

TOM LININGER
1221 University of Oregon
Eugene, OR 97403-1221
lininger@uoregon.edu

I. CURRENT POSITION

- Orlando J. and Marian H. Hollis Professor of Law, University of Oregon** (2011-present)
- Assistant professor, 2003-07; associate professor, 2007-12; professor, 2012-present
 - Areas of emphasis: evidence, ethics, environmental law, poverty law, privacy law, criminal law and procedure

II. EDUCATION

J.D., Harvard Law School (1991)

- Student director, Harvard Legal Aid Bureau
- Recipient, McKenna/Ford Foundation grant for human rights work

B.A., Yale University (1988)

- Member, Phi Beta Kappa
- Recipient, White Prize for scholarship in U.S. history

III. PUBLICATIONS

A. WIGMORE TREATISE

THE NEW WIGMORE TREATISE ON EVIDENCE: IMPEACHMENT AND REHABILITATION (with Roger Park), published by Aspen in 2012, with periodic updates thereafter

- “[T]he principal modern treatise on evidence . . .”

U.S. Supreme Court Justice Elena Kagan

- “Wigmore’s treatise was the dominant work of evidence scholarship in the 20th century. The new volume by Park and Lininger concerns the impeachment and rehabilitation of witnesses, one of the central, and most perplexing, areas of evidentiary law. The volume will certainly be widely used, as other volumes have been, by judges, practitioners, and academics . . .”

Richard Friedman, University of Michigan Law School

- “The New Wigmore is a justly prestigious series, and I am sure that the volume by Park and Lininger will be influential and highly valuable -- particularly given the exceptional expertise and strong professional reputation that each author brings to this project. This will be a significant contribution to evidence law scholarship, and the bench, bar, and academy owe the authors a debt of gratitude.”

David Sklansky, Stanford Law School

B. MEASURES OF PRODUCTIVITY AND IMPACT

Placements in top journals. I have placed my scholarship four times in top-10 journals, nine times in the top 20, 12 times in the top 30, and 14 times in the top 40 (based on 2023 ranking).

Yelnosky study of scholarly productivity. I am the only professor at the University of Oregon whose score in the Roger Williams study of scholarly productivity exceeded the average at Harvard and Yale. This study assigned points for placements in frequently cited journals.

Citations in court cases. The U.S. Supreme Court cited one of my articles, and references to my scholarship have appeared in 31 briefs filed with the U.S. Supreme Court, including a brief submitted on behalf of 37 states' attorneys general. A total of 22 states' supreme courts have cited my work, as have federal appellate courts in eight circuits.

Citations in annotated codes. Citations to my scholarship appear in various jurisdictions' evidence codes, in the ABA's annotated Model Rules of Professional Conduct, and in Westlaw's annotated U.S. Constitution and U.S. Code.

Overall citations. My Hein Scholar Rank, based on academic and judicial citations, includes me in the top 8% of the 14,220 law professors counted by the Bureau of Labor Statistics.

Presentations. I have presented, or have recently been scheduled to present, my scholarship at Yale, Harvard, Stanford, Columbia, NYU, Pennsylvania, Berkeley, Duke, Georgetown, UCLA, Texas, Vanderbilt, Washington University, Minnesota, Georgia, Florida, North Carolina, Alabama, Notre Dame, Boston College, Fordham, William and Mary, Davis, Washington, Utah, Indiana, and SMU, among other schools. I have presented at conferences sponsored by the Association of American Law Schools and the American Bar Association. I have also presented at NSF-funded conferences and at the International Legal Ethics Conference.

C. FORTHCOMING SCHOLARSHIP

Underprivileged: A ClassCrit Perspective on Evidentiary Privileges, accepted for inclusion in CRITICAL EVIDENCE (Bennett Capers, Jasmine Harris, & Julia Simon, eds., Cambridge University Press), 2025

- Originally written for presentation at UCLA conference on legal ethics
- Accepted for presentation at Vanderbilt conference and Fordham colloquium

Theorizing Nonhuman Privacy, not yet placed

- Accepted for presentation at conference co-hosted by Duke Center for Law, Economics, and Public Policy and NYU Mind, Ethics, and Policy Program
- Accepted for presentation at 32nd Annual Animal Law Conference organized by Animal Legal Defense Fund

The Viability of Climate Change Litigation in Rural States, not yet placed

- Based in part on my experience serving as technical advisor and moot court consultant for climate change litigation brought by Our Children's Trust
- Accepted for presentation at Law and Rurality Conference co-hosted by faculty at Nebraska and South Dakota

Drug Decriminalization and Civil Advocacy for the Indigent, not yet placed

- Accepted for commentary at Fordham symposium co-hosted by National Center for Access to Justice and Fordham Law School's Access to Justice Initiative
- Accepted for presentation at conference hosted by Indiana University (Bloomington)

D. SCHOLARSHIP PUBLISHED IN LAW REVIEWS

1. STANDALONE ARTICLES (SEE III.D.2. FOR ARTICLES IN SYMPOSIA)

Abortion, the Underground Railroad, and Evidentiary Privilege, 80 WASH. & LEE L. REV. 663 (2023)

- Described by chair of AALS Evidence Section as "fascinating" and "compelling" (comments appeared in Wright & Miller, 25 Fed. Prac. & Proc. Evid. §5572)
- Presented at Notre Dame conference on abortion law
- Presented at U.C. Berkeley conference on poverty law

No Privilege to Pollute: Expanding the Crime-Fraud Exception to the Attorney-Client Privilege, 105 MINN. L. REV. 113 (2020)

- Presented at Vermont Law School's Colloquium on Environmental Scholarship
- Presented at annual conference of American Public Power Association
- Quoted in ABA Journal article advising nation's lawyers about scope of privilege

Green Ethics for Judges, 86 GEO. WASH. L. REV. 711 (2018)

- Based on my presentations at NSF-funded workshops in Washington, D.C.
- Recognized by expert panel as one of top five environmental law articles in 2018
- Presented at University of Texas conference and at SMU colloquium

Green Ethics for Lawyers, 57 B.C. L. REV. 61 (2016)

