

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

BOOKS, BOOK CHAPTERS, AND SUPPLEMENTS:

- JUDICIAL CONDUCT AND ETHICS (6TH ED. SUPPLEMENT 2023) (with Charles Geyh & James Alfini).
- 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* and *Multijurisdictional Practice of Law*, in ANNOTATED MODEL RULES OF PROFESSIONAL CONDUCT (10th ed. 2023) (in conjunction with the ABA Center for Professional Responsibility).
- *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).

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FORMER BLOGS: [JUDICIALETHICSFORUM.COM](http://judicialethicsforum.com) AND [DQED.COM](http://dqed.com)

ARTICLES:

- *Algorithmic Judicial Ethics*, 2024 WISC. L. REV. __ (forthcoming 2024)
- *The Right to (Human) Counsel: Real Responsibility for Artificial Intelligence*, 74 S.C. L. REV. 823 (2023).
- *Death and Ethics: Suffocating or Saving Nonlawyer Practitioners with Lawyer Ethics*, 70 UCLA L. REV. DISC. 52 (2022).
- *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).
- *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).

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FORMER BLOGS: [JUDICIALETHICSFORUM.COM](http://judicialethicsforum.com) AND [DQED.COM](http://dqed.com)

- *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).

REPORTS, WHITE PAPERS, AND MINOR PUBLICATIONS:

- *Building Transformative and Representative Antiracist Pipelines: The JD-Next and BA in Law Programs at the University of Arizona*, in *Building an Antiracist Law School, Legal Academy, and Legal Profession* (Antiracist Development Institute, Penn. St. U., forthcoming 2024) (with Jess Findley and Marc L. Miller).
- *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 579 U.S. 1, 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.

AMICUS BRIEFS:

- Principal Drafter: *Williams v. Pennsylvania*, Brief of Amicus Curiae American Bar Association, No. 15-5040, *cited in Williams v. Pennsylvania*, 579 U.S. 1 (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).

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
Associate Scholar, Law, 2022-Present
Professor of Legal Ethics, 2017-2022

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 FORMER BLOGS: [JUDICIALETHICSFORUM.COM](http://judicialethicsforum.com) AND [DQED.COM](http://dqed.com)

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

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- 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 *Schiro 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.

LECTURES, PRESENTATIONS & PRESS INTERVIEWS

LECTURES:

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

PRESENTATIONS:

- Legal Paraprofessional Ethical Challenges, Annual LP Summit, University of Arizona James E. Rogers College of Law, Feb. 9, 2024.

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- Algorithmic Judicial Ethics, Arizona Law Faculty Workshop, University of Arizona James E. Rogers College of Law, Jan. 26, 2024.
- Algorithms, Big Data, and Artificial Intelligence in Law: What Are We Afraid of?, Skepticism in the Real World Conference, Arizona State University, Jan. 12-14, 2024 (with Marcello Di Bello).
- Ethics & Media, Federal Public Defender's Office, District of Arizona, June 27, 2023 (co-panelist).
- Ethics Café: Pretrial and Trial Publicity, State Bar of Arizona, May 2, 2023 (co-panelist).
- Legal Paraprofessionals Nationwide: Education Requirements and Scope of Service, Annual LP Summit, University of Arizona, Jan. 20-21, 2023.
- Using Technology for Communicating and Gathering Information, ABA Center for Professional Responsibility, Jan. 18, 2023 (co-panelist).
- Cutting-Edge Ethics: Working Remotely, Working with ABS Entities and Legal Paraprofessionals, and More, MCBA Annual Paralegal Conference, Oct. 21, 2022.
- Legal Paraprofessionals in Arizona's Courts, Arizona Judicial Conference, June 23, 2022 (panelist).
- Navigating Today's Ethical Issues, Pima County Bar Association, Tucson, AZ, June 1, 2022 (panelist).
- Ethical Issues for the 21st Century Lawyer, State Bar of Arizona, Phoenix, AZ, June 10, 2022 (chair and panelist).
- 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

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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 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.

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- 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

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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).

PRESS INTERVIEWS AND QUOTATIONS:

- Jack Karp, *‘Bright Line’ Recusal Rule May Be Challenging to Federal Judges*, Law360 Pulse, March 4, 2024.
- Jess Bravin & Jan Wolfe, *Supreme Court’s New Code of Ethics Unlikely to Change Justices’ Practices*, WALL STREET JOURNAL, Nov. 15, 2023.
- Kathryn Palmer, *Oregon Approves Alternative Bar Exam*, INSIDE HIGHER ED, Nov. 9, 2023.
- Justin Wise, *Ex-Arizona AG’s Ethics Probe Follows Him to Boies Schiller Job*, BLOOMBERG LAW, Nov. 6, 2023.
- Associated Press, *Federal Judge Refuses to Recuse on Catholic Bankruptcy, Despite Donations*, April 22, 2023.
- David Hudson, *Should It Be an Ethical Obligation to Report Other Lawyers*, ABA JOURNAL, Feb. 1, 2023.
- Mariá Luisa Paúl, *Parkland Shooter’s Defense Attorneys Cry as Victim’s Parents Testify*, WASHINGTON POST, Aug. 4, 2022, <https://www.washingtonpost.com/nation/2022/08/04/parkland-shooting-trial-attorney-cry/>.
- Hannah Knowles, *A Top GOP Prosecutor Said Trump Lost. Running for Senate, He Has a New Message*, WASHINGTON POST, April 23, 2022, <https://www.washingtonpost.com/politics/2022/04/23/mark-brnovich-election->

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senate/.

- Jacob Gershman, *Supreme Court Nominee Ketanji Brown Jackson's Harvard Service Raises Questions for Admissions Case*, WALL STREET J., March 4, 2022, <https://www.wsj.com/articles/supreme-court-nominee-ketanji-brown-jacksons-harvard-service-raises-questions-for-admissions-case-11646423272>.
- Kathryn Palmer, *New UA Program Aims to Ease Arizona's Lawyer Shortage*, ARIZ. DAILY STAR, Dec. 28, 2021.
- 1A, NPR, *What We Talk About When We Talk About Judges*, Nov. 22, 2021.
- Melissa Heelan, *Judicial Campaign Missteps Flagged as Races Become More Intense*, BLOOMBERG LAW, Nov. 2, 2021, <https://news.bloomberglaw.com/us-law-week/judicial-campaign-missteps-flagged-as-races-more-intense>.
- Melissa Heelan, *Trump Pardons Won't Shield Lawyers Disciplined for Ethics*, BLOOMBERG LAW, Dec. 24, 2020.
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PROFESSIONAL APPOINTMENTS, AWARDS & COMMITTEES

- Member, Arizona Supreme Court Steering Committee on Artificial Intelligence and the Courts, 2024-Present
- Member, ABA Standing Committee on Ethics and Professional Responsibility, 2020-2023
- Elected Member, American Law Institute (ALI), 2018-Present
- Fellow, American Bar Foundation, 2016-Present
- Board Member, Judicial College of Arizona, 2017-2023
- 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, 2013-2020
- 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)

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