## CURRICULUM VITAE OF PROFESSOR BYRON L. WARNKEN

## **Law Professor**

University of Baltimore School of Law (1977-2014; tenured 1982) Catholic University School of Law (2001) University of Aberdeen in Scotland (1989 & 2000)

## **Law School Courses**

- Criminal Law (criminal classification & sources & interpretation of criminal law; criminal & juvenile jurisdiction & venue; burdens of production & persuasion; criminal actus reus & accomplice liability; criminal transaction, unit of offense, & merger; criminal mental state, criminal responsibility; inchoate crimes; crimes against property; crimes against habitation; non-homicidal crimes against persons; weapons offenses; rape & sexual offenses; murder, manslaughter, & necessity-based defenses) (UofB 1978-2014; Catholic 2001)
- Constitutional Criminal Procedure I (applicability of, compliance with, & remedy for violation of Fourth Amendment prohibition against unreasonable searches & seizures, Fifth Amendment prohibition against compelled self-incrimination, & Sixth Amendment right to counsel, & identifications) (UofB 1979-2014)
- Constitutional Criminal Procedure II (initial appearance & pretrial release; preliminary hearing; grand jury & charging documents; arraignment; right to counsel; double jeopardy; criminal & juvenile jurisdiction & venue; discovery; pre-trial motions; joinder & severance; nolle prosequi & stet; incompetency to stand trial & not criminally responsible; plea bargaining & guilty pleas; speedy trial; public trial; jury trial; burden of production; fair trial; right to confrontation; right to compulsory process; jury instructions & verdict; sentencing options & motions; post-verdict motions; appeal; collateral review; parole & executive clemency) (UofB 1982-84 & 1988-2014)
- **Introduction to Legal Skills** (legal analysis, legal research, & legal writing) (UofB 1977-82, 1985-88, & 2012-14)
- Judicial Process (United States Constitution; separation of powers & constitutional checks & balances; history of the judicial branch & the Supreme Court from presidential elections of 1796 & 1800 & Marbury v. Madison to the Dred Scott case to Plessey v. Ferguson to Brown v. Board of Education to Mapp v. Ohio to Gideon v. Wainwright to Miranda v. Arizona to Roe v. Wade to Lawrence v. Texas to United States v. Nixon to Bush v. Gore; Supreme Court justices & history of justices; federal trial & appellate courts; Warren Court; Burger Court; Rehnquist Court; & Roberts Court; structure, history, & workload of Maryland judiciary; judicial selection; jurisprudence & principles of judicial interpretation) (UofB 1991-2010)
- **Issues in Law Enforcement** (law enforcement officer conduct examined in criminal, civil, & administrative proceedings) (UofB 1994-2003)
- Comparative Criminal Justice (criminal justice systems of the United States &

Scotland) (University of Aberdeen in Scotland 1989 & 2000)

University of Baltimore School of Law Judicial Internship & "EXPLOR" Programs (placed over than 3,000 law students with judges; record 164 placements in summer 2010)

**Director, Judicial Internship Program** (1978-89 & 1996-2010)

Founder & Director, Judicial "EXPLOR" Program (1994-2010)

Byron L. Warnken Judicial Clerkship & Internship Institute (2013)

# **University of Baltimore School of Law Moot Court Program**

"Byron L. Warnken Moot Court Room" – in 2013, the Byron L. Warnken Moot Court Room was named in the John & Frances Angelos Law Center; in 2014, Dean Weich announced that the Law School plans to name the Law School Moot Court Room as the "Byron L. Warnken Moot Court Room" and he, Professor Warnken, and others are raising \$1.5 million to that end

**Regional Director, National Moot Court Competition** (2002-14) (Director of Region III (16 law schools in Delaware, District of Columbia, Maryland, Pennsylvania, & Southern New Jersey)

**Faculty Adviser, Moot Court Board & Moot Court Program** (1985-88, 1991-2001, & 2007-14) (provide training for 21 teams in brief writing & oral argument & "moot" 21 teams annually)

**Director, Intramural Moot Court Competition** (1991-2001) (expanded program from 5 to 14 teams (21 teams by 2011)) (renamed "Byron L. Warnken Moot Court Competition" in 2008)

Faculty Adviser/Coach, Frederick Douglas Moot Court Competition Team (2004)

Faculty Adviser/Coach, National Moot Court Competition Team (1990-2001) (2001 team placed 9th among 154 law schools)

Faculty Adviser/Coach, National Appellate Advocacy