- Presented at Boston College colloquium
- Presented at LA conference of ABA Section on Environment, Energy and Resources
- Presented at International Legal Ethics Conference on Fordham campus

Deregulating Public Interest Law, 88 TULANE L. REV. 727 (2014)

- Cited in ABA's Annotated Model Rules of Professional Conduct

Should Oregon Adopt the New Federal Rules of Evidence?, 89 OR. L. REV. 101 (2011)

- Presented to Oregon Senate and House Judiciary Committees

The Sound of Silence: Holding Batterers Accountable for Silencing Their Victims, 87 TEX. L. REV. 857 (2009)

- Paper was focus of online symposium involving six law professors

Is It Wrong to Sue for Rape?, 57 DUKE L.J. 1557 (2008)

- Presented in conference at Stanford Law School

The Promise and Limitations of Forensic Linguistics, 92 CORNELL L. REV. 833 (2007)

(reviewing Roger Shuy's CREATING LANGUAGE CRIMES)

- Invited submission

From Park Place to Community Chest: Rethinking Lawyers' Monopoly, 101 NW. U. L. REV. 1343 (2007) (reviewing Deborah Rhode's PRO BONO AND THE PROFESSIONS)

- Martha Minnow, dean of Harvard Law, wrote that my review "is at least as worthy a contribution to the normative consideration of pro bono practice as Rhode's book"

On Dworkin and Borkin, 105 MICH. L. REV. 1315 (2007) (reviewing Ronald Dworkin's JUSTICE IN ROBES)

- Included in Michigan Law Review's annual review of books
- Cited in several publications by Congressional Research Service concerning confirmation process for Supreme Court nominees

Reconceptualizing Confrontation After Davis, 85 TEX. L. REV. 272 (2006)

- Paper was focus of online symposium involving four commentators

Prosecuting Batterers After Crawford, 91 VA. L. REV. 747 (2005)

- Cited by U.S. Supreme Court in *Giles v. California*, 554 U.S. 353 (2008)
- Also cited by six state supreme courts and two federal circuit courts of appeal
- Presented at annual conference of American Association of Law Schools

Bearing the Cross, 74 FORDHAM L. REV. 101 (2005)

- Presented at annual conference of National Crime Victims Law Institute
- Cited in litigation challenging both California regulations and U.S. Department of Education policies imposing undue burdens on survivors of sexual assault

Oregon's Response to Blakely, 18 FED. SENTENCING REP. 29 (2005)

- Invited submission

Sects, Lies and Videotape: The Surveillance and Infiltration of Religious Groups, 89 IOWA L. REV. 1201 (2004)

- Cited in briefs filed with U.S. Supreme Court and three U.S. Courts of Appeal

A Better Way to Disarm Batterers, 54 HASTINGS L.J. 525 (2003)

- Analysis of legislative history cited in U.S. Code Annotation for § 922(g)(9)
- Cited in five published court opinions at both federal and state levels
- Cited in multiple briefs filed with U.S. Supreme Court and U.S. Courts of Appeal for Second, Fourth, Fifth, Ninth and Tenth Circuits

Evidentiary Issues in Federal Prosecutions of Domestic Violence, 36 IND. L. REV. 687 (2003)

- Cited in published opinions by nine different appellate courts

Should Oregon Adopt the New ABA Model Rules of Professional Conduct?, 39 WILLAMETTE L. REV. 1031 (2003)

- Paper urged selective adoption similar to approach selected by Oregon Bar in 2004

Overcoming Immunity Defenses to Human Rights Suits, 7 HARV. HUMAN RIGHTS J. 177 (1994)

- Summary in Spanish distributed by La Vicaria de la Solidaridad in Santiago, Chile

2. CONTRIBUTIONS TO SYMPOSIA

Empowering Rural Landowners to Reduce Wildfire Risk, 58 GA. L. REV. 1527 (2024)
(symposium held on University of Georgia campus)

- Presented at Georgia symposium focusing on land use law and resiliency
- Based in part on my family's experience living on and managing 240-acre forestland including state-certified wildlife habitat conservation zone

Prioritizing Proof of Innocence, 75 RUTGERS U. L. REV. 1281 (2023) (symposium held on Rutgers-Newark campus)

- Paper proposed reforms of evidentiary and ethical rules to help prevent or remediate wrongful convictions

After the War on Drugs: Challenges Following Decriminalization, 20 N. H. L. REV. 375 (2022) (symposium held on University of New Hampshire campus)

- Symposium brought together international roster of presenters

Judges' Ethical Duties to Ensure Fair Treatment of Indigent Parties, 89 FORDHAM L. REV. 1237 (2021) (Zoom symposium hosted by Fordham's Stein Center for Law and Ethics)

- Translated and included in book by Chinese publisher: 法律职业的伦理与规范

Reforming Judicial Ethics to Promote Environmental Protection, 49 ENVTL. L. REP. 10789 (2019) (submission invited by editors of ENVTL. L. & POL'Y ANN. REV.; symposium held on Vanderbilt campus)

- One of five authors invited to submit articles to ELPAR after panel convened by Environmental Law Institute considered hundreds of environmental law scholars
- My article was focus of conference at Vanderbilt Law School

Exploring Strategies to Promote Access to Justice, 31 GEO. J. LEGAL ETHICS 357 (2018)
(symposium held on Georgetown campus)

- Invited to present at Georgetown conference
- Invited to present at Northeastern faculty colloquium

An Ethical Duty to Charge Batterers Appropriately, 22 DUKE J. GENDER L. & POL'Y 173 (2015)
(panel discussion held on Duke campus)

- Excerpt appeared in leading textbook, DOMESTIC VIOLENCE L. POL'Y & PRACTICE
- Cited in briefs filed with U.S. Supreme Court and Tenth Circuit Court of Appeal

Volition and Voltaire: A Reply to Prof. Bagenstos, 101 NW. U. L. REV. COLLOQUY 192 (2007)
(online colloquium)

- Featured in inaugural volume of Northwestern University Law Review online edition
- Debated Michigan Professor Sam Bagenstos about my scholarship in print volume

Reconcilable Differences, 85 TEX L. REV. SEE ALSO 57 (2007) (online colloquium)

- Featured in inaugural volume of Texas Law Review online edition
- I replied to four authors who published commentaries on my article in print edition

