

## CURRICULUM VITAE

GARY S. GILDIN

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### CURRENT POSITION:

Dean Emeritus, Professor of Law, and  
Honorable G. Thomas and Anne G. Miller Chair in Advocacy  
The Dickinson School of Law of the Pennsylvania State University (since  
1979)

*and*

Director, Center for Public Interest Law and Advocacy

Courses taught have included Trial Advocacy; Advanced Persuasion; First Amendment; Evidence; Civil Liberties Litigation; Criminal Procedure; Protection of Individual Rights under State Constitutions; Legal Argument and Factual Persuasion; Constitutional Law; Professional Responsibility; Remedies; Comparative Civil Liberties (Summer Program in International Law, Florence, Italy); International Human Rights (Summer Program in International Law, Florence, Italy); and Law and Medicine (Penn State College of Medicine, Hershey Medical Center)

Faculty, Council on Legal Education Opportunity Regional Summer Institute: Legal Methods, Research and Writing (1985, 1986, 1990 and 1991)

## EDUCATION:

Stanford Law School, Stanford, California  
Juris Doctor, May 1976  
Honors: Order of the Coif

University of Wisconsin, Madison, Wisconsin  
B.A. (with distinction) June 1973  
Honors: Phi Beta Kappa, William Jennings Bryan Award for best paper in  
Political Science

## PRIOR POSITIONS:

September 2007 to May 2008 (Sabbatical)	<i>Visiting Chair in International Humanitarian Law,</i> University of Ottawa (Canada-U.S. Fulbright Award)
January 1993 to May 1993 (Sabbatical)	<i>Assistant Public Defender, Public Defender Office, Cumberland County, Pennsylvania.</i>
February 1986 to May 1986 (Sabbatical)	<i>Law Clerk to the Honorable Sylvia H. Rambo, United States District Court, Middle District of Pennsylvania.</i>
June 1976 to June 1979	<i>Attorney, Sonnenschein Carlin Nath &amp; Rosenthal (now Dentons), Chicago, Illinois. Emphasis in commercial and civil rights litigation.</i>
Summer 1975	<i>Law Clerk, Sonnenschein Carlin Nath &amp; Rosenthal.</i>
Academic years 1974-75 and 1975-76	<i>Law Clerk, San Mateo Legal Aid Society, Redwood City, California.</i>

## PUBLICATIONS:

### *Books and Book Chapters*

TRIAL ADVOCACY BASICS (Third Edition) co-authored with Molly Townes O'Brien (National Institute for Trial Advocacy 2021)

CIVIL LIBERTIES LITIGATION: CASES AND MATERIALS,  
<https://psu.pb.unizin.org/introcivliblit/part/i-introduction-to-civil-liberties-litigation/> (2021)

*Religious Freedom Under Article I Sections 3 and 4 of the Pennsylvania Constitution*, published in THE PENNSYLVANIA CONSTITUTION: A TREATISE ON INDIVIDUAL RIGHTS AND LIBERTIES, Ken Gormley and Joy G. McNally eds. (Second Edition 2020)

STUCKY V. CONLEE, PARSELL, AND NITA CITY, TRIAL FILE (Third Edition) (National institute for Trial Advocacy 2020)

STUCKY V. CONLEE, PARSELL, AND NITA CITY, DEPOSITION FILE (Third Edition) (National institute for Trial Advocacy 2020)

*The Supreme Court and Religious Liberty: The Competing Visions of William Penn and Chief Justice John Bannister Gibson*, published in THE SUPREME COURT OF PENNSYLVANIA: LIFE AND LAW IN THE COMMONWEALTH, 1684-2017, John Hare ed. (2018)

*Strip Searches and the Silo Effect: Adopting a Holistic Approach to Charter Remedies*, published in TAKING REMEDIES SERIOUSLY (Robert Sharpe and Kent Roach eds. 2010)

*The Rise of State Law Sanctuary for Minority Religious Liberty in the Wake of the Fall of Federal Constitutional Protection of Non-Mainstream Faiths*, published in DEMOCRACY AND RELIGION: FREE EXERCISE AND DIVERSE VISIONS (Kent State University Press 2004)

*Anti-Democratic Rights In the United States*, published in CONFERENCE ON

DEMOCRACY (Clarke Center for the Interdisciplinary Study of Contemporary Issues 1995)

*Law Review Articles*

*An Updated Practical Guide to Taking and Defending Depositions*, 129 DICKINSON LAW REVIEW No. 1 (forthcoming 2024)

*The Neuroscience of Qualified Immunity*, 126 DICKINSON LAW REVIEW 769 (2022)

*The Distinguished and Exemplary Career of our Colleague and Friend, Professor Laurel Terry (co-authored with Peter G. Glenn)*, 126 DICKINSON LAW REVIEW 3 (2021)

*New Beginnings: Embracing the Tradition and Innovation of "Practice Greatness,"* 122 DICKINSON LAW REVIEW 1 (2017)

*Cross-Examination at Trial: Strategies for the Deposition*, 35 AMERICAN JOURNAL OF TRIAL ADVOCACY 471 (2012)

