

KEITH SWISHER

EDUCATION

HARVARD LAW SCHOOL Cambridge, MA

Master of Laws (LL.M.), 2007

Thesis: The Judicial Ethics of Criminal Law Adjudication

Honors: “A” G.P.A.; Editor, Harvard Civil Rights-Civil Liberties Law Review

ARIZONA STATE UNIVERSITY COLLEGE OF LAW Tempe, AZ

Juris Doctor, summa cum laude, 2004

Rank: 1/169

Honors: Comment, Note & Legislative Review Editor, Arizona State Law Journal; Armstrong Award (Class Valedictorian); Chief Judge Mary Schroeder Award (Federal Bar Association); Pedrick Scholar

Activities: Advocacy Program Against Domestic Violence, Homeless Legal Assistance Project, The Justice Project, *pro bono*

ARIZONA STATE UNIVERSITY Tempe, AZ

Bachelor of Science in Political Science, summa cum laude, 2001

Honors: Junior Fellow for Political Science Department

PUBLICATIONS

- PROBLEMS IN PROFESSIONAL RESPONSIBILITY FOR A CHANGING PROFESSION (Seventh ed. forthcoming 2022) (with Andrew Kaufman, David Wilkins & Eli Wald).
- PROBLEMS IN PROFESSIONAL RESPONSIBILITY FOR A CHANGING PROFESSION (Sixth ed. 2017) (with Andrew Kaufman, David Wilkins & Eli Wald).
- JUDICIAL ETHICS (Routledge Publishing, Keith Swisher ed. 2016).
- *Unauthorized Practice of Law, Multijurisdictional Practice of Law, Disciplinary Authority, and Choice of Law (Chapters)*, in ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT (9th ed. 2019) (in conjunction with the ABA Center for Professional Responsibility).
- *The (Over)Use of Age and Custom in Legal Ethics*, 52 VAL. U. L. REV. 165 (2018) (2017 Tabor Lecture in Legal Ethics).
- *Surveying Justice*, 46 HOFSTRA L. REV. 275 (2017) (invited symposium essay).
- *Caperton and the Courts: Did the Floodgates Open?*, 18 N.Y.U. J. LEGIS. & PUB. POL'Y 481 (2015) (with Adam Liptak, James Sample & Bradley Smith).

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- *Unauthorized Practice of Law, Multijurisdictional Practice of Law, Disciplinary Authority, and Choice of Law (Chapters)*, in ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT (8th ed. 2015) (in conjunction with the ABA Center for Professional Responsibility).
- *The Practice and Theory of Lawyer Disqualification*, 27 GEORGETOWN J. LEGAL ETHICS 71 (2014), cited in *United States v. Perry*, 30 F. Supp. 3d 514 (E.D. Va. 2014).
- *Disqualifying Defense Counsel: The Curse of the Sixth Amendment*, 4 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS 374 (2014); original paper selected for inclusion in the Fifteenth Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School, June 27-28, 2014 (out of 400-plus submissions, 18 papers were selected through blind peer-review).
- *The Short History of Arizona Legal Ethics*, 45 ARIZ. ST. L.J. 813 (2013).
- *Recusal, Government Ethics, and Superannuated Constitutional Theory*, 72 MARYLAND L. REV. 219 (2012).
- *Prosecutorial Conflicts of Interest in Post-Conviction Practice*, 41 HOFSTRA L. REV. 181 (2012) (invited).
- *Organization as Client*, in ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT (7th ed. 2011) (in conjunction with the ABA Center for Professional Responsibility).
- *Legal Ethics and Campaign Contributions: The Professional Responsibility to Pay for Justice*, 24 GEORGETOWN J. LEGAL ETHICS 225 (2011).
- *Disciplinary Authority and Choice of Law in Online Advertising: Disclaimers or Double Deontology*, 21 PROF. LAW. 8 (ABA, 2011).
- *Pro-Prosecution Judges: "Tough on Crime," Soft on Strategy, Ripe for Disqualification*, 52 ARIZ. L. REV. 317 (2010), cited in *Wisconsin v. Allen*, 778 N.W.2d 863 (Wis. 2010).
- *The Judicial Ethics of Criminal Law Adjudication*, 41 ARIZ. ST. L.J. 755 (2009).
- *When Judges Should Be Seen, Not Heard: Extrajudicial Comments Concerning Pending Cases and the Controversial Self-Defense Exception in the New Code of Judicial Conduct*, 64 N.Y.U. ANN. SURV. AM. L. 559 (2009) (with Mark I. Harrison), cited in *White v. NFL*, 585 F.3d 1129 (8th Cir. 2009).
- *The Modern Movement of Vindicating Violations of Criminal Defendants' Rights Through Judicial Discipline*, 14 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 255 (2009).
- *The Troubling Rise of the Legal Profession's "Good" Moral Character*, 82 ST. JOHN'S L. REV. 1037 (2008).
- *The Moral Judge*, 56 DRAKE L. REV. 637 (2008) (article for symposium issue cosponsored by the American Judicature Society).

