

MORGAN CLOUD

CHARLES HOWARD CANDLER PROFESSOR OF LAW
Emory University

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ACADEMIC POSITIONS *at Emory University*

1999 to Present: Charles Howard Candler Professor of Law
1989 to 1999: Professor of Law
1986 to 1989: Associate Professor of Law (with tenure since 1987)
1983 to 1986: Assistant Professor of Law

VISITING APPOINTMENTS

Spring 2020: Visiting Professor, University of Warsaw, Warsaw, Poland

Spring 2007: Visiting Professor, European Business School Oestrich-Winkel, Germany

Fall 2006: Visiting Professor, University of Mississippi School of Law

Spring 2005: Visiting Professor, European Business School Oestrich-Winkel, Germany

Summer 2001: Visiting Professor, Central European University Faculty of Law, Budapest, Hungary

Spring 2001: Distinguished Visiting Professor in Advocacy and Dispute Resolution, University of Tennessee

Spring 2000: Robert Daniels Distinguished Visiting Professor, The University of Iowa, College of Law

Winter 1997: Visiting Professor, University of Konstanz School of Law, Konstanz, Germany

Spring 1995: Visiting Professor, Central European University Faculty of Law, Budapest, Hungary

Spring 1994: Visiting Professor, University of Konstanz School of Law, Konstanz, Germany

COURSES TAUGHT

Privacy in a Digital Age, Constitutional Criminal Procedure, White Collar Crime, Criminal Law, Constitutional Law, Evidence, Pretrial Litigation.

Creator and Teacher, *The University Course*, Emory University (with Patton and Rosenzweig).

SELECTED PUBLICATIONS

ARTICLES

Mapp v. Ohio, the Exclusionary Rule, and Constitutional Judicial Review, the OXFORD RESEARCH ENCYCLOPEDIA OF AMERICAN HISTORY, ed. Jon Butler (New York: Oxford University Press) (2021), forthcoming. doi: 10.1093/acrefore/9780199329175.013.683.

Privacy, Pornography, and Penumbral Rights, 54 TEXAS TECH L. REV. (forthcoming 2021) (solicited article).

The Fourth Amendment as a Device for Protecting the Guilty, 52 Texas Tech L. Rev. 91 (2019) (solicited article).

Property is Privacy: Locke and Brandeis in the Twenty-First Century, AMERICAN CRIMINAL LAW REVIEW 55 AM. CRIM. L. REV. 37, 42 (2018) (solicited article), (*quoted in* Carpenter v. United States, 138 S. Ct. 2206, 2239, 201 L. Ed. 2d 507, 546 (2018) (THOMAS, J., dissenting)).

A Conservative House United: How the Post-Warren Court Dismantled the Fourth Amendment, 10 OHIO STATE JOURNAL OF CRIMINAL LAW 475 (2013) (solicited article).

Law Deans In Jail (with George Shepherd), 77 UNIVERSITY OF MISSOURI LAW JOURNAL (2013).

A Conclusion in Search of a History to Support It, 42 TEXAS TECH. L. REV. 29 (2010) (Solicited Article).

Innocence, Evidence, and the Courts, 85 CHICAGO KENT L. REV. 3 (2010) (Solicited Introduction for "Symposium on Criminal Procedure").

Rights Without Remedies: The Court That Cried "Wolf," 77 MISS. L. JOUR. 465 (2007) (Article based upon Named Lecture).

Ignorance and Democracy, 39 TEXAS TECH. L. REV. 1143 (2007) (Solicited Article).

Clause and Effect: Text, Interpretation, and the Fourth Amendment, ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (MacMillan, 2008) (solicited article).

A Liberal House Divided: How the Warren Court Dismantled the Fourth Amendment, 3 OHIO STATE JOUR. CRIM. L. 33 (2005), in *The Warren Court Criminal Justice Revolution: Reflections A Generation Later* (Solicited Article) (2005).

Human Rights for the Real World, 54 Emory L. Jour. 151 (2005) (Solicited Article).

Quakers, Slaves, and the Founders: Profiling to Save the Union, 73 Mississippi Law Journal 369 (2003) (Solicited Article).

Words Without Meaning—The Constitution, Confessions, and Mentally Retarded Suspects, with George B. Shepherd, Alison Nodvin Barkoff, and Justin V. Shur, 69 THE UNIVERSITY OF CHICAGO LAW REVIEW 495 (2002).

Rube Goldberg Meets The Constitution: The Supreme Court, Technology And The Fourth Amendment, 72 MISSISSIPPI LAW JOURNAL 5 (2002) (Solicited Article), (*quoted in* *Carpenter v. United States*, 138 S. Ct. 2206, 2244, 201 L. Ed. 2d 507, 551-552 (2018) (THOMAS, J., dissenting)).

Search and Seizure, in THE ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (Supplement II) (Leonard Levy and Kenneth Karst, eds.) (Solicited Article, 2001).

Privileges Lost? Privileges Retained? 69 TENNESSEE LAW REVIEW 65 (2001) (Solicited Article).

The 2000 Amendments to the Federal Discovery Rules and the Future of Adversarial Pretrial Litigation, 74 TEMPLE LAW REVIEW 27 (2001) (Solicited Article).

