

PUBLICATIONS

Books

Douglas Beloof, Paul G. Cassell & Steven J. Twist, *VICTIMS IN CRIMINAL PROCEDURE* (Carolina Academic Press 3rd ed. 2010).

Paul G. Cassell, *DEBATING THE DEATH PENALTY: THE EXPERTS FROM BOTH SIDES MAKE THEIR CASE*, (Hugo Bedau & Paul G. Cassell eds., Oxford University Press 2004).

Articles

Paul G. Cassell & Nathaniel James Mitchell, *Protecting Crime Victims' Rights Before Charges Are Filed: The Need for Expansive Interpretation of the Crime Victims' Rights Act and Similar State Statutes* (work in progress).

Paul G. Cassell, *The Victims' Rights Amendment: A Sympathetic, Clause-By-Clause Analysis of the Proposal*, 5 PHOENIX L. REV. 301 (2012) (lead symposium article).

Paul G. Cassell & Tomas Goodwin, *Protecting Taxpayers and Crime Victims: The Case for Restricting Utah's Preliminary Hearings to Felony Offenses*, UTAH L. REV. (forthcoming 2012).

Paul G. Cassell, *Freeing the Guilty Without Protecting the Innocent: Some Skeptical Observations on Proposed New 'Innocence' Procedures*, 56 N.Y.L. SCH. L. REV. 1063 (2012).

Paul G. Cassell & Erik Luna, *Sense and Sensibility in Mandatory Minimum Sentencing*, 23 FED. SENT'G REP. 219 (2011).

Paul G. Cassell & Edna Erez, *Victim Impact Statements and Ancillary Harm: The American Perspective*, 15 CANADIAN CRIM. L. REV. 149 (2011).

Paul G. Cassell & Steven Joffe, *The Crime Victims' Expanding Role in a System of Public Prosecution: A Response to the Crime Victims' Rights Act*, 105 NW. U. L. REV. 164 (2011).

Paul G. Cassell & Erik Luna, *Mandatory Minimalism*, 32 CARDOZO L. REV. 1 (2010).

Paul G. Cassell, *Judicial Discretion: A Look Forward and a Look Back Five Years After 'Booker'*, 22 FED. SENT'G REP. 297 (June 2010) (symposium organizer & participant).

Paul G. Cassell, *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).

Paul G. Cassell, *In Defense of Victim Impact Statements*, 6 OHIO ST. J. CRIM. L. 611 (2009).

Paul G. Cassell & Joshua K. Marquis, *What's Wrong with Democracy? A Critique of 'The Supreme Court and the Politics of Death'*, 94 VA. L. REV. 65 (2009).

Paul G. Cassell, *In Defense of the Death Penalty*, 2 J. OF THE INST. FOR THE ADVANCEMENT OF CRIM. JUST. 15 (Summer 2008), *reprinted in* 42 THE PROSECUTOR 10 (October 2008).

Paul G. Cassell, *Treating Crime Victims Fairly: Integrating Victims into the Federal Rules of Criminal Procedure*, 2007 UTAH L. REV. 861 (2007).

Paul G. Cassell, *Crime Shouldn't Pay: A Proposal to Create an Effective and Constitutional Federal Anti-Profiting Statute*, 19 FED. SENT'G REP. 119 (2006).

Paul G. Cassell, *Recognizing Victims in the Federal Rules of Criminal Procedure: Amendments in Light of the Crime Victims' Rights Act*, 2005 BYU L. REV. 835 (2005).

Douglas Beloof & Paul G. Cassell, *The Victim's Right to Attend Trials: The Reascendant National Consensus*, 9 LEWIS & CLARK L. REV. 481 (2005).

Paul G. Cassell, *Too Severe? A Defense of the Federal Sentencing Guidelines (And a Critique of the Federal Mandatory Minimums)*, 56 STAN. L. REV. 1017 (2004).

Paul G. Cassell, *The Paths Not Taken: A Critique of the Supreme Court's Decision in 'Dickerson'*, 99 MICH. L. REV. 898 (2001).

Paul G. Cassell, *The Statute that Time Forgot: 18 U.S.C. § 3501 and the Overhauling of 'Miranda'*, 85 IOWA L. REV. 175 (1999).

Paul G. Cassell, *Barbarians at the Gates: A Reply to the Critics of the Victims' Rights Amendment*, 1999 UTAH L. REV. 479 (1999).

Paul G. Cassell, *The Guilty and the 'Innocent': An Examination of Alleged Cases of Wrongful Conviction from False Confessions*, 22 HARV. J. L. & PUB. POL'Y 523 (1999).

Paul G. Cassell & Richard Fowles, *Handcuffing the Cops? A Thirty Year Perspective on 'Miranda's' Effects on Law Enforcement*, 50 STAN. L. REV. 1055 (1998).

Paul G. Cassell & Richard Fowles, *Declining Clearance Rates After 'Miranda': Coincidence or Consequence?*, 50 STAN. L. REV. 1181 (1998).

Paul G. Cassell, *Protecting the Innocent from False Confessions and Lost Confessions—And from 'Miranda'*, 88 J. CRIM. L. & CRIMINOLOGY 497 (1998).

Paul G. Cassell & Evan Strassberg, *Evidence of Repeated Acts of Child Molestation and Rape: The Need to Reform Utah Law to Insure Admissibility*, 1998 UTAH L. REV. 145 (1998).

Paul G. Cassell, *Balanced Approaches to the False Confession Problem: A Brief Comment on Ofshe, Leo, and Alschuler*, 74 DENVER U. L. REV. 1123 (1997).

