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WALLACE AND BEVERLEY WOODBURY UNIVERSITY PROFESSOR

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PRESENT TEACHING POSITIONS

Wallace and Beverley Woodbury University Professor of Law, George Washington University
Director, National Trial Advocacy College at the University of Virginia

FORMER TEACHING POSITIONS

Howrey Professor of Trial Advocacy, Litigation and Professional Responsibility, George
Washington University Law School, 1990-2004
University of Virginia School of Law, 1972-1990, Class of 1962 Chairholder, 1987-1990

SUBJECTS TAUGHT

Civil Procedure, College of Advocacy, Constitutional Law, Criminal Law, Criminal Procedure,
Evidence, Trial Advocacy

EDUCATION

A.B., Dickinson College, 1967; J.D., University of Pennsylvania, 1970

CLERKSHIPS

Honorable Stanley A. Weigel, (ND/CAL), 1970 - 71
Honorable Thurgood Marshall, 1971 - 72

GOVERNMENT SERVICE

Executive

Director, Tax Refund Fraud Task Force, U.S. Treasury Department, 1994 - 1995
U.S. Department of Defense Code Committee, 1989 - 1992
Ex Officio Member, U.S. Sentencing Commission, 1989 - 1990
Deputy Assistant Attorney General, Criminal Division, 1988 - 1989
Associate Counsel, Office of Independent Counsel, 1987 - 1988
Member, Military Justice Act of 1983 Commission, 1984-1985

Judiciary

Mediator, United States Court of Appeals for the District of Columbia Appellate Mediation
Program, 1992 – Present

Special Master, El Halabi v. Islamic Republic of Iran, U.S. District Court for the District of Columbia, 2024-2025

Special Master, Martino v. Islamic Republic of Iran, U.S. District Court for the District of Columbia, 2024-2025

Special Master, Cabrera v. Islamic Republic of Iran, U.S. District Court for the District of Columbia, 2022-2023

Special Master, Lee v. Islamic Republic of Iran, U.S. District Court for the District of Columbia, 2022-2023

Special Master, Stearns v. Islamic Republic of Iran, U.S. District Court for the District of Columbia, 2022-2023

Special Master, Sheikh v. Sudan, U.S. District Court for the District of Columbia, 2019-2020

ABA Criminal Justice Section Liaison to Federal Rules of Evidence Committee, 2012-2015

Special Master, Embassy Bombing Litigation, U.S. District Court for the District of Columbia, 2012-2013

Special Master, Yaz and Yasmin MDL, U.S. District Court for the Southern District of Illinois, 2011-2012

ABA Liaison to Federal Rules of Evidence Restyling Committee, 2010-2012

Special Master, Seroquel MDL, U.S. District Court for the Middle District of Florida, 2009-2011

Special Master, The Diversified Group, Inc. v. Paul Daugerdas, U.S. District Court for the Southern District of New York (attorney-client and work product issues), 2003

Co-Chair, Third Circuit Task Force on Selection of Class Counsel, 2001-2002

Special Master, Hartman v. Powell, U.S. District Court for the District of Columbia (class action employment case), 1991 - 2000

Special Master, Hammon v. Barry, U.S. District Court for the District of Columbia (class action employment case), 1990 - 1994

Mediator, Cobell v. Babbitt, U.S. District Court for the District of Columbia, 1999

Chair, U.S. District Court for the District of Columbia Civil Justice Reform Act Advisory Group, 1994 – 1999

Member, Advisory Committee on Federal Rules of Criminal Procedure, 1990 - 1995

Liaison Member from Advisory Committee on Federal Rules of Criminal Procedure to Advisory Committee on Federal Rules of Evidence, 1993- 1995

Reporter, U.S. District Court for the District of Columbia Civil Justice Reform Act Advisory Group, 1991- 1993

Reporter, Advisory Committee on Federal Rules of Criminal Procedure, 1984 - 89

Co-Chairman and Reporter of the Virginia Supreme Court's Advisory Committee on Rules of Evidence, 1984 - 1985

MEDIATION AND ARBITRATION

Mediator--Antitrust, Civil Rights, Contracts (Commercial and Government), Defamation, Disability, Employment, Environmental, Family Law, Fraud, Intergovernmental, Securities