RICO, Federalism, and Law Enforcement in the European Union, 27 SYRACUSE JOURNAL OF INTERNATIONAL LAW AND COMMERCE 243 (2000) (Solicited Article for Symposium).

Understanding Exclusion, 26 SEARCH AND SEIZURE LAW REPORT 41(2000).

Time and Money: Discovery Leads to Hourly Billing, 1999 UNIVERSITY OF ILLINOIS LAW REVIEW 91 (with George Shepherd) (1999).

Judicial Review and the Exclusionary Rule, 26 PEPPERDINE LAW REVIEW 835 (1999) (Solicited Article).

Yugoslavia, 2 THE GREEN BAG 2d 351 (1999).

Searching Through History, Searching for History, 63 THE UNIVERSITY OF CHICAGO LAW REVIEW 1707 (1996) (Solicited Article).

The Fourth Amendment During The Lochner Era: Privacy, Property, and Liberty, 48 STANFORD LAW REVIEW 555 (1996).

Torture and Truth, 74 TEXAS LAW REVIEW 1211 (1996) (Solicited Article).

Judges, "Testilying," and the Constitution, 69 SOUTHERN CALIFORNIA LAW REVIEW 1341 (1996) (Solicited Article).

Subjective Motives and Constitutional Searches, 23 SEARCH AND SEIZURE LAW REPORT 125 (1997).

History and the Fourth Amendment, 24 SEARCH AND SEIZURE LAW REPORT 133 (1997).
Law in Theory, Law in Practice, 1 The Green Bag 2d. 65 (1997).

Pragmatism, Rules, and the Fourth Amendment, 22 SEARCH AND SEIZURE LAW REPORT 89 (1995).

Police Perjury and the Fourth Amendment, 22 SEARCH AND SEIZURE LAW REPORT 129 (1995).

The Dirty Little Secret, 43 EMORY LAW JOURNAL 1311 (1994).

Pragmatism, Positivism, and Principles in Fourth Amendment Theory, 41 U.C.L.A. LAW REVIEW 199 (1993).

Federalism in the United States: The Judicial Role, Zbornik Pravnog Fakulteta Novi Sad 1992 (Collection of Works of the Novi Sad Faculty of Law) (Article solicited for translation).

Structure and Values in Constitutional Interpretation, 40 EMORY LAW JOURNAL 875 (1991) (Solicited Article).

Introduction: Compassion and Judging, 22 ARIZONA STATE LAW JOURNAL 1 (Solicited Article for Symposium) (1990).

Demand and the War on Drugs, 36 THE ATLANTA LAWYER 39 (1990).

Cocaine, Demand, and Addiction: A Study of the Possible Convergence of Rational Theory and National Policy, 42 VANDERBILT LAW REVIEW 725-818 (1989).

Forfeiting Defense Attorneys Fees: Applying an Institutional Role Theory to Define Individual Constitutional Rights, 1987 WISCONSIN LAW REVIEW 1-66 (1987), cited in *United States v. Monsanto*, 105 L.Ed. 2d 512 (1989) (BLACKMUN, J., DISSENTING), and

Caplin & Drysdale v. United States, 105 L.Ed. 2d 528 (1989) (BLACKMUN, J., dissenting).

Government Intrusions into the Attorney-Client Relationship: The Impact of Fee Forfeitures on the Balance of Power in the Adversary System of Criminal Justice, 36 EMORY LAW JOURNAL 817 (1987), cited in *United States v. Monsanto*, 105 L.Ed. 2d 512 (1989) (BLACKMUN, J., dissenting), and *Caplin & Drysdale v. United States*, 105 L.Ed. 2d 528 (1989) (BLACKMUN, J., dissenting).

Search and Seizure by the Numbers: The Drug Courier Profile and Judicial Review of Investigative Formulas, 65 BOSTON UNIVERSITY LAW REVIEW 843-921 (1985).

BOOKS

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE EIGHTH EDITION (SKYE BOOKS 2020).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE SEVENTH EDITION (SKYE BOOKS 2018).

MORGAN CLOUD, MARY PAT DOOLEY, TERRE RUSHTON, HON. NANCY HARRIS VAIDIK, PAUL V. DYNAMO SPORTING GOODS, DILLON, AND HANSON, THIRD EDITION (NITA 2018).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE SIXTH EDITION (SKYE BOOKS 2016).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE FIFTH EDITION (SKYE BOOKS 2015).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE FOURTH EDITION (SKYE BOOKS 2014).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE THIRD EDITION (SKYE BOOKS 2013).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE SECOND EDITION (SKYE BOOKS 2011).

MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE (SKYE BOOKS 2010).

MORGAN CLOUD, EVIDENTIARY PRIVILEGES, PROFESSIONAL RESPONSIBILITY AND CLIENT MISCONDUCT: PAUL V. DYNAMO SPORT & DILLON, SECOND EDITION (NITA 2008).

PHILLIP E. JOHNSON AND MORGAN CLOUD, CONSTITUTIONAL CRIMINAL PROCEDURE, INVESTIGATION TO TRIAL, Fourth Edition (West Group 2005).