Kids Say the Darndest Things: The Prosecutorial Use of Hearsay Statements by Children, 82 IND. L. J. 999 (2007) (symposium took place at AALS annual conference)

- Organized by Indiana Professor Aviva Orenstein, chair of AALS Evidence Section
- Interdisciplinary symposium included experts in both law and psychology

Federalism and Antiterrorism Investigations, 17 STAN. L. & POL'Y REV. 391 (2006) (symposium held on Stanford campus)

- Symposium sponsored by Stanford Center for Internet and Society
- Participants included U.S. senator, federal judge, DOJ attorneys and academics

Davis and Hammon: *A Step Forward or a Step Back?*, 105 MICH. L. REV. FIRST IMPRESSIONS 28 (2006) (online colloquium)

- Featured in very first edition of Michigan Law Review online companion
- Michigan Professor Richard Friedman solicited commentary on Supreme Court case

Foreword: The Fourth Great Awakening, 85 OR. L. REV. 349 (2006) (symposium hosted in Portland by Oregon Law Review)

- Helped to organize symposium on separation of church and state

Grid and Bear It: How the Regional Energy Grid Thwarts Conservation and Local Autonomy in the Siting of Gas-Fired Power Plants, 20 J. ENVTL. L. & LITIG. 383 (2005) (symposium held on University of Oregon campus)

- Symposium included practitioners, policy advocates and academics

Yes, Virginia, There is a Confrontation Clause, 71 BROOK. L. REV. 401 (2005) (symposium held on Brooklyn campus)

- Promoted as the "first major academic conference" to address Crawford v. Washington, the most important Supreme Court opinion on evidence since the 1990s

E. INTERDISCIPLINARY WORK (PEER REVIEWED)

Deconstructing Rules for Proof of Cognitive Impairments, chapter in edited interdisciplinary anthology, EMBODIED AND SOCIALLY CONSTRUCTED: DIS/ABILITY IN MEDIA, LAW, AND HISTORY (Frank Rudy Cooper, et al., eds., Routledge Press, 2022)

- Peer review included scholars in law, psychology, and sociology
- Presented in Zoom conference involving scholars from several countries including England, France, and U.S.

Unlocking the "Virtual Cage" of Wildlife Surveillance, 27 DUKE ENVTL. L. & POL'Y FORUM 207 (2017) (interdisciplinary journal involving law, policy, and environmental schools at Duke)

- Co-authored with son Henry Lininger
- Michael Dorf at Cornell wrote that this article is "well reasoned and highly original"
- Peer review included scholars in biology, history and law
- Presented at Stanford, Washington, Utah and Lewis and Clark

F. REPORTS FOR GOVERNMENT OFFICIALS AND STATE BAR

Numerous reports to Oregon Legislature on public defense crisis (2024) (co-authored as member of Oregon Public Defense Commission and OPDC Legislative Subcommittee)

Strengthening Privacy for Abortion and Pregnancy, submitted to Oregon House Judiciary Committee (2023)

Report on State Statutes Criminalizing the Invasion of Privacy, solicited by committee counsel and presented during testimony at joint hearing (2013) (co-authored with son Eli Lininger)

Public Safety Plan: Report to the Governor and Legislature (2001) (co-authored with members and staff of Oregon Criminal Justice Commission in 2001)

Proposed Amendments to Oregon Sentencing Guidelines (1999-2007) (co-authored with OCJC members and staff)

Drafted diagrams showing operation of evidence law; while originally intended for students, these charts are now used widely by trial judges throughout Oregon

G. MISCELLANEOUS CLE MATERIALS AND TEACHING RESOURCES

Recent Developments in Ethical Rules Relevant to Environmental Practice, distributed in connection with two-hour ethics presentation at Public Interest Environmental Law Conference on University of Oregon campus (2023)

Environmental Justice and the Ethical Rules for Attorneys and Judges, distributed in connection with ethics presentation hosted by Law Seminars International (2021)

New Ethical Challenges for Practitioners of Environmental Law, distributed in connection with CLE organized by Oregon Bar's Environmental and Natural Resources Section (2021)

Recent Developments in Ethical Rules Relevant to Environmental Practice, distributed in connection with two-hour ethics presentation at Public Interest Environmental Law Conference on University of Oregon campus (2020)

Recent and Foreseeable Changes to Ethical Rules for Lawyers and Judges, distributed in connection with presentation at conference of American Public Power Association (2019)

SEER Spring Conference: Ethics and the "Green" Lawyer, distributed in connection with panel presentation to ABA Section of Environment, Energy and Resources (2017) (co-authored with Columbia Prof. Michael Gerard and other panelists)

Authored study materials for Multistate Professional Responsibility Exam distributed for free in semiannual three-hour review sessions open to all law students at UO (2011 to present)

Authored bar prep materials on Oregon evidence law and Oregon ethics for Themis Bar Prep from 2014 to 2017; donated proceeds to new debate team at high-poverty high school and middle school in Springfield, Oregon

Co-authored MULTISTATE BAR EXAM REVIEW and MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM REVIEW (with Jim Rigos) (2011)

Hired by Computer Assisted Learning Institute (CALI) to author exercises on Confrontation Clause and Double Jeopardy Clause for use by students at 200 law schools (2007)

IV. HONORS, AWARDS AND GRANTS

Recipient of UO Generative Artificial Intelligence Grant to support research into recent developments in GAI, integration of GAI into my teaching, and presentation of my findings to colleagues at the UO School of Law, 2024

Recipient of Madison Award for promoting civil, inclusive discourse at UO School of Law, 2023 (selected by UO Chapter of Federalist Society)

Commencement Marshal, UO School of Law, 2003, 2006, 2008, 2011, 2014, 2015, 2018 and 2021 (elected by graduating classes to speak during commencement exercises)

Recipient of Oregon Consumer Justice Grant to fund research related to protection of low-income and minority consumers; research on this project began in 2021

Environmental Law Author of the Year for 2018-19, selected to submit article to Environmental Law and Policy Annual Review (one of five authors selected from among hundreds considered by panel convened by Environmental Law Institute and Vanderbilt Law School)