Arbitrator--United States Cases; International Chamber of Commerce

PUBLIC SERVICE

Reporter, American College of Trial Lawyers Task Force on Litigation Issues, 1986-1988
Member, ABA Special Committee on the Prosecution Function, 1991-1993
Vice-Chair, ABA Litigation Section Committee on Trial Evidence, 1991-1995
Chair, ABA Criminal Justice Section Committee on Trial Advocacy, 1990-1996
Member, NIJ Less than Lethal Liability Panel, 1993 - 2004
Member, ABA Criminal Justice Standards Committee, 1996-1999
Co-Chair, ABA Litigation Section Task Force on Civil Trial Standards, 1997-1998
Chair, ABA Litigation Section Task Force on the Independent Counsel Statute, 1997- 1999
Reporter, National Committee to Prevent Wrongful Executions, 2000-2002
Member, ABA Task Force on Terrorism and the Law, 2001-2002
Member, ABA Litigation Section Council, 2001-2004
Member, ABA House of Delegates 2001-Present
Member, ABA Task Force on the Treatment of Enemy Combatants, 2002-2009
Member, ABA Task Force on Gatekeeper Regulation and the Profession, 2002-2010
Chair, ABA Justice Kennedy Commission, 2003-2004
Co-Chair, ABA Commission on Effective Criminal Sanctions 2005-2008
ABA Task Force on Domestic Surveillance in the Fight Against Terrorism, 2006-2009
Chair, ABA Criminal Justice Section, 2007-2008

HONORS

Honorary Faculty Member, Judge Advocate General School, Charlottesville, Virginia
Recipient, William J. Brennan, Jr. Award, National Trial Advocacy College at the University of Virginia
Member, Fellow of the American Bar Foundation, 1993 - Present
2000 ALI-ABA Francis Rawle Award for Outstanding Contributions to Post-Grad Legal Education
2011 Burton Award Distinguished Award Recipient: Reform in Law
2014 ABA Grassroots Advocacy Award
2015 ABA Presidential Citation
2021 American Bar Foundation Distinguished Service Award
2021 ABA Senior Lawyers' Division John H. Pickering Award

BAR MEMBERSHIPS

California, 1971; District of Columbia, 1972; Virginia, 1977

PUBLICATIONS

List Supplied Upon Request

PUBLICATIONS OF STEPHEN A. SALTZBURG

BOOKS

- American Criminal Procedure: Cases and Commentary (Author: First Edition 1980, Second Edition 1984, Third Edition 1988), (Co-Author: Fourth Edition 1992, Fifth Edition 1996, Sixth Edition 2000, Seventh Edition 2004, Eighth Edition 2007, Ninth Edition 2010, Tenth Edition 2014; Eleventh Edition 2018, Twelfth Edition 2022)
- Basic Criminal Procedure (Co-Author: First Edition 1994, Second Edition 1997, Third Edition 2003, Fourth Edition 2005, Fifth Edition 2009, Sixth Edition, 2012, Seventh Edition, 2017, Eighth Edition, 2021)
- California and Federal Evidence Trial Book (Co-Author 1999)
- Criminal Law: Cases and Materials (Co-Author: First Edition 1994, Second Edition 2000, Third Edition 2008, Fourth Edition 2017)
- Emerging Problems Under the Federal Rules of Evidence (Reporter: First Edition 1983, Second Edition 1991), (Contributing Editor: Third Edition 1998)
- Evidence in America (4 Volumes) (Co-Author 1987)
- Evidence: The Objection Method (Co-Author: First Edition 1997, Second Edition 2002, Third Edition 2007, Fourth Edition 2011, Fifth Edition 2016, Sixth Edition 2021)
- Evidence Supplement: Rules, Statutes, Commentary (1980)
- Federal Criminal Jury Instructions (Co-Author) (3 Volumes, First Edition 1985, Second Edition 1991)
- Federal Criminal Procedure Litigation Manual (Co-Author: 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024)
- Federal Rules of Evidence Manual (Co-Author: First Edition 1975, Second Edition 1977, Third Edition 1982, Fourth Edition 1986, Fifth Edition 1990, Sixth Edition 1994, Seventh Edition 1998, Eighth Edition 2002, Ninth Edition 2006, Tenth Edition 2011, Eleventh Edition 2015, Twelfth Edition 2019, Thirteenth Edition 2023)
- Federal Rules of Evidence Manual: The Trial Book (1998, 2002, 2006, 2011, 2015, 2019, 2023)
- Materials on International Human Rights and U.S. Criminal Law and Procedure (Collaboration 1989)
- Military Evidentiary Foundations (Co-Author: First Edition 1994, Second Edition 2000, Third Edition 2007, Fourth Edition 2010, Fifth Edition 2013, Sixth Edition 2016)
- Military Rules of Evidence Manual (Co-Author) (First Edition 1981, Second Edition 1986, Third Edition 1991, Fourth Edition 1997, Fifth Edition 2003, Sixth Edition 2007; Seventh Edition 2011, Eighth Edition, 2015, Ninth Edition 2020)
- A Modern Approach to Evidence (Co-Author: First Edition 1977, Second Edition 1982)
- Ohio Rules of Evidence Trial Book Co-Author 1999)
- Principles of Evidence (Co-Author: Fifth Edition 2009, Sixth Edition 2012, Seventh Edition, 2015, Eighth Edition, 2019, Ninth Edition 2022)
- Texas Rules of Evidence Trial Book (Co-Author: First Edition 2000, Second Edition 2010, Third Edition 2015, Fourth Edition 2020)
- Trial Tactics (First Edition 2007, Second Edition 2009, Third Edition 2012, Fourth Edition 2019)
- Trying Cases to Win: Anatomy of a Trial (Co-Author 1999)
- Trying Cases to Win: Evidence: Weapons for Winning: Hearsay, Confrontation (Co-Author 2003)