PHILLIP E. JOHNSON AND MORGAN CLOUD, CRIMINAL LAW, CASES, MATERIALS AND TEXT, Seventh Edition (West Group 2003).

PHILLIP E. JOHNSON AND MORGAN CLOUD, CASES AND MATERIALS ON CRIMINAL PROCEDURE, Supplement to the Third Edition (West Group, American Casebook Series 2001, 2002, 2003, 2004, 2008).

MORGAN CLOUD, EVIDENTIARY PRIVILEGES, PROFESSIONAL RESPONSIBILITY AND CLIENT MISCONDUCT: PAUL V. DYNAMO SPORT & DILLON (NITA 2001).

BOOK CHAPTERS

Expressive Property in a Digital Age, INFORMATION AND LAW IN TRANSITION—FREEDOM OF SPEECH, THE INTERNET, PRIVACY AND DEMOCRACY IN THE 21ST CENTURY, Anna-Sara Lind, Jane Reichel & Inger Osterdahl editors (Stockholm 2015).

More Than Utopia, in VULNERABILITY: REFLECTIONS ON A NEW ETHICAL FOUNDATION FOR LAW AND POLITICS, Martha Albertson Fineman & Anna Grear editors (Routledge 2014).

“American Law” for the World, in Wolfgang Lüke, Richard Freer, Wolfgang Weitnauer and Hans-Eric Rasmussen-Bonne, BALANCING OF INTERESTS (*Heidelberg: Verlag Recht und Wirtschaft* 2005).

SELECTED OPINION PIECES

Trump’s Accusers May See Him in Court Soon, THE WALL STREET JOURNAL, March 18, 2016 (with George Shepherd).

The Bugs in Our System, THE NEW YORK TIMES (Op-Ed Article), January 13, 2006.

Low I.Q. and the Death Penalty, The New York Times (Op-Ed Article), February 20, 2002 (with George Shepherd).

SELECTED OTHER PROFESSIONAL WRITINGS

Primary Author, BRIEF OF *AMICI CURIAE* PROFESSORS OF CRIMINAL LAW AND CRIMINAL PROCEDURE IN SUPPORT OF PETITIONER, in *Carlisle v. Commonwealth of Kentucky* (2020).

Primary Author, BRIEF OF *AMICUS CURIAE* FOURTH AMENDMENT SCHOLARS IN SUPPORT OF THE RESPONDENT MICROSOFT, in *United States v. Microsoft*, 2018.

Primary Author, BRIEF AMICUS CURIAE FOR PROFESSOR MORGAN CLOUD IN SUPPORT OF THE PETITIONER BYRD, (drafted and filed on behalf of Emory School of Law Supreme Court Advocacy Project), in *Byrd v. United States*, 2017.

Contributor, BRIEF OF SCHOLARS OF THE HISTORY AND ORIGINAL MEANING OF THE FOURTH AMENDMENT AS AMICI CURIAE IN SUPPORT OF PETITIONER CARPENTER in *Carpenter v. United States* 2017.

SELECTED LECTURES, SPEECHES, SYMPOSIA

Paper Presentation, *Protests, Pornography, and Domestic Privacy*, TEXAS TECH CRIMINAL LAW SYMPOSIUM, Texas Tech Law School, Lubbock, Texas, April 2021.

Moderator, Panel on *Personal Data Protection: How Technology Jeopardizes Privacy*, RANDOLPH W. THROWER SYMPOSIUM, *Privacy in the Technology Age: Big Tech, Government, and Civil Liberties*, Emory University, February 2021.

Speaker, *Criminal Defending Conference*, University of Illinois College of Law, Urbana-Champaign, Illinois, December 2020.

Digital Rights in the Surveillance Society, Free Speech and Media Law Forum, Pázmány Péter Catholic University Faculty of Law, Budapest, Hungary, June 2019

Paper Presentation, The Fourth Amendment as a Device for Protecting the Guilty, TEXAS TECH CRIMINAL LAW SYMPOSIUM, Texas Tech Law School, Lubbock, Texas, March 2019

Moderator, Panel *Gun-Related Crimes and Enforcement: State and National Considerations*, RANDOLPH W. THROWER SYMPOSIUM, EXPLORING GUN VIOLENCE IN MODERN AMERICA, Atlanta, February 2019.

Paper Presentation, Digital Crime and Digital Identity, Free Speech and Criminal Procedure Forum, Louis D. Brandeis School of Law, University of Louisville, Louisville, Kentucky, December 2018.

Moderator and Interviewer, A Conversation with Russia's Most Wanted Man: Bill Browder, Emory University, Atlanta, October 2018.

White Collar Crime and the Mueller Investigation, Emory University School of Law, American Constitution Society Program, Atlanta, March 2018.

Paper Presentation, Property is Privacy, Scholars Roundtable, Vanderbilt University Law School, Nashville, Tennessee, November 2017.

Lecture, The Russia Investigation and the Rule of Law, Emory School of Law, Atlanta, November 2017.

Paper Presentation, Privacy and Secret Surveillance, Privacy Discussion Forum, Uppsala University, Uppsala, Sweden, June 2017.

Panel Speaker, Judicial Nominations, Panel sponsored by the American Constitution Society and the Federalist Society, Emory University, Atlanta, Georgia, March 2017.