- *The Unethical Judicial Ethics of Instrumentalism and Detachment in American Legal Thought*, 43 WILLAMETTE L. REV. 577 (2007), *reprinted in* BENCH AND BAR ETHICS (P.L. Jayanthi Reddy ed., Icfai Univ. Press, 2007).
- *On the Validity and Vitality of Arizona's Judicial Merit Selection System: Past, Present, and Future*, 34 FORDHAM URB. L.J. 239 (2007) (with Mark I. Harrison, Sara S. Greene & Meghan H. Grabel).
- Note, *The Limits of Rule 408 After Hernandez*, 35 ARIZ. ST. L.J. 1437 (2003).

TEACHING & RESEARCH INTERESTS

- Legal & Judicial Ethics
- Criminal Law, Criminal Procedure & Sentencing
- Evidence
- Jurisprudence & Moral Philosophy
- Torts

EXPERIENCE

UNIVERSITY OF ARIZONA JAMES E. ROGERS COLLEGE OF LAW Tucson, AZ
Director, Bachelor's in Law and Master of Legal Studies Programs, 2017-Present
Professor of Legal Ethics, 2017-Present
Professor of Practice, 2015-2017

- Direct two innovative, popular, diverse, and interdisciplinary degree programs, available in-person and online.
- Teach Professional Responsibility (Legal Ethics) and Procedure courses.
- Co-lead professionalism programming for J.D. students.

SWISHER P.C. Scottsdale, AZ
Ethics Counsel and Expert, 2012-Present

- Advise lawyers, firms, judges, and orgs on legal and judicial ethics and related issues.
- Serve as a consulting and testifying expert witness in disqualification, malpractice, ineffective assistance of counsel, and disciplinary matters.

CRIMINAL JUSTICE ACT APPELLATE PANEL Phoenix, AZ
Panel Attorney, 2009-Present

- Represent indigent criminal defendants before the United States Court of Appeals for the Ninth Circuit.
- Argued and won en banc reversal of a young and intellectually disabled client's conviction in *United States v. Preston*, 751 F.3d 1008 (9th Cir. 2014) (en banc).

PHOENIX SCHOOL OF LAW

Phoenix, AZ

Associate Dean of Academic Affairs, 2014*Associate Dean of Faculty Scholarship*, 2013-2014*Associate Dean of Faculty Development*, 2011-2013*Associate Professor of Law*, 2011-2015*Assistant Professor of Law* (tenure-track), 2009-2011

- Taught Legal Ethics/Professional Responsibility, Jurisprudence, and Torts
- Served on Honor Appeals Court
- Served on Admissions Committee; Chaired, Subcommittee on Character and Fitness
- Served on Academic Standards and Policy Committee, Appointments Committee, Creative Works Committee, Innovation Committee, and Faculty Development Committee
- Served on InfiLaw Consortium Faculty Evaluation Committee and InfiLaw Consortium Records Management Committee
- Served as Faculty Co-Advisor of the *Phoenix Law Review*
- Received highest “collegiality”/360 rating in faculty peer assessment (2012-2013)
- 2011-2012 Recipient of the InfiLaw National Policy Board Award
- Received 2011 Teacher of the Year Award, Second Place (with Brigham Fordam)
- Received Faculty Scholarship Recognition for 2010 article (*Pro-Prosecution Judges*)
- Completed Faculty Leadership Training (Naples, Fla.)
- Co-created and built simulation law practice videogame, SimuLawyer, introducing students to contracts and professional ethics

ARIZONA STATE UNIVERSITY COLLEGE OF LAW

Tempe, AZ

Adjunct Professor of Law, 2008-2009

- Taught *Legal Ethics* (Spring 2008; Spring 2009) (with Mark I. Harrison).
- Guest-lectured in *Civil Procedure* (Fall 2008).

OSBORN MALEDON, PA

Phoenix, AZ

Associate, 2005-2006, 2007-2009*Summer Associate*, 2003

- Practiced criminal and commercial litigation, appeals, and legal ethics/professional liability.
- Served as advisor to the minority writing internship program.

HARVARD LAW SCHOOL, PROFESSOR ANDREW KAUFMAN

Cambridge, MA

Research Assistant, 2006-2007

- Assisted drafting Fifth Edition of ANDREW L. KAUFMAN & DAVID B. WILKINS, PROBLEMS IN PROFESSIONAL RESPONSIBILITY FOR A CHANGING PROFESSION.