- Paul G. Cassell, *'Miranda's' Negligible Effect on law Enforcement: Some Skeptical Observations*, 20 HARV. J. L. & PUB. POL'Y 327 (1997).
- Paul G. Cassell, *The Cost of the 'Miranda' Mandate: A Lesson in the Dangers of Inflexible, 'Prophylactic' Supreme Court Inventions*, 28 ARIZ. ST. L.J. 299 (1996).
- Paul G. Cassell & Bret Hayman, *Police Interrogation in the 1990s: An Empirical Study of the Effects of 'Miranda,'* 42 UCLA L. REV. 839 (1996).
- Paul G. Cassell, *All Benefits, No Costs: The Grand Illusion of 'Miranda's' Defenders*, 90 NW U. L. REV. 1084 (1996).
- Paul G. Cassell, *'Miranda's' Social Costs: An Empirical Reassessment*, 90 NW U. L. REV. 387 (1996).
- Paul G. Cassell, *Search and Seizure Law in Utah: The Irrelevance of the Antipolygamy Raids*, 1995 BYU L. REV. 1 (1995).
- Paul G. Cassell, *Balancing the Scales of Justice: The Case for the Effects of Utah's Victims' Rights Amendment*, 1994 UTAH L. REV. 1373 (1994).
- Paul G. Cassell, *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 L. REV. 693 (1994).
- Paul G. Cassell, *The Mysterious Creation of Search and Seizure Exclusionary Rules Under State Constitutions: The Utah Example*, 1993 UTAH L. REV. 753 (1993).
- Paul G. Cassell, *The Supreme Court's Decisions on the Not-so-Peremptory Challenge*, PUB. INT. L. REV. 11 (1992).
- Paul G. Cassell & Stephen J. Markman, *Protecting the Innocent: A Response to the Bedan-Radelet Study*, 41 STAN. L. REV. 121 (1988).
- Paul G. Cassell, *Restrictions on Press Coverage of Military Operations: The Right of Access, Grenada, and 'Off the Record' Wars*, 73 GEO. L. J. 931 (1985).
- Paul G. Cassell, *Exemption of International Shipping Conferences from the American Antitrust Laws: An Economic Analysis*, 20 NEW ENG. L. REV. 1 (1984).
- Paul G. Cassel, Note, *Establishing Violations of International Law: Yellow Rain and the Chemical and Biological Warfare Agreements*, 35 STAN. L. REV. 259 (1983).

Notable Opinions:

United States v. Planells-Guerra, 509 F. Supp. 2d 1000 (D. Utah 2007) (finding that good faith exception to the exclusionary rule extends to warrantless searches).

United States v. Wilson, 350 F. Supp. 2d 910 (D. Utah 2005) (Sentencing Guidelines should be given heavy weight after *Booker*; first opinion in the nation interpreting *Booker*).

Gibbons v. Lambert, 358 F. Supp. 2d 1048 (D. Utah 2005) (granting summary judgment on most claims in civil rights actions stemming from failed prosecution of banker).

United States v. Visnaiz, 314 F. Supp. 2d 1310 (D. Utah 2004) (restitution not penal and therefore not covered by the Sixth Amendment).

United States v. Angelos, 345 F. Supp. 2d 1227 (D. Utah 2004) (finding mandatory 55-year sentence just, cruel and irrational but nonetheless constitutional).

Benson v. United Brotherhood of Carpenters and Joiners, 337 F. Supp. 2d 1275 (D. Utah 2004) (rejecting NLRB's efforts to enjoin union's display of banners).

Doctor John's, Inc. v. City of Roy, 333 F. Supp. 2d 1168 (D. Utah 2004) (rejecting constitutional challenges to sexually oriented business ordinances).

United States v. Croxford, 324 F. Supp. 2d 1230 (D. Utah 2004) (first opinion in the country finding federal sentencing guidelines unconstitutional).

United States v. Bedonic, 317 F. Supp. 2d 1285 (D. Utah 2004) (lost income restitution required in homicide prosecution), *rev'd on other grounds*, 410 F.3d 656 (10th Cir. 2005).

United States v. Vanleer, 270 F. Supp. 2d 1318 (D. Utah 2003) (explaining that the Feeney Amendment does not end ability of courts to depart downward).

Parker v. Olympus Health Care, Inc., 264 F. Supp. 2d 998 (D. Utah 2003) (affirming jury verdict of \$2.5 million in sexual harassment case).

United States v. Espara-Mendoza, 265 F. Supp. 2d 1254 (D. Utah 2003) (previous deported alien felon lacks standing to raise Fourth Amendment challenge).

United States v. Smith, 225 F. Supp. 2d 1305 (D. Utah 2002) (dismissing indictment for speedy trial violation).

Testimony:

The Victim's Rights Amendment: Testimony before the Constitution Subcomm. 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, Colo.).

Improving Restitution in Federal Criminal Cases: Testimony before the Crime, Terrorism, and Homeland Security Subcomm. of the H. Judiciary Comm. (Apr. 3, 2008) (Washington, D.C.).

Mandatory Minimum Sentencing Practices: Testimony before the Crime, Terrorism, and Homeland Security Subcomm. of the H. Judiciary Comm. (June 26, 2007) (Washington, D.C.).

Federal Sentencing Practices: Testimony before the Crime Subcomm. of the H. Judiciary Comm., Mar. 16, 2006 (Washington, D.C.) (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 S. Judiciary Comm. (July 12, 2004) (Washington, D.C.).

The Severity of the Federal Sentencing Guidelines: Testimony before the ABA Kennedy Comm. (Nov. 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 S. 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 S. Judiciary Comm. (May 1, 1999) (St. Louis, Mo.).

A Response to the Critics of the Victims' Rights Amendment: Testimony before the S. Judiciary Comm. (Mar. 24, 1999) (Washington, D.C.).

The Victims' Rights Amendment: Testimony before the S. Judiciary Comm. (Apr. 28, 1998) (Washington, D.C.).

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

The Victims' Bill of Rights Amendment: Testimony before the S. Judiciary Comm. (Apr. 23, 1996) (Washington, D.C.).

Admission of Sexual Assault Counselors during Trials: Testimony before the H. Judiciary Comm. (Utah Feb. 7 & 9, 1996).

The Performance of the Solicitor General's Office in Criminal Cases: Testimony before the S. Judiciary Comm. (Nov. 14, 1995) (Washington, D.C.).

Reforming the *Miranda* Rules in Federal Courts: Testimony before the S. 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 S. Judiciary Comm. (Idaho Feb. 1, 1995) (Boise, Idaho).

Amending the Idaho Constitution to Provide for the Rights of Crime Victims: Testimony before the S. Judiciary Comm. (Mar. 2, 1994) (Boise, Idaho).

A Constitutional Declaration of the Rights of Crime Victims: Testimony before the H. State and Local Affairs Comm. (Utah Feb. 24, 1994).