Trying Cases to Win: Evidence: Weapons for Winning: Lay Witness and Expert Opinion (Co-Author 2004)
Trying Cases to Win: Evidence: Weapons for Winning: Relevance, Authentication, Motions in Limine, Voir Dire, Depositions (Co-Author 2000)
Trying Cases to Win: In One Volume (Co-Author 2013)
Trying Cases to Win: In One Volume (Student Edition 2020) (Co-Author)
Washington Evidence Trial Book (Co-Author 1999)

ARTICLES

Federal Rule of Evidence 407 in a Criminal Case, 40 Criminal Justice 56-58 (Fall 2025)

Circumstantial Authentication of Video Evidence, 40 Criminal Justice 56-58 (Spring 2025)

Similar Motive and Former Testimony, 39 Criminal Justice 54-56 (Winter 2025)

Conspiracy Evidence: Plausible Connections, 39 Criminal Justice 58-60 (Fall 2024)

Pending Amendments to the Federal Rules of Evidence, 39 Criminal Justice 55-57 (Summer 2024)

Alternate Suspects and the Privilege Against Self-Incrimination, 39 Criminal Justice 61-63 (Spring 2024)

An Unusual Use of Character Evidence, 38 Criminal Justice 62-64 (Winter 2024)

Loosening the Restriction on Residual Hearsay, 59 Crim. L. Bull. No. 6, Art.2 (Winter 2023); https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4771746

Rule 414 and Detailed Evidence, 38 Criminal Justice 67-69 (Summer 2023)

Continuing Problems with Dual-Purpose Witnesses, 38 Criminal Justice 49-51 (Spring 2023)

Bye Bye Res Gestae, 37 Criminal Justice 59-61 (Winter 2023)

Solving the State of Mind Mystery, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4437320; 59 Crim. Law Bull. No.3, Art. 2 (Summer 2023)

Improper Expert Vouching, 37 Criminal Justice 61-64 (Fall 2022)

Sending a Message in Closing Argument, 37 Criminal Justice 51-53 (Summer 2022)

State of Mind: Dual Purpose, 37 Criminal Justice 51-53 (Spring 2022)

An Unnecessary Hearsay Mistake, 36 Criminal Justice 47-49 (Winter 2022)

Video Exhibits in the Jury Room, 36 Criminal Justice 51-54 (Fall 2021)

Silent Witness Phone Call Identification, 36 Criminal Justice 42-44 (Summer 2021)

Prior Consistent Statements, 36 Criminal Justice 56-59 (Spring 2021)

Too Much Religion in the Jury Room? 35 Criminal Justice 49-52 (Winter 2021)

Avoiding Hypothetical Rulings, 35 Criminal Justice 67-69 (Fall 2020)

Nullification? No!, 35 Criminal Justice 46- (Summer 2020).