*Introduction: State Constitutionalism in the 21<sup>st</sup> Century* (co-authored with Jamison Colburn), 115 PENN STATE LAW REVIEW 779 (2011)

*Redressing Deprivations of Rights Secured by State Constitutions Outside the Shadow of the Supreme Court's Remedies Jurisprudence*, 115 PENN STATE LAW REVIEW 877 (2011)

*The Supreme Court's Legislative Agenda to Free Government from Accountability for Constitutional Deprivations*, 114 PENN STATE LAW REVIEW 1333 (2010)

*Allocating Damages Caused by Violation of The Charter: The Relevance of American Constitutional Remedies Jurisprudence*, 24 NATIONAL JOURNAL OF CONSTITUTIONAL LAW 139 (April 2009)

*Bankruptcy Pro Bono Legal Assistance Programs: An Update* (co-authored with Dean Peter C. Alexander), 2007 ANNUAL SURVEY OF

BANKRUPTCY LAW 397 (2007)

*Catalog of Pro Bono Bankruptcy Programs and Resources* (co-edited with Dean Peter C. Alexander under a grant from the National Conference of Bankruptcy Judges Endowment for Education and the American College of Bankruptcy), 2007 ANNUAL SURVEY OF BANKRUPTCY LAW 435 (2007)

*The Sanctity of Religious Liberty of Minority Faiths under State Constitutions: Three Hypotheses*, 6 UNIVERSITY OF MARYLAND LAW JOURNAL ON RACE, RELIGION, GENDER AND CLASS 21 (2006)

*Coda to William Penn's Overture: Safeguarding Non-mainstream Religious Liberty Under the Pennsylvania Constitution*, 4 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 81 (2001)

*Reality Programming Lessons for Twenty-First Century Trial Lawyering*, XXXI STETSON LAW REVIEW 61 (2001)

*A Blessing in Disguise: Protecting Minority Faiths Through State Religious Freedom Non-Restoration Acts*, 23 HARVARD JOURNAL OF LAW & PUBLIC POLICY 411 (Spring 2000)

*Dis-qualified Immunity for Discrimination Against the Disabled*, 1999 UNIVERSITY OF ILLINOIS LAW REVIEW 897 (1999).

*Trial By Jury in the New Russia: A Travelogue*, 15 DICKINSON JOURNAL OF INTERNATIONAL LAW 151 (1996)

*Appellate Determinacy: The Sentencing Philosophy of The United States Court of Appeals for the Third Circuit*, 40 VILLANOVA LAW REVIEW 577 (1995)

*Testing Trial Advocacy: A Law Professor's Brief Life as a Public Defender*, 44 JOURNAL OF LEGAL EDUCATION 199 (1994)

*Immunizing Intentional Violations of Constitutional Rights Through Judicial Legislation: The Extension of Harlow v. Fitzgerald to Section 1983 Actions*, 38 EMORY LAW JOURNAL 369 (1989)

*A Practical Guide to Taking and Defending Depositions*, 88 DICKINSON LAW REVIEW 247 (1984)

*The Standard of Culpability in Section 1983 and Bivens Actions: The Prima Facie Case, Qualified Immunity and the Constitution*, 11 HOFSTRA LAW REVIEW 557 (1983)

### *Book Reviews*

*The Protection of Free Exercise of Religion for Minority Faiths in Bruce Ledewitz's American Religious Democracy*, XIV WIDENER LAW REVIEW 255 (2008)

Review of Ian Cram, CONTESTED WORDS: LEGAL RESTRICTIONS ON FREEDOM OF SPEECH IN LIBERAL DEMOCRACIES, II THE JOURNAL OF COMPARATIVE LAW 200 (2007)

### *Chapters in Continuing Education Publications*

*The Prima Facie Case*, published in CIVIL RIGHTS: HOW LAWYERS PROTECT THE CONSTITUTION THROUGH § 1983 CIVIL LITIGATION (Pennsylvania Bar Institute 2010).

*Advocating Enhanced Protection of Individual Rights Under the State Constitution: A Primer*, published in CIVIL RIGHTS IN THE 21<sup>ST</sup> CENTURY (Pennsylvania Bar Association Civil and Equal Rights Committee 2007).

*Theory and Theme*, published in TRIAL TACTICS, TIPS AND TECHNIQUES (Pennsylvania Bar Institute 2009, republished 2011)

*Elements of the Section 1983 Action*, published in THE FUNDAMENTALS OF SECTION 1983 & CONSTITUTIONAL TORT LITIGATION (Pennsylvania Bar Institute 2003, updated 2006 and 2008)

*Trial By Jury in the United States*, published in THE CRIMINAL JURY TRIAL: THEORY AND PRACTICE (ABA Central and East European Law Initiative 1996); reprinted in CRIMINAL JURY TRIAL MANUAL (ABA Central and East European Law Initiative 1997)