Namesake for scholarship created by group of Lane County residents in 2018 to enable participation in debate tournaments by low-income and minority youth

Recipient of honorarium to serve as judge for Gottel Scholarship Prize, given for best article produced by law professor at Pace Law School, 2018

Recipient of “Pillar of the Community” Award, UO School of Law, 2017

Invitee for two NSF-funded conferences on scientific uncertainty, 2017 (conferences organized by Environmental Law Institute in collaboration with NSF)

Co-Volunteer of the Year, 2015 and 2017 (selected by Springfield School District officials based on volunteer work with son coaching low-income debaters)

Recipient of research grant from University of Oregon, 2016 (selected by Vice Provost for Research based on recommendations from multidisciplinary selection committee)

Orlando J. and Marian H. Hollis Chair, 2011-present (selected by Law School Dean and Chairholders' Committee; first associate professor to receive any chair in history of UO School of Law)

Recipient of Orlando Hollis Teaching Award, 2010 (selected by Law School's Personnel Committee)

Lorrey Lokey Fellow and recipient of stipend from Fund for Faculty Excellence, 2008 (selected by University Provost and committee of former FFE recipients)

Elmer Sahlstrom Senior Fellow, 2008-2011 (selected by Dean and Chairholders' Committee)

CALI Criminal Procedure Fellow, 2007-09 (selected by Computer Assisted Learning Institute from national applicant pool)

Recipient of Ersted Award for Distinguished Teaching, 2006 (selected by UO Provost and committee of faculty in various UO departments)

Luvax Faculty Fellow, 2006 (selected by Law School Dean)

O'Connell Fellow, 2004-2006 (selected by Law School Dean)

V. EMPLOYMENT HISTORY

County Commissioner, Lane County, Oregon (elected in 2002). Supervised work force of 1,400 and managed budget of \$400 million. Gave up this position to join UO faculty.

Federal Prosecutor, various cities (1995-2001). Won nation's first conviction under 1996 provision of Violence Against Women Act. Bonnie Campbell, director of the U.S. Violence Against Women Office, commended me as a "national leader in the prosecution of domestic violence." Prosecuted what was then the largest methamphetamine seizure in Oregon history. My caseload also included prosecutions of organized crime, fraud and environmental crime.

Litigation Associate, Skadden, Arps, Slate, Meagher and Flom, San Francisco, CA (1992-1995). Represented municipal agencies seeking damages from private polluters. Also represented corporations in securities litigation. Volunteered over 600 hours to assist with civil rights litigation against officials of Pelican Bay State Prison.

Subcommittee Counsel, United States Senate, Washington, DC (1991-92). Worked on wide range of issues including law enforcement, environmental protection, labor law, and health benefits for federal employees.

VI. UNIVERSITY-RELATED SERVICE

Member, Personnel Committee, UO School of Law, 2022-present, 2012-2014 (elected to committee by colleagues; elected chair in 2022-2023 and 2023-2024)

Chair, University of Oregon Forensics Advisory Committee, 2018-present

Faculty Advisor, Oregon Law Review, 2005-2008, 2009-2013, 2017-present

Faculty Advisor, First-Generation College Graduates at UO School of Law, 2022-present

Faculty Advisor, UO chapter of Student Animal Legal Defense Fund, 2022-present

Ad Hoc Faculty Advisor, UO Undergraduate Debate and Mock Trial Programs, 2018-present

Ad Hoc Faculty Advisor, UO Law School's Mock Trial Team and Mock Arbitration Team competing in regional and national competitions, 2018-present

Co-host of Frohnmayer Undergraduate Mock Trial Competition (two-day competition involving students from several Northwest colleges), UO School of Law, 2015-present

Organizer and sole lecturer in free three-hour MPRE review sessions, UO School of Law, 2011-present

Member, Merit Review Advisory Committee, 2023 (elected by UO School of Law's Personnel Committee)

Member, Intercollegiate Athletics Advisory Committee 2019-2023 (appointed by President Michael Schill in 2019 and 2020, reappointed by President Patrick Phillips in 2022)

Faculty Advisor, Federalist Society, UO School of Law, 2015-2017, 2018-2020, 2022-2023

Faculty Advisor, Land, Air, Water (student organization that coordinates UO's Public Interest Environmental Law Conference, the largest such conference in the U.S.), 2022-23

Member, Community and Inclusion Committee, UO School of Law, 2020-2021

Co-Founder, week-long session on speech and debate at UO Summer Academy to Inspire Learning (hosted at UO School of Law in accordance with Diversity Action Plan), 2018-2020; lead organizer of spring version on Zoom during COVID-19 pandemic, 2021

Chair, Assessments and Outcomes Committee, UO School of Law, 2019-2020

Member, Appointments Committee, UO School of Law, 2018-2019

Member of campus-wide Faculty Personnel Committee, 2017-2018; volunteered to fill position vacated by colleague Margie Paris due to family health issues

Member, Faculty Grievance Appeal Committee (elected position), 2015-2018

Member, Committee on Ethics Education in UO Core Curriculum, 2017-2018

Member, Committee on Academic Success, UO School of Law, 2017-2018

Member of Ad Hoc Subcommittee of Criminal Law Professors Advising Appointments Committee, UO School of Law, 2017-2018

Co-chair, Faculty Advisory Council, a committee that met weekly with UO President and Provost (elected position), 2015 -2017

Member, Law Dean Search Committee (appointed by UO Provost), 2005-2006, 2016-2017

Ex Officio Member of University Senate Executive Committee, 2015-2016

Invited by Title IX Coordinator to train UO's staff and investigators who handle cases involving sexual assault and other forms of discrimination, 2016

Chair, Committee to Reform Governance of Fraternities and Sororities (appointed by UO President), 2016

Member, Ombuds Search Committee (appointed by UO General Counsel), 2016

Member, University Senate Ad Hoc Committee on Confidentiality, 2015-2016

Founder and director of UO Courses for High School Students, a program commended by three UO presidents and awarded a grant from the Howard Hughes Medical Institute for replication on other campuses, 2011–2017

Member, Curriculum Committee, UO School of Law, 2015-2017, 2012-2013, 2008-2009 (chair in 2008-2009)