Paper Presentation, Property is Privacy, Symposium: Katz at 50, Georgetown University Law Center, Washington, D.C., March 2017.

Speaker, Secret Surveillance in Law Enforcement, Conference on Open Government Issues University of Paris 1 Panthéon-Sorbonne, Paris, December 2016.

Speaker, Drones, Rules, and Privacy, Seminar on Drone Law, Atlanta, November 2016.

Speaker, Emory Public Interest Committee Conference "Justice For All? How the Law Handles Civil Disobedience," Emory School of Law, Atlanta, October 2016.

Speaker, Technology Creep and Corruption of the Criminal Justice System, Thruer Symposium, Redefined National Security Threats: Tensions and Legal Implications, Emory University School of Law, Atlanta, February 2016.

Speaker, The Constitution and Digital Privacy, Privacy Law Forum, University of Paris 1, Pantheon-Sorbonne, Paris, June 2015.

Speaker, Law and the Practical Utility of Moral Rules, Roundtable Conference on Law and Theology: Interactive Normativities, Berlin, September 2015.

Paper Presentation, Expressive Property in a Digital Age, Faculty Colloquium, Emory University School of Law, April 2015.

Paper Presentation, Expressive Property, Privacy Law Forum, Uppsala University, Uppsala Sweden, September 2015.

Speaker, Eighteenth Century Property Theory & Twentyfirst Century Privacy Rights, 11TH ANNUAL BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE, William and Mary School of Law, Williamsburg, Va., October 2014

Speaker, John Locke, Property and Privacy in a Digital Age, CONFERENCE ON PRIVACY, University of Mainz, Mainz, Germany, June 2013.

Paper Presentation, Digital Privacy, Faculty Colloquium, University of Pittsburgh School of Law, Pittsburgh, March 2013

Speaker, Emory Public Interest Committee Conference, Emory University School of Law, Atlanta, October 2012.

Paper Presentation, Law Deans in Jail, Emory University School of Law Faculty Colloquium, Atlanta, April 2012.

Paper Presentation, Law Deans in Jail, Florida State University College of Law Faculty Colloquium, Tallahassee, Florida, April 2012.

Panelist, program on Pleading Rules and Access to Justice, Emory University, sponsored by the American Constitution Society, Atlanta, September 2011.

Speaker, Session on Electronic Surveillance of the Police, Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina, August 2011.

Panelist, CONFERENCE: FEDERAL COURTS, INC., New York University Law School, New York, February 2011

Speech, Property as the Basis of Rights: John Locke and the Fourth Amendment, THE FOURTH AMENDMENT: CURRENT ANALYSIS, VIEWS OF THE FUTURE, AND DIGITAL SEARCHES AND SEIZURES, National Center for Justice and the Rule of Law, University of Mississippi, Oxford, MS., April 2011.

Panelist, Business Roundtable, sponsored by the University of Pennsylvania Law School, Philadelphia, January 2011.

Lecture, Police Perjury and the Constitution, UNIVERSITY LECTURE Sponsored by The Center for Diversity and Inequality Research, Eastern Carolina University, October 2010.

Lecture, Torture and Truth: Police Interrogation and Constitutional Law, sponsored by The Center for Diversity and Inequality Research, Eastern Carolina University, October 2010.

Speaker, Conference on Rule of Law Reform and the Drug Trade: Challenges and Implications in Mexico and the U.S., sponsored by Universidad Panamericana and the Institute for Developing Nations, Atlanta, September 2010

Paper Presentation, Private Property in the Digital Age, University of Provence, Aix en Provence, France, June 2010.

Speaker, Panel on the Fourth Amendment, Southeast Association of Law Schools, Palm Beach, Florida, July 2010.

Paper Presentation, A Conclusion in Search of a History to Support It, CRIMINAL LAW SYMPOSIUM, Texas Tech Law School, April 2010.

Lecture, Originalism, Meeting sponsored by Emory Young Democrats, Atlanta, February 2010.

Speaker, Panel on Constitutional Criminal Procedure, Southeast Association of Law Schools Annual Meeting, Palm Beach, July 2009.

Lecture, History and Interpretation, Meeting Sponsored by Emory Young Democrats, Atlanta, March 2009.

Speaker, Constitutional Rights Forum, Atlanta, March 2009.

Organizer and Speaker, Criminal Procedure Roundtable, Atlanta, December 2008.

Lecture, Evidentiary Privileges in the Organizational Setting, Corporate Counsel Institute Annual Meeting, Atlanta, December 2008.

Named Lecture, Rights Without Remedies: The Court That Cried Wolf, JAMES OTIS LECTURE, University of Mississippi, Oxford, September 2006.

Lecture, Danger and Democracy: Liberty in Times of Crisis, LEARNED HAND AWARD LECTURE, American Jewish Committee, Atlanta, May 2006.

Speaker, Legal Constraints on the War on Terrorism, Emory University, Atlanta, March 2006.

Lecture, Attorneys, Corporate Clients, and the End of the Privilege, University of Heidelberg, Heidelberg, Germany, June, 2005.

Lecture, E-Discovery and Ethics, Atlanta, November 2006.

