

**Curriculum Vitae**

**BARBARA E. BERGMAN**

Director of Advocacy and Professor of Law  
James E. Rogers College of Law  
University of Arizona  
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**EDUCATION:**

Stanford Law School, Stanford, California, J.D., June 1976  
Bradley University, Peoria, Illinois, B.A., June 1973, *summa cum laude*

**EXPERIENCE:**

2016 – present	Director of Advocacy and Professor of Law, James E. Rogers College of Law, University of Arizona
2015 -- present	Emerita Professor of Law, UNM School of Law
1993 – July 1, 2015	Professor of Law, UNM School of Law (taught Evidence/Trial Practice, Criminal Procedure, Criminal Law, Experts in Litigation, Children’s Law, Legal Writing, Externships Class, Practicum and other courses)
Oct. 2012 – July 1, 2013	Interim Dean, UNM School of Law
July 2008 to Oct. 2012	Associate Dean for Academic Affairs, UNM School of Law
August 2005 to May 2006	Visiting Professor of Law, Catholic University of America, Columbus School of Law, Washington, D.C.
January 2000 to August 2004	Co-counsel for Terry Nichols in state capital prosecution in Oklahoma (on leave June 2000 to July 2001 and January to June 2004)
Summers 2002, 1998-99, 1992-95, and 1990	Faculty member, Pre-Law Summer Institute; taught eight-week advocacy course to Native American students planning to enter law schools across the country in the fall.
Spring 1997	Visiting Professor of Law, Hastings College of the Law, San Francisco, California
1990-1993	Associate Professor of Law, UNM School of Law
Summer 1989	Visiting Professor, University of Utah School of Law
1988-1990	Assistant Professor of Law, UNM School of Law
1987-1988	Visiting Assistant Professor of Law, UNM School of Law
1984-1987	Associate, Bredhoff & Kaiser, Washington, D.C. Specialized in union-side labor law and appellate litigation.

- 1980-1986 Adjunct Professor, Catholic University of America, Columbus School of Law, Washington, D.C. (taught Children's Law).
- 1980-1984 Staff Attorney, Public Defender Service, Washington, D.C.  
Represented defendants in criminal court on charges ranging from misdemeanors to first degree murder; also spent one year handling criminal appeals.
- 1979-1980 Associate Counsel to the President, The White House, Washington, D.C.  
Handled legal issues affecting the Office of the President.
- 1978-1979 Staff Attorney, Public Defender Service, Washington, D.C.  
Represented juvenile clients charged with delinquent offenses.
- 1977-1978 Associate, Wilmer, Cutler & Pickering, Washington, D.C.  
Emphasis in the areas of corporate, tax, and securities law.
- 1976-1977 Law Clerk to the late Judge Ben C. Duniway, United States Court of Appeals for the Ninth Circuit, San Francisco, California.

**HONORS AND AWARDS:**

- Distinguished Achievement Award, UNM School of Law, October 20, 2017.
- Pamela B. Minzner Chair in Professionalism, UNM School of Law, 2012-2015.
- 2015 Driscoll Award, presented by the New Mexico Criminal Defense Lawyers Association on June 5, 2015.
- Justice Mary Walters Award, presented by the Women's Law Caucus, March 14, 2014.
- Woman of Influence in the Field of Education, Albuquerque Business First, February 22, 2013.
- Lifetime Achievement Award for Excellence in the Teaching of Trial Advocacy, presented by Stetson School of Law, May 26, 2010.
- The Friedman Faculty Award in recognition of consistently exceptional teaching, September 2007.
- Outstanding Faculty Member Award, Elected by Class of 2005, UNM School of Law, May 13, 2005.
- Father Driscoll Award, presented by the Dismas House, December 5, 2004.
- Henry Weihofen Professorship, 2002-2004.
- Robert C. Heeney Memorial Award Winner, National Association of Criminal Defense Lawyers, August 5, 2000.
- President's Commendation, National Association of Criminal Defense Lawyers, 1997-2000.
- N.M. Public Defender Department, Gideon Quality of Representation Award, 1999.
- Law Alumni Association Award for Faculty Excellence, 1997-1998.
- Keleher and McLeod Professor of Law, 1995-1997.

1993 Richard S. Jacobson Award for excellence in teaching of trial advocacy awarded by The Roscoe Pound Foundation.

1993 James C. Eastman Award presented by the Young Lawyers Section of the Bar Association of the District of Columbia in recognition of contributions to the community and the and the legal profession.

Outstanding Professor Award presented by the 1993 graduating class at UNM Law School.

University of New Mexico Regent's Lecturer in Law Award, 1992.

New Mexico State Bar Award for Outstanding Contribution to the Bar, CLE Programs, 1992.

#### **SELECTED LIST OF PUBLICATIONS AND WORKS IN PROGRESS:**

*Everytrial Criminal Defense Resource Book*, co-authored with Nancy Hollander (from 1994-2016), co-authored with John D. Cline (from 2016-present) (Thomson Reuters).

Editor, *D.C. Criminal Jury Instructions and Commentary*, 5th Edition, August 2009 and annual supplements, published by Lexis/Nexis.

*Wharton's Criminal Procedure*, 14<sup>th</sup> edition, co-authored with Nancy Hollander and Theresa Duncan, Vol. 1 published in 2003; Vol. 2 published in 2004; Vol. 3 published in 2005; Vol. 4 published in 2007-09, Vol. 5 published in 2015, with annual supplements co-authored with Theresa Duncan and Marlo Cadeddu (Thomson Reuters).

*Wharton's Criminal Evidence*, 15th edition, co-authored with Nancy Hollander, 8 volumes (2001), with annual supplements co-authored with Theresa Duncan (Thomson Reuters Publications).

"The Sweet Trials," chapter *Trial Stories* published by Foundation Press, edited by Professors Michael Tigar and Angela Davis, December 2007.

"Dismissal of Jurors," co-authored with Nancy Hollander, *The Champion* (July 2000).

"Getting Witnesses to Federal Court," co-authored with Nancy Hollander, *The Champion* (July 1999).