Chair, Building Committee/Sustainability Committee, UO School of Law, 2014-2015

Member, Committee on Career and Professional Success, UO School of Law, 2014-2015

Member, Selection Committee for UO Faculty Excellence Awards, 2012-2014 (chair in 2012-2013)

Member of University Senate Committee on Legal Services Policy, 2013-2014

Member, ABA Self-Study Committee, UO School of Law, 2012-2013

Member of UO Honors College Hiring Committee for new forensics director, 2012-13

Director of Public Interest/Public Service Program, UO School of Law, 2004-2013 (during my tenure as director, UO's public interest program first appeared among the top 20 "Best Public Interest Law Schools," according to *Prelaw Magazine*)

Auctioneer for Oregon Law Students' Public Interest Fund, 2002-2013

Faculty Advisor, Journal of Environmental Law and Litigation, 2003-2004, 2005-2013

Associate Dean for Faculty Development, UO School of Law, 2011-2012 (assisted colleagues with planning research agendas, writing drafts, and placing articles with law reviews; organized workshops on scholarship, service and teaching)

Member, Diversity Committee, UO School of Law, 2011-2012

Chair, Academic Standing Committee, UO School of Law, 2011-2012

Member of Lectures and Awards Committee, UO School of Law, 2010-2011, 2007-2008

Chair, Pro Bono Committee, UO School of Law, 2009-2010

Chair, Admissions Committee, UO School of Law, 2009-2010

Member of Wayne Morse Center's Advisory Board, 2003-2007

Board Member, Loan Repayment Assistance Project, UO School of Law, 2003-2005

VII. OTHER SERVICE

A. NATIONAL LEVEL

Executive Board Member, Evidence Section, Association of American Law Schools, 2006-2012, 2018-present

Assisted Texas-based counsel in Supreme Court litigation challenging constitutionality of federal criminal statute; Court granted eventually granted certiorari, and my scholarship then drew citations in brief filed by U.S. Solicitor General, as well as four separate briefs filed by amicus groups, 2023

Provided detailed explanation of attorney-client privilege and crime-fraud exception for inclusion in print and online editions of ABA Journal reaching 500,000 lawyers in U.S.; final version included 15 sentences quoting me or paraphrasing me with attribution, 2023

Wrote external reviews concerning tenure files, most recently for top-30 law school, 2023

Assisted on pro bono basis with drafting of pleadings in civil rights litigation alleging excessive force by law enforcement officials on East Coast, 2022

Served as evidence advisor and played role of Ninth Circuit judge in moot arguments on petition to dismiss youth climate suit in *Juliana v. United States*, which Yale Law Professor Douglas Kysar has called “the most important lawsuit on the planet right now,” 2017-2018

Consultant for Yale Law Journal in article screening – provided commentary to YLJ Article Selection Committee, 2017

Presenter at national workshop on application of ABA Model Rules relating to practice of environmental law, convened by ABA Section of Environment, Energy and Resources, 2017

Member of Ethics Committee, ABA Section of Environment, Energy and Resources, 2017

Presenter at two NSF-funded workshops in Washington, D.C., to help devise strategies for applying various legal doctrines in instances of scientific uncertainty, e.g., risk due to climate change and use of GMOs in crops, 2016

Advisor for out-of-state environmental activists invoking necessity defense, including Kareena Gore, daughter of former Vice President Al Gore, 2016

Ethics advisor for U.S. Trustee in Eugene, Oregon, 2013

Presenter at training for judges in domestic violence courts; training was funded by grant under federal Violence Against Women Act, 2013

Advisor to California District Attorneys' Association in campaign to reform California's evidentiary rules for prosecutions of domestic violence, 2010

Testifying expert in hearing before Washington House of Representatives and advisor in subsequent legislative efforts relating to prosecution of domestic violence, 2004-2009
Lecturer at training session during National Conference of Appellate Court Attorneys, 2008

Presenter at annual conferences of National Crime Victims Law Institute, 2007, 2009

Invited participant, Post-*Crawford* Work Group formed by Senator Joseph Biden's staff to advise U.S. Senate Judiciary Committee, 2006

Presenter at domestic violence training sessions in Reno and Seattle funded by federal agencies, 2005, 2009

B. STATE LEVEL

Appointed by Oregon Supreme Court Chief Justice and Oregon Senate President to serve as voting member of Oregon Public Defense Commission, which oversees allocation of \$600 million for legal representation of indigent defendants in criminal cases, 2023-present

Recruited by Oregon Governor's staff to serve on Oregon Liquor and Cannabis Commission; declined due to other time commitments, but agreed to provide advice on ad hoc basis, 2023

Author of proposed evidentiary privilege for abortion and pregnancy, submitted to Oregon House Judiciary Committee, 2023

Invited to testify before Oregon Legislature on statutory reforms to harmonize state's criminal procedure with federal constitutional requirements, 2021

Recipient of Oregon Consumer Protection Grant to conduct research and make recommendations for improvement of statutes to protect low-income consumers, 2021

Primary staff for Oregon Task Force on Equity in Access to Higher Education, appointed by Governor Brown's Chief Education Innovation Officer Colt Gill, 2015-2017

Ethics advisor for Sustainable Future Section of Oregon Bar, responsible for proposing new ethical rules in order to promote environmental protection, 2015

Primary author of bill to revise statutes criminalizing invasion of privacy, 2013; testified in joint hearing of Oregon Senate Judiciary Committee and Oregon House Judiciary Committee

Member of moot court helping Oregon Attorney General John Kroger prepare for oral arguments before U.S. Supreme Court, 2010

Chair, Oregon Criminal Justice Commission (appointed by Governor Kulongoski to chair \$12 million agency and help to plan Oregon's criminal justice policy), 2004-2007

Co-author, Proposed Amendments to Oregon Sentencing Guidelines, 1999-2007

Member of Board of Directors, Oregon Natural Resources Council, 2003-2006

Member, Governor's Public Safety Steering Committee, 2004-2005

Primary author of bill to admit hearsay when opponent wrongfully causes unavailability of declarant; law is now codified at ORS 40.465 in 2005; cited by U.S. Supreme Court in 2008