Improper Golden Rule Argument, 35 Criminal Justice 47-51 (Spring 2020)

Excessive Advocacy: An Illustrative Case, 34 Criminal Justice 58-60 (Summer 2019)

Present-Sense Impression and an Anonymous Declarant, 34 Criminal Justice 57-58 (Spring 2019)

Sham Marriage and Privilege, 33 Criminal Justice 51-53 (Winter 2019)

Waiving Evidentiary Claims: An Illustrative Case, 33 Criminal Justice 41-43 (Fall 2018)

Third-Party Culpability Evidence, 33 Criminal Justice 42-44 (Summer 2018)

The Duty to Investigate and the Availability of Expert Witnesses, 86 Fordham L. Rev. 1709-1726 (2018)

Evidence Supporting an Advice of Counsel Defense, 33 Criminal Justice 37-39, 42 (Spring 2018)

Limits on the Common Interest Attorney-Client Privilege, 32 Criminal Justice 64-65, 68 (Winter 2018)

Rule 410 and the Scope of Waiver, 32 Criminal Justice 51-53 (Summer 2017)

Impermissible Expert Testimony on Credibility: An Illustrative Case, 32 Criminal Justice 41-42, 44 (Spring 2017)

Codefendant Comments on Evidence, 31 Criminal Justice 39-40, 42 (Winter 2017)

Expert or Lay Opinion, 31 Criminal Justice 45-47, 52 (Fall 2016)

Attorney Client Privilege and Common Interest, 31 Criminal Justice 47 -50 (Summer 2016)

Prior Inconsistent Statements to Impeach “I Don’t Recall”: An Illustrative Case, 31 Criminal Justice 44-47 (Spring 2016)

Rethinking the Rationale(s) for Hearsay Exceptions, 84 Fordham L. Rev. 1485-1497 (2016)

Prior Inconsistent Statements and Substantive Evidence – Federal Rule 801 (d)(1)(A):
The Compromise, 84 Fordham L. Rev. 1499-1507 (2016)

Rule 413 and Charged Propensity Evidence, 30 Criminal Justice 35-37 (Winter 2016)

Proper and Improper Use of Immunized Testimony, 30 Criminal Justice 44-47 (Fall 2015)

Amending the Uniform Collateral Consequence of Conviction Act, II Criminal Law Practitioner
30-41 (Summer 2015)

Informant Privilege, 30 Criminal Justice 60-64 (Summer 2015)

Authentication and Hearsay: Which Trumps? 30 Criminal Justice 48-50 (Spring 2015)

Advocate Yes; Witness No, 29 Criminal Justice 34-36 (Winter 2015)

The Limitation on Exclusion of Extrinsic Evidence, 29 Criminal Justice 43-45, 55 (Fall 2014)

Litigating Against the Government, 4 GP Solo E-Report, No. 11 (August 2014)

Inconsistent Jury Verdicts, 29 Criminal Justice 27-29 (Summer 2014)

Reading Transcripts, 29 Criminal Justice 41-42, 47 (Spring 2014)

Proper and Improper Use of Other Act Evidence, 28 Criminal Justice 46-48 (Winter 2014)

Someone Must Be Lying, 28 Criminal Justice 69-71, 79 (Fall 2013)

Judicial Innovations to Screen Eyewitness Identifications, 28 Criminal Justice 38-42
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Child testimony and the Right to Present a Defense, 28 Criminal Justice 58-62 (Spring
2013)

Voice Identification Experts, 27 Criminal Justice 48-50 (Winter 2013)

Privilege Objections to Grand Jury Subpoenas for Documents, 27 Criminal Justice 44-46 (Fall
2012)

Beginning Testimony with An Overview Witness, 27 Criminal Justice 53-56 (Summer
2012)

Restyling Choices and a Mistake, 53 William and Mary Law Review 1517-1527 (2012)

One Person's Statement to Prove Another's Actions, 27 Criminal Justice 57-59, 64 (Spring 2012)

Cross-Examining the Defendant About Other Witnesses, 26 Criminal Justice 46-48 (Winter 2012)