Lecture, E-Discovery and Ethics, New York, December 2005.

Lecture, Attorneys, Corporate Clients, and the End of the Privilege, New York, December 2004.

Lecture, Rights Without Remedies: The Court That Cried Wolf, SYMPOSIUM: THE FOURTH AMENDMENT: CONTEMPORARY ISSUES FOR APPELLATE JUDGES, The National Judicial College, Reno, Nevada, November 2004.

Paper Presentation, "Profiling" and the Creation of the Republic, SYMPOSIUM, THE PERMISSIBILITY OF RACE OR ETHNICITY AS A FACTOR IN ASSESSING THE REASONABLENESS OF A SEARCH OR SEIZURE, sponsored by the National Center for Justice and the Rule of Law, at the University of Mississippi School of Law, February 2003.

Speech, Confidentiality, Client Misconduct, and Harm to Third Parties, Panel, *Lawyers, Accountants & Ethics: New Issues for a New era of Corporate Governance*, Emory University, Atlanta, March 2003.

Rube Goldberg Meets The Constitution: The Supreme Court, Technology And The Fourth Amendment, Symposium Lecture, The National Center for Justice and the Rule of Law, The University of Mississippi, Oxford, MS., April 2002.

Privileges Lost?, SYMPOSIUM LECTURE Delivered as a Distinguished Visiting Professor in Advocacy and Dispute Resolution, University of Tennessee, Knoxville, March 2001.

Speech, Political Control Over Constitutional Rule-Making: Presidential Elections and the Supreme Court, UNIVERSITY LECTURE Delivered as a Distinguished Visiting Professor in Advocacy and Dispute Resolution, University of Tennessee, Knoxville, March 2001.

Miranda, Confessions, and Developmentally Disabled Suspects, Law School Faculty COLLOQUIUM, Delivered as a Distinguished Visiting Professor in Advocacy and Dispute Resolution, University of Tennessee, Knoxville, March 2001.

Lecture, Discovery Under the Federal Rules, NINETEENTH ANNUAL CORPORATE COUNSEL SEMINAR, Institute for Continuing Legal Education, Atlanta, December, 2000.

University Lecture, Presidential Elections and Judicial Review, UNIVERSITY LECTURE, Emory University, Atlanta, October, 2000.

Speaker, SYMPOSIUM: ARE THE PEOPLE SECURE??: THE FOURTH AMENDMENT AND MODERN POLICE PRACTICES, New York University School of Law, New York, April, 2000.

Speaker, RICO, Federalism, and Law Enforcement in the European Union, delivered at a session on RICO AND INTERNATIONAL CRIME, Association of American Law Schools, Criminal Justice Section, Washington, D.C., January, 2000.

Speaker, Session on *Document Production in a Corporate Environment*, NINETEENTH ANNUAL CORPORATE COUNSEL INSTITUTE, Atlanta, December, 2000.

Lecture Series, Corporate, Business, and Financial Crime, CONSTITUTIONAL AND LEGAL POLICY INSTITUTE and Central European University, Budapest Hungary, September 1999.

Lecture, RICO, Federalism, and Law Enforcement in the European Union, CONFERENCE ON EUROPEAN INTEGRATION, Vlerick Leuven Gent School of Management (University of Ghent and Leuven University), Ghent, Belgium, May 1999.

Lecture, Discovery, Mayer, Brown & Platt, Chicago, Illinois, October 1999.

Lecture, Training Trial Lawyers, American Bar Association, Litigation Section, Committee on Trial Practice, Atlanta, August 1999.

Lecture, Law and Cyberspace, American Bar Association Appellate Judges Conference, Appellate Judges Seminar Series, Portsmouth, New Hampshire, September 1998.

Moderator, RANDOLPH THROWER SYMPOSIUM, LAW AND THE MEDIA: FREEDOM OF THE PRESS VERSUS THE RIGHT TO A FAIR TRIAL, Atlanta, February, 1998.

Panelist, CONFERENCE: INTERNATIONAL HUMAN RIGHTS NORMS AND THE UNITED STATES: THE CASE OF RELIGION OR BELIEF (conference organized as part of the United Nations Special Rapporteur's study of compliance with the United Nations Declaration on Intolerance and Discrimination on Religion or Belief), Atlanta, February 1998.

Chair, CONCLUDING SESSION OF THE SECOND MAX PLANCK RESEARCH AWARD SYMPOSIUM, ACCOUNTING, FINANCIAL DISCLOSURE, AND AUDITING IN GLOBAL MARKETS, Konstanz, Germany, June 1996.

Lecture, THE FIFTH ROBERT VANCE MEMORIAL LECTURE, Police Perjury, Judges, and the Constitution, Sponsored by the Continuing Judicial Education Section of the Atlanta Bar Association, October, 1995.

Lecture, Structure and Values in Constitutional Interpretation: Comparing German and American Theories, University of Konstanz School of Law, May 1995.

Funded Lecture, German Marshall Fund Distinguished Guest Lectureship, Constitutional Judicial Review, University of Konstanz, Konstanz, Germany, Spring 1994.