Amending the Idaho Constitution to Provide for the Rights of Crime Victims: Testimony before the H. Judiciary Comm. (Idaho Feb. 12, 1994) (Boise, Idaho).

Requiring the Admission of Evidence Obtained in Lawful Searches: Testimony before the S. Judiciary Comm. (Utah Jan. 24, 1994); before the H. Judiciary Comm. (Utah Feb. 2, 1994).

The Role of the Death Penalty in Protecting the Innocent: Testimony before the Subcomm. on Crime of the H. Judiciary Comm. (Oct. 21, 1993) (Washington, D.C.).

Claims of Innocence in Capital Cases: Testimony before the Subcomm. on Civil and Constitutional Rights of the H. Judiciary Comm. (July 23, 1993) (Washington, D.C.).

Procedures for Raising Claims of Innocence in Capital Cases: Testimony before the S. Judiciary Comm. (Apr. 1, 1993) (Washington, D.C.).

Requiring the Admission of Relevant Evidence in Criminal Proceedings: Testimony before the S. Judiciary Comm. (Utah Feb. 11, 1993); before the S. (Utah Feb. 17, 1993) (Comm. of the Whole); before the H. Judiciary Comm. (Utah Feb. 25, 1993).

The Possibility of Mistake in Capital Cases: Testimony before the S. Judiciary Comm. (Sept. 28, 1989) (Washington, D.C.).

Habeas Corpus and Capital Punishment Legislation: Testimony before the Subcomm. on Government Information, Justice and Agriculture of the H. Government Operations Comm. (Feb. 26, 1999) (Tallahassee, Fla.).

Expert Witness:

Frequent consultant to Attorney's General's Offices, prosecutors, crime victims, and defense attorneys about criminal justice issues, including crime victims' rights, police questioning and false confessions, and death penalty procedures.

Expert Testimony on False Confessions in *People v. Thomas*, No. 08-1074 (Super. Ct. County of Rensselaer, NY) (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 (Dist. Ct., Utah 2009) (provided expert report).

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-99-3-E-BLW (D. Idaho 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 (Dist. Ct. Utah 1996) (provided expert report).

Other Publications:

National—

Crime's, Courts and Cures: Reviewing The Collapse of American Criminal Justice, WALL ST. J., OCT. 26, 2011, at A13.

Sentencing Symposium, IN CAMERA (Feb. 28, 2005).

The Supreme Court's Miranda Mutant, CRIM L. AND PROCEDURE NEWS, Fall 2000, at 1.

We're not Executing the Innocent, WALL ST. J., June 16, 2000, at A14.

Fixing Miranda, THE PROSECUTOR, Feb. 2000, at 35 (co-author with William Otis).

Take Technicality out of Miranda, L.A. TIMES, Dec. 6, 1999, at B7.

Section 3501 Offers More Sensible Test than Miranda, CRIM. JUST. WEEKLY, Nov. 30, 1999, at 652.

Worth Reading, THE CRIME VICTIMS REPORTS, Sept. 1999, at 53 (reviewing Douglas E. Beloof, *Victims in Criminal Procedure*).

Make Amends to Crime Victims, WALL ST. J., July 20, 1999, at A22.

Sentence Structure, WALL ST. J., 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).

Why the Crime Victims' Rights Amendment is a Good Idea, CRIM. L. NEWS, Summer 1998, at 1 (co-author with Steve Twist).

Paying the Highest Price, WASH. POST BOOK WORLD, FEB. 8, 1998, at A5 (reviewing anti-death penalty books).

Another Law Janet Reno Doesn't Like, WALL ST. J., Aug. 27, 1997, at A13 (co-author with Paul Kamenar).

The Tale of Victims' Rights, LEGAL TIMES, Dec. 23, 1996, at 32 (co-author with Robert F. Hoyt).
True Confessions About Miranda's Legacy, LEGAL TIMES, July 22, 1996, at 20.

A Bill of Rights for Crime Victims, WALL ST. J., Apr. 24, 1996, at A15 (co-author with Steven Twist).

True Confessions: Miranda's Hidden Costs, NAT'L REV., Dec. 25, 1995, at 30 (co-author with Steve Markman).

The Damaging Effects of Miranda, STAN. LAW., Fall 1995, at 14.

What's Ken Starr Looking For?, WALL ST. J., Nov. 1, 1995, at A15.

Perspectives on Miranda, NAAUSA NEWS, July 1995, at 5.

Tossing Out the Law on Confessions, LEGAL TIMES, Apr. 24, 1995, at 26–30 (chosen for extended discussion on Lexis Counsel Connect).

How Many Criminals Has Miranda Set Free?, WALL ST. J., Mar. 1, 1995, at A17.

Editor-in-Chief, National Association of Assistant U.S. Attorneys Newsletter and Case Update, 1994–95 (Volume 1).

A Federal Statute that Overrules Miranda: A new Argument for Federal Prosecutors in Confession Cases, 2 CRIM. PRAC. L. REP. 145 (Sept. 1994) (co-author with Joseph D. Grano).

The Death Penalty for Drug Kingpins: A Constitutional Response to a National Emergency, manuscript prepared for use by H. Judiciary Comm. (Oct. 15, 1993) (at the request of Rep. Bill McCollum).

In Defense of the Death Penalty, LEGAL TIMES, May 3, 1993, at 33.

No More Peremptories?, LEGAL TIMES, July 27, 1992, at S36 (article also appeared in six other AMERICAN LAWYER publications).

Edited *The Great Debate: Interpreting Our Written Constitution*, (1987) (A collection of speeches by Attorney General Meese, Justices Brennan and Stevens, and Judge Robert Bork. Thirty-thousand copies were 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).

Regional—

It's Time to Fix Miranda Ruling, SALT LAKE TRIB., May 7, 2000, at AA3.

Time for a Victims' Rights Amendment to the Constitution, LAS VEGAS REVIEW—JOURNAL, Aug. 12, 1999, at 17B.

Fight for Victims' Justice is Going Strong, DESERET NEWS, July 10, 1996, at A7.

Proposition 1: Protecting the Rights of Crime Victims (parts 1 & 2), THE INTERMOUNTAIN COMMERCIAL REC., Sept. 23 & Sept. 30, 1994.