Dissecting Declarations Against Interest, 26 Criminal Justice 51-53, 70 (Fall 2011)

Proper and Improper Closing Argument, 26 Criminal Justice 62-64 (Summer 2011)

Federal Rule of Evidence 408 and Criminal Cases, 26 Criminal Justice 41-44 (Spring 2011)

Expert Testimony and Confrontation: *Bullcoming v. New Mexico*, 2011 Emerging Issues 5495 (Lexis.com) (Co-Author)

The Right Objection, 25 Criminal Justice 54-56 (Winter 2011)

Dual Roles: Fact and Expert Witness, 25 Criminal Justice 32-35 (Fall 2010)

Refreshing Recollection: Witnesses with Memory Problems, 25 Criminal Justice 43-46 (Summer 2010)

Dealing with Juror Misconduct, 25 Criminal Justice 20-22 (Spring 2010)

The Potential Importance of Rule 608 (b) Evidence, 24 Criminal Justice 38-40 (Winter 2010)

Miranda, the Functional Equivalent of Interrogation and Taint, 24 Criminal Justice 56-58 (Fall 2009)

Present Sense Impressions and the Passage of Time, 24 Criminal Justice 37-38, 41 (Summer 2009)

Using Prior Statements, 24 Criminal Justice 45-48 (Spring 2009)

Proof of a Drug Trafficking Conspiracy, 23 Criminal Justice 36-38 (Winter 2009)

Where is Criminal Justice in This Presidential Year? 23 Criminal Justice 1, 35-36 (Summer 2008)

Rule 404 (b) and Reversal on Appeal, 23 Criminal Justice 47-51 (Fall 2008)

Picking the Correct Argument, 23 Criminal Justice 50-53 (Summer 2008)

The Unrecognized Right of Criminal Defendants to Admit Their Own Pretrial Statements, 49 Wm. & Mary L. Rev. 1991-2039 (2008) (Co-Author)

Changes to Model Rules Impact Prosecutors, 23 Criminal Justice 1, 13-15 (Spring 2008)

Pejorative Closing Arguments, 23 Criminal Justice 49-51 (Spring 2008)

Equipment, Hearsay, and Authentication, 22 Criminal Justice 38-41 (Winter 2008)

The Importance of an Independent Bar, 22 Criminal Justice 1, 20-23 (Winter 2008)

A Different War: Ten Key Questions About the War on Terror, 75 Geo. Wash. L. Rev. 1021-1048 (2007)

A Better Way to Sanction Bad Behavior, 22 Criminal Justice 1, 16-17 (Fall 2007)

Daubert and Code Interpretation, 22 Criminal Justice 56-59 (Fall 2007)

Impeaching Cooperating Witnesses, 22 Criminal Justice 47-49 (Summer 2007)

Improper use of the Trial Judge as Voucher, 22 Criminal Justice 55-57 (Spring 2007)

Preparing for Disasters: An Introduction, 15 ABA Criminal Justice Section Newsletter 1-2, 16 (Winter 2007)

Improper Use of Plea Agreements to Vouch, 21 Criminal Justice 49-51 (Winter 2007)

The Fourth Amendment: Internal Revenue Code or Body of Principles? 74 George Washington Law Review 956-1018 (2006)

Testimonial Hearsay and Confrontation, 21 Criminal Justice 47-49 (Fall 2006)

A Grand Slam of Professional Irresponsibility and Judicial Disregard, 34 Hofstra L. Rev. 783-819 (2006)

Reverse Rule 404 (b) Evidence, Part II, 20 Criminal Justice 56-58 (Summer 2006)

Reverse Rule 404 (b) Evidence, Part I, 20 Criminal Justice 42-44 (Spring 2006)

Guilt Assuming Hypotheticals: Basic Character Evidence Rules, 20 Criminal Justice 47-49 (Winter 2006)

Compulsory Process Clause, in *The Heritage Guide to the Constitution* 355-357 (2005)

Plea Agreements: Confrontation Versus Vouching, 20 Criminal Justice 65-67 (Fall 2005)

Other Act Evidence: The Importance of Context, 20 Criminal Justice 59-61 (Summer 2005)