Revised "Chapter 2 -- Adjustments Under the Guidelines" for *Practice Under the New Federal Sentencing Guidelines* published by Prentice Hall, 1991-1998.

*Crime, Corrections and the Law*, background report for New Mexico First Town Hall, published October 1995.

"Taking Advantage of Under-Utilized Rules of Evidence," co-authored with Nancy Hollander and Gary J. Meade, *The Champion* (August 1994) 4-10.

*Criminal Procedure: Checklist*, 1991, 1992, and 1993 Editions, co-authored with Michele Hermann, published by Clark Boardman and Callaghan.

Editor, *New Mexico Criminal Practice Manual*, published July 1992 by the New Mexico State Bar.

"The Erosion of the Bill of Rights: Six Easy Lessons in Governmental Lawlessness," *The Champion* (April 1992) 22-27, 44.

*New Mexico Objections at Trial*, co-authored with Judge Myron Bright and Professor Ronald Carlson, published by Butterworth Legal Publishers, 1992.

"Protecting Alleged Child Sexual Abuse Victims While Preserving a Defendant's Confrontation Rights," *XVIV The Journal of the New Mexico Trial Lawyers Association* 25, February, 1991.

"Juvenile Justice in New Mexico: A Comparison of State and Federal Delinquency Proceedings," Young Lawyer's Division, State Bar of New Mexico Newsletter, published in September 1990 N.M. State Bar Bulletin.

A Review of J. Jenkins, *The Litigators*, 3 Inside Litigation 23 (1989).

"Tactics for Confronting DNA Fingerprint Evidence," 3 *BNA Criminal Trial Practice Manual* 203 (May 3, 1989).

"Not Another Kingsfield: Teaching Law," Chapter in *Full Disclosure: Do You Really Want To Be A Lawyer?* 89-98 (1989).

A Review of E. Couric, *The Trial Lawyers*, 2 Inside Litigation 20 (1988).

#### **PARTIAL LIST OF LECTURES AND PRESENTATIONS:**

Lecturer, "Update on Criminal Law," Judicial Conclave, Albuquerque, New Mexico, June 7, 2018, June 8, 2017, June 17, 2016, June 5, 2015, June 13, 2014, June 6, 2013, June 8, 2012, June 10, 2011, June 11, 2010, June 4, 2009, June 12, 2008, June 5, 2007, June 22, 2006, June 16, 2005, June 26, 2003, June 20, 2002, June 7, 2001, June 8, 2000, June 10, 1999, June 4, 1998, June 11, 1997, June 5, 1996, June 9, 1995, June 8, 1994, June 10, 1993, June 11, 1992, and June 7, 1990.

Speaker, "The Importance of Trial Advocacy," Banquet for the Gunslinger Mock Trial Competition, James E. Rogers College of Law, Tucson, Arizona, November 12, 2017.

Speaker, "The Work We Do" and "Confrontation and Aggressive Defense Use of Underutilized Rules of Evidence," Arizona Public Defender Association (APDA) Conference, Tempe, Arizona, June 22, 2017.

Speaker, "Supreme Court and Criminal Law Update," Thirteenth Annual Indigent Criminal Defense: Advanced Skills for the Experienced Practitioner, Richmond, Virginia, May 3, 2017.

Speaker and Trainer, Trial Skills College, New Mexico Criminal Defense Lawyers Association, Albuquerque, New Mexico, March 30-April 1, 2017.

Panelist, "Trying a Federal Civil Case: What Judges Wish That Lawyers Knew and Remembered During Trial," District Conference, Tucson, Arizona, March 10, 2017.

Speaker, "Update on *Crawford* and the Confrontation Clause: Burning Issues?" NMCDLA Blinded by Science CLE, Albuquerque, New Mexico, December 4, 2015.

Speaker, "Criminal Law Update," N.M. Bench and Bar Conference, Colorado Springs, Colorado, October 2, 2015.

Speaker, "Creative Uses of the Rules of Evidence," Western All Star Conference and Confabulation, Boise, Idaho, September 18, 2015.

Speaker, Creative Uses of the Rules of Evidence, National Seminar for Federal Defenders, Omaha, Nebraska, May 28, 2015.

Speaker, "Evidence Workshop," Children's Law Institute, Albuquerque, New Mexico, January 8, 2015.

Speaker, "Creative Uses of the Rules of Evidence," Trial Skills Tune-up, CJA Panel Attorneys, Seattle, Washington, September 12, 2014.

Trainer and speaker, Hawai'i Public Defenders' Trial Practice Program, Honolulu, Hawai'i, May 26-30 2014.

Panelist, "Integration of Bar Counsel with Law Schools: Our Experience in New Mexico," National Organization of Bar Counsel, San Francisco, California, August 9, 2013.

Speaker, "Criminal Law Update," National Association of Appellate Court Attorneys Annual Conference, Santa Fe, New Mexico, July 18, 2013.

Lecturer, "Update on Criminal Law," 2012 Annual Meeting – Bench & Bar Conference, Santa Fe, New Mexico, June 29, 2013, Bernalillo, New Mexico, July 14, 2012.

Lecturer, "Update on Criminal Law," New Mexico Criminal Defense Attorneys Summer CLE, Albuquerque, New Mexico, June 7, 2013.

Lecturer, "Confrontation Clause Issues: Who Must Testify?" NACDL Drug Seminar V, Las Vegas, Nevada, November 1, 2012.

Lecturer, "New Mexico's Post-*Bullcoming* Confrontation Cases," Judicial Conclave, Albuquerque, New Mexico, June 7, 2012.

Panel member, "Search Warrants," Judicial Conclave, Albuquerque, New Mexico, June 7, 2012.

Speaker, Creative Uses of the Rules of Evidence," National Seminar for Federal Defenders. Atlanta, Georgia, May 30, 2012.

Speaker, "A Primer on Search Warrants," Metropolitan Court Judges Training Program, Albuquerque, New Mexico, November 8, 2011.

Speaker, Legal Briefing for State Legislators on Criminal Law, Albuquerque, New Mexico, November 5, 2011.