*Case Strategy: The Theory of the Case*, published in ADVANCED ADVOCACY TRAINING SKILLS FOR RUSSIAN LAWYERS (ABA Central and East European Law Initiative 1996); reprinted in CRIMINAL JURY TRIAL MANUAL (ABA Central and East European Law Initiative 1997)

*Preserving and Protecting the Promise of Individual Rights under Article I, Section 8 of the Pennsylvania Constitution*, published in Volume I, 13TH ANNUAL CRIMINAL LAW SYMPOSIUM and reprinted in CRIMINAL LAW BREAKFAST SERIES (Pennsylvania Bar Institute 1996)

*Cross-Examination of Lay Witnesses*, published in TRIAL TACTICS, TIPS AND TECHNIQUES (Pennsylvania Bar Institute 1995, republished 2000, 2009 and 2011)

*Direct Examination of Lay Witnesses and Introduction of Exhibits*, published in HOW TO CONDUCT EFFECTIVE DIRECT & CROSS EXAMINATION (Pennsylvania Bar Institute 1989)

*Strategies and Tactics in Deposition Practice*, co-authored with David S. Shrager, published in HOW TO PREPARE FOR, TAKE AND USE DEPOSITIONS (Pennsylvania Bar Institute 1981)

### *Other Articles*

*Disqualified Immunity for Deprivation of State Constitutional Rights*, Brennan Center for Justice State Court Report (forthcoming 2024)

*KISS (Keep It Simple, Stupid) 2.0: TOTS (Tell Only the Story)*, published in *Collective Wisdom: The Opening Statement Song*, Jules Epstein ed. <https://www.nita.org/s/product/collective-wisdom-the-opening-statement-song/01t4W00000CP0vqQAD> (National Institute for Trial Advocacy 2024)

*A Primer on Advocating Independent State Constitutional Remedies*, Brennan Center for Justice State Court Report <https://statecourtreport.org/our-work/analysis-opinion/primer-advocating-independent-state-constitutional-remedies> (February 27,

2024)

*The Neuroscience of the Teaching Expert*, published in *Collective Wisdom: Expert Witnesses*, Jules Epstein ed. <https://www.nita.org/s/product/collective-wisdom-expert-witnesses-thoughts-and-strategies/01t8a000008TGqTAAW> (National Institute for Trial Advocacy 2023)

*The Anatomy of a Lawsuit: Medicolegal Considerations for Fellows and Residents* (co-authored with Elias B. Rizk, MD, MSc), CONGRESS QUARTERLY (Congress of Neurological Surgeons), Winter 2023 at 16.

*It's the Story, Stupid*, published in *Collective Wisdom: One Bit of Advice*, Jules Epstein ed. <https://www.nita.org/s/product/collective-wisdom-one-bit-of-advice/01t4W00000Dach9QAB> (National Institute for Trial Advocacy 2021)

*To Staunch the Pandemic, We Must First Divest Police of their Immunity*, <https://dickinsonlaw.psu.edu/staunch-pandemic-we-must-first-divest-police-their-immunity-0> (June 2020)

*Executive Power Requires Balance*, Harrisburg Patriot-News Editorial, February 12, 2002

*Advocacy I Goes to Russia*, *The Dickinson Lawyer* (Fall 1996)

*High Court to Blame for Police Insulation*, *The National Law Journal*, April 26, 1993, at 13-14.

*Direct Examination of Lay Witnesses*, 13 *At Issue* (Fall 1988)

*Advocacy and the Law Clerk*, *The Dickinson Lawyer* (Fall 1986)

## HONORS AND AWARDS:

Richard S. Jacobson Award for Excellence in Teaching Trial Advocacy (1999)



The Roscoe Pound Foundation Certificate of Excellence for Teaching Trial Advocacy (1990)

Judge Roy Wilkinson Faculty Achievement Award for special achievement in scholarship and teaching (1985)

American College of Trial Lawyers 1983-84 Emil Gumpert Award for Excellence in the Teaching of Trial Advocacy, awarded to The Dickinson School of Law

**CONTINUING LEGAL EDUCATION:**

2021-2007 and  
2005-2001                      *Program Director and Faculty, Public Defender Association of Pennsylvania/The Dickinson School of Law, Pennsylvania Public Defender Advocacy Training*

July 2021                      *Lecturer on Neuroscience and Advocacy, Training Conference on Rhetoric, Persuasion, and Implicit Bias, Temple University Beasley School of Law*

March 2021                      *Lecturer on Neuro-Advocacy: Finding the Trial Story and Constructing the Trial Story on Cross-Examination: Should A Few Good Men be our Model for Cross-Examining Witnesses in Criminal Cases, Advanced Cross Examination Training sponsored by the Public Defenders Association of Pennsylvania*

June 2019,  
October 2018,  
November 2017,  
April 2017,  
April 2016,  
July 2015,  
April 2015,                      *Lecturer on Finding the Trial Story, Pennsylvania Bar Institute*

August 2014,  
June 2014, and  
October 2013

June 2018 and  
June 2017

*Course Planner and Faculty, International Trial  
Advocacy, International Criminal Court Bar  
Association, The Hague*