Chair, Program on Legal Dimensions of Human Rights, The Balkans, INTERNATIONAL CONFERENCE ON RELIGIOUS HUMAN RIGHTS IN THE WORLD TODAY, LEGAL AND RELIGIOUS PERSPECTIVES, Atlanta, October 1994.

Participant, INTERNATIONAL NEGOTIATION NETWORK CONSULTATION ON RESOLVING INTRA-NATIONAL CONFLICTS: A STRENGTHENED ROLE FOR NON-GOVERNMENTAL ACTORS, The Carter Center, Atlanta, January 1992.

Speech, Yugoslavia and the Limits of Federalism, CANADIAN INSTITUTE FOR INTERNATIONAL PEACE AND SECURITY, Ottawa, Canada, June 1991.

Lecture, Federalism and Confederation, Faculty of Law, University of Novi Sad, Novi Sad, Yugoslavia, May 1991.

Speaker, Structure and Values in Constitutional Interpretation, RANDOLPH W. THROWER SYMPOSIUM ON COMPARATIVE CONSTITUTIONALISM, Atlanta, March 1991.

Speech, Litigation, Legal Education and Ethics, National Organization of Women Lawyers Regional Conference, Atlanta, April 1990.

Moderator and Speech, American Association of Law Schools PANEL ON COMPASSION AND JUDGING, San Francisco, California, January 1990.

Speech, Drugs, Addiction, and the Law, Atlanta Bar Association Anti-Drug Conference, Atlanta, October 1989.

Speaker, Panel on *Excellence in Teaching*, Assembly of the Association of Emory Alumni on *Education with a Competitive Purpose*, Atlanta, March 1989.

Speaker, Association of American Law Schools Program, *Who Should Teach Ethics?*, New Orleans, Louisiana, January 1989.

Speaker, Federalist Society Panel, *Probable Cause: Is Big Brother Watching?*, Emory University, Atlanta, October 1988.

Participant and Commentator, CONFERENCE ON INTERNATIONAL HUMAN RIGHTS AND U.S. CRIMINAL LAW AND PROCEDURE, Sponsored by the Procedural Aspects of International Law Institute, Washington, D.C., June 1988.

Testimony Before the United States House of Representatives Judiciary Committee, Subcommittee on Crime, Oversight Hearing on the Forfeiture of Assets, March 1988.

Speech, Employee Drug Testing: Legal and Scientific Issues in Litigation, Emory University, Atlanta, October 1987.

Speech, The Constitutional Implications of Employee Drug Testing, STATE OF GEORGIA PERSONNEL DIRECTORS' CONFERENCE, University of Georgia, Athens, Georgia, October 1987.

Speech, Employee Drug Testing: Rules for the Public Sector, Guidelines for the Private Sector, Employee Assistance Program Forum, Atlanta, June 1987.

Moderator and Speaker, ASSOCIATION OF AMERICAN LAW SCHOOLS PROGRAM ON GOVERNMENT INTRUSIONS INTO THE ATTORNEY-CLIENT RELATIONSHIP, jointly sponsored by Association of American Law Schools Sections on Litigation, Criminal Justice, Professional Responsibility and the American Bar Association Section on Litigation, Los Angeles, January 1987.

Speech, Attorney Fee Forfeitures: Professional Ethics and the Prosecution of Organized Crime, Emory University, Atlanta, February 1987.

Lecture, Rights, Power, and Rules, CRIMINAL JUSTICE CONFERENCE OF THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS, St. Croix, May-June 1984.

Lectures, ATLANTA UNIVERSITY CRIMINAL JUSTICE INSTITUTE ADVANCED TRAINING PROGRAM FOR POLICE OFFICERS, Atlanta, Georgia, April 1984.

SELECTED PROFESSIONAL ACTIVITIES AND HONORS

Participating Professor, BRIEF OF CRIMINAL LAW PROFESSORS AS AMICI CURIAE IN SUPPORT OF NEITHER PARTY in *United States v. Flynn*, United States District Court for the District of Columbia, Case No. 17-cr-00232 (EGS), 2020.

Participating Professor, BRIEF OF *AMICUS CURIAE* CRIMINAL LAW AND MENTAL HEALTH LAW PROFESSORS in *Kahler v. Kansas*, 2019.

Participating Professor, Brief of Amici Curiae Criminal Law Professors in Support of Petitioners Juan Bravo-Fernandez and Hector Martinez-Maldonado, in *Bravo-Fernandez and Martinez-Maldonado v. United States*, Case No. 15-537, in the Supreme Court of the United States, 2016.

Participating Professor, Brief of Amici Curiae Criminal Law Professors in Support of Petitioner Dennys Rodriguez, *Rodriguez v. United States*, 575 U. S. ____ (2015)

Participating Professor, Brief of *Amici Curiae* Criminal Law Professors in Support of Petitioner Alex Blueford, *Blueford v. Arkansas*, 566 U.S. ____ (2012).

Member, Judicial Nominations Task Force, American Constitution Society, 2010 – present.

Program Director and Lecturer, Expert Witness Testimony, Drinker Biddle, Philadelphia and Princeton, 2011, 2013, 2015, 2017.

Consultant, National Conference of Commissioners on Uniform State Laws, Study Committee on Model Drug Dependence Treatment and Rehabilitation Act (2007-2009).

