed by Dept. of Justice).

Pro bono counsel of record for Amicus Washington Legal Foundation and Allied Victims Groups in *United States v. Nafkha*, 139 F.2d 913 (unpublished 10th Cir. 1997) (arguing confession should not be suppressed under *Miranda*).

Pro bono trial court and appellate counsel for 89 victims of the Oklahoma City bombing in *United States v. McVeigh*, 106 F.3d 325 (10th Cir. 1997) (unsuccessfully challenging the district court’s denial of their right to attend court hearings), *decision overruled by* Victims’ Rights Clarification Act of 1998, Pub. L. 105-6 (codified at 18 U.S.C. 3510).

Pro bono counsel of record for Amicus Washington Legal Foundation and other groups in *United States v. Leong*, No. 96-4876 (4th Cir. 1997) (arguing for rehearing on *Miranda* issue) (prompting order from Circuit to the Dept. of Justice to brief the issue).

U.S. District Courts

Pro bono counsel for families victimized by homicides in *AACJ v. Ducey*, 2:17-CV-01422-SPL (D. Ariz. 2017) (responding to ACLU lawsuit challenge restrictions on defense attorney contacts with crime victims).

Pro bono counsel for child pornography victim in *United States v. Mitchell*, 2:12-CR-401-KJM (E.D. Cal. 2015) (arguing against duplication of child pornography abuse images).

Pro bono counsel for child pornography victim in *U.S. v. Dunn*, No. 2:09-cr-00895-RJS (D. Utah 2013) (securing \$583,000 restitution award and right to deliver victim impact statement through representative).

Pro bono counsel for victims of environmental crime in *U.S. v. CITGO*, No. 2:06-cr-563 (S.D. Tex. 2012) (securing district court reconsideration of its earlier denial of victim status; arguing for full restitution).

Pro bono counsel for *amici* victims of the Oklahoma City bombing, in *United States v. Fortier*, No. CR 95-111-VB (W.D. Okla. 1999) (defending victims' right to allocute and successfully seeking an upward departure from sentencing guidelines).

Pro bono counsel for Marsha Kight *et al* in *United States v. Terry Nichols*, No. 96-CR-68-M (D. Colo. 1998) (successfully arguing for \$14.5 million restitution order against Oklahoma City bomber Terry Nichols and also for victims' rights to allocute at sentencing).

Utah Courts

Pro bono representation of Utah Council on Victims of Crime in *State v. Hernandez* (Utah Supreme Court 2017) (defending Utah's Victims' Rights Amendment's restrictions on crime victims being forced to testify at preliminary hearings).

Pro bono representation of Utah Council on Victims of Crime in *State v. Rowan* (Utah Supreme Court 2016) (challenging existence of state exclusionary rule) (brief cited favorably in concurring opinion of Justice Lee).

Successful defense of police Officer Shaun D. Cowley, charged with manslaughter, Case. No. 141906795 (3rd Dist. Ct. Oct. 2014) (case dismissed after three-day preliminary hearing).

Pro bono representation of Utah Council on Victims of Crime in *State v. Walker*, 267 P.2d 690 (Utah Supreme Court 2012) (challenging existence of state exclusionary rule) (brief cited favorably in concurring opinion of Justice Lee).

Pro bono representation of victim with serious injuries from a DUI in *State v. Roles*, No. 01012240TBG (3rd Dist. 2001) (obtaining \$90,000 restitution award for badly injured victim).

Pro bono representation of families of murder victims in *State v. Weitzel*, in the Utah Court of Appeals and the 2nd District Court, in successful efforts to rescue the trial judge for the appearance of bias.

Pro bono intervention on behalf of twelve-year-old victimized by sexual assault and denied right to speak in opposition to plea bargain, in *State v. Casey*, 44 P.3d 756 (Utah 2002).

Pro bono counsel for record for Amicus Utah Council on Victims, rape victim, and allied organizations, in *State v. Beltran-Felix*, 922 P.2d 30 (Utah App. 1996) (arguing that rape victim was properly permitted to attend trial of her rapist).

Other State Courts

Pro bono counsel for A.B. in *A.B. v. Juvenile Court of the State of Arizona*, No. 16-0192 (Ariz. Supreme Ct.) (defending crime victims' right to full restitution).

Pro bono counsel for Kris Eberle, *State v. Martinson* (No.1 CA-SA 13-0895 (Ariz. Ct. Apps.) (defending murder victim's mother's right to be heard regarding dismissal of charges).

Pro bono co-counsel for the National Crime Victims' Law Institute, Jane Doe, Inc., Massachusetts Coalition Against Sexual Assault and the National Alliance of Sexual Assault Coalitions, *Hagen v. Massachusetts*, No. SJC-08627 (Mass. 2001) (defending rape victim's right to have rapist begin serving thirteen years after sentence imposed).

Pro bono counsel for the National Crime Victims' Law Institute; the Rhode Island Coalition Against Domestic Violence; National Alliance of Sexual Assault Coalitions, *Cronan v. Cronan*, 774 A.2d 866 (R.I. 2001) (successfully arguing that battered woman properly initiated criminal charges against her husband).

Civil Litigation

Assisted on civil litigation on a wide range of commercial disputes as special counsel to the law firm of Hatch, James & Dodge in both federal and state courts at both trial and appellate levels. Also conducted various arbitrations, mediations, and moot courts.