Capital Punishment, CONTINUUM: THE MAGAZINE OF THE UNIV. OF UTAH, Spring 1994, at 9.

The Myth of the Executed 'Innocents', S.L. COUNTY BAR & BENCH BULL., May 1993, at 7.

Out of Thin Air: The Invention of the Utah Exclusionary Rule, THE INTERMOUNTAIN COMMERCIAL REC., Feb. 19, 1993 (also appeared in the NEO-ANALYST).

Speeches Debates and Presentations

Frequent appearances in mass media on legal issues, including appearances on ABC, NBC, CBS, CNN, SCPAN, BBC World Service, NPR, and quotations in the NEW YORK TIMES, WASHINGTON POST, USA TODAY, PARADE MAGAZINE, THE CHRISTIAN SCIENCE MONITOR, THE SALT LAKE TRIBUNE, and the DESERET NEWS.

Advocating for Crime Victims, Training for Attorneys and Victim Advocates (Aug. 14, 2012).

Who is a Victim for Victim Rights Enforcement, Presentation to NCVLI's 11th Annual Crime Victim Conference (June 8, 2012).

Advancing Crime Victims' Rights Through Litigation, Webinar Presentation for NCVLI (Aug. 3, 2011).

Strategic Litigation of Crime Victims' Rights: "Test Cases", Presentation to NCVLI's 10th Annual Crime Victim 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 (original debate on Feb. 7, 2011; follow-up debate on Mar. 31, 2011) (podcast by the Federalist Society).

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, N.Y.).

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 & 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 Emmanuel Centre, (Mar. 2, 2010)(London, UK).

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

Principles of Criminal Law, Training for Utah Justice Court Judges (Oct. 30–31, 2009).

Gay and Lesbian Rights, the Common Ground Initiative, and Religious Freedom: A Dialogue, Univ. of Utah College of Law (Jan. 12, 2010) (moderator).

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.).

Strategic Crime Victims Litigation, Presentation Address to the 8th Annual National Conference of the National Crime Victim's Law Institute (July 1, 2009) (Portland, Or.).

Enforcing Crime Victims' Rights, Presentation to the Utah Council on Victims of Crime, Annual Crime Victims Conference (Apr. 29, 2009).

Crime Victims' Rights: Emerging Issues in Federal and Oregon Courts, CLE Program for the National Crime Victim's Law Institute (Apr. 28, 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 (Apr. 28, 2009) (Portland, Or.).

New Developments in Criminal Justice Legislation, Program for the Utah Criminal Justice Center (Mar. 13, 2009).

Important Principles of Crime Victims' Rights Law, Training Session for Victims' Rights Advocates Sponsored by the U.S. Dept. of Justice Office for Victims of Crime (Oct. 30, 2008) (Charleston, S.C.).

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 Legal Legacy of the Bush Administration, Presentation to the College of William and Mary School of Law, Institute of Bill of Rights Law Annual Preview (Sept. 27, 2008) (Williamsburg, Va.).

In Defense of Victim Impact Statements, Brownbag Presentation to the Univ. of Utah College of Law Faculty (Sept. 17, 2008).

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

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's Law Institute (May 31, 2009) (Portland, Or.).

Who is a 'Crime Victims', Presentation to the 7th Annual National Conference of the National Crime Victim's Law Institute (May 31, 2009) (Portland, Or.).

Emerging Issues in Crime Victims' Law, Remarks to the National District Attorney's Training Conference (Apr. 21, 2008) (Chicago, Ill.).

In Defense of Victims Impact Statements, The 19th Annual Walter C. Reckless-Simon Dinitz Memorial Lecture (Apr. 7, 2008) (Columbus, Ohio).

Crime Victims' Litigation, Brownbag Presentation to the Univ. of Utah College of Law Faculty (Feb. 13, 2008).

The Battle for Crime Victims' Rights: A Report from the Front Lines, Presentation to BYU Law School (Feb. 7, 2008).

A New Initiative to Protect Victims' Rights in California, Presentation at Stanford Law School (Jan. 25, 2008) (Palo Alto, Cal.).

The Need to Amend Utah's Exclusionary Rule, Presentation to the Constitutional Revision Comm'n (Nov. 15, 2007).

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

Ethics in the Criminal Justice System, Presentation to the Salt Lake County Bar Assoc. (Dec. 11, 2006).

Ethical Pointers for Aspiring Students, Presentation to the BYU Law School (Nov. 10, 2006).

Lessons in Legal Reform from Ukraine, Presentation to the Federal Bar Association, Utah Chapter (Mar. 1, 2006).

Patent Law Litigation: Lesson from Utah, Presentation to the Intellectual Property Section of the Utah State Bar (Feb. 24, 2006).

American Sentencing Guidelines in Operating and Practice, Presentation to the State Duma Comm. on Constitutional Legislation (Oct. 13, 2005) (Moscow, Russia).

The Role of International Law in American Legal Decisions, Presentation of the Univ. of Utah International Law Society (Sept. 9, 2005).

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

Recognizing Victims in the Federal Rules of Criminal Procedure, Speech to the Annual Training Conference of the National Crime Victims Law Institute (June 17, 2005) (Portland, Or.).

Sentencing After Booker, Panel Presentation for the Sentencing Commission's Annual Conference on Sentence (May 26, 2005) (San Francisco, Cal.).

Criminal Procedure: Sentencing Decisions after Booker and Fan Fan, Professional Education Broadcast Network (Apr. 29, 2005) (nationwide teleconference).

Intellectual Property Litigation in Utah, Presentation to the Patent and Trademark Section of the Utah State Bar (Apr. 27, 2005).

New Developments in Federal Victims' Law, Presentation to the 18th Annual Crime Victims Conference (Apr. 18, 2005) (Sandy, Utah).

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

Presentation to the Utah Federal Defender's Office (Apr. 5, 2005).

The Victim's Right to Attend Trials: The Re-Emerging National Consensus, Presentation to the Lewis and Clark Law Review Symposium (Mar. 11, 2005) (Portland, Or.).

The Future of Federal Sentencing, Presentation to the Univ. of Utah College of Law Faculty (Mar. 9, 2005).