Dangers of Homicidal Cross-Examination, 20 Criminal Justice 44-46 (Spring 2005)

Supplemental Arguments: Good or Bad Idea? 19 Criminal Justice 57-59 (Winter 2005)

Prior Inconsistent Statements and Collateral Matters, 19 Criminal Justice 45-47 (Fall 2004)

Threats: Bolstering of Impeaching, 19 Criminal Justice 45-46 (Summer 2004)

Privilege Versus Compulsory Process, 19 Criminal Justice 68-69 (Spring 2004)

Interpreting Code: Part II, 18 Criminal Justice 48-49, 47 (Winter 2004)

Interpreting Code: Part I, 18 Criminal Justice 46-47 (Fall 2003)

Closing Argument Vouching: Crossing the Line, 18 Criminal Justice 42-45 (Summer 2003)

The Supreme Court, Criminal Procedure and Judicial Integrity, 40 American Criminal Law Review 133-158 (Winter 2003)

Limits on Non-hearsay Use of Statements, 18 Criminal Justice 66-70 (Spring 2003)

Three Basic Principles, 17 Criminal Justice 40-45 (Winter 2003)

Offers of Proof: The Basic Requirement, 17 Criminal Justice 50-54 (Fall 2002)

Questioning the Judicial Role in Dealing with Expert Testimony in Complex & Non-Complex Cases, 3 The Sedona Conference Journal 185-197 (Fall 2002)

Permissible, Impermissible Corroboration of Witnesses, 17 Criminal Justice 36-39 (Spring 2002)

Declarations Against Interest and the Confrontation Clause, 16 Criminal Justice 51-57 (Winter 2002)

Declarations Against Interest, 16 Criminal Justice 36-39 (Fall 2001)

Due Process, History, and *Apprendi v. New Jersey*, 38 American Criminal Law Review 243-253 (2001)

Keeping the Reformist Spirit Alive in Evidence Law, 149 University of Pennsylvania Law Review 1277-1293 (2001)

Opening the Door to Bolstering, 16 Criminal Justice 50-55 (Summer 2001)

Inextricably Intertwined? Maybe Not, 16 Criminal Justice 60-65 (Spring 2001)

Excited Utterances and Family Violence, 15 Criminal Justice 39-43 (Winter 2001)

Third Party Hearsay Exceptions for Business Records, 15 Criminal Justice 36-40 (Fall 2000)

Rhetorical Questioning, 15 Criminal Justice 38-41, 61 (Summer 2000)

Perjury and False Testimony: Should the Difference Matter So Much, 68 Fordham Law Review 1537-1580 (April 2000)

Importance of Corroboration: Self-Defense as an Example, 15 Criminal Justice 65-69 (Spring 2000)

Self-Defense and the Rules of Evidence, 14 Criminal Justice 46-50 (Winter 2000)

The Unusual Harm from a Compound Question, 14 Criminal Justice 40-41, 44-46 (Fall 1999)

Race: Fair and Unfair Use, 14 Criminal Justice 36-40, 56 (Summer 1999)

Admissibility of Pretrial Proffers at Trial, 14 Criminal Justice 36-39, 44 (Spring 1999)

Judges Interrogate Witnesses: Crossing the Line, 13 Criminal Justice 40-44 (Winter 1999)

Terry v. Ohio: A Practically Perfect Doctrine, 72 St. John's Law Review 911-974 (Summer-Fall 1998)

Opinions on Intent: Mirroring Facts of the Case, 13 Criminal Justice 21-24 (Fall 1998)

Non-English-Speaking Witnesses and Leading Questions, 13 Criminal Justice 37-41 (Summer 1998)

Trial Judge Reverses Course: *In Limine* Rulings, 13 Criminal Justice 31-35 (Spring 1998)

Transcripts of Tapes, 12 Criminal Justice 30-34 (Winter 1998)

Authentication: Multiple Defendants, 12 Criminal Justice 50-53 (Fall 1997)

Authenticating Evidence: Some Basics, 12 Criminal Justice 57-51 (Summer 1997)

Stipulations, Probative Value and Unfair Prejudice, 12 Criminal Justice 45-48 (Spring 1997)

Rule of Completeness and Post-Arrest Statements, 11 Criminal Justice 40-42 (Winter 1997)