January 2018

*Lecturer on Character Isn't a Dirty Word, It's the  
Only Word, Defense Research Institute, Women in  
the Law Seminar*

April 2017

*Lecturer on The Science and Facts of Powerful  
Opening Statements, Pennsylvania Association of  
Criminal Defense Lawyers*

March 2017

*Lecturer on Character Isn't a Dirty Word, It's the  
Only Word, Defense Research Institute, Toxic Torts  
and Environmental Law Seminar*

March 2016

*Lecturer on Finding the Trial Story, Pennsylvania  
Association of Public Defenders*

June 2015

*Lecturer on Finding the Trial Story, PBI Criminal  
Law Symposium*

August 2014

*Lecturer on Finding the Trial Story, Minnesota  
Criminal Justice Institute*

March 2013

*Lecturer on Developing the Trial Story: Lessons  
from Thinking Fast and Slow and the Art of  
Filmmaking, Penn State Dickinson School of Law*

April 2012

*Lecturer, Constructive Cross-Examination,  
Office of the Prosecutor, International Criminal  
Tribunal for the former Yugoslavia, The Hague*

January 2012

*Faculty, National Defender Training Project, Ohio*

	Public Defender Cross Examination Training
2011, 2009, 2004, 2003, 2002, 2000, 1999, and 1995	<i>Course Planner and Lecturer, Cross-Examination of Lay Witnesses, Trial Tactics, Tips and Techniques, Pennsylvania Bar Institute</i>
April 2011 and April 2009	<i>Lecturer on Theory and Theme of the Case, Trial Tactics, Tips and Techniques, Pennsylvania Bar Institute</i>
March 2011	<i>Faculty, Pennsylvania Defender Appellate Skills Training</i>
February 2011	<i>Faculty, National Institute for Trial Advocacy, American Civil Liberties Union Deposition Skills Program</i>
April 2010	<i>Lecturer on Section 1983 Litigation: The Prima Facie Case, Civil Rights: How Lawyers Protect the Constitution through Section 1983 Litigation, Pennsylvania Bar Institute</i>
February 2010	<i>Faculty, Advanced Jury Trial Advocacy Skills, For the Experienced, Pennsylvania Association of Criminal Defense Lawyers</i>
June 2008, March 2008, March 2006, and December 2003	<i>Lecturer on Elements of the Section 1983 Action, Fundamentals of Section 1983 and Constitutional Tort Litigation, Pennsylvania Bar Institute</i>
May 2008, 2007, and 2004	<i>Course Planner and Faculty, Trial Skills - Pennsylvania Legal Aid Network Statewide Conference</i>
April 2007	<i>Lecturer on Advocating Enhanced Protection of Individual Rights Under the State Constitution, Civil Rights in the 21<sup>st</sup> Century, Pennsylvania Bar</i>

	Institute
April 2005	<i>Course Planner and Faculty, Evidence, Indiana Public Defender Council</i>
December 2004	<i>Lecturer on Closing Argument, Trial Tactics, Tips and Techniques, Pennsylvania Bar Institute</i>
June 2004	<i>Faculty, National Institute for Trial Advocacy, American Civil Liberties Union Trial Skills Program</i>
August 2003-1997	<i>Program Director, Pennsylvania District Attorneys' Institute/The Dickinson School of Law Prosecutors' Trial Advocacy Seminar and Workshop</i>
June 2003	<i>Lecturer on Opening Statements, Trial Tactics, Tips and Techniques, Pennsylvania Bar Institute</i>
May 2003	<i>Course Planner and Faculty, Pennsylvania Legal Services Attorney Trial Skills Training</i>
August 2002	<i>Lecturer on Cross Examination of Expert Witnesses, Trial Tactics, Tips and Techniques, Pennsylvania Bar Institute</i>
August 2002-1980	<i>Program Director, The Dickinson School of Law Trial Advocacy Seminar and Workshop.</i>
October 2001	<i>Lecturer on Public Interest Litigation in the New Millennium: Individual Rights Under State Constitutions, CLE À La Carte, The Dickinson School of Law</i>
May 2001	<i>Course Planner and Faculty, Commonwealth of Pennsylvania Office of General Counsel Advanced Litigation Course</i>
August 1999-1998	<i>Faculty, National Institute for Trial Advocacy</i>

Pittsburgh Regional Program

- December 1996 *Lecturer on Preserving and Protecting the Promise of Individual Rights under Article I, Section 8 of the Pennsylvania Constitution, Criminal Law Breakfast Series, Pennsylvania Bar Institute*
- November 1996 *Faculty, The Criminal Jury Trial: Theory and Practice, Minsk, Belarus, ABA Central and East European Law Initiative*
- July 1996 *Faculty, National Institute for Trial Advocacy Deposition Program*
- June 1996 *Faculty, Advanced Advocacy Training Skills for Russian Lawyers, ABA Central and East European Law Initiative*
- May 1996 *Lecturer on State Constitutional Issues: Raising Them and Preserving Them, Criminal Law Symposium, Pennsylvania Bar Institute*
- April 1996 *Faculty, The Role of the Defense Attorney in Jury Trials, Kaluga, Russia and Tver, Russia, ABA Central and East European Law Initiative*
- November 1995 *Course Planner and Lecturer, Workshop on Evidence, Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs.*
- August-November, 1995 *Mentor, Professor Lyudmila L. Zaitseva, Professor of Law, Belorussian State University; American Bar Association, Central and East Europe Law Initiative, New Independent States Law Faculty Training Program*
- November 1992 *Lecturer on Ethical Limits on Advocacy, Ethical*