Excellence in Teaching Award, European Business School, Oestrich-Winkel, Germany, 2005 (selected by students).

Professor of the Year, 1998-1999, Selected by Emory University Black Law Students Association.

Participant, Halle Institute Seminar, “Economic and Monetary Integration in Europe,” Emory University, Spring 1999.

Member, Advisory Board, THE GREEN BAG LEGAL JOURNAL, 1997-2012.

Member, American Bar Association Task Force on Forfeitures, Criminal Justice Section, 1993-1994.

Participant, Henry R. Luce Faculty Seminar, Emory University, Spring 1994.

Hewlett Visiting Fellow, The Carter Center of Emory University, 1990-1991.

Member, Dean's Committee to Review the Russian Judicial System, 1992-1993.

Member, Association of American Law Schools Committee on Sections and the Annual Meeting, 1990-1992.

Chair, Association of American Law Schools Section on Litigation, 1989.

Chair-Elect, Association of American Law Schools Section on Litigation, 1988.

Executive Committee, Association of American Law Schools Section on Litigation, 1987-1991.

Executive Committee, Association of American Law Schools Section on Jurisprudence, 1992.

Faculty, *RICO in the Nineties*, Online Seminar on Lexis Counsel Connect, November, 1994.

Expert Testimony (First Amendment Issues), *State of Georgia v. Land*, December, 1991.

Member, Law Professors Advisory Board and Task Force on Preservation of the Adversary System, National Association of Criminal Defense Lawyers, 1989-1993.

Consultant on Professional Education for Mayer, Brown, Rowe & Maw, 1999-2013.

Program Director and Lecturer, Program on Expert Witness Testimony, Mayer, Brown, Rowe & Maw, Chicago and New York, 2001, 2003, 2005, 2008.

Program Director and Lecturer, Program on Internal Investigations, Mayer, Brown, Rowe & Maw and Ernst & Young, New York, New York, 2006.

Program Director, National Institute for Trial Advocacy, Pretrial Fundamentals Programs, Colorado, 2003-2007.

Program Director and Lecturer, Programs on Professional Ethics, Mayer, Brown, Rowe, and Maw, Chicago, New York, Charlotte, Houston, and Los Angeles, 2000-Present.

Program Director and Lecturer, Kenyon & Kenyon Deposition Programs and Programs on Pretrial Litigation, New York, 1997-2015.

Program Director, Trial Advocacy and Pretrial Litigation Programs, Wausau Insurance Company and Nationwide Insurance Company, Wausau, Wisconsin, 1989-1999.

Program Director and Lecturer, Mayer, Brown, Rowe & Maw Programs on Professional Responsibility, Evidentiary Privileges, Expert Testimony, Depositions, Discovery, and

Lecturer, Fact Investigation, Chicago, New York, Washington, D.C., Los Angeles, Charlotte, and Houston, 1999-2004.

Program Director, Powell, Goldstein, Frazer & Murphy Trial Advocacy and Deposition Programs, Atlanta, 1988, 1990, 1991, 1997.

Faculty, Covington & Burling Trial Program, Washington, D.C., 2003.

Faculty, Sutherland, Asbill & Brennan Deposition Program, Atlanta, 2003.

Faculty, McKenna, Long & Aldridge Deposition Program, Atlanta, 2002.

Faculty, Jones, Day, Reavis & Pogue, Evidentiary Privilege and Motion Practice Programs, Atlanta, Cleveland, Dallas, and Banff, 1999-2005.

Program Director, Alston and Bird Deposition Program, Atlanta, 1999, 2003.

Faculty, Winston & Strawn Deposition Programs, Chicago, 1996, 1998, 2000.

Program Director, National Institute for Trial Advocacy, Atlanta Deposition Program, 1998-2000.

Program Director, National Institute for Trial Advocacy, Atlanta Expert Testimony Programs, 1992-1996.

Faculty, Fried, Frank, Harris, Shriver, & Jacobsen Trial Program, White Plains, New York, 1995, 1996, 1998.

Faculty, Mayer, Brown & Platt Deposition Programs, Chicago, 1989, 1992, 1997-1999.

Faculty, White & Case Deposition Program, New York, New York, 1995.

Faculty, Arthur Andersen Expert Testimony Programs, St. Charles, Illinois, 1990-1998.

Faculty, Price Waterhouse Expert Testimony Programs, Houston, Atlanta, Washington, D.C., Princeton, and Seattle, 1987-1998.

Faculty, State Farm Insurance Company Trial Advocacy Programs, Oak Park, Illinois, 1995-2000.

Faculty, Jones, Day, Reavis & Pogue Deposition Programs, Cleveland and Atlanta, 1989, 1999, 2000.

Faculty, McKenna & Cuneo Deposition Program, Washington, D. C., 1997.

Faculty, Quarles & Brady Trial Advocacy, Deposition, and Negotiation Programs, Milwaukee, Wisconsin, 1996-1999.

Faculty, Pennie & Edmonds Deposition Program, New York, New York, 1995.

Faculty, New York Stock Exchange Investigation and Litigation Programs, New York, 1987-1988.