Improper Witness Vouching, Attacks on Counsel, 11 Criminal Justice 48-51 (Fall 1996)

Limiting Closing Arguments About Evidence, 11 Criminal Justice 42-44 (Summer 1996)

Bias Evidence and Gang Membership, 11 Criminal Justice 46-50 (Spring 1996)

Summaries: Two Types, 10 Criminal Justice 33-36 (Winter 1996)

The Top Ten List: Rules Lawyers Must Know, 22 Litigation 6-10, 71-72 (Fall 1995)

Stipulations, Part III: Convicted Felons on Trial, 10 Criminal Justice 31-34 (Summer 1995)

Stipulations to Exclude Other Act Evidence: What is Adequate, 10 Criminal Justice 39-42 (Spring 1995)

Stipulations by the Defense to Remove Other Act Evidence, 9 Criminal Justice 35-40 (Winter 1995)

Hearsay Exceptions for Business and Public Records, 9 Criminal Justice 40-43 (Fall 1994)

Testimony from an Opinion Witness: Avoid Using the Word "Expert" at Trial, 9 Criminal Justice 35-38 (Summer, 1994)

Expert Opinions by Mental Health Professionals: The Challenges of FRE 704 (b), 9 Criminal Justice 31-35 (Spring 1994)

The Trial Judge as Gatekeeper: Expert Testimony after Daubert, 8 Criminal Justice 38-41 (Winter 1994)

Criminal Procedure in the 1960s: A Reality Check, 42 Drake Law Review 179-203 (1993)

Opinions by Expert Witnesses: Testifying to Ultimate Issues, 8 Criminal Justice 32-35 (Fall 1993)

A Last Word on Impeaching the Witness with Prior "Bad Acts," 8 Criminal Justice 37-40 (Summer 1993)

Improving the Quality of Jury Decisionmaking, 341-377, in *Verdict: Assessing the Civil Jury System* (1993)

Uncharged Acts: Substantive versus Impeachment Use, 8 *Criminal Justice* 35-38 (Spring 1993)

Impeaching the Witness: Prior "Bad Acts" and Extrinsic Evidence, 7 *Criminal Justice* 28-31 (Winter 1993)

Former Testimony, Similar Motive, and Constitutional Implications, 7 *Criminal Justice* 29-33 (Fall 1992)

Hearsay, Confrontation and Sufficiency, 7 *Criminal Justice* 39-42 (Summer 1992)

Sentencing Procedures: Where Does Responsibility Lie, *Federal Sentencing Reporter* 247-50 (March/April 1992)

Polygraph Evidence, Key Witnesses, Deals, Experts...and the Door Opens, 7 *Criminal Justice* 37-41 (Spring 1992)

Proper and Improper Handling of Uncharged Crimes, 6 *Criminal Justice* 43-46 (Fall 1991)

Prior Inconsistent Statements: Fair and Unfair Use, 6 *Criminal Justice* 45-49 (Summer 1991)

The Control of Conduct in Criminal Organizations, 71 *Boston University Law Review* 421-438 (March 1991)

Bolstering and Attacking the Cooperating Witness, 6 *Criminal Justice* 43-45 (Spring 1991)

Other Act Evidence: A Change in Discovery Practice, 5 *Criminal Justice* 34-35 (Winter 1991)

National Security and the Fourth and Fifth Amendments (Chapter 22 in *National Security Law*) 1001-1032 (Caroline Academic Press 1990)

National Security and Privacy: Of Governments and Individuals Under the Constitution and the Foreign Intelligence Surveillance Act, 28 *Va. J. Int'l L.* 129-155 (1987)

Miranda v. Arizona Revisited: Constitutional Law or Judicial Fiat, 26 *Washburn Law Journal* 1-26 (1986)

Another Victim of Illegal Narcotics: The Fourth Amendment (as Illustrated by the Open Fields Doctrine), 48 *University of Pittsburgh Law Review* 1-25 (1986)

Impeachment of Witnesses and the Federal Rules of Evidence, 22 Criminal Law Bulletin 101-117 (1986)

The Required Records Doctrine: Its Lessons for the Privilege Against Self-Incrimination, 53 Chicago Law Review 6-44 (1986)

Lawyers, Clients, and the Adversary System, 37 Mercer Law Review 674-700 (1986)