- Concerns in Today's Practice, Pennsylvania Bar Institute.
- January 1992 *Lecturer on Pennsylvania Evidence: Quirks and Nuances*, Administrative Office of Pennsylvania Courts New Judges Conference.
- Summer 1992-1985 *Lecturer on Pennsylvania Civil Procedure*, Pennsylvania Commission on Crime and Delinquency, Deputy Sheriffs Training Program.
- July 1991 *Lecturer on Scientists as Expert Witnesses*, Learning Center of Applied Environmental Technology, R.E. Wright Associates, Inc.
- May 1991 *Lecturer on Special Problems of Criminal Evidence*, Criminal Law Symposium, Pennsylvania Bar Institute.
- November 1987 *Lecturer on Injunctions*, Federal Court/Civil Practice Seminar, The Dickinson School of Law.
- January 1985 *Program Director*, The Dickinson School of Law Trial Skills Series.
- June 1983 *Lecturer on Admissibility of Expert Testimony and Admissibility of Declarations of Co-Conspirators*, Special Court Judges Association of Pennsylvania.
- Fall 1981 *Course Planner and Lecturer on How to Prepare for, Take and Use Depositions*, Pennsylvania Bar Institute.
- June 1981 *Course Planner and Lecturer on Expert Witnesses*, Pennsylvania Public Utility Commission.
- August 1980 *Faculty*, Legal Services Corporation Basic Lawyer Skills Training Conference.

January 1980  
to 1997                      *Lecturer on Evidence, Supreme Court of  
Pennsylvania Minor Judiciary Education Board  
Certifying Course.*

January 1980                      *Lecturer on Selection, Preparation and Examination  
of Expert Witnesses, Pennsylvania Public Utility  
Commission.*

September 1979                      *Lecturer on Trial Preparation, Pennsylvania Public  
Utility Commission.*

**LECTURES:**

*Remedies for Violation of State Constitutional Rights: Opportunities and  
Obstacles, Litigation Roundtable, Brennan Center for Justice State Law  
Project, April 18, 2024*

*Social Media and the First Amendment: Two Visions, Free Speech in the  
Metaverse: Digital Media and the First Amendment, Federalist Society,  
Penn State Dickinson Law, October 13, 2022*

*Neurosurgery Law Series, Steps Neurosurgeons can take to Minimize the  
Risk of Being Sued and Held Liable for Malpractice, Penn State Health and  
Penn State College of Medicine, October 4, 2022*

*Neurosurgery Law Series, Cross-Examination of the Defendant  
Neurosurgeon, Penn State Health and Penn State College of Medicine,  
September 23, 2022*

*Neurosurgery Law Series, Overview of the Trial Process, Penn State Health  
and Penn State College of Medicine, September 16, 2022*

*The Supreme Court and the Declaration of Rights, Panelist, Symposium on  
the Pennsylvania Supreme Court at 300: Past, Present & Future, May 19,  
2022*

*The Neuroscience of Qualified Immunity*, Symposium on Qualifying Qualified Immunity: Yesterday, Today, and Tomorrow, Dickinson Law Review, March 25, 2022

*Race and Policing*, Penn State University Library Faculty and Staff, October 27, 2020

*Engagement and Persuasion: From Courtroom to Classroom*, Penn State Symposium for Teaching and Learning with Technology, March 26, 2011

*Redressing Deprivations of Rights Secured by State Constitutions Outside the Shadow of the Supreme Court's Remedies Jurisprudence*, Symposium on State Constitutionalism in the 21st Century, Penn State Dickinson School of Law, September 22, 2010

*Breakthrough Courtroom Strategies: Storytelling and Technology at Trial*, Penn State Dickinson School of Law, April 21, 2010

*Iqbal and the Supreme Court's Constitutional Legislative Agenda*, Symposium: Reflections on *Iqbal*, Penn State Dickinson School of Law, March 26, 2010

Moderator, *Treating Medical Error: A Colloquium*, Penn State Dickinson School of Law and Hershey Medical School, March 23, 2010, October and March 2011

*Constitutional Protection of Religious Liberty in the 21<sup>st</sup> Century*, Cardozo Society of the Jewish Federation of Greater Harrisburg, February 27, 2010

*Strip Searches and the Silo Effect: Adopting a Holistic Approach to Charter Remedies*, Canadian Institute for the Administration of Justice 2009 Annual Conference, October 2, 2009

*Panelist*, Trial Courts and Technology, Third Circuit Judicial Conference, June 6, 2009

*Oral Advocacy and Factual Persuasion*, University of Ottawa Faculty of Law, January 7, 2009