Co-author, Oregon Public Safety Plan submitted to Oregon Legislature, 2001

Primary author of bill to create new penalties for inducing involuntary intoxication with "date rape drugs"); law is now codified at ORS 475.984, 2001

Chair, Tobacco Settlement Advisory Task Force, 1998

C. LOCAL LEVEL

Founder, Future Lawyers at Springfield High (FLASH), 2015 to 2020

Volunteer coach for debate, mock trial, and model congress programs at Title I middle school and high school in Springfield – i.e., schools with high poverty rates, 2014-2020

Profiled in Eugene Register-Guard's "Volunteer Spotlight," 2017

Springfield School District's Volunteer of the Year, 2015 and 2017

Nominee for 4J School District's Champion in Education Award, 2010 and 2016

Coach for debate team at South Eugene High School, 2013-2018

Coach for debate team at Roosevelt Middle School in Eugene, 2011-2014

Assistant coach, Special Olympics basketball team, 2014

Daily tutor in remedial math and other subjects at Roosevelt Middle School, 2008-2013

School Board Member, Lane Education Service District, 2005-2009

Chair, Lane Education Foundation, 2008-2009

Member, Eugene 4J School District's Budget Committee, 2006-2008

Vice President, Eugene Education Fund, 2007-2008

President, Eugene City Club, 2005-2006

Member, Lane County Commission on Children and Families, 2002-2003

VIII. PRESENTATIONS

Note: Since September 2022, various logistical issues, including conflicts, limited funding, and health challenges, have required that I decline invitations or withdraw from certain presentations after I had conditionally accepted invitations. I include all such invitations below.

Underprivileged: A ClassCrit Perspective on Evidentiary Privilege, Critical Evidence Colloquium at Fordham Law School, March 27-28, 2025

Reconceptualizing Wildlife Privacy, 32nd Annual Animal Law Conference organized by Animal Legal Defense Fund, October 20, 2024

Theorizing Nonhuman Privacy, Animals and Equality Conference at Duke Law School co-hosted by Duke Center for Law, Economics, and Public Policy and NYU Mind, Ethics, and Policy Program, October 19, 2024

Drug Decriminalization and Civil Advocacy for the Indigent, Poverty Law Conference at Indiana-Bloomington Maurer School of Law, September 13, 2024

Class Bias and Direct Democracy: How Citizen Initiatives Undermine the Administrative State and Harm Low-Income Populations, CUNY-Queens Conference on Threats to Administrative State, April 12, 2024

Empowering Rural Landowners to Reduce Wildfire Risk, symposium hosted by University of Georgia School of Law, March 22, 2024

Drug Decriminalization and Civil Advocacy for the Indigent, Access to Justice Conference at Fordham Law School, February 9, 2024

The Viability of Climate Change Litigation in Rural States, Law and Rurality Conference co-hosted by law faculty at Nebraska and South Dakota, November 17, 2023

New Opportunities for Innovative Pedagogy in Legal Education, conference at University of Pennsylvania School of Law, June 15, 2023

Commentary on Junior Scholars' Draft Articles, Criminal Justice Ethics Schmooze co-hosted by several New York law schools and held at Fordham Law School, June 8, 2023

Abortion, the Underground Railroad, and Evidentiary Privilege, selected by Feminist Legal Theory Collaborative Research Network for presentation at annual meeting of Law and Society Association, San Juan, Puerto Rico, June 1, 2023

Underprivileged: Proposals to Redress Socioeconomic and Racial Bias in Evidentiary Privilege Law, conference at Vanderbilt Law School, May 15, 2023

Prioritizing Proof of Innocence, symposium hosted by Rutgers Law School, March 31, 2023

Underprivileged: Proposals to Redress Socioeconomic and Racial Bias in Evidentiary Privilege Law, conference at Berkeley Law School, March 11, 2023

New Developments and Proposals to Reform Ethical Rules, University of Oregon School of Law's Public Interest Environmental Law Conference, March 5, 2023

Unlocking the "Virtual Cage" of Wildlife Surveillance, event hosted by Student Animal Legal Defense Fund at University of Oregon School of Law, February 15, 2023

Remarks Congratulating Recipient of John Henry Wigmore Lifetime Achievement Award, presented by AALS Evidence Section Executive Committee at annual conference in San Diego, January 7, 2023

Abortion, the Underground Railroad, and Evidentiary Privilege, conference at Notre Dame Law School, November 18, 2022

[Moderator] *Consumer Protection Symposium*, interdisciplinary conference hosted by Oregon Consumer Justice and the Oregon Consumer Protection Grant, November 4, 2022

[Moderator] *Biting the Hand that Feeds Us*, debate among professors hosted by Federalist Society at University of Oregon School of Law, October 17, 2022

The Art of Public Speaking, University of Oregon School of Law's Frohnmayer Leadership Program, October 5, 2022

Legal Ethics and Compensation of Student-Athletes for Their Name, Image, and Likeness, University of Oklahoma School of Law, October 14, 2022

Propensity Evidence in Prosecutions of Environmental Crime, 13th Annual Environmental Scholars' Colloquium at Vermont Law School, September 24, 2022

[Moderator] *National Security Lies*, debate among professors hosted by Federalist Society at University of Oregon School of Law, September 19, 2022

Underprivileged: Proposals to Make Evidentiary Privilege Law More Equitable for BIPOC and Low-Income Communities, Oregon Consumer Protection Roundtable, March 16, 2022

Environmental Justice and the Rules of Professional Conduct, CLE organized by Seattle-based Law Seminars International, October 15, 2021

New Ethical Challenges for Practitioners of Environmental Law, CLE organized by Oregon State Bar's Environmental and Natural Resources Section, October 14, 2021

Deconstructing Rules for Proof of Cognitive Impairments, interdisciplinary symposium organized by Suffolk University and UNLV Boyd School of Law, June 4, 2021

Recent Developments in Ethics Law of Interest to Environmental Attorneys, University of Oregon School of Law's Public Interest Environmental Law Conference, March 5, 2021

Judges' Ethical Duties to Ensure Fair Treatment of Indigent Parties, colloquium hosted by Fordham Law School, October 9, 2020