Director of Professional Development, Summer Associates Program, Sutherland, Asbill & Brennan (Atlanta Office), Atlanta, Georgia, 1987-1997.

Faculty, National Institute For Trial Advocacy National Programs, University of Colorado, 1986, 1989.

Faculty, Emory University Trial Techniques Program, 1984-1991.

Member, Mayor's Committee to Investigate Police Practices, Atlanta, 1984.

Program Director, Atlanta College of Trial Advocacy, Co-sponsored by the Atlanta Bar Association and the National Institute for Trial Advocacy, 1984-1996.

Faculty, Southeast Regional NITA Program, University of North Carolina, 1984.

Participant, NITA Teacher Training Program, Harvard University Law School, 1984.

SELECTED MEDIA APPEARANCES AND INTERVIEWS

Print and broadcast media appearances include: National Public Radio (various programs, including Morning Edition), CBS News, CNN, the Washington Post, the LA Times, The Wall Street Journal, The Atlanta Journal Constitution, and radio talk show appearances on stations in the United States, Europe, and the United Kingdom.

POSTGRADUATE GRANTS AND FELLOWSHIPS

German Marshall Fund, Distinguished Guest Lectureship, University of Konstanz, 1994.

Hewlett Visiting Fellowship, Carter Center of Emory University, 1990-1991.

Emory University School of Law, Faculty Research Grants, 1984-1992, 1994-1995.

Reginald Heber Smith Community Lawyer Fellowship, 1977-1978.

SELECTED LAW SCHOOL AND UNIVERSITY COMMITTEES AND SERVICE

Faculty Review and Promotion Committee, 1986-1989, 1992-1993, 1997-2001; Chair, 2000-2001, 2001-2003, 2013-2014, 2015-2016, 2019.

Chair, Search Committee for Director of Advocacy Skills Program, 2018-19.

Commission on the Liberal Arts, Emory University, 2014-2015.

Research at Emory, University Commission, 2001-2003.

Advisory Board, Emory College Center for Teaching and Curriculum, 2000-2004.
 Woodruff Professors Search Committee, 2002-2003.
 Committee on International and Comparative Law, 1992-Present.
 Faculty Appointments Committee, 1989-90, 1991-1992, 1994-97; 2006-2008; 2010-2011.
 Strategic Planning Committee, 1999-2001, 2002-2003; 2009-2011.
 Chair, Search Committee for Director of Advocacy Skills Program, 2002-2003.
 Faculty Adviser, Young Democrats of ELS, 2009 – 2016.
 Committee on Foreign Graduate Students, 1992-2001.
 Dean Search Committee, 1988-1990.
 Curriculum Committee, Chair 1987-1988, 2018-2019; 1990-1991, 2017-2018.
 Acting Director, Graduate Program in Litigation, 1989.
 Promotion and Tenure of Associate Professors, 1989-1992, 1995-1997.
 Dean's Committee to Review the Russian Judicial System, 1992-1993.
 Carter Center Human Rights Program Ad Hoc Committee, 1999.
 Committee to Consider a Mandatory Public Service Requirement, 1992.
 Faculty Adviser, Phi Delta Phi, 1994-1997.
 Admissions and Scholarship Committee, 1985-1986.
 Academic Standings Committee, 1983-1985, 1993-1995, Chair 1997-1998.
 Committee on the Litigation Program, 1984-1985, 1991-1992, 1995-96.
 Committee to Select the Emory Williams Distinguished Teaching Award, 1985.

EDUCATION

CORNELL UNIVERSITY LAW SCHOOL, Ithaca, New York

J.D., *cum laude*, May 1977
 Louis Kaiser Prize, 1977
 Winner, Cornell Sutherland Cup Moot Court Competition, 1976
 Winner, Cornell First Year Moot Court Competition, 1975
 Moot Court Board
 Legal Aid Clinic
 Invited to join the Cornell International Law Journal (academic honorary)
 Tuition Scholarship, 1974-77

UNIVERSITY OF IOWA, Iowa City, Iowa

M.A., 1972, American Civilization
 Teaching and Research Fellowships
 University Tuition Scholarship
 News Editor, DAILY IOWAN

GRINNELL COLLEGE, Grinnell, Iowa

B.A., 1969, American Studies
 Alfred P. Sloan Foundation Scholar
 Grinnell Trustee Honor Scholar
 State of Iowa Tuition Scholarship
 Dean's List

Station Manager, KDIC-FM
Varsity Football

PREVIOUS PROFESSIONAL EMPLOYMENT

Duckor & Spradling, San Diego, California, 1981-1983.

Gunster, Yoakley, Criser & Stewart, Palm Beach, Florida, 1978-1980.

Reginald Heber Smith Community Lawyer Fellowship, 1977-1978, Jacksonville Area
Legal Aid, Inc., Jacksonville, Florida.

Law, Ethics and Religion Program, Cornell Law School, 1976-1977.

Cornell Institute On Organized Crime, Cornell Law School, 1975-1976.

Cornell Gambling Project, Cornell Law School, 1975.

PROFESSIONAL ORGANIZATIONS

The American Bar Association

The Florida Bar

The State Bar of California

American Civil Liberties Union

American Constitution Society