Speaker, "Propensity Evidence," Patrick Williams Criminal Defense Institute, Norman, Oklahoma, June 24, 2011.

Panel member, "Admissibility of Expert Testimony," Judicial Conclave, Albuquerque, New Mexico, June 6, 2011.

Speaker, "Evidentiary Crises" sponsored by the Professional Education Group in Chicago, Illinois on April 28, 2011, Kansas City, Missouri on April 8, 2011, and St. Louis, Missouri on April 7, 2011.

Lecturer, Evidence/Trial Practice Workshop, Children's Law Institute, Albuquerque, New Mexico, January 13, 2011 and January 14, 2010.

Lecturer, U.S. Supreme Court Criminal Law Update and Preview, National Association of Appellate Court Attorneys, Louisville, Kentucky, July 21, 2010.

Lecturer, "Creative and Effective Impeachment," South Carolina Association of Criminal Defense Lawyers, Greenwood, South Carolina, July 9, 2010.

Panel member, "The Psychology of Jury Selection," Tenth Annual June Jubilee, Training Program for the District Attorney's Office for the Second Judicial District, Albuquerque, New Mexico, June 10, 2010.

Speaker, Advanced Cross Examination, New Mexico Criminal Defense Lawyers Association Seminar, Albuquerque, New Mexico, April 9, 2010.

Commentator, "Patching the System: The Next Steps in Reform," Broke and Broken: Can We Fix Our Indigent Defense Systems? 2010 Missouri Law Review Symposium, Columbia, Missouri, February 26, 2010.

Speaker, "Evidentiary Crises," Georgia State Bar CLE, Atlanta, Georgia, December 9, 2009.

Panel member, Ethics and Professionalism Seminar, New Mexico Trial Lawyers Association, Albuquerque, New Mexico, November 20, 2009.

Speaker, "Creative Uses of the Rules of Evidence," NACDL Fall CLE, Portland, Oregon, November 5, 2009.

Speaker, "Effective Uses of the Rules of Evidence," Washington Defender Association and Clark County Indigent Defense Association, Vancouver, Washington, November 4, 2009.

Speaker, "U.S. Supreme Court Update," Indiana Public Defender Council, Indianapolis, Indiana, June 26, 2009.

Speaker, "Evidence and Criminal Practice," Oregon State Bar, Portland, Oregon, June 11, 2009.

Moderator, Ethics and Professionalism Seminar, New Mexico Trial Lawyers Association, Albuquerque, New Mexico, November 21, 2008.

Speaker, "Evidence for Civil Litigators," New Mexico State Bar Litigation Section, Albuquerque, New Mexico, November 19, 2008.

Speaker, "Compassionate Cross," New Mexico Public Defenders Training, Albuquerque, New Mexico, November 13, 2008.

Speaker, "Evidentiary Issues: Understanding and Dealing with the Rules," Administrative Office of the Courts, Circuit Judges Training, Covington, Kentucky, October 27, 2008.

Speaker, "Evidence and Criminal Defense," Alaska State Public Defender Conference, Girdwood, Alaska, October 20, 2008.

Speaker, "Evidence and Criminal Practice," Ohio State Bar, Columbus, Ohio, October 2, 2008.

Speaker, "Evidence and Criminal Practice," Ohio State Bar, Cleveland, Ohio, October 1, 2008.

Speaker, "Recent Developments in Evidence Law," U.S. District Court Judges Training, New Orleans, Louisiana, September 8, 2008.

Speaker, "Samurai Lawyering: Aggressive Uses of the Rules of Evidence," Florida Public Defender – Attorney Training, Orlando, Florida, August 4-5, 2008.

Speaker, "Persuasive Closing Arguments: Ethical and Effective," 8<sup>th</sup> Annual D. Brook Bartlett Lectures, Kansas City, Missouri, June 27, 2008.

Speaker, "Creative Uses of the Federal Rules of Evidence" and "Crawford: Continuing Developments in Confrontation Law," CJA/FPD Litigation Seminar, Naples, Florida, June 20-21, 2008.

Speaker, "Crawford: Continuing Developments in Confrontation Law," "Lessons Learned from Representing Terry Nichols," and "Aggressively Utilizing Under-Used Rules of Evidence," Kentucky Department of Public Advocacy's 36<sup>th</sup> Annual Conference, Lexington, Kentucky, June 16-18, 2008.

Speaker, "Evidence Update," National Seminar for Federal Defenders, New Orleans, Louisiana, May 29, 2008.

Moderator and speaker, Ethics and Professionalism Seminar for the New Mexico Criminal Defense Lawyers Association, Las Cruces, New Mexico, December 14, 2007.

Moderator and speaker, Ethics and Professionalism Seminar for the New Mexico Criminal Defense Lawyers Association, Albuquerque, New Mexico, December 7, 2007.

Speaker, "Creative Uses of the Federal Rules of Evidence," Orientation Seminar for Assistant Federal Defenders, Santa Fe, New Mexico, November 12, 2007.

Speaker, "Lessons Learned from the Nichols Case," Arkansas Public Defenders Commission and Arkansas Association of Criminal Defense Lawyers, Fayetteville, Arkansas, November 10, 2007.

Speaker, "Lessons Learned from the Nichols Case," Utah Association of Criminal Defense Lawyers' Death Penalty Seminar, Salt Lake City, Utah, November 2, 2007.

Speaker, "Creative Uses of the Rules of Evidence," New Mexico Public Defender Training, Albuquerque, New Mexico, October 31, 2007

Speaker, "Evidentiary Issues," Kentucky District Court Judges, Lexington, Kentucky, October 8, 2007.

Faculty member, Santa Clara University Death Penalty College, Santa Clara, California, August 5-9 2007.

Speaker, "Crawford v. Washington: Reframing the Right to Confrontation," Short Course for Prosecuting and Defense Attorneys in Criminal Cases, Northwestern University School of Law, Chicago, Illinois, July 23, 2007.

Faculty member, National Criminal Defense College (NCDC), Macon, Georgia, July 15-20, 2007.

Faculty member, Child Advocacy Program, New Haven, Connecticut, June 28-30, 2007.