Underprivileged: A ClassCrit Perspective on Evidentiary Privileges and Attorneys' Ethical Rules, International Legal Ethics Conference, UCLA School of Law, July 23, 2020 (canceled due to COVID-19 pandemic)

Putting Justice Within Reach of the Poor: A Proposal to Reform the Ethical Rules for Lawyers and Judges, Berkeley Poverty Law Conference, April 11, 2020 (postponed date due to COVID-19 pandemic)

Recent and Foreseeable Reforms to Legal Ethical Rules of Interest to Environmental Law Practitioners, University of Oregon's Public Interest Environmental Law Conference, March 8, 2020 (converted to recorded lecture due to COVID-19 pandemic)

Recent and Foreseeable Changes to Ethical Rules for Lawyers and Judges, presented at national conference of American Public Power Association, October 22, 2019

No Privilege to Pollute: Expanding the Crime-Fraud Exception to the Attorney-Client Privilege Adapting Ethical Rules for Public Interest Practice, 10th Annual Environmental Scholars' Colloquium at Vermont Law School, September 21, 2019

Ethics and Public Interest Law, faculty colloquium at Northeastern University School of Law, March 27, 2019

Green Ethics for Judges, symposium at Vanderbilt Law School in which several scholars made presentations concerning my award-winning article in the *George Washington Law Review*, March 25, 2019

Green Ethics for Judges, faculty colloquium at Pace Law School, November 1, 2018

The Thirteenth Amendment and Mass Incarceration, organized by Wayne Morse Fellow at UO School of Law, September 13, 2018

California's New Wolf Population and the Hazards of Invasive Surveillance, part of "Green Week" hosted by Berkeley Center for Law, Energy and the Environment, April 5, 2018 – accepted invitation, but unable to attend due to last-minute conflict

Green Ethics for Judges, symposium at University of Texas School of Law, March 23, 2018

Judicial Ethics in Environmental Cases, University of Oregon's Public Interest Environmental Law Conference, March 4, 2018

What's Wrong with Wolf Collars?, University of Oregon's Public Interest Environmental Law Conference, March 4, 2018

Exploring Strategies to Promote Access to Justice, symposium at Georgetown University Law Center, March 2, 2018 -- I could only present in writing due to unexpected flight cancellation

Invasive Surveillance of Wildlife, Stanford Law School, February 12, 2018

Privacy for Wildlife, Lewis and Clark Law School, November 10, 2017

[Moderator] *Federal Jurisdiction over Wildlife Mitigation, and the Interface between Federal Public and Private Lands*, symposium organized by the Journal of Environmental Law and Litigation, University of Oregon, September 29, 2017

Green Ethics for Lawyers and Judges, SMU Dedman School of Law, September 14, 2017

Unlocking the "Virtual Cage" of Wildlife Surveillance, University of Washington School of Law, April 21, 2017

Necessity as a Total Defense for Civil Disobedience to Protest Carbon Emissions, Yale Law School, April 10, 2017

Invoking the Necessity Defense in Climate Protests, New York University School of Law, April 9, 2017

Unlocking the "Virtual Cage" of Wildlife Surveillance, S.J. Quinney College of Law at University of Utah, April 7, 2017

Environmental Ethics for Judges and Lawyers, Annual Conference of ABA Section on Energy, Environment and Resources, Los Angeles, March 31, 2017

Ethical Boundaries for Environmental Lawyers, University of Oregon's Public Interest Environmental Law Conference, March 5, 2017

The Necessity Defense in Environmental Civil Disobedience Cases, University of Oregon's Public Interest Environmental Law Conference, March 4, 2017

Ethical Issues Relating to GMOs, conference sponsored by Environmental Law Institute and funded by National Science Foundation, Washington, DC, December 4-5, 2016

Race, Selective Enforcement, Implicit Bias, and the Grand Jury Process, panel discussion sponsored by Black Law Student Association at University of Oregon, October 18, 2016

Civil Disobedience and Climate Change: Legal and Ethical Issues, Columbia Law School's Sabin Center for Climate Change Law, October 14, 2016 (presented with climate activist Karena Gore, daughter of former Vice President Al Gore)

Lawyers' Ethical Duty to Protect the Environment, International Legal Ethics Conference VIII Fordham Law School, July 14, 2016

Scientific Uncertainty and Professional Ethics, conference sponsored by Environmental Law Institute and funded by National Science Foundation, Washington, DC, April 21, 2016

Ethics and Environmental Advocacy, Public Interest Environmental Law Conference, University of Oregon School of Law, March 6, 2016

The Legacy of Justice Antonin Scalia, sponsored by Federalist Society, University of Oregon School of Law, February 24, 2016

Green Ethics for Lawyers, Boston College Law School, February 12, 2016

Should Oregon's Ethical Rules Address Environmental Concerns?, CLE sponsored by Sustainable Future Section of Oregon Bar, Portland, OR, December 18, 2015

Domestic Violence and the Confrontation Clause, joint presentation with Duke Professor Lisa Griffin, Duke Law School, November 23, 2015

Recent Developments in Oregon Hearsay and Privilege Law, Jackson County Inns of Court at request of Jackson County judges, Medford, OR, November 12, 2015

Teaching High School Students to Debate Legal Topics, Meeting of Lane County Public School Superintendents, Eugene, OR, June 18, 2015

Proposed Changes to Attorneys' Ethical Rules to Improve Environmental Protection, Climate Change Task Force of Oregon Bar, Portland, OR, June 2, 2015

An Ethical Duty to Charge Batterers Appropriately, symposium at Duke Law School, February 26, 2015 (my lecture had to be cancelled due to a snowstorm that shut down the airport, so I contributed a paper in lieu of live commentary)

"Victimless Prosecutions" of Domestic Violence and Sexual Assault, Conference of National Institute of Crime Prevention, Las Vegas, NV, July 25, 2014

Recent Developments in Ethics, CLE for Lane County Women's Bar Association, Eugene, OR, November 14, 2013

Recent Developments in Confrontation Requirements Affecting Prosecutions of Domestic Violence and Sexual Assault, online interactive training session for judges on the East Coast, sponsored by grant from U.S. Violence Against Women Office, November 1, 2013