Understanding the Jury with the Help of Social Science, 83 Michigan Law Review 1120-1140 (1985)

Corporate Attorney-Client Privilege in Shareholder Litigation and Similar Cases: Garner Revisited, 12 Hofstra Law Review 817-848 (1984)

Pretrial Discovery of Scientific Evidence, 101 F.R.D. 613-621 (1984)

Corporate and Related Attorney-Client Privilege Claims: A Suggested Approach, 12 Hofstra L. Rev. 279-321 (1984)

Frye and Alternatives, 99 Federal Rules Decisions 208-218 (1983)

Habeas Corpus: The Supreme Court and the Congress, 44 Ohio State Law Journal 367-391 (1983)

Burdens of Persuasion in Criminal Cases: Harmonizing the Views of the Justices, 20 American Criminal Law Review 393-421 (1983)

Peremptory Challenges and the Clash Between Impartiality and Group Representation, 41 Maryland Law Review 337-383 (1982) (with Mary Ellen Powers)

Tactics of the Motion in Limine, 9 Litigation No. 4, at 17-21, 63 (1983)

Communications Failing Within the Attorney-Client Privilege, 66 Iowa Law Review 811-841 (1981)

The Flow and Ebb of Constitutional Criminal Procedure in the Warren and Burger Courts, 69 Georgetown Law Journal 151-209 (1980)

The Reach of the Bill of Rights Beyond the Terra Firma of the United States, 20 Virginia Journal of International Law 741-776 (1980)

Privileges and Professionals: Lawyers and Psychiatrists, 66 Virginia Law Review 597-651 (1980)

Virginia's Model Jury Instructions for Criminal Cases, 6 Virginia Bar Journal 16-22, 26 (Spring 1980)

The Unnecessarily Expanding Role of the American Trial Judge, 64 Virginia Law Review 1-81 (1978)

A Special Aspect of Relevance: Countering Negative Inferences Associated with the Absence of Evidence, 66 University of California Law Review 1015-1060 (1978)

Pleas of Guilty and the Loss of Constitutional Rights: The Current Price of Pleading Guilty, 76 Michigan Law Review 1265-1307 (1978)

The Federal Rules of Evidence and the Quality of Practice in Federal Courts, 27 Cleveland State Law Review 173-194 (1978)

Discovering and Applying Foreign and International Law in Domestic Tribunals, 18 Virginia Journal of International Law 611-618 (1978)

Standards of Proof and Preliminary Questions of Fact, 27 Stanford Law Review 271-305 (1975)

Another Ground for Decision--Harmless Trial Court Errors, 47 Temple Law Quarterly 193-277 (1974)

The Harm of Harmless Error, 59 Virginia Law Review 988-1032 (1973)

BOOK REVIEW

The Closed Enterprise System, 121 University of Pennsylvania Law Review 176-185 (1972)

NEWSPAPER SERIES

Analyzing the Supreme Court for Non-Lawyers, Series 1972-73 (approximately 25 articles), The Daily Progress, Charlottesville, VA

MISCELLANEOUS

Kansas v. Glover: Just Common Sense? Geo. Wash. L. Rev. Docket (Oct. Term 2019)
<https://www.gwlr.org/kansas-v-glover-just-common-sense/>

Peña-Rodriguez v. Colorado: The Ultimate Safeguard Against Juror Racial Bias? Geo. Wash. L. Rev. Docket (Oct. Term 2016) <http://www.gwlr.org/pena-rodriguez-v-colorado-the-ultimate-safeguard-against-juror-racial-bias/>

Panelist, Symposium on Hearsay Reform, 84 Fordham L. Rev. 1323-1393 (2016)

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<http://www.gwlr.org/molina-martinez-v-united-states-when-guidelines-affect-substantive-rights/>

Moderator, The Future of Class Actions in Mass Tort Cases: A Roundtable Discussion, 66
Fordham L. Rev. 1657-1698 (April 1998)

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Law School Report 6 (Winter 1981)

Personal Jurisdiction: Some History and Trends in the Supreme Court, in ALI-ABA Civil
Practice and Litigation in Federal and State Courts, Vol. I, at 33-86 (1981)

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American Constitutional Law (University of Maryland Press, 1980)