Presentation to Sentencing Class at Yale Law School (Mar. 4, 2005) (New Haven, Conn.).

The Sentencing Guidelines After Booker, Presentation to the ABA's Annual White Collar Crime Convention (Mar. 3, 2005) (Las Vegas, Nev.).

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

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

Blakely v. Washington, Presentation to the Univ. of New Mexico School of Law Federalist Society (Sept. 10, 2004) (Albuquerque, N.M.).

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

Federal Sentencing Practices, Presentation to the Stanford Law Review Symposium (Feb. 20, 2004) (Palo Alto, Cal.).

Presentation to the U.S. Attorney's Office (Jan. 12, 2004).

Moderator, Debate on the Crime Victims Rights Amendment, Federal society Lawyers Convention (Nov. 15, 2003) (Washington, D.C.).

A Rocket Docket for Utah, Presentation to the Federal Bar Association (Oct. 24, 2003).

Accelerating Federal Civil Litigation, Presentation to the Aldon J. Anderson Inn of Court (Oct. 23, 2003).

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

Reflections on the First Year on the Bench, Presentation to the Federal Defenders Office (Jan. 24, 2003).

Jury Selection Procedures, Presentation to the Federal Bar Association (Oct. 18, 2002).

The Judicial Nomination Process, Presentation to the Federal Bar Association (Sept. 12, 2002).

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

Amending the Constitution to Protect Crime Victims' Rights, Debate against Professor Lynne Henderson, UNLV School of Law (Apr. 11, 2001) (Las Vegas, Nev.).

How Many Criminals Has Miranda Set Free, Presentation at BYU, the J. Reuben Clark Law School (Mar. 20, 2001) (Provo, Utah).

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

The Application of Witness Sequestration Rules to Crime Victims, Presentation to the Annual Law Professors Conference of the Federalist Society (Jan. 4, 2001) (San Francisco, Cal.).

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

Panel Presentation on the Empirical Research on *Miranda*, with Prof. Richard Leo, Univ. of Michigan Law School (Nov. 18, 2000) (Ann Arbor, Mich.).

The Crime Victims' Rights Amendment, Debate against Prof. Stephen Schulhofer, Univ. of Chicago Law School (Oct. 23, 2000) (Chicago, Ill.).

The Crime Victims' Rights Amendment, Debate against Prof. Doug Godfrey, Chicago-Kent School of Law (Oct. 19, 2000) (Chicago, Ill.).

Presentation to the Federalist Society, Northwestern Univ. School of Law ((Oct. 19, 2000) (Chicago, Ill.).

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 Supreme Court's Wrong Turn on Miranda Doctrine, Presentation to the Hinkley Inst. (Sept. 25, 2000) (rebroadcast on KULC-TV).

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

New Problems with Miranda Doctrine, Presentation to the Annual Convention of the Utah State Bar (July 13, 2000) (San Diego, Cal.).

Arguing in the Supreme Court to Trim Back Miranda, Presentation to the Constitutional Law Section of the Utah State Bar (May 24, 2000).

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

Debate against Jamin Raskin, on *Miranda*, American Univ. Law School (Apr. 11, 2000) (Washington, D.C.).

Debate against Jeffrey Rosen, on *Miranda*, George Washington Univ. Law Center (Apr. 10, 2000) (Washington, D.C.).

Arguing Miranda in the Supreme Court, Presentation at the Univ. of Utah College of Law (Apr. 5, 2000).

The Future of Miranda, Presentation at George Mason School of Law (Mar. 29, 2000) (Washington, D.C.).

Will Miranda Survive?, the 2000 Annual Debate of the *American Criminal Law Review* (Mar. 28, 2000) (Washington, D.C.).

Is Miranda Dead?, Presentation at UCLA School of Law (Mar. 9, 2000) (Los Angeles, Cal.).

Perspectives on Miranda, Presentation at Loyola Law School (Mar. 9, 2000) (Los Angeles, Cal.).

Miranda Revisited, Debate against Prof. Yale Kamisar, Univ. of San Diego School of Law (Mar. 7, 2000) (San Diego, Cal., broadcast on C-SPAN).

Enforcing Victims Rights, Presentation to the Victims' Rights Implementation Skills-Building Technical Assistance Program of the National Criminal Justice Association (Jan. 13, 2000).

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*.

Panel Participant, Community Justice, Salt Lake County Crime Reduction Conference (Sept. 21, 1999).

The Future of Miranda Warnings, Debate against Prof. Jim Tomkovicz, Univ. of Iowa College of Law (Sept. 13, 1999) (Iowa City, Iowa).

Panel Participant, The Victim's Rights Amendment, National Org. for Victim Assistant Nat'l Conference (Sept. 3, 1999) (Los Angeles, Cal.).

The 'Overruling' of Miranda in United States v. Dickerson, Presentation at the Lewis and Clark Northwestern School of Law (Apr. 8, 1999) (Portland, Or.).

The Uncertain Future of Miranda, Presentation at the Univ. of Arizona School of Law (Mar. 25, 1999) (Tucson, Ariz.).

Participant in television program *Debates, Debates* on the topic Resolved: That *Miranda* Rights Should be Abolished (Nov. 1, 1998) (New York, N.Y.).

Participant in television program *Debates, Debates* on the topic Resolved: That Victims' Rights Amendment Should be Adopted (Oct. 22, 1998) (New York, N.Y.).

Will Clinton Survive?, A Debate against Former Rep. Wayne Owens, Hinkley Institute of Politics (Sept. 21, 1998).

A Response to the Critics of the Victims' Rights Amendment, Presentation at the 1998 *Utah Law Review* Symposium (Sept. 19, 1998).

Victims' Rights Amendment, Debate against Don McWhorter, Arizona State Univ. School of Law (Sept. 10, 1998) (Phoenix, Ariz.).

Presentation to the National Center for Policy Analysis Public Forum on *Miranda* (Aug. 13, 1998) (Washington, D.C.).

The Proposed Victims Rights Amendment, Presentation to the 11th Annual Victims' Conference (Apr. 23, 1998).

Should Miranda be Overruled?, Presentation at Boalt Hall School of Law (Apr. 7, 1998) (Berkeley, Cal.).