State Statutes Criminalizing Invasion of Privacy, report at joint hearing of Oregon Senate Judiciary Committee and Oregon House Judiciary Committee, Salem, OR, June 18, 2013

Ethical Rules for Domestic Violence Courts, annual conference, Association of American Law Schools Conference, New Orleans, LA, January 7, 2013

Teaching Materials for Legal Ethics, University of San Diego School of Law, August 5, 2011

Opening College Campuses to High School Students, University of Oregon College of Education, June 3, 2011

The Revolution in Confrontation Law, UNLV Boyd School of Law, January 20, 2010

Forfeiture of Confrontation Rights in Domestic Violence Prosecutions, Seattle University School of Law, September 11, 2009

Hearsay in Criminal Prosecutions (plenary presentation), Annual Conference of National Crime Victims Law Institute, Portland, OR, July 1, 2009

The Supreme Court's Ruling in Giles and the Future of Forfeiture, Lewis and Clark School of Law, January 23, 2009

Confrontation Issues in Trials Involving Juveniles, Oregon Juvenile Law Training Academy, Eugene, OR, October 13, 2008

The Supreme Court's Recent Jurisprudence Under the Confrontation Clause, Annual Conference, National Association of Appellate Court Attorneys, Portland, OR, July 2, 2008

The Double Jeopardy Clause, CALI conference, Creighton University Law School, May 8, 2008

Hearsay and the Confrontation Clause, CALI conference, Hamline School of Law, March 1, 2008

Is it Wrong to Sue for Rape?, conference at Stanford Law School, January 25, 2008

Impeaching Accusers Who Sue, Willamette Law School, October 3, 2007

Crime Victims on the Witness Stand, Crime Victim Law and Litigation Conference, Portland, OR, May 18, 2007

Reconceptualizing Confrontation After Davis, University of Alabama Law School, January 25, 2007

The Supreme Court's New Confrontation Jurisprudence, Fordham Law School, New York, NY, January 23, 2007

Kids Say the Darndest Things: The Prosecutorial Use of Hearsay Statements by Children, annual meeting of AALS Evidence Section, Washington, DC, January 5, 2007

Proposals to Facilitate Prosecution of Domestic Violence Cases Under New Confrontation Requirements, University of Florida School of Law, December 5, 2006

New Interpretations of the Confrontation Clause, William and Mary School of Law, November 29, 2006

The Supreme Court Rejects Teleological Interpretations of the Sixth Amendment, Washington University School of Law, November 21, 2006

Reconceptualizing Confrontation After Davis (Pattee Lecture), University of Minnesota Law School, November 16, 2006

New Directions for Confrontation Jurisprudence, U.C. Davis School of Law, November 9, 2006

From Crawford to Davis and Beyond, University of North Carolina School of Law, November 6, 2006

Justice Hans Linde's Contributions to Oregon's Criminal Procedure, Willamette Law School symposium honoring former Supreme Court Justice Hans Linde, October 27, 2006

Commentary on Deborah Tuerkheimer's Relational Approach to Confrontation, Brooklyn Law School, September 29, 2006

Sentencing Reform in Oregon, Testimony before Oregon Interim Judiciary Committee, Roseburg, OR, May 17, 2006

The Fourth Great Awakening, Oregon Law Review symposium on religion and government, Portland, OR, March 24, 2006

Federalism and Antiterrorism Investigations, symposium at Stanford Law School, February 23, 2006

Sustainability Principles in Siting of Gas-Fired Power Plants, symposium organized by Journal on Environmental Law and Litigation, Eugene, OR, October 7, 2005

Prosecuting Batterers After Crawford (keynote speech), Nevada Seminar on Prosecuting Domestic Violence (organized by State of Nevada and funded by U.S. Office on Violence Against Women), Reno, NV, June 9, 2005

Commentary on Myrna Raeder's Analysis of Confrontation Issues in Prosecutions of Domestic Violence, symposium at Brooklyn Law School, February 18, 2005

Prosecuting Batterers After Crawford, annual meeting of AALS Evidence Section, San Francisco, CA, January 6, 2005

Confrontation Rights and Prior Crimes Evidence, Oregon Judicial Conference, Glendon Beach, OR, October 13, 2004

Proposals for Reform of Hearsay Rules after Crawford v. Washington, testimony before Washington House Judiciary Committee, Olympia, WA, September 21, 2004

Proposals for Reform of Hearsay Rules after Crawford v. Washington, testimony before Oregon House and Senate Judiciary Committees, Salem, OR, various dates in 2004-2005

Oregon Evidence Update, Oregon Law Institute, Portland, OR, November 14, 2003

Recent Developments in Ethics Law, meeting of Federal Bar Association, Portland, OR, June 19, 2003

Evidentiary Issues of Interest to Prosecutors, Oregon Department of Justice's Annual Institute for Prosecutors, Salem, OR, January 9, 2003

Ethical and Professional Responsibility Constraints of Resource Deficits, conference sponsored by Oregon Criminal Defense Lawyers' Association, Bend, OR, October 25, 2002

Reforms to Address Proliferation of "Date Rape Drugs," testimony before Oregon House and Senate Judiciary Committees, Salem, OR, various dates in 2000 and 2001

IX. EXAMPLES OF WORK AS RETAINED EXPERT ON LEGAL ETHICS

Expert for law firm representing patent holder in lawsuit against other law firm that formerly represented patent holder and other interests; my work involved weighing potential conflicts of interest at the former firm

Expert for law firm representing Louisiana in lawsuit against British Petroleum for damages caused by BP oil spill in 2010; my work involved weighing potential conflicts among lawyers at different firms who might participate in the lawsuit

Expert for law firm representing Texas law firm sued by receiver in bankruptcy litigation; my work involved evaluating whether firm owed duties to investors who were not clients

Expert for law firm representing investors who sued horse-breeding operation and lawyer who encouraged investments; my work involved evaluating whether lawyer had conflict of interest

X. BAR MEMBERSHIPS

U.S. Supreme Court, Eighth Circuit Court of Appeals, Ninth Circuit Court of Appeals, U.S. District Court for the District of Oregon, U.S. District Court for the Northern District of California, U.S. District Court for the Northern District of Iowa, California State Bar, Oregon State Bar