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Fordham University School of Law
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EDUCATION

HARVARD LAW SCHOOL – J.D. *cum laude* (1978)

BROWN UNIVERSITY – A.B. *magna cum laude* (1975); *Phi Beta Kappa*; Baker Fellowship

EMPLOYMENT

PROFESSOR OF LAW & BRENDAN MOORE CHAIR IN ADVOCACY: Fordham University School of Law (1989 - present) – Courses: Evidence; Property; Trial Advocacy; Advanced Trial Advocacy; Legal Process; International Comparative Property Law (Fordham Summer Program in Dublin and Belfast), Jurisprudence; Jurisprudence and Political Theory, Topics in the History of American Legal Thought; Trusts; Land Use/Local Government; American Legal History, *Programa CEU* - Fordham University, *Universidad CEU San Pablo*, Madrid, Spain

ADJUNCT PROFESSOR OF LAW, New York Law School – Courses: Evidence; Land Use

ADJUNCT PROFESSOR OF LAW, Cardozo School of Law – Course: Property

ASSOCIATE PROFESSOR OF LAW, University of Miami School of Law (1987-89) – Courses: Property; Evidence; American Legal History; Trial Advocacy/Legal Ethics

ASSISTANT UNITED STATES ATTORNEY, Office of the United States Attorney for the Southern District of New York - Major Crimes Unit (1983-87) – Practice: Prosecuting Federal Criminal Cases from Investigation to Appeal

ASSOCIATE ATTORNEY (LITIGATION), Kreindler & Kreindler (1982-83) – Practice: Securities Class Actions and Other Commercial Frauds

ASSOCIATE ATTORNEY (LITIGATION), Bernstein Litowitz Berger & Grossmann (1983) – Practice: Securities Class Actions and Other Commercial Frauds

ASSISTANT PROFESSOR IN LAW AND LIBERAL EDUCATION, Brown University (1979-82) – Courses: American Legal History; Jurisprudence and Political Theory; The Law and Economics Movement; The Rule of Law; Junior Honors Seminar in Law and Society

LAW CLERK, Honorable Robert L. Carter, United States District Judge, United States District Court for the Southern District of New York (1978-79)

PUBLICATIONS

- “Other Crimes, Wrongs or Acts: A Deep Dive into FRE 404(b) in Civil and Criminal Cases (With reference to FRE 412-15),” Practicing Law Institute (2023) (Course Materials and Essay)
- “Expert Testimony: A Deep Dive into Federal Rule of Evidence 702,” Practicing Law Institute (2022) (Court Materials and Essay)
- “FRE 807– An Exception that Swallows the Hearsay Rule?,” Practicing Law Institute (2021) (Court Materials and Essay)
- “Shields, Swords, and Fulfilling the Exclusionary Rule’s Deterrent Function,” 50 *American Criminal Law Review* 59 (2013)
- “The Case for a Constitutional Definition of Hearsay: Requiring Confrontation of Testimonial Nonassertive Conduct and Statements Admitted to Explain an Unchallenged Investigation,” 93 *Marquette Law Review* 1415 (2010), with Carrie A. Tandler
- “Home Building and Loan v. Blaisdell, 290 U.S. 398 (1934).” *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES*. Ed. David S. Tanenhaus. Vol. 2. Detroit: Macmillan Reference USA, 2009. 419-421
- “Truth, Deterrence, and the Impeachment Exception,” 86 *Oregon Law Review* 1017 (2007)
- “How To Be a Good Property Law Teacher: Some Suggestions,” in *TEACHING THE LAW SCHOOL CURRICULUM* (Carolina Academic Press, 2004) (Steven Friedland, Gerald F. Hess, eds.)
- Review of Anthony G. Amsterdam and Jerome Bruner, *MINDING THE LAW*, *American Journal of Legal History* 44 *American Journal of Legal History* 498 (2000)
- Review of Gregory S. Alexander, *COMMODITY AND PROPRIETY: COMPETING VISIONS OF PROPERTY IN AMERICAN LEGAL THOUGHT, 1776-1970*, 44 *American Journal of Legal History* 109 (2000)
- Review of Charles F. Hobson, ed., *THE PAPERS OF JOHN MARSHALL, vol viii: CORRESPONDENCE, PAPERS, AND SELECTED JUDICIAL OPINIONS, MARCH 1814-DECEMBER 1819*, 42 *American Journal of Legal History* 196 (1998)
- “Character Evidence,” 11 *Touro Law Review* 11 (1994)
- “The Historical Framework for Reviving Constitutional Protection for Property and Contract Rights,” 79 *Cornell Law Review* 87 (1993)
- “The Impeachment Exception to the Exclusionary Rules: Principles, Policies and Politics,” 20 *Search and Seizure Law Report* 137 (1993)
- “The Impeachment Exception to the Exclusionary Rules: Policies, Principles and Politics,” 44 *Stanford Law Review* 1301 (1992), reprinted in 6 *Criminal Practice Law Review* 423 (1994)

“The Rationalist Tradition At Trial,” 60 *Fordham Law Review* 1085 (1992) (Review of ANALYSIS OF EVIDENCE, by Terence Anderson and William Twining)

“Nineteenth Century Interpretations of the Federal Contract Clause: The Transformation From Vested To Substantive Rights Against the State,” 31 *Buffalo Law Review* 381 (1982)

SELECTED PRESENTATIONS

“The Common Law Background of Substantive Due Process: Property in Late Nineteenth Century Common and Constitutional Law,” American Historical Association Annual Meeting (1991)