Should Miranda be Overruled?, Presentation at Stanford Law School (Apr. 7, 1998) (Palo Alto, Cal.).

Debate against David Gossett, on *Miranda*, Northwestern Univ. School of Law (Mar. 9, 1998) (Chicago, Ill.).

Debate against Prof. Don Dripps, on *Miranda*, Univ. of Minnesota Law School (Mar. 10, 1998) (Minneapolis, Minn.).

The Risk to the Innocent from Miranda, Presentation to the Univ. of Minnesota Law School Faculty (Mar. 10, 1998).

The Exotic and the Routine: Tradeoffs Between False Confessions and Lost Confessions, Presentation to the Constitutional Theory Seminar, Univ. of Virginia (Sept. 29, 1997) (Charlottesville, Va.).

The Original Intent of the Constitution, a Debate against Prof. J.D. Williams before the Huntsman Seminar in Constitutional Government (June 26, 1997).

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 (May 20–21, 1997) (Moscow, Russia).

Perspectives on the Criminal Justice System, KUED Ch. 7 Civic Dialogue Program (May 16, 1997).

Developments in Victims Rights and Legislation, Presentation to the 10th Annual Victims' Conference (Apr. 27, 1997).

Should We Reform Miranda, Presentation to the Univ. of San Diego School of Law Federalist Society (Apr. 14, 1997) (San Diego, Cal.).

Overruling Miranda, Debate against Prof. Yale Kamisar, Univ. of Michigan School of Law (Apr. 7, 1997) (Ann Arbor, Mich.).

Establishing Tribal code Provisions and Victims' Bill of Rights, Presentation to the Office for Victims of Crime 6th National Conference: Justice for Victims of Crime in Indian Country (Jan. 24, 1997) (San Diego, Cal.).

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

Time to Reform Miranda?, Debate against Prof. Kling, Chicago-Kent School of Law (Nov. 18, 1996) (Chicago, Ill.).

Time to Reform Miranda?, Presentation at the Loyola School of Law (Nov. 18, 1996) (Chicago, Ill.).

Handcuffing the Cops, Presentation with Comments by Prof. Myron Moskowitz, Golden Gate School of Law (Sept. 30, 1996) (San Francisco, Cal.).

Time to Overrule Miranda?, Debate against John Frank (Miranda's Supreme Court Lawyer), Arizona State Law School (Sept. 9, 1996) (Phoenix, Ariz.).

Miranda at Thirty: Still Good After all These Years?, Presentation to the ABA National Convention, Criminal Justice Section (Aug. 3, 1996) (Orlando, Fla.).

The Victims Bill of Rights Amendment, Presentation to the 9th Annual Utah Victims' Conference (Apr. 24, 1996).

How Many Criminals Has Miranda Released, Debate against Prof. Sam Pillsbury, Loyola Law School (Apr. 8, 1996).

Reforming Miranda: a Proposal for Congressional Action, Presentation to the Heritage Foundation (Mar. 22, 1996) (Washington, D.C.)

Dump Miranda?, A Panel Discussion with Prof. Yale Kamisar, Steve Schulhofer, Fed Inbau, Joe Grano, Ron Allen and Others, Northwestern Univ. School of Law (Mar. 21, 1996).

The Hidden Costs of Miranda, Debate against Mark Mestel, Before the Seattle Lawyers Chapter of the Federalist Society (Mar. 11, 1996).

Can You Ever Trust a Judge: Mandatory Minimum Sentencing, Debate against Ron Yengich, Before the Utah State Bar (Mar. 9, 1996) (St. George, Utah).

Handcuffing the Cops: The Aftermath of Miranda, Presentation with Stephen Schulhofer and Peter Arenalla, 15th Annual National Student Federalist Society Symposium on Law and Public Policy—1996, Stanford Law School (Feb. 26, 1996).

Miranda: Time for an Overhaul, Debate against John O’Connell, Univ. of Utah College of Law (Feb. 14, 1996).

The Execution of John Albert Taylor, Debate against Ron Yengich moderated by Rod Decker, on KUTV *Take Two* (Jan. 14, 1996).

Miranda as a Federal Mandate, Panel Presentation to the Goldwater Inst. (Nov. 4, 1995) (Phoenix, Ariz.).

The Dramatic Effects of Miranda on the American Criminal Justice System, Address to the Hinkley Institute of Politics, Coffee and Politics Series (Oct. 31, 1995).

Debate against Prof. David Sklansky, on *Miranda*, UCLA School of Law (Oct. 30, 1995) (Los Angeles, Cal.).

Toward Domestic Violence Awareness, Panel Discussion, Sponsored by the Women’s Law Caucus, Univ. of Utah College of Law (Oct. 10, 1995).

Victims Rights in Juvenile Court Cases, Presentation to the Utah Prosecution Council Juvenile Justice Training Conference (Aug. 17, 1995) (Provo, Utah).

Victims’ Concerns and Mandatory Minimum Sentences for Child Molesters, Presentation to the Utah State Sentencing Comm. (July 19, 1995).

Miranda’s Social Costs: The New Empirical Arguments, Presentation to the Univ. of Utah College of Law Faculty (June 28, 1995).

Victims Issues and Judicial Obligations, Presentation to the 1995 District Court Judges’ and Commissioners’ Conference (May 12, 1995) (Midway, Utah).

What to do if the System Fails, Presentation to the 8th Annual Victims’ Conference (Apr. 27, 1995).

Debate against Prof. Jerome Skolnick, on *Miranda*, Boalt Hall Law School (Apr. 13, 1995) (Berkeley, Cal.).

Debate against Prof. Alan Dershowitz and Wendy Kamenar, moderated by Prof. Charles Fried, on the Death Penalty, Harvard Law School (Mar. 22, 1995).

Congressional Modification of the Exclusionary Rule, Debate against Larry Weiss, BYU Law School (Mar. 16, 1995) (Provo, Utah).

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 (Oct. 26, 1994) (Park City, Utah).

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

Utah Search and Seizure Reform Proposals, Presentation to the Constitutional Revision Comm'n (Sept. 9, 1994).

Panel Discussion, *O.J. Simpson's Right to a Fair Trial vs the Public's Right to Know*, Sponsored by the Utah Chapter of Women in Communication (Sept. 28, 1994).