*Enforcing the Charter: Lessons From and Taught to the American Constitutions*, University of British Columbia Faculty of Law, March 10, 2008. Also delivered to University of Ottawa Faculty of Law and Department of Justice Constitutional Law Working Group

*Medical Malpractice: The Process*, Waterbury Hospital Health Center Surgical Grand Rounds, May 3, 2007

*Chief Justice Roberts and Justice Alito: Lessons from the Initial Term*, Lycoming College, September 26, 2006

*Supreme Court Advocacy and Leadership*, Department of State Middle East Partnership Initiative, Dickinson College, July-August 2006

*Evans v. Jones: A Demonstration of a Medical Negligence Trial*, Hershey Medical Center, Emergency Medical Residency Colloquium, July 17, 2006

*The Supreme Court—Where is it Headed*, 2006 ACLU of Pennsylvania Membership Conference, May 6, 2006

*The Sanctity of Religious Liberty of Minority Faiths Under State Constitutions: Three Hypothesis*, University of Maryland Law Journal on Race, Religion, Gender and Class Spring Symposium, April 11, 2006

*Strategizing Protection of Civil Liberties in the 21<sup>st</sup> Century: Gazing Beyond the Federal Constitution*, Gettysburg College, April 4, 2006

Moderator, *Today's Undocumented Workers: New American Pioneers or the Latest Lawbreakers?* The Arlin M. Adams Center for Law and Society, Susquehanna University, March 29, 2006

*Enforcing our Liberties: Choosing the Right Constitution*, 19<sup>th</sup> Annual Robert M. Cover Public Interest Retreat, March 4, 2006

*The Sanctity of Religious Liberty of Minority Faiths Under State Constitutions*, Marquette University Law School Faculty Workshop, February 7, 2006

Keynote Address, *Separation of Church and State: Helping or Hindering Religion*, The Arlin M. Adams Center for Law and Society, Susquehanna University, March 31, 2005

*State Law Sanctuary for Religious Liberty of Non-Mainstream Faiths*, The Association for the Study of Law, Culture and the Humanities 2005 Conference, March 12, 2005

*Fifty Ways to Start and Run a Bankruptcy Pro Bono Program - Current Programs Across the Country*, Annual Meeting of the National Conference of Bankruptcy Judges, October 10, 2004

Moderator, *Liberty and Security? Challenges in a New World Situation*, The Arlin M. Adams Center for Law and Society, Susquehanna University, March 16, 2004

*Designing a Medical School Curriculum on Malpractice Issues Utilizing Collaborating Law School Faculty*, Society of Teachers of Family Medicine 30<sup>th</sup> Anniversary Predoctoral Education Conference, January 31, 2004 (co-presented with Dennis Gingrich, M.D., Hershey Medical Center)

*Trial Advocacy: Taking from and Giving to the Law School Curriculum*, Dean's Colloquium, Southern Illinois Carbondale School of Law, December 5, 2003

*Civil Liberties in the Post September 11 Era*, Bella Mundo Salon, November 10, 2003

*Free Exercise and Establishment of Religion*, State Department Middle East Partnership Initiative, August 6, 2003

*Section 1983 Actions*, United States Court of Appeals for the Third Circuit Pro Se and Death Penalty Law Clerk Training, July 31, 2003

Moderator, *A Dialogue: Hate Speech, What Price Tolerance*, The Arlin M. Adams Center for Law and Society, Susquehanna University, March 13, 2003.

*What is Privacy Good For?* Symposium on Public Places, Private Spaces: Privacy Post 9-11, Dickinson College Ethics Project and The Clarke Center for the Interdisciplinary Study of Contemporary Issues, November 13, 2002

*Must Government Agencies Accommodate Religious Objectors?* The Governor's Office of General Counsel University, July 11, 2002

*The Rise of State Law Sanctuary for Minority Religious Liberty in the Wake of the Fall of Federal Constitutional Protection of Non-Mainstream Faiths,* The Third Annual Kent State University Symposium on Democracy, April 29, 2002

*Civil Liberties During a Time of Crisis,* Pennsylvania Newspaper Association's 15<sup>th</sup> Annual Government Affairs Conference, January 29, 2002

*Civil Rights, Anti-Terrorism Legislation and the Muslim Community,* Central Pennsylvania Chapter of Council on American-Islamic Relations program on Civil Rights, Media Relations and the Muslim Community, November 18, 2001

*Civil Liberties in the Aftermath of the Terrorist Attack,* Annual Meeting of the Lancaster County Chapter of the American Civil Liberties Union, October 28, 2001

*Reality Programming Lessons for Twenty-First Century Trial Lawyering, Bridging the Gap Between Evidence and Advocacy,* Stetson College of Law, January 12, 2001

*Doctor-Patient Communication and Medical Malpractice,* Hershey Medical Center, November 16, 2000 (repeated November 2001, 2003, 2004, 2008, 2009, 2010 and 2011)