Speaker, "Become the Expert on Experts – Using Daubert as a Shield and a Sword," NMCDLA Seminar, Albuquerque, New Mexico, June 8, 2007.

Speaker, "Creative Ways to Use the Rules of Evidence," MACDL Seminar, Freeport, Maine, June 1, 2007.

Program Co-Director, Southwest Deposition Program, held at the University of New Mexico School of Law, May 17-18, 2007.

Speaker, "New Strategies: U.S. Supreme Court Update," for the Virginia Supreme Court, Richmond, Virginia, April 4, 2007.

Speaker, "Criminal Defense and Evidence," University of Minnesota, Minneapolis, Minnesota, March 12, 2007.

Speaker, "Creative Uses of the Rules of Evidence," Texas Criminal Defense Lawyers Association, Lubbock, Texas, January 5, 2007.

Speaker, "Evidence Update," Magistrates' Conference, Albuquerque, New Mexico, December 7, 2006.

Speaker with Michael Tigar, "Mastering the Craft of Trial Advocacy: Empowering the Jury," sponsored by the Professional Education Group and the North Carolina State Bar, Greensboro, North Carolina, October 12, 2006.

Speaker, "The Specter of *Crawford*," NMBLA and the State Bar of New Mexico, Albuquerque, New Mexico, October 6, 2006.

Speaker, "Creative Uses of the Rules of Evidence," Wyoming Public Defender Conference, Evanston, Wyoming, September 28, 2006.

Speaker, "U.S. Supreme Court and Federal Circuit Law Update" and "Ethical Issues in Life or Death Defense," IPDC Life & Death BYOC Seminar, Indianapolis, Indiana, September 14, 2006.

Speaker, "Creative Uses of the Rules of Evidence," Texas Criminal Defense Lawyers Association Seminar, Austin, Texas, September 8, 2006.

Speaker, "Recent Developments in Confrontation Law," Northwestern University Law School, Short Course for Defense Attorneys and Prosecutors, Chicago, Illinois, July 25, 2006.

Speaker, "Supreme Court Update," NAACP Legal Defense Fund Capital Punishment Training Conference, Airlie Conference Center, Warrenton, Virginia, July 21-24, 2006.

Speaker, "Evidentiary Crises: Using the Rules of Evidence to Win at Trial," PEG/Ohio State Bar CLE, Cincinnati, Columbus, and Cleveland, Ohio, July 12-14, 2006.

Speaker, "U.S. Supreme Court Update" and "Creative Uses of the Rules of Evidence," New Mexico Criminal Defense Lawyers Seminar, Albuquerque, New Mexico, June 23, 2006.

Speaker, "*Crawford*: Continuing Developments in Confrontation Law," Florida Criminal Defense Lawyers Association Seminar, Sarasota, Florida, June 2, 2006.

Speaker, "Creative Uses of the Rules of Evidence," Federal Defenders National Training Program, San Francisco, California, May 31, 2006.

Faculty member and speaker, Capital Trial Advocacy for the Defense, The Center for American and International Law, Plano, Texas, May 23-24, 2006.

Speaker, "Effective Use of Pretrial Motions," "Creative Uses of the Rules of Evidence," and "Lessons Learned from the Terry Nichols' Trial," The Center for American and International Law, Plano, Texas, May 21-22, 2006.

Speaker, "*Crawford*: Continuing Developments in Confrontation Law," Maryland Office of the Public Defender Spring Conference, Ocean City, Maryland, May 18, 2006.

Speaker, "Evidentiary Crises: Using the Rules of Evidence to Win at Trial," PEG/N.J. State Bar CLE, West Orange, New Jersey, April 24, 2006.

Speaker, "New Strategies: U.S. Supreme Court Update," Criminal Defense Training Seminar, Sponsored by the Virginia Supreme Court, Richmond, Virginia, April 7, 2006.

Speaker, "Legal Developments" and "Ethics Hour – The Professional Obligation to Raise Settled Issues in Death Cases and Trial Counsel's Obligations After a Client Has Been Sentenced to Death," Virginia Capital Case Clearinghouse, Washington & Lee School of Law, Lexington, Virginia,



March 31, 2006.

Consultant, U.S.-China Criminal Defense Advocacy Skills Advanced Seminar and Training Program, Beijing, China, March 5-7, 2006.

Keynote Address, "Reflections on the Future of the Death Penalty," Loosening the Death Belt X: Tightening the Defense – One Life at a Time, Alabama Criminal Defense Lawyers' Association, Birmingham, Alabama, January 28, 2006.

Speaker, "Creative Uses of the Rules of Evidence," Arizona Criminal Defense Lawyers' Association, Prescott, Arizona, January 21, 2006.

Speaker, "Dealing with Experts" and "Pretrial Motions," Complex Criminal Law Issues: Logical Solutions, Oklahoma Bar Association, Oklahoma City, Oklahoma, December 8-9, 2005.

Faculty Member, BJA Death Penalty Program, Santa Clara University, Santa Clara, California, November 12-13, 2005.

Speaker, "Creative Uses of the Rules of Evidence," Illinois Criminal Defense Lawyers' Association Seminar, DePaul University, Chicago, Illinois, November 11, 2005.

Speaker, "Creative Uses of the Rules of Evidence," Federal Defenders' Training Program, Kansas City, Missouri, October 7, 2005.

Speaker, "Challenges We Face Today as Criminal Defense Lawyers," Wisconsin State Public Defender's Annual Criminal Defense Conference, Milwaukee, Wisconsin, September 22, 2005.

Speaker, "Opening Statements: The Pied Piper's Tune," Tennessee Criminal Defense Lawyers Association, Annual Meeting and Seminar, Nashville, Tennessee, August 27, 2005.

Faculty Member, Santa Clara University Death Penalty College (lectured on opening statements in capital cases), Santa Clara, California, July 30 - August 3, 2005.

Speaker, "Recent Developments in Confrontation Law," Northwestern University Law School, Short Course for Defense Attorneys and Prosecutors, Chicago, Illinois, July 25, 2005.