Debate against Gil Athay, Esq., on Victims Rights in Child Abuse Cases, at 7th Annual conference of the Child Abuse Prevention Council (Aug. 4, 1994) (Ogden, Utah).

Legal Analysis of the O.J. Simpson Preliminary Hearing, on KSL-1160 A.M. (extended appearances July 1–8, 1994).

Empirical Research on Confession Rates in Salt Lake County, Presentation to the Univ. of Utah College of Law Faculty (July 6, 1994).

Utah's Victims Rights Amendment, Presentation to the 7th Annual Victims' Conference (Apr. 28, 1994).

Moderator, on *Gun Control: Should We? Can We?*, 10th Annual Jefferson B. Fordham Debate (Feb. 17, 1994).

Debate against Kathryn Kendall, ACLU, on Constitutional Protections for Crime Victims in Utah (Feb. 16, 1994).

Constitutional Protections for Crime Victims in Utah, Debate against Prof. Edward Kimball, BYU Law School (Feb. 1, 1994) (Provo, Utah).

Balancing the Scales of Justice: A Proposed Constitutional Declaration of rights of Utah's Victims of Crimes, Presentation to the Constitutional Revision Comm'n (Oct. 8, Sept. 10, and July 9, 1993).

The Utah Supreme Court and the State Exclusionary Rule, Debate against Ron Yengich for the Utah State Bar Constitutional Law Section (May 20, 1993).

Criminal Procedure Issues Under the Utah Constitution, Presentation to the Utah Prosecution Council's Spring Training Conference (Apr. 15, 1993) (Cedar City, Utah).

Has the Utah Supreme Court Gone Too far in Creating a State Exclusionary Rule?, Debate against Ron Yengich for the Mid-Year Meeting of the Utah State Bar (Mar. 13, 1993) (St. George, Utah).

Federal Search and Seizure Law: Vehicle Stops and Searches, Presentation to the U.S. Attorney/DEA/POST Narcotics Interdiction Course (Feb. 3, 1993).

Doctrinal and Policy Implications of State Exclusionary Rules, Presentation to the Univ. of Utah College of Law Faculty (Jan. 21, 1993).

Constitutional Issues in Evidence, Presentation to the Utah Prosecution Council's Fall Training Conference (Sept. 16, 1992) (Brianhead, Utah).

Roundtable Discussion on the William Andrews Execution, KQED-Ch. 7 Civic Dialog Program (July 28, 1992).

Debate against Prof. Lionel Frankel, on the Death Penalty, Univ. of Utah College of Law (Apr. 23, 1992).

Debate against Prof. David Rudovsky, on capital punishment, Univ. of Pennsylvania Law School (Nov. 17, 1987) (questions by Marvin Wolfgang).

Debate against Stefan Presser, Legal Director, Pennsylvania ACLU, on capital punishment, Temple Law School (Apr. 9, 1987).

Debate against Richard Neufeld, New York Legal Aid, on *Miranda*, New York Law School (Apr. 8, 1987).

Speech followed by questions from Prof. Capra, on *Miranda*, Fordham Law School (Apr. 8, 1987).

Debate against Prof. Kenneth Haas, on *Miranda*, Univ. of Delaware Law School (Mar. 24, 1987).

Debate against Judy Goldberg, ACLU, on *Miranda* (Mar. 13, 1987) (Washington, D.C.).

Debate against Millard Farmer, Esq., on capital punishment, Florida State Univ. College of Law (Mar. 3, 1987).

Bar and Community Activities

Member, Utah Bar (1992–)

Previously Admitted: U.S. Supreme Court; U.S. Court of Appeals, 4th, 5th, 9th, 10th, and D.C. Circuits; U.S. District Court (D. Utah, E.D. Va.); Utah Supreme Court.

Board of Direct, Utah Crime Victim's Legal Clinic (2012–)

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

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

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

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, ABA Section on Criminal Justice Ad Hoc Committee on the U.S. Sentencing Commission (1987–88).

Significant Litigation:

U.S. Supreme Court

Amicus Brief on Behalf of former Judges Paul Cassell and Nancy Gertner, *United States v. Dorsey*, No. 11-5683 (Feb. 1, 2012) (arguing for retroactive application of crack/powder cocaine amendments).

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) (seeking certiorari to determine constitutionality of victim sentencing opinion testimony).

Pro bono counsel for K.G. in *District Attorney's Office v. Osborne*, 557 U.S. 52 (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 of record 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. United States*, 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 *United States v. Monzel*, 641 F.3d 528 (D.C. Cir. 2011), *cert. denied*, No. 11-85 (Nov. 28, 2011).

Pro bono counsel for child pornography victim in *In re Amy Unknown*, 591 F.3d 792 (5th Cir. 2009), *rev'd*, 636 F.3d 190 (5th Cir. 2011), *rehearing en banc granted*, ___ F.3d ___ (5th Cir. 2012) (attempting to secure \$3,000,000 in restitution for counseling and lost income losses).

Pro bono counsel for victims in *In re Antrobus*, 563 F.3d 1092 (10th Cir. 2009) (attempting to secure right to deliver impact statement by parents on behalf of murdered daughter).

Pro bono counsel for victims in *In re Parker*, Nos. 09-70529, 09-70533, 2009 WL 5609734 (9th Cir. Feb. 27, 2009).

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, Tex. Oil refinery disaster were not protected “victims” under the Crime Victims Rights Act).

Pro bono counsel of record for Amicus Washington Legal Foundation in *United States v. Dickerson*, 166 F.3d 667 (4th Cir. 1999) (successfully arguing that Congress has overruled *Miranda* by statute).

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 counsel of record for Amicus Washington Legal Foundation and four U.S. Senators in *United States v. Sullivan*, 138 F.3d 126 (4th 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) (unsuccessful 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).

Pro bono co-counsel for Amicus American Alliance for Rights and Responsibilities *et al.* in *Johnson v. Rodriguez*, 118 F.3d 1073 (5th Cir. 1996).

U.S. District Courts

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 allocate 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 allocate at sentencing).