HONORABLE WILLIAM C. CANBY, JR., UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*Judicial Clerkship*, 2004-2005

- Assisted drafting ten published opinions, the majority of which concerned criminal

law or procedure, among other duties.

FEDERAL PUBLIC DEFENDER'S OFFICE, CAPITAL HABEAS UNIT District of Arizona
Law Clerk, 2004

- Researched for and assisted drafting briefs in *Schriro v. Summerlin*, 542 U.S. 348 (2004), and pleadings for several other capital defendants.

UNITED STATES ATTORNEY'S OFFICE, CRIMINAL DIVISION District of Arizona
Law Clerk (Externship), 2003

PERKINS COIE BROWN & BAIN Phoenix, AZ
[Formerly Brown & Bain]

Summer Associate, 2003

- Offered partnership-track associate attorney position.

MINOR PUBLICATIONS, PRESENTATIONS & PRESS INTERVIEWS

- *Judicial Discipline in the States*, Judicial Discipline Pre-Convening Whitepaper (IAALS 2018).
- *Point-Counterpoint: A Speech Code for Lawyers?*, 101 JUDICATURE 70 (Duke Law Center for Judicial Studies 2017) (written debate with Professor Eugene Volokh).
- Principal Drafter of ABA's Amicus Brief in *Williams v. Pennsylvania*, No. 15-5040, cited in the majority opinion at ___ U.S. ___, 136 S. Ct. 1899 (2016).
- *Defendants Guilty of Being Innocent; Prosecutors Guilty of Being Human*, ARIZ. ATT'Y, May 2013 (written prosecutorial ethics debate with the Maricopa County Attorney William Montgomery, who is the head elected prosecutor for Phoenix).
- *Changing Ethics in Arizona*, ATTORNEY AT LAW, Dec. 2012.
- *Foreword: Arizona's Constitution at the Centennial*, 3 PHOENIX L. REV. 1 (2010) (with Managing Editor Anthony Tsontakis).
- *Common Traps in Making the Record for Appeal*, A.B.A. PP&D [PRETRIAL PRACTICE & DISCOVERY], Summer 2006 (with Thomas L. Hudson).
- *Criminal Justice Seminar: The Justice Project Spreads into the Law School Curriculum*, THE DEFENDER, Aug. 2004.

LECTURES:

- 2017 Tabor Lecturer, Tabor Institute on Legal Ethics, Valparaiso University Law School.

PRESENTATIONS:

- The New Practitioners: Legal Paraprofessionals (LPs), 4th Annual Legal Master's Conference, Arizona State University, March 5, 2021.

- Ethics Café: Conflicts of Interest and Imputation, State Bar of Arizona, Phoenix, AZ, Jan. 5, 2021 (with co-panelists).
- Ethical Issues for the 21st Century Lawyer, State Bar of Arizona, Phoenix, AZ, Nov. 13, 2020 (chair and panelist).
- Ethics Café: Scope of Representation, State Bar of Arizona, Phoenix, AZ, Feb. 2020 (with co-panelists).
- Legal Ethics of Nonlawyer Practitioners, Faculty Works-in-Progress Session, University of Arizona James E. Rogers College of Law, Aug. 23, 2019.
- Legal Ethics Futures, Federal Bar Ass'n, Phoenix Chapter, Phoenix, AZ, May 16, 2019 (with Mark I. Harrison).
- State Bar of Arizona Mandatory Professionalism Course, Phoenix, AZ, Nov. 13, 2018.
- Lawyer Speech Codes: Something Old, Something New, University of Arizona, June 21, 2018.
- Ethical Issues for the 21st Century Lawyer, State Bar of Arizona, Phoenix, AZ, June 15, 2018 (chair and panelist).
- A Buffet of Ethics Tidbits: Version 2018, Yuma County Bar Association, Yuma, AZ, April 30, 2018 (with Judge Mark Reeves).
- Impartiality in Judicial Conduct Proceedings, IAALS Judicial Discipline Convening, Colorado Springs, CO, March 1, 2018.
- State Bar of Arizona Mandatory Professionalism Course, Phoenix, AZ, Nov. 14, 2017.
- Lawyerly Transitions, D. French Advisors, Phoenix, AZ, Sept. 22, 2017.
- Ethical Issues for the 21st Century Lawyer, State Bar of Arizona, Phoenix, AZ, May 19, 2017 (chair and panelist).
- Firm Feud: The Great Ethics Debate, Arizona State University Sandra Day O'Connor College of Law, Feb. 24, 2017 (with co-panelists).
- A New Ethical Morning at the Movies, State Bar of Arizona, Dec. 2, 2016 (with co-panelists).
- Recusal Implications of Williams v. Pennsylvania, IAALS, University of Denver, Nov. 3, 2016 (with Matthew Menendez).
- Guerilla Law: Ethical Issues for the Future Practice of Law, State Bar of Arizona, Sept. 21, 2016 (with James J. Belanger).
- Fee Arbitration, Annual State Bar Convention, State Bar of Arizona, June 17, 2016 (co-panelist).
- When Media Calls: Publicizing Cases Ethically and Effectively, Annual State Bar

Convention, State Bar of Arizona, June 16, 2016 (co-chair and co-panelist).