*Zero Tolerance Policies in Schools,* Leadership Carlisle, October 25, 2000

*Absolute and Qualified Immunity,* Issues Relevant to Government Legal

Practice, The Governor's Office of General Counsel, August 29, 2000

*Individual Immunity From Constitutional Wrongs*, The Governor's Office of General Counsel University, August 10, 2000

*Declaration of Rights of the Pennsylvania Constitution*, Pennsylvania Bar Association Constitutional Law Symposium, May 2, 2000

*The Right to Die and Physician Assisted Suicide*, Schreyer Honors College of the Pennsylvania State University, September 29, 1999

*Silver v. Brown: A Simulated Malpractice Case*, Hershey Medical Center, Primary Care Residency Colloquium Series, November 13, 1998 (repeated November 9, 2001)

*Free Speech - Hate Speech*, The Clarke Center for the Interdisciplinary Study of Contemporary Issues, October 26, 1998

*The Right to Die Debate*, Hershey Medical Center, October 23, 1998

*The New Pennsylvania Rules of Evidence*, Right to Education Office Hearing Officer Training, October 19, 1998

*The Istook (Religious Freedom) Amendment*, Dickinson College Department of Religion, May 27, 1998

*Control and Evidence in Due Process Hearings*, Right to Education Office Hearing Officer Training, April 2, 1998.

*Annual Third Circuit Review of Cases: Sentencing*, The Federal Bar Association, April 30, 1997

*Malpractice Litigation: Concerns for the Orthopedist*, Hershey Medical Center, Department of Orthopedics Grand Rounds, September 13, 1995 (repeated November 29, 2001)

*Sentencing Philosophy: The Evolution of the Role of the Third Circuit*, Fifty-Sixth Judicial Conference of the Third Circuit, April 3, 1995

Moderator, *Harry A. Blackmun, Profile of a Jurist*, The Dickinson School of Law, February 9, 1993

*The Rights of the Innocent: The Supreme Court and the Fourth Amendment*, Mansfield University, October 8, 1992

*The Bill of Rights in its Bicentennial Year*, The Dickinson School of Law, Philadelphia Alumni Club, April 25, 1991

*Legal Analysis*, University of Scranton Pre-Law Society 25th Anniversary Celebration, April 30, 1991

*Censorship and Art*, American Association of University Women, January 24, 1990

*The Right of Privacy: Liberal and Conservative Perspectives*, Mansfield University, September 21, 1989

*AIDS*, Hershey Medical School, June 1, 1989.

*Constitutional Guarantees in the Bicentennial: Rights Without Remedies*, Lycoming Law Association, January 12, 1987

*Freedom of the Press*, Dickinson College Public Affairs Symposium, February 19, 1985

*Minorities and Labor*, Dickinson College Public Affairs Symposium, February 16, 1982

## PODCASTS

*Story in Persuasion and Leadership*, Profiles in Leadership Series, <https://www.youtube.com/watch?v=zleQxOPiQA0> (February 28, 2024)

*A Conversation About the Increased Importance of State Constitutional Remedies*, The Dickinson Law Review Podcast, Episode I <https://open.spotify.com/episode/4nBeNUsUQBz28zqZn3BYMB?go=1&s>

[p\\_cid=1d7f62bac47d61a6bbe4b39d9e56b074&utm\\_source=embed\\_player\\_p&utm\\_medium=desktop&nd=1&dlsi=73760ed7529d4ebd](https://www.pse.edu/p_cid=1d7f62bac47d61a6bbe4b39d9e56b074&utm_source=embed_player_p&utm_medium=desktop&nd=1&dlsi=73760ed7529d4ebd) (April 2023)

## **PUBLIC INTEREST LITIGATION:**

*William Penn School District et al. v. Pennsylvania Department of Education et al.*, No. 587 M.D. 2014 (Commonwealth Court of Pennsylvania), Brief of Amici Curiae Law Professors David S. Cohen, Gary S. Gildin, Seth F. Kreimer, Jules Lobel, Robert Reinstein, arguing system of funding public education violated fundamental right to meaningful education under Pennsylvania Constitution.

*In re KJ*, a civil rights action on behalf of a ten-year-old who was subjected to a strip search at school.

*Florence Wallace et al. v. Robert J. Powell et al.*, No. 3:09-CV-357 (Judge Caputo) (Consultant), a civil rights action on behalf of juveniles adjudicated delinquent by Judges Conahan and Ciavarella as part of the "Kids for Cash" scandal in Luzerne County, Pennsylvania.

*Raphael Christopher v. Frederick Nestlerode et al.*, 240 Fed. Appx. 481 (3<sup>rd</sup> Cir. 2006), a civil rights action on behalf of a Pennsylvania State Police Trooper alleging he was a victim of racial profiling in connection with a traffic stop.

*Commonwealth of Pennsylvania v. Jonas Miller et al.*, No. 1124 WDA 2002 (Pa. Super. Ct. October 20, 2003) (Consultant), challenging the conviction of members of the Swartzentruber Amish for their refusal on religious grounds to display the slow-moving vehicle orange triangle on their buggies).