Counsel for Amicus Safe Streets Coalition *et al.* in *Unites States v. Rivas-Lopez*, 988 F. Supp. 1424 (D. Utah 1997) (upholding constitutionality of 18 U.S.C. § 3501 over opposition of the U.S. Dept. of Justice).

Amicus Brief in *United States v. Herbert*, No. 91-NCR-75W (D. Utah 1992) and five similar cases (raising *Miranda* issues).

Counsel for the United States in *Unites States v. Erves*, No. CR 87-478 and four related cases (N.D. Ga. 1988) (defending constitutional challenge to the Sentencing Guidelines) (2nd challenge nationally).

Counsel for the United States for Motion to Lift Seal in *United States v. Gray*, Cr. No. 78-00179 (D.D.C 1987) (unsealing of court papers in connection with Bork nomination).

Utah Courts

Pro bono representation of Utah Council on Victims of Crime in *State v. Walker*, No. 20090150-SC (Utah 2010) (challenging existence of state exclusionary rule).

Pro bono representation of victim with serious injuries from a DUI in *State v. Roles*, No. 01012240TGB (Dist. Ct. Utah 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 2d 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 (Dist. Ct. App. Utah 1996) (arguing that rape victim was properly permitted to attend trial of her rapist).

Pro bono intervention on behalf of nine-year-old victim of sexual assault, C.M., asserting victim's right to a speedy trial, *State v. Saunders*, No. 96-1900945FS (Dist. Ct. Utah 1996).

Pro bono intervention on behalf of seven-year-old victim of sexual assault, G.L., asserting victim's right to a speedy trial (first such argument in Utah), *State v. Burr*, No. 96-1901030 (Dist. Ct. Utah 1996).

Pro bono counsel of record for Amicus Utah Council on Victims and ten other allied organizations, in *State v. Pledger*, 896 P.2d 1226 (Utah 1995) (arguing that crime victims should not be forced to testify at preliminary hearings).

Other State Supreme Courts

Pro bono co-counsel for the National Crime Victims' Law Institute, Jane Doe, Inc., Massachusetts Coalition Against Sexual Assault and the National Alliance of the 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).

U.S. Attorney Appeals

United States v. Barsanti, 943 F.2d 428 (4th Cir. 1991) (HUD fraud convictions affirmed).

United States v. Simpson, 9410 F.2d 154 (4th Cir. 1990) (firearms conviction reversed because of prejudicial drug evidence).

United States v. Rivera, 859 F.2d 1204 (4th Cir. 1988) (constitutionality of INS "depose and deport" procedure upheld), *cert. denied*, 109 S.Ct. 1743 (1989).

United States v. Dornhofer, 859 F.2d 1195 (4th Cir. 1991) (child pornography predisposition evidence admission upheld).

United States v. Goodwin, 854 F.2d 33 (4th Cir. 1988) (child pornography anticipatory warrant upheld).

Bledsoe v. Webb, 839 F.2d 1357 (9th Cir. 1988) (summary judgment for exclusion of women from aircraft carrier reversed).

U.S. Attorney Trials

United States v. Pruden, No. 91-88-N (E.D. Va. 1991) (theft by postal employee—guilty).

United States v. Gates, No. 91-33-NN (E.D. Va. 1991) (trafficking in firearms—guilty).

United States v. Coles, No. 91-5-NN (E.D. Va. 1991) (theft of \$500,000 from failed savings and loan by S&L CEO—guilty).

United States v. Smith, No. 90-118-N (E.D. Va. 1990) (bench trial) (false statement to bank—guilty).

United States v. Abdelhak, No. 90-39-NN (E.D. Va. 1990) (bench trial) (smuggling of counterfeit watches—guilty).

United States v. Rodgers, No. 90-178 (E.D. Va. 1990) (theft of Pentagon "Star Wars" computers—directed verdict of not guilty).

United States v. Harris, No. 90-73 (E.D. Va. 1990) (overtime fraud—guilty).

United States v. Barsanti, No. 89-442 (E.D. Va. 1989) (two investors and real estate agent defrauding HUD—guilty).

United States v. Percival, No. 89-306-A (E.D. Va. 1989) (false statement by federally licensed firearms dealers—guilty).

United States v. Robinson, No. 89-213-A (E.D. Va. 1989) (“yellow glove” bank robber—guilty).

United States v. Simpson, No. 89-172-A (E.D. Va. 1989) (aircraft piracy—guilty).

United States v. Davenport, No. 89-125 (E.D. Va. 1989) (triple Lorton stabbing—two of three defendant’s guilty).

United States v. Miller, No. 89-109-A (E.D. Va. 1989) (residential bombing—guilty).

United States v. Bolan, No. 89-59-A (E.D. Va. 1989) (Lorton stabbing—guilty).

United States v. Clark, No. 88-305-A (E.D. Va. 1989) (distribution 359 grams of crack—guilty).

United States v. Thompson, No. 88-8275-A (E.D. Va. 1989) (largest seizure of crack in the history of National Airport—guilty).

United States v. Adams, et al., No. 88-223-A (E.D. Va. 1988) (distribution of cocaine—guilty).

U.S. Attorney Significant Guilty Pleas

United States v. F. Bernard Kirsch, No. 91-N (E.D. Va. 1991) (defendant guilty of defrauding the Navy on base cleaning contracts; \$73,000 in restitution paid).

United States v. Stokley, No. 91-83-N (E.D. Va. 1991) (defendant guilty of producing counterfeit electronic parts for Navy combat vessels and nuclear power plants—\$2.5 million restitution ordered).

United States v. Lewis, No. 91-80-N (E.D. Va. 1991) (defendant guilty of polluting the Chesapeake Bay through improper operation of sewage treatment plant).

United States v. Naleszkiewicz, No. 89-401-A (E.D. Va. 1990) (defendant guilty of mail fraud; \$5 million victims’ trust fund created contingent on FCC transfer of license).

United States v. Sanfacon, et al., No. 89-100-A (E.D. Va. 1989) (guilty pleas and forfeitures in largest steroids distribution case in the mid-Atlantic region).

Civil Litigation

9/1995–5/2002

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

1/2008–

Interests

Soccer, camping, backpacking, canyoneering, skiing, mountain biking, and ultimate Frisbee.

Assistant Soccer Coach, Skyline High School, 2009–12