Speaker, "Supreme Court Update," Airlie Capital Punishment Training Conference, Airlie Conference Center, Warrenton, Virginia, July 22, 2005.

Speaker, "Creative Use of Pretrial Motions," "Motions in Capital Cases," "Creative Uses of the Rules of Evidence," "Lessons from the Nichols' Trial," Plano, Texas, July 7 and 8, 2005.

Keynote Address, "Lessons from the Trial of Terry Nichols," Massachusetts Association of Criminal Defense Lawyers, Newton, Massachusetts, June 28, 2005.

Keynote Address, "Current Status of the Death Penalty in the United States," Center for Justice in Capital Cases at DePaul University, Chicago, Illinois, June 24, 2005.

Speaker, "Creative Use of Pretrial Motions" and "Eyewitness Identification Evidence," Oregon Criminal Defense Lawyer's Association Annual Meeting, Bend, Oregon, June 17, 2005.

Speaker, "Basic and Advanced Hearsay," Municipal Judges' Training Program, Albuquerque, New Mexico, June 9, 2005.

Speaker, "Creative Uses of the Rules of Evidence," Federal Defenders' Training Program,

San Antonio, Texas, June 1-2, 2005.

Program Co-Director, Southwest Regional NITA Trial Practice Program, held at the University of New Mexico, May 15-22, 2005, May 20-30, 1999, May 20-30, 1998, May 20-31, 1997, May 15-25, 1996, May 17-27, 1995, May 18-28, 1994, May 19-29, 1993 and May 20-30, 1992.

Speaker, "The Terry Nichols' Case: Lessons Learned," Inns of Court, Santa Fe, New Mexico, May 18, 2005.

Speaker, "The Challenges Facing Criminal Defense Lawyers Today," Arkansas Criminal Defense Lawyers Annual CLE, Tunica, Mississippi, April 22, 2005.

Speaker, "*Oklahoma v. Terry Nichols*: Lessons Learned," Louisiana Criminal Defense Lawyers Association, 15<sup>th</sup> Annual "Law and All That Jazz Seminar," New Orleans, Louisiana, April 21, 2005.

Speaker, "Creative Uses of Pretrial Motions," NACDL's Spring Meeting, New York City, New York, April 15, 2005.

Speaker, "The Terry Nichols' Case," Professor Stephen Bright's Death Penalty Seminar, Yale Law School, New Haven, Connecticut, April 13, 2005.

Faculty member, Capital Mitigation Training, NACDL, New Orleans, Louisiana, February 10-11, 2005.

Faculty member and speaker, Capital Trial Advocacy for the Defense: Changing the Picture and Humanizing Your Client, The Center for American and International Law, Plano, Texas, January 26-29, 2005.

Panel member, Winning Trial Techniques, Advanced Criminal Law Seminar, Aspen, Colorado, January 24, 2005.

Speaker, Children's Law Institute, "Evidence in Children's Court," Albuquerque, New Mexico, January 13, 2005.

Speaker, "The Death Penalty in the United States and Some Observations About the Terry Nichols' Oklahoma Capital Trial," Albuquerque Oasis Group, Albuquerque, New Mexico, December 9, 2004.

Speaker, "The Impact of the *Crawford* Confrontation Clause Decision," and "The Terry Nichols' Oklahoma Death Penalty Case," The Kentucky Association of Criminal Defense Lawyers, 18<sup>th</sup> Annual Criminal Defense Law Conference, Elizabeth, Indiana, November 5, 2004.

Speaker, "*Crawford* and Its Application in DWI Cases," 8<sup>th</sup> Annual "DWI Means: Defend with Ingenuity Seminar," Las Vegas, Nevada, October 14, 2004.

Speaker, "There's No Case That Can't Be Mitigated: The Case of Terry Nichols," NACDL's Making the Case for Life VII, Arlington, Virginia, October 2, 2004.

Speaker, "*State of Oklahoma v. Terry Nichols*: Some Lessons Learned," Airlie Capital Punishment Training Conference, Airlie Conference Center, Warrenton, Virginia, July 25, 2004.

Panel member, Professionalism and Ethics Seminar, New Mexico Criminal Defense Lawyers' Association, UNM School of Law, Albuquerque, New Mexico, November 21, 2003.

Program Co-Director, Southwest Deposition Program, held at the University of New Mexico School of Law, June 19-21, 2003 and May 16-18, 2002.

Speaker, "Fun with Impeachment" and "Forensic Evidence," Criminal Defense Institute, Norman, Oklahoma, June 27, 2003.

Speaker, "Recent Developments in Scientific Evidence: Ballistics & Toolmarks, Hair Analysis, Handwriting, and Other Questionable 'Scientific' Evidence," Seminar at the Oklahoma City University School of Law on The Use and Misuse of Forensics Evidence, Oklahoma City, Oklahoma, March 6, 2003.

Lecturer, "Basic Evidentiary Principles" New Municipal Judges, Albuquerque, New Mexico, November 15, 2002.

Lecturer, "Basic Evidentiary Principles," Tribal Court Judges, Albuquerque, New Mexico, November 14, 2002.

Lecturer, Sino-U.S. Seminar on Criminal Defence, Beijing, China, October 16-26, 2002.

Faculty Member, Columbian Law Professors, Trial Practice Training Program, UNM School of Law, Albuquerque, New Mexico, September 10-13, 2002.

Lecturer, "The Nexus Between Opening Statements and Closing Arguments: The Difficult Challenges of Racial Issues Within the Criminal Justice System," Tennessee Association of Criminal Defense Lawyers, Nashville, Tennessee, August 24, 2002.

Faculty Member, Hawai'i Public Defender's Training Program, Honolulu, Hawai'i, May 20-24, 2002.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," Indiana Public Defender Council Seminar, Indianapolis, Indiana, February 15, 2002.

Faculty Member and Panelist on Pretrial Motions, Capital Trial Advocacy Program, The University of Texas School of Law, Austin, Texas, January 4-8, 2002.

Speaker, "The United States Supreme Court in Review," California Attorneys for Criminal Justice, Appellate Practice Seminar, Berkeley, California, October 20, 2001.

Keynote Address, Life in the Balance, NLADA Death Penalty Conference, Albuquerque, New Mexico, March 3, 2001.

Speaker, New Developments in 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Amendment Law, Tenth Circuit Judicial Conference, Santa Fe, New Mexico, June 29, 2000.

Speaker, "Tips for Trial: Dealing with Those Pesky Little Rules of Evidence," National Seminar for Federal Defenders, New Orleans, Louisiana, June 6, 2000.

Speaker, "Expert Issues in Domestic Violence Cases," Tribal Judges Training, Albuquerque, New Mexico, February 17, 2000.

Faculty Member, Federal Defender's Evidence Training Program, January 13-14, 2000 and May 12-13, 1997, Pasadena, California.

Speaker, "Evidence Issues in Domestic Violence Cases," Southwest Intertribal Court of Appeals, Tempe, Arizona, December 3, 1999.

Speaker, "Criminal Law Update," New Mexico State Bar Convention, Santa Fe, New Mexico, October 23, 1999.

Speaker, "The United States Supreme Court in Review," California Attorneys for Criminal Justice, Appellate Practice Seminar, Berkeley, California, October 16, 1999.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," California Attorneys for Criminal Justice, Berkeley, California, October 16, 1999.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," Federal Defenders of Eastern Washington and Idaho, Spokane, Washington, September 24, 1999.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," Trial and Tribulations Seminar, Oregon Criminal Defense Lawyers Association, Mt. Hood, Oregon, September 11, 1999.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," Annual Western All-Star Conference and Confabulation, Boise, Idaho, September 9, 1999.

Speaker, "The Impact of *Kumho*," Santa Fe Bar Association, Santa Fe, New Mexico, June 21, 1999.

Speaker, "Exhibits and Privileges," Fair Hearing Training for Administrative Law Judges, Judicial College, Reno, Nevada, June 16-17, 1999.

Speaker, "Evidence Issues in DWI Cases in Metro Court," Judicial Conclave, Albuquerque, New Mexico, June 10, 1999.

Speaker, "Ten Creative Ways to Use Evidence to Win (or at Least Stay Out of Trouble)," National Seminar for Federal Defenders, Minneapolis, Minnesota, May 27, 1999.

Speaker, "The Law of Search and Seizure," Albuquerque Police Department, Albuquerque, New Mexico, April 16, 1999.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," New Jersey Institute for Continuing Legal Education, Laurel, New Jersey, April 10, 1999.

Speaker, Introducing Computer-Generated Evidence, N.M. Trial Lawyers' Association, Albuquerque, New Mexico, March 26, 1999.

Faculty Member, Federal Defender's Death Penalty Habeas Training Program on Evidence, March 15-16, 1999, Pasadena, California.

Team Leader, Training the Child Advocate, NITA Program, Chicago, Illinois, January 4-8, 1999, January 5-9, 1998, January 8-12, 1996 and January 9-13, 1995.

Speaker, "Evidence Issues in Child Abuse Cases in Tribal Court," Southwest Intertribal Court of Appeals, Tempe, Arizona, December 4, 1998.

Speaker, "Exhibits and Privileges," Fair Hearing Training for Administrative Law Judges, Judicial College, Reno, Nevada, November 5, 1998.

Speaker, "Using Under-Utilized Rules of Evidence," Maryland Public Defender Training Program, Baltimore, Maryland, October 29, 1998.

Team Member, The Hanley Advanced Trial Practice Program, Boulder, Colorado, July 4-7, 1998.

Moderator, "Sentencing Exercise," Judicial Conclave, Albuquerque, New Mexico, June 4, 1998.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," New Jersey State Bar, New Brunswick, New Jersey, April 18, 1998.

Speaker, "Using the Rules of Evidence at Trial to Win," Legaled Satellite Broadcast (broadcast to 13 sites throughout New Mexico), October 25, 1997.

Lecturer, "The Law of Arrest and Search and Seizure," Training for Law Enforcement sponsored by the District Attorney's Office for the Fourth Judicial District, Las Vegas, New Mexico, October 15-16, 1997.

Faculty Member, NLADA's Defender Advocacy Institute 1997, Albuquerque, New Mexico, August 12-14, 1997.

Speaker, "Knowing What You Are Entitled To: Getting What You Need," 1997 NACDL Annual Seminar: The Ultimate in Jury Selection, Seattle, Washington, August 7, 1997.

Faculty Member, National Criminal Defense College, Macon, Georgia, July 20-25, 1997, May 26-June 1, 1996.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," State Bar Association of North Dakota, Bismarck, North Dakota, June 12, 1997.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," Louisville Bar, Louisville, Kentucky, June 4, 1997.

Faculty Member, Institute for Criminal Defense Advocacy, San Diego, California, April 26-28, 1997, April 20-21, 1996, April 21-26, 1995 and April 27-30, 1994.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," I.C.L.E. in Georgia, Atlanta, Georgia, December 19, 1996.

Speaker, "Evidentiary Crises: Using the Rules of Evidence at Trial as Tools to Win," New Jersey Institute for Continuing Legal Education, New Brunswick, New Jersey, September 7, 1996.

Speaker, "Samurai Lawyer: Aggressive use of Under-Utilized Rules of Evidence," More Strategies for Success in Federal Criminal Defense Practice Seminar, Milwaukee, Wisconsin, August 2, 1996.

Team Leader, NITA National Program, Boulder, Colorado, July 6-20, 1996.

Speaker, "Evidentiary Issues at Trial," Portland, Oregon, June 14, 1996.

Speaker, "Scientific Evidence: Excluding Theirs, Including Yours," Maine Criminal Defense Lawyers Association, Portland, Maine, June 7, 1996.

Speaker, "Evidentiary Crises," New Hampshire Criminal Defense Lawyers Seminar, Concord, New Hampshire, May 17, 1996.

Speaker, "Scientific Evidence: Excluding Theirs, Including Yours," All That Jazz Seminar, New Orleans, Louisiana, April 26, 1996.

Speaker, Institute for Criminal Defense Advocacy, San Diego, California, April 20-21, 1996, April 21-26, 1995 and April 27-30, 1994.

Speaker, "Preserving the Record for Appeal," National Legal Aid and Defenders Association (NLADA), Albuquerque, New Mexico, April 19, 1996.

Speaker, "Difficult Evidentiary and Trial Practice Issues," Southwest Intertribal Court of Appeals, Phoenix, Arizona, March 23, 1996 and December 8, 1995.

Speaker, "Trial Tactics," Ohio CLE Institute, Cleveland and Columbus, Ohio, March 21 and 22, 1996.

Speaker, "Ethically Dealing with Trial Emergencies," Cutting Edge Motions and Trial Practice Seminar, New Mexico Trial Lawyers Foundation, Albuquerque, New Mexico, March 8, 1996.

Speaker, "Scientific Evidence: Excluding Theirs, Including Yours," NACDL Mid-Winter Seminar, Miami Beach, Florida, February 23, 1996.

Speaker, "Samurai Lawyer: Aggressive Use of Under-Utilized Rules of Evidence, "No Holds Barred" Seminar, Arizona Attorneys for Criminal Justice, Prescott, Arizona, January 20, 1996.

Team Leader, Civitas Child Law Trial Practice Course, Loyola University, School of Law, Chicago, Illinois, January 13-16, 1996.

Speaker, "Sentencing Issues," Magistrates' College, Albuquerque, New Mexico, November 28, 1995.

Speaker, Blood and Guts of a Criminal Trial Program, Nevada State Bar CLE, Las Vegas, Nevada, October 20, 1995.

Speaker, "Evidentiary Dilemmas at Trial in Civil and Criminal Practice," Legaed Satellite Broadcast (broadcast to 15 sites throughout New Mexico), September 16, 1995.

Speaker, "Samurai Lawyer: Aggressive Use of the Rules of Evidence," CJA Panel Attorney Seminar, Boise, Idaho, June 10, 1995.

Keynote Speaker, "E Pluribus Unum," Law Day Luncheon, Albuquerque Bar Foundation, Albuquerque, New Mexico, May 1, 1995.

Lecturer, "Samurai Lawyer: Aggressive Use of Under-Utilized Rules of Evidence," All That Jazz Seminar, New Orleans, Louisiana, April 28, 1995.

Lecturer, "Samurai Lawyer: Aggressive Use of Under-Utilized Rules of Evidence," Uncensored Advocacy: The Ultimate Federal Practice Experience, Denver, Colorado, April 8, 1995.

Lecturer, "Anglo-Saxon Common Law," University of Costa Rica School of Law, San Jose, Costa Rica, March 8, 1995.

Lecturer, "Developments in the Law Regarding Expert Witnesses," Chaves County Bar Association, Roswell, New Mexico, November 11, 1994.

Faculty Member, Hawai'i College of Trial Advocacy, Honolulu, Hawai'i, October 16-22, 1994.

Lecturer, "Creative Approach to Criminal Law Evidence," Wisconsin State Public Defender Fall Criminal Defense Conference, Oconomowoc, Wisconsin, October 7, 1994.

Lecturer, "Use of the Alaska Rules of Evidence Against the Prosecution in their Case-in-Chief," 1994 Alaska Criminal Defense Conference, Anchorage, Alaska, September 8-10, 1994.

Panel Member, "What's Jail Got to Do With It?" ACLU Town Hall Meeting on Crime Policy, Albuquerque, New Mexico, September 1, 1994.

Lecturer, "Emergency Courtroom Ethics--When You Don't Have Time to Get to the Library," NACDL Annual Meeting, Traverse City, Michigan, August 11, 1994.

Lecturer, "Evidence Law/Scientific Evidence Update," Judicial Conclave, Albuquerque, New Mexico, June 10, 1994.

Lecturer, "Evidence Issues in Child Sex Abuse Cases," Child Abuse Workshop, Farmington, New Mexico, April 15, 1994.

Lecturer, "Mental Issues in Criminal Defense," National Legal Aid and Defenders Association, 71st Annual Conference, Albuquerque, New Mexico, November 12, 1993.

Lecturer, "Supreme Court Update," Only the Strong Survive: CJA Regional Training Program, Houston, Texas, September 9, 1993.

Presenter, "Joinder and Severance Issues: Trying Not to Hang Together," NACDL Spring Conference, Santa Fe, New Mexico, May 6, 1993.

Lecturer, "Using State Constitutions," Law Education Institute, Inc. and BNA National CLE Conference, Palm Springs, California, March 27, 1993.

Lecturer, "Little Used But Useful Rules of Evidence," N.M. State Bar Convention, Ruidoso, New Mexico, September 25, 1992.

Panel Member, "The Bill of Rights: Its Past and Future," N.M. State Bar Convention, Ruidoso, New Mexico, September 24, 1992.

Lecturer, "Mental Health Issues" and "Criminal Law Update," Public Defenders Training Program, Angel Fire, New Mexico, September 14-15, 1992.

Lecturer, "Preserving Your Client's Rights under the State Constitution," Law Education Institute, Inc. and BNA National CLE Conference, Orlando, Florida, March 21, 1992.

Lecturer, "Constitutional Decisions of the United States Supreme Court--1990-91 Term," State Bar CLE, Albuquerque, New Mexico, November 15-16, 1991.

Moderator, "Objections at Trial and How to Deal with the Difficult Lawyer," State Bar Seminar, Albuquerque, New Mexico, August 2, 1991.

Assistant Team Leader, National Institute of Trial Advocacy (NITA), Southern Regional Program, Dallas, Texas, June 12-22, 1991.

Presenter, Southwest Intertribal Court of Appeals Evidence Workshop, Albuquerque, New Mexico, May 16-17, 1991.

Lecturer, "Evidentiary and Confrontation Issues in Child Sexual Abuse Cases," Child Sexual Abuse Workshop, Clovis, New Mexico, May 3, 1991.

Moderator and panelist, "Evidentiary and Ethical Issues for the Trial Lawyer," State Bar CLE Satellite Seminar, December 15, 1990.