*Blackhawk v. Pennsylvania State Game Commission*, 381 F.3d 202 (3<sup>rd</sup> Cir. 2004), challenging the permit fee for possession of black bears used for religious purposes as violative of Free Exercise of Religion.

*Beers v. Dallastown Area School District*, No. 98-0503 (M.D. Pa. 1998),

challenging the expulsion of a high school student for displaying an anti-swastika symbol.

*Karnes v. Skrutski*, 62 F.3d 485 (3rd Cir. 1995), challenging the State Police detention of George Karnes following a traffic stop.

*Pennington v. Curtis et al.*, 91-0236 (M.D. Pa. 1991), challenging a mandatory baccalaureate service as violative of the Establishment Clause.

*Berkovitz v. United States*, 486 U.S. 531 (1988) in which the Court held that the discretionary function exception to the Federal Tort Claims Act does not bar the claim against the United States for violation of federal law and regulations in the licensing of a polio vaccine.

*Bowen v. Roy*, 476 U.S. 693 (1986) (Counsel of Record), challenging the requirement that an Abenaki Indian provide a Social Security Number for his daughter, Little Bird of the Snow, as a condition of receiving public benefits as violative of the Free Exercise Clause.

*Beehler v. Jeffes*, No. 83-1024 (M.D. Pa.), a class action suit on behalf of the female inmates of the State Correctional Institution at Muncy challenging, among other things, programs, services, and facilities as inferior to those afforded male prisoners in Pennsylvania correctional institutions.

*Cooper v. Marks*, No. 83-0357 (M.D. Pa.), a class action on behalf of inmates in maximum solitary confinement at the State Correctional Institution at Huntingdon principally challenging conditions of confinement.

*Beard v. Mitchell*, 604 F.2d 485 (7th Cir. 1979) and *Beard v. O'Neal*, 728 F.2d 894 (7th Cir.), cert. denied, 469 U.S. 825 (1984), civil rights actions seeking to hold officers of the Federal Bureau of Investigation liable for actions of its informant which resulted in the murder of Jeff Beard.

*Parratt v. Taylor*, 451 U.S. 527 (1981), co-author of the Brief of the American Civil Liberties Union *Amicus Curiae* before the United States Supreme Court.

## DRAFT LAW ASSESSMENTS

Analysis of the Draft Criminal Code of the Republic of Tajikistan (1998)

Analysis of the Draft Law of the Republic of Armenia "On the Freedom of Conscience and on Religious Organizations" (1997)

Analysis of the Draft Code of Criminal Procedure for the Ukraine (1995)

## TESTIMONY:

The Constitutional Convention Act of 2007, Senate State Government Committee, March 26, 2007

Constitutionality of House Bill 10 Mandating Internet Filtering in Public Schools and Public Libraries, Pennsylvania House Judiciary Committee Task Force on Internet and Technology Law, June 7, 2001

"Driving While Black," Pennsylvania House of Representatives, Democratic Policy Committee Racial Profiling Hearing, July 6, 1999

Constitutionality of Proposed Spending Limits for Judicial Elections, Pennsylvania House of Representatives Judiciary Committee Task Force on Judicial Campaign Financing, August 31, 1998.

Constitutionality and Wisdom of Proposed Spending Limits for Judicial Elections, Supreme Court of Pennsylvania Special Commission to Limit Campaign Expenditures, November 10, 1997

Judicial Review and State Constitutions, Pennsylvania House of Representatives Judiciary Committee, Subcommittee on Courts, October 16, 1997

The Constitutionality of Bill No. 1-1997 Criminalizing Aggressive Panhandling, Harrisburg City Council, Public Safety Committee, March 19, 1997



Criminal History Records Information Act, Pennsylvania House of Representatives Judiciary Committee, October 31, 1990

The Right to Privacy, Pennsylvania House of Representatives Democratic Policy Committee, March 13, 1989

Constitutional Limitations on the Proposed Requirement that a Minor Obtain Parental or Judicial Consent to an Abortion, Pennsylvania House of Representatives Subcommittee on Youth and Aging, February 10, 1988

**BAR ADMISSIONS:**

Supreme Court of the United States

United States Court of Appeals, Third and Seventh Circuits

United States District Court

    Northern District of Illinois

    Middle District of Pennsylvania and Eastern District of Pennsylvania

Pennsylvania Supreme Court

Illinois Supreme Court (inactive)

**BOARD AND COMMITTEE MEMBERSHIPS:**

Council for International Exchange of Scholars, Discipline Peer Reviewer in Law, Fulbright Scholar Program (2010-2014)

Pennsylvania Supreme Court, Civil Jury Instructions Subcommittee (2008-2015)

American Civil Liberties Union of Pennsylvania (1988 to 2008; Vice-President, 2002-2007)

American Civil Liberties Union, South Central Chapter (1985 to 2008; President 1987-89 and May 1996-2003)

Carlisle Hospital Biomedical Ethics Council (1986-1989)

Martin Luther King, Jr. Day Commemoration Committee (Chairperson  
1991-93)

Ethics Committee, Keystone Service Systems (1999-2002)