“Changing Notions of Property and the Future of Takings Law,” Government Law Center at Albany Law School (2003)

“Re-Evaluating *Home Building and Loan v. Blaisdell*,” Property Works in Progress Conference at the University of Colorado Law School (2007)

“FRE 807– An Exception that Swallows the Hearsay Rule?” Practicing Law Institute (2021)

“Expert Testimony: A Deep Dive Into Federal Rule of Evidence 702” Practicing Law Institute (2022)

“Other Crimes, Wrongs or Acts: A Deep Dive into FRE 404(b) in Civil and Criminal Cases (With reference to FRE 412-15)” Practicing Law Institute (2023)

FACULTY ACTIVITIES

Fordham University School of Law: Eugene J. Keefe Memorial Award for Service to the Fordham Law Community; First Annual Student Bar Association Teaching Award; Director, Brendan Moore Advocacy Center; Director of Trial Competitions, Brendan Moore Advocacy Center; Faculty Advisor, Moot Court Board; Faculty Advisor, Brendan Moore Advocates Program; Faculty Advisor, numerous student notes in Fordham Law Reviews; Faculty, Crowley Program in International Human Rights (Thailand-Myanmar, Rwanda, Bolivia, Cambodia, Tanzania and Nepal Missions); Director of Adjuncts, Dean’s Investigator and Hearing Officer for Disciplinary Matters; Mock Classes for Admitted Students and Family Day; Self-Study Committee for ABA Re-accreditation (Chair); Reappointment, Tenure and Promotion Committee (Chair); Journals and Competitions Committee (Chair); Bar Passage Committee (Chair); Adjuncts Committee (Chair); Publicity Committee (Chair); Teaching Committee (Chair); Information Technology Committee (Chair); Long-Range Planning Committee (Chair); Search Committee for Director of Network Services (Chair); Search Committee for Assistant Dean for Administration (Chair); Faculty Development Committee (Chair); Subcommittee on Skills Training (Chair); Subcommittee on Status of Clinical Faculty (Chair); Subcommittee on Teaching Evaluation for Reappointment and Tenure (Chair); Faculty Services Committee (Chair); Subcommittee on Student Evaluation for Reappointment and Tenure (Chair); Career Planning Committee (Chair); University

Building Committee; Faculty Appointments Committee, Subcommittee on Scholarship for Reappointment and Tenure; Committee on the Future of Legal Education; Task Force on Curriculum and Faculty Utilization; Curriculum and Academic Standards Committee; Faculty Senator; Facilities Committee, Board of Trustees; University Tenure and Reappointment Appeals Committee; University Hearing Committee; Student Conduct Committee; Re-admissions Committee; Library and Information Services Committee; Subcommittee on Perspectives Courses; Adjunct Evaluation Committee; Academic Grievance Committee; Career Planning and Placement Committee; Search Committees for Law School Dean, Law School Administrator, Associate Registrar and Assistant Deans of Student Affairs and Administration

University of Miami School of Law: Advisor, Trial Advocacy Teams; Faculty Supervisor, Intra-School Mock Trial Competition; Faculty Advisor, various student notes in the Miami Law Review; Subcommittee on Grading Reform (Chair); Academic Standards Committee

PROFESSIONAL ACTIVITIES

Independent Judicial Screening Panel – New York County Supreme Court
Special Committee to Study the Bar Exam of the New York State Bar Association
Evidence Lecturer, New York State Supreme Court Justices' Association
Lecturer, Law Preview and LLM Bar Exam (Evidence and Property)
Criminal Justice Act Appeals Panel, United States Court of Appeals for the Second Circuit
Arbitrator, Manville Property Damage Settlement Trust
Director, New York City Corporation Counsel's Trial Advocacy Program
Faculty, New York City Corporation Counsel's Trial Advocacy Program
Faculty, Cardozo Law School Intensive Trial Advocacy Program
Lecturer, Conference on Comparing New York and Federal Evidence Law
Moderator, Fordham Urban Law Journal Symposium on Urban Criminal Justice
Moderator, Fordham University Sports Law Symposium: Athletes in Court
Moderator, The Future of Neuroscience and Law: Responding to Individuals Experiencing Serious Mental Health Disorders
Faculty, New York State Bar Association Practical Evidence Seminar
Faculty, New York City Bar Association Seminar on Trial Advocacy
New York City Bar Association Panel on Taking Law School Examinations
Commentator, American Bar Association's Best Evidence Seminar
Mock Law School Classes, ABA's Council on Legal Education Opportunity
Mock Law School Classes, Martin Luther King High School
Faculty, Florida Bar Continuing Legal Education Seminar on Trial Evidence
Lecturer, Florida Bar Criminal Law Section Seminar
Lecturer, Leadership in Law Program at Columbia University
Lecturer, Fordham Academic Enrichment Program for entering students
Lecturer, Fordham Summer Institute for Foreign-trained Lawyers (Evidence and Trial Advocacy)
Pro Bono representation of clients in criminal, civil, and administrative matters
Pro Bono drafting of *Amicus Curiae* Briefs

BAR MEMBERSHIPS

New York State (August 23, 1979)
United States District Court for the Southern District of New York (March 16, 1983)
United States Court of Appeals for the Second Circuit (January 30, 1985)
United States Supreme Court (September 9, 1994)

PROFESSIONAL ASSOCIATIONS

American Bar Association
New York State Bar Association
American Association for Justice
National Association of Criminal Defense Lawyers
New York State Trial Lawyers Association
New York City Bar Association
Society of American Law Teachers