Faculty Member, National Institute of Trial Advocacy (NITA), Rocky Mountain Regional Program, Denver, Colorado, August 14-20, 1990.

Lecturer, "Opening Statements," New Mexico Legal Services Support Project Training Program, Albuquerque, New Mexico, March 20, 1989.

Panel member, ACLU Forum on Children's Rights, Albuquerque, New Mexico, February 1989.

Lecturer, "Innovative Evidence Techniques," New Mexico Legal Services Support Project Training Program, Albuquerque, New Mexico, October 20, 1988.

**SELECTED LAW SCHOOL ACTIVITIES:**

**James E. Rogers College of Law:**

Chair, Curriculum Committee, 2017-2018.

Chair, ABA Assessment and Learning Outcomes Committee, 2017-2018; member 2016-2017.

Chair, Legal Skills Competition Board, 2016-2018.

Member, Peer Review Continuing Status Committee, 2017-2018.

Member, Search Committee for Assistant Director of the Writing Program, 2016-2017.

**UNM School of Law:**

Chair, Law School, Admissions Committee, 2014-2015; member of Admissions Committee, 2011-2012.

Chair, DV/DWI Visiting Research Professor Search Committee, Spring 2015.

Member, Innocence and Justice Project Staff Attorney Search Committee, Spring 2015.

Member, Law School Promotion and Retention Committee, 2014-2015.

Member, Law School Curriculum Committee, 2008-2012

Chair, Ad Hoc Law School Moot Court Committee, 2011-2012.

Chair, Ad Hoc Law School Writing Curriculum Committee, 2009-2011.

Chair, Ad Hoc Law School Honor Code and Disciplinary Code Committee, 2009-2010.

Chair, Law School, Admissions Committee, August 1998 to August 2000.

Chair, Law School, Curriculum Committee, August 1995 to 1997.

**PROFESSIONAL ACTIVITIES:**

Member, ABA's Standing Committee on Legal Aid and Indigent Defendants (commencing with the adjournment of the 2018 ABA annual meeting).

Member, ABA Ten Principles Task Force, June 2018 to present.

Co-chair, Amicus Committee, National Association of Criminal Defense Lawyers (NACDL), August 2006 to present.



Member, Board of Trustees, National Institute for Trial Advocacy (NITA), October 2006 to present; Chair, Public Service Committee.

Member, ABA's Criminal Justice Section Book Board, July 2014 to present.

Co-chair, New Mexico Criminal Defense Lawyers Association, Amicus Committee, July 2006 to June 2016.

Chair, N.M. Criminal Procedure Rules Committee, January 2016 to June 2016.

Faculty Supervisor for ABA Media Alerts for the Tenth Circuit, 2011 to July 2015.

Chair, N.M. Evidence Rules Committee, January 2009 to January 2014.

Chair, Judicial Nominating Commissions, December 2012 to July 1, 2013 (in my capacity as Interim Dean).

Chair, Judicial Compensation Commission, October 2012 to July 1, 2013 (in my capacity as Interim Dean).

Member, Judicial Education and Training Advisory Committee, January 1, 2013 to July 1, 2013 (in my capacity as Interim Dean).

Member of the Executive Committee, NACDL, July 2006 to July 2007.

Program Co-Director for Bureau of Justice Assistance Grant, National Consortium for Capital Defense Training, August 2005 to September 2006.

President, National Association of Criminal Defense Lawyers ("NACDL"), August 2005 to July 2006.

President-Elect, NACDL, July 2004 to July 2005.

First Vice-President, NACDL, August 2003 to July 2004.

Second Vice-President, NACDL, August 2002 to August 2003.

Treasurer, NACDL, August 2001 to August 2002.

Secretary, NACDL, August 2000 to August 2001.

Member, H. Vearle Payne Inn of Court, October 1998 to May 1999; October 2001 to May 2002.

Chair, Uniform Jury Instructions – Criminal Committee, appointed chair by N.M. Supreme Court January 1999 to June 2000; member January 1998 to June 2000.

Member, Board of Directors, NACDL, August 1997 to August 2000.

Co-chair, Amicus Committee, NACDL, August 1995 to August 2000.

Designated Member, New Mexico Crime and Juvenile Justice Coordinating Council, September 1995 to January 1997; June 1997 to January 2000.

Member, NLADA Blue Ribbon Advisory Committee, January 1995 to August 1996.

Member, Rules of Criminal Procedure for the District Courts Committee (appointed by the N.M. Supreme Court for 3-year term, September 1992).

Member, August 1995 to May 1996, Juan G. Burciaga American Inn of Court.

Chair, NACDL Task Force on Nomination of Judge Stephen Breyer to the United States Supreme Court, June 1994.

Evidence/Trial Strategy Editor, New Mexico Trial Lawyers' Journal, June 1990 to January 1993.

Member, Subcommittee on Cameras in the Courtroom, Division IV, D.C. Bar, 1983-1984. Wrote dissent to the subcommittee's report.

Co-chairperson, Criminal Practice Institute, sponsored by the D.C. Public Defender Service and the Young Lawyers Section of the Bar Association of the District of Columbia, 1983 & 1984. Edited the 1500-page, two volume Criminal Practice Institute Manual and planned the Institute seminars.

**COMMUNITY ACTIVITIES:**

Board Member, PB&J Therapeutic Family Services, 1987 to present; President, September 2007 to December 2009; President December 2014 to June 2016.

Member, N.M. Council on Crime and Delinquency Children's Code Task Force, Steering Committee, November 1991 to January 1995.

**MEMBERSHIPS:**

New Mexico State Bar  
California State Bar (inactive status)  
District of Columbia Bar (inactive status)  
Supreme Court of the United States Bar  
Courts of Appeal for the First, Ninth, Tenth, Eleventh, District of Columbia and Federal Circuit  
United States District Courts for New Mexico, Northern California and the District of Columbia  
American Bar Association  
Fellow of the ABA Foundation  
National Association of Criminal Defense Attorneys  
New Mexico Criminal Defense Lawyers Association  
Arizona Association for Criminal Justice