- Real-World Ethics, Maricopa County Bar Association, June 3, 2016 (with Anna Unterberger).
- Mandatory Professionalism Course for Newly Admitted Lawyers, Responsibilities to the Client, State Bar of Arizona, May 12, 2016 (with Thomas Griggs).
- Justice Scalia's Approach to Legal Ethics: Hostile or Pragmatic (or Both)?, Arizona State University Sandra Day O'Connor College of Law, April 12, 2016.
- Searches, Confrontations, and Sentencings: Justice Scalia's Legacy in Criminal Law and Procedure, Federal Public Defender's Office, Phoenix, Arizona, March 2, 2016 (with Keith Hilzendeger, Daniel Kaplan, and Nancy Millar).
- Changes to the Ethics Rules: What Arizona Lawyers Need to Know, State Bar of Arizona, Dec. 11, 2015.
- Mandatory Professionalism Course for Newly Admitted Lawyers, Responsibilities to the Client, State Bar of Arizona, Nov. 3, 2015.
- Mandatory Professionalism Course for Newly Admitted Lawyers, Responsibilities to the Client, State Bar of Arizona, Aug. 21, 2015.
- The Law and Ethics of Lawyer Disqualification, State Bar of Arizona, Ethics Snippets, Aug. 20, 2015.
- 10 Ways to Get Your Law Firm Disqualified – and 10 Ways to Avoid it, Maricopa County Bar Ass'n, June 30, 2015.
- Fee Disputes Following the Sale of a Law Practice, State Bar of Arizona Fee Arbitration Committee, Annual Bar Convention, June 26, 2015.
- Social Media and Confidentiality, State Bar of Arizona Committee on the Rules of Professional Conduct, Annual Bar Convention, June 24, 2015.
- Forming and Ending the Attorney-Client Relationship and Its Attendant Duties, A Roadmap Through the Elements of Legal Malpractice Claims, State Bar of Arizona, May 29, 2015.
- Real World Ethics for Paralegals, Ariz. Paralegal Ass'n, May 15, 2015.
- Real World Ethics for Attorneys, Yuma County Bar Ass'n, April 24, 2015 (with Anna Unterberger and Hon. Mark Reeves).
- Judicial Ethics and Solicitation, American Constitution Society, Arizona Advocacy Network, and Justice at Stake, Fair Courts: Arizona's Merit Selection System, Pinal County, April 18, 2015.
- Conflicts of Interest: The Bar's Second-Class Ethical Rules?, ASU Legal Scholars Workshop, March 14, 2015.
- State Bar of Arizona, Mandatory Professionalism Course for Newly Admitted Lawyers, Responsibilities to the Profession and Legal System, Feb. 10, 2015 (with

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Comm. Myra Harris).

- The Ethics Between Predecessor and Successor Counsel in Capital Cases, The Fight for Life: Annual Death Penalty Seminar, Offices of the Maricopa County Public Defender, Legal Advocate, Legal Defender, and Federal Public Defender, Dec. 12, 2014.
- Courts, Campaigns, and Corruption: Judicial Recusal Five Years After *Caperton*, N.Y.U., A.B.A., and Brennan Center for Justice, Nov. 14, 2014 (moderator: Adam Liptak, NEW YORK TIMES).
- The Ethics of Waiving Ineffective Assistance of Counsel and Prosecutorial Misconduct in Plea Agreements, Criminal Justice Act Panel Annual Training, Federal Public Defender's Office, ASU Downtown, Oct. 18, 2014.
- Ethical Rules Update: Ethics 20/20 Amendments, State Bar of Arizona, Sept. 18, 2014.
- Adult Learning Theory, CLE Institute, State Bar of Arizona, Sept. 15, 2014.
- Real World Ethics for Paralegals, Maricopa County Association of Paralegals, Sept. 13, 2014.
- Presentation and Paper Selected: Lawyer Disqualification and the Sixth Amendment, Fifteenth Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School, June 27-28, 2014 (out of 400-plus submissions, 18 papers were selected through blind peer review).
- History of Attorney-Client Fee Agreements, State Bar of Arizona, Annual Convention, June 13, 2014.
- Lateral Screening, State Bar of Arizona, Annual Convention, June 12, 2014.
- The Ethics Challenge, State Bar of Arizona, May 9, 2014 (co-panelist).
- State Bar of Arizona, Mandatory Professionalism Course for Newly Admitted Lawyers, Responsibilities to Clients and Others, May 6, 2014 (with Mark I. Harrison).
- Ethics in the Courtroom in Criminal Cases, State Bar of Arizona, April 17, 2014 (co-panelist).
- Ethical Snippets OnDemand: Confidentiality and Conflicts, State Bar of Arizona, April 4, 2014.
- The Sixth Amendment and Lawyer Disqualification, St. Mary's University School of Law, Feb. 28, 2014.
- Arizona's New Post-Conviction Disclosure Obligations: Seeking Ministers of Justice and Defenders Against Tyranny, Office of the Federal Public Defender, Jan. 10, 2014.
- Post-Conviction Disclosure: Changes to ER 3.8 and New ER 3.10, State Bar of Arizona, December 18, 2013.

- Hybrid Fee Agreements, Fees and Fee Arbitration, State Bar of Arizona, Annual Convention, June 21, 2013.
- Mandatory Professionalism Course for New Lawyers, Maricopa County Bar Association, Phoenix School of Law, June 14, 2013.
- The Practice and Theory of Lawyer Disqualification, Scholarship Roundtable, ABA Annual Conference on Professional Responsibility, San Antonio, Texas, May 31, 2013.
- The Practice and Theory of Lawyer Disqualification, Phoenix School of Law, Nov. 13, 2012.
- The History of Arizona Legal Ethics, State Bar of Arizona, Annual Convention, June 21, 2012.
- The Ethics Gameshow, State Bar of Arizona, Annual Convention, June 21, 2012.
- Attendee: Conducting Empirical Legal Scholarship Workshop, University of Southern California, May 23-25, 2012.
- Avoiding the Unavoidable Bar Complaint, State Bar of Arizona, Solo and Small Firm Section (May 4, 2012).
- An Ethics Discussion of the Krone Exoneration, Exonerated Not Executed Conference, Phoenix School of Law (April 27, 2012) (with co-panelists).
- Proposed Amendments to Prosecutors' Ethical Rules, Prosecutorial Oversight Tour, Phoenix School of Law (April 26, 2012) (with co-panelists).
- Prosecutors as Problems or Solutions in Post-Conviction Cases, Lawyers as Peacemakers and Healers Conference: New Directions in the Practice of Law, Phoenix School of Law (April 14, 2012).
- Opening Remarks, Lawyers as Peacemakers and Healers Conference: New Directions in the Practice of Law, Phoenix School of Law (April 13, 2012).
- The Scholarly Publishing Process, Phoenix School of Law (Nov. 22, 2011).
- Professionalism Course, Attorney-Client Relationships in Litigation, State Bar of Arizona (Nov. 8, 2011).
- Government Ethics, Recusal Law, and Geriatric Constitutional Theory, St. Mary's University School of Law (Oct. 3, 2011).
- Criminal Justice Act Panel Annual Training, Trouble I've Seen (Oct. 1, 2011) (with Heather Williams).
- ABA Center for Professional Responsibility and Council for the Section on State and Local Government Law, Ethical Considerations for Municipal Attorneys: Reconciling the Rules of Professional Conduct with Government Ethics Laws (Jan. 18, 2012) (update, with co-presenters).
- ABA Council for the Section on State and Local Government Law, Ethical Considerations for Municipal Attorneys: Reconciling the Rules of Professional

Conduct with Government Ethics Laws (Sept. 22, 2011) (with co-presenters).

- One Toke Over the Ethical Line: Prop 203, Medical Marijuana, Federal Law and the Ethical Responsibility of Lawyers, Criminal Justice Act Panel and Federal Public Defender's Office for the District of Arizona (May 6, 2011) (with Scott Campbell).
- Phoenix School of Law, Annual Alumni Day, How to Avoid a Bar Complaint (April 1, 2011).
- State Bar of Arizona, Professionalism Course, Attorney-Client Relationships in Litigation (Jan. 13, 2011).
- "Reelection of Judges and the Denial of Due Process" (with Monroe H. Freedman), International Legal Ethics Conference IV, Stanford Law School (July 17, 2010); and Panel Chair: "Judicial Ethics—Contemporary Challenges."
- ABA Law Student Division, Professional Responsibility (15th Cir., Feb. 27, 2010) (with co-presenters).
- Phoenix School of Law, Pro-Prosecution Judges (works-in-progress session, Feb. 10, 2010).
- Judicial Ethics and Disqualification After *Caperton*, National Webcast/CLE for West: Thomson Reuters (Sept. 17, 2009; and Dec. 30, 2009) (with Mark Harrison).
- Criminal Justice Act Panel and Federal Public Defender's Office for the District of Arizona, The Judicial Ethics of Criminal Law Adjudication: Disciplining Judges for Getting It Wrong (Nov. 13, 2008).
- Harvard Law School Graduate Program, Legal Ethics in the United States and Taiwan: Controversial Topics (May 15, 2007) (with H. Sally Yen).
- Short Presentation: Harvard Law School Course, Topics in the History of American Legal Education: The Rise of the Legal Profession's Good Moral Character (April 24, 2007).

AMICUS BRIEFS:

- Principal Drafter: *Williams v. Pennsylvania*, Brief of Amicus Curiae American Bar Association, No. 15-5040, *cited in Williams v. Pennsylvania*, ___ U.S. ___ (2016).
- Signing Amicus: *Maples v. Thomas*, No. 10-63, Brief of Legal Ethics Professors and Practitioners and the Ethics Bureau at Yale as Amici Curiae in Support of Petitioners (May 25, 2011), *cited in Maples v. Thomas*, 565 U.S. ___, 132 S. Ct. 912 (2012).
- Signing Amicus: *Hood v. Texas*, No. 09-8610, Brief of 30 Leading Ethicists as Amicus Curiae in Support of the Petitioner (Feb. 18, 2010).
- Signing Amicus: *Holland v. Florida*, No. 09-5327, Brief of Legal Ethics Professors and Practitioners and the Stein Center for Law and Ethics as Amicus Curiae in Support of Petitioner (Dec. 30, 2009), *cited in Holland v. Florida*, 560 U.S. ___, 130 S. Ct. 2549 (2010); the Court's seven-member majority opinion (Breyer, J.) relied on the Brief in concluding that a capital defendant's habeas corpus petition should not be time-barred

in light of his attorney's unethical conduct, and the two-member dissent (Scalia, J.) criticized the Court's reliance on the Brief.

- Signor: Ethics Experts' Declaration, In re Inquiry Concerning a Judge (Justice Sharon Keller) No. 96, Texas State Comm'n on Judicial Conduct (April 20, 2009).

PRESS INTERVIEWS AND QUOTATIONS:

- Melissa Heelan, *Trump Pardons Won't Shield Lawyers Disciplined for Ethics*, BLOOMBERG LAW, Dec. 24, 2020.
- Nicole Valdes, *Could Arizona Attorneys Who Filed Election Challenges Face Consequences?*, ABC15, Nov. 24, 2020.
- Jan Wolfe, *Can Trump's Lawyers Be Disciplined for Making False Claims?*, Reuters, Nov. 22, 2020.
- David Hudson, *Do the Right Thing: How to Avoid 10 Common Ethics Pitfalls*, ABA JOURNAL, June/July, 2020.
- Craig Harris, *Ducey Insider Helped Clients Liaise with State*, ARIZ. REPUBLIC, April 26, 2020.
- Contessa Brewer, *Wynn Whistleblower Argues She Can't Get a Fair Shake in Court*, CNBC, March 11, 2020.
- Krya Haas, *Judge on Short List for Arizona Supreme Court Donated to Governor Doug Ducey's Election Campaigns*, ARIZ. REPUBLIC, Aug. 15, 2019.
- David Hudson, *Lawyers Must Inform Current Clients of Material Errors: No Such Duty to Former Clients*, ABA JOURNAL, July 1, 2018.
- *Can Lawyers Text Potential Clients?*, ABA JOURNAL, Dec. 1, 2017.
- *Innocence Awareness: Some States Now Require All Attorneys to Report Wrongful Convictions*, ABA JOURNAL, Sept. 1, 2017.
- *Leave to Withdraw: Lawyers Should Tread Carefully When Quitting a Troublesome Client*, ABA JOURNAL, April 1, 2017.
- *The Great Divide: An ABA Ethics Opinion Explains How a Fee Shared Between Lawyers from Different Firms Should Be Disbursed*, ABA JOURNAL, March 1, 2017.
- Andrew Strickler, *Mind Your Metadata: Ethics Rules on Hidden Data*, Law360, Jan. 11, 2017.
- Suevon Lee, *5 Things Lawyers Should Do Before Lobbying Disqualification Motions*, Law360, Dec. 6, 2016.
- David L. Hudson Jr., *Division Adds Up: Sharing Fees with a Lawyer Outside the Firm*

Passes Ethics Muster as long as Certain Rules Are Followed, ABA J., July 1, 2016.

- Carmen Germaine, *Why Gibson Dunn Lost a Big Case to an Old Conflict*, Law360, July 2, 2016.
- *Candor Counts: Character-and-Fitness Screening Plays a Significant Role in Bar Admission, and Honesty Is the Best Policy*, ABA JOURNAL, June 1, 2016.
- Y. Peter Kang, *Gibson Dunn DQ Shows Danger of Handling Privileged Emails*, Law360, May 27, 2016.
- David L. Hudson, Jr., *Second Time Around: ABA Ethics Opinion Updates Guidance on How to Respond to Demands for Information Relating to Client Representation*, ABA JOURNAL, May 1, 2016.
- Julie Sobowale, *Wal-Mart at Law: In Canada, Access Means Legal Service in a Big Box*, ABA JOURNAL, May 1, 2016.
- David L. Hudson, Jr., *SCOTUS Antitrust Ruling Against Dentists Raises Questions About Lawyers' Regulatory Structures*, ABA JOURNAL, April 1, 2016.
- Jason Stein et al., *Justice Bradley Extramarital Affair, Role in Child Placement Surface*, MILWAUKEE J. SENTINEL, March 10, 2016.
- David L. Hudson, Jr., *We Need to Talk: ABA Opinion Provides Guidance for Communicating with People Receiving Limited-Scope Representation*, ABA J., March 1, 2016.
- Samson Habte, *Covington Beats 3M's DQ Motion, But Ruling Could Bolster Breach of Fiduciary Duty Suit*, 32 ABA/BNA Law. Man. Prof'l Conduct 111 (Feb. 24, 2016).
- Andrew Strickler, *La. Judge Ups Ante in Fight over Judicial Elections*, Law360, Jan. 11, 2016.
- Zoe Tillman, *Judges' Trips Reflect Gray Area in Ethics*, NAT'L L.J., Nov. 9, 2015.
- David L. Hudson, Jr., *Seeking Cures for an Epidemic: Disciplinary Actions Against Lawyers Who Commit Acts of Domestic Violence Appear to Be on the Rise*, ABA JOURNAL, Nov. 2015.
- Andrew Strickler, *Dentons Fighting for Its Megafirm Model in DQ Appeal*, Law360, Oct. 14, 2015.
- Andrew Strickler, *Judge's Lies May Raise Standards for Court Discipline*, Law360, Sept. 21, 2015.
- David L. Hudson Jr., *What's Old Is New: ABA Committee Cites a 1977 Opinion in Interpreting Which Materials Lawyers Must Turn Over to Ex-Clients*, ABA JOURNAL, Sept. 2015.
- *Pro Bono Writes: Ethics Panel Backs Judges' Letters Asking Lawyers to Consider Community*

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Service, ABA JOURNAL, Aug. 2015.

- *Mind the Gap: Ethics Experts Say a New ABA Annotation Will Help Courts and Lawyers Navigate the Attorney Sanction Process*, ABA JOURNAL, June 2015.
- Gina Passarella & P.J. D’Annunzio, *A Push by Some for Looser State Rules Over Referral Fees*, THE LEGAL INTELLIGENCER, March 24, 2015.
- Mathew Mosk & Brian Ross, “Circus” Continues: Judge Goes After Lawyer Who Challenged Her Over Controversial Jet Deal, ABC NEWS, Feb. 11, 2015.
- David L. Hudson Jr., *Stop Sign: Prosecutors Who Allow Debt Collectors to Use Official Letterhead Sound an Ethics Alarm*, ABA JOURNAL, Jan. 2015.
- *A Long Fall: In a Futile Effort to Practice Law Again, F. Lee Bailey Loses His Last Big Case*, ABA JOURNAL, Dec. 2014.
- *Court Overturns Mentally Disabled Man’s Conviction*, ASSOCIATED PRESS, May 12, 2014.
- Carrie Johnson, *By Putting Interrogations on Tape, FBI Opens Window into Questioning*, ALL THINGS CONSIDERED (NPR July 21, 2014).
- Tim Hull, *Abuse Conviction Against Low-IQ Teen Thrown Out*, COURTHOUSE NEWS, May 12, 2014.
- Jonathan Handel, *Aereo: One Supreme Court Case, Three Recusals, One “Unrecusal,” Much Uncertainty*, THE HOLLYWOOD REPORTER, April 22, 2014.
- John Wisely & L.L. Brasier, *Novi Judge Denies Conflict over Ties to Testing Firms*, DETROIT FREE PRESS, Dec. 30, 2013.
- *Horizon: Exculpatory Evidence* (Eight, Arizona PBS television broadcast Nov. 19, 2013).
- Lindsey Collom, *Voyles: Firings My Idea*, ARIZ. REPUBLIC, Jan. 16, 2013.
- Michael Kiefer, *Brewer Fills Arizona Courts with Republican Judges*, ARIZ. REPUBLIC, Sept. 28, 2012.
- *12 News: Pearce Investigation: Judicial Watchdog Probes November Recall* (NBC-KPNX television broadcast July 13, 2012).
- Mark Drajem, *Texas Judge’s Campaign Says that He’s Taken on the EPA*, BLOOMBERG & BUSINESSWEEK, May 23, 2012.
- Patrick Marley, *Prosser Seeks Recusal that Would End Case*, MILWAUKEE J. SENTINEL, April 23, 2012.
- Katherine Lynn, *The University of Minnesota and the Supreme Court: Too Close for Comfort?*, MINNESOTA DAILY, April 10, 2012.

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- Amanda Bronstad, *Federal Judge Files Complaint over His Own E-Mail Message*, NAT'L L.J., March 1, 2012.
- Patrick Marley, *Group Files Formal Request for Gableman Ethics Investigation*, MILWAUKEE J. SENTINEL, Dec. 20, 2011.
- Patrick Marley, *Law Firm Gave Advice on Elections Law It Is Suing Over*, MILWAUKEE J. SENTINEL, Nov. 28, 2011.
- Yvonne Wingett Sanchez & Michael Kiefer, *Many Watching High-Profile Andrew Thomas Case*, ARIZ. REPUBLIC, Oct. 16, 2011.
- Patrick Marley, *Prosser's Campaign Got Ample Funding: Lawyer Who Worked on Justice's Behalf Has Case Pending Before Court*, MILWAUKEE J. SENTINEL, Aug. 13, 2011; and *A Recusal Required*, JS ONLINE, Aug. 17, 2011 (consulting expert).
- Gabe Friedman, *Judge's Delay on Habeas Ruling Could Be Misconduct*, LOS ANGELES DAILY J., Aug. 1, 2011.
- Michael Kiefer, *Arizona Inmate Attempts to Halt His Wednesday Execution*, ARIZ. REPUBLIC, May 22, 2011.
- *Horizon: Thomas Allegations* (Eight, Arizona PBS television broadcast Dec. 13, 2010).
- *12 News Today: Big Story: Andrew Thomas Case* (NBC-KPNX television broadcast Dec. 7, 2010).
- *CBS 5 News: Tower Case Raises Questions for Law Expert* (CBS-KPHO television broadcast Aug. 12, 2010); Interview: *12 News: Big Story: County Conflict* (NBC-KPNX television broadcast Aug. 12, 2010).

PROFESSIONAL APPOINTMENTS, AWARDS & COMMITTEES

- Member, ABA Standing Committee on Ethics and Professional Responsibility, 2020-Present
- Elected Member, American Law Institute (ALI), 2018-Present
- Fellow, American Bar Foundation, 2016-Present
- Board Member, Judicial College of Arizona, 2017-Present
- 2011 Recipient of the ABA Rosner & Rosner Young Lawyer Professionalism Award
- 2011-2012 Recipient of the InfiLaw National Policy Board Award
- 2016 Recipient of the AJC Judge Learned Hand Award for Emerging Leadership
- 2017 Tabor Lecturer, Tabor Institute on Legal Ethics, Valparaiso University Law School
- Member, O'Connor Advisory Committee (Honorary Chair: Retired Justice Sandra Day O'Connor; and Chair: Retired Chief Justice Ruth McGregor) of the Quality Judges Initiative, IAALS at the University of Denver, 2013-Present
- Criminal Justice Act Panel Member, 2009-Present (represent indigent criminal defendants before the United States Court of Appeals for the Ninth Circuit)
- Vice Chair, State Bar of Arizona Ethics Advisory Group, 2018-Present; formerly Arizona Committee on the Rules of Professional Conduct ("Ethics Committee"), 2010-2018 (on which I assisted drafting statewide ethics opinions and chapters of the ARIZONA LEGAL ETHICS HANDBOOK and answered telephonic inquiries from individual attorneys involved in ethical dilemmas)
- Association of Professional Responsibility Lawyers, 2007-Present
- *ABA/BNA Lawyers' Manual on Professional Conduct*, Editorial Board Member, 2008-2011 ("Since its inception in the early 1980's, the multi-volume *ABA/BNA Lawyers' Manual on Professional Conduct* has established itself as the pre-eminent reference work in the field of legal ethics and serves as the ABA's flagship publication in this important area.")
- State Bar Fee Arbitration Committee Member and Arbitrator, 2014-2017
- *Arizona Attorney* [Official State Bar Journal], Editorial Board Member, 2005-2014
- State Bar Professionalism Committee, 2007-2013
- National Institute for Teaching Ethics and Professionalism, 2009 Fellow, Atlanta, Georgia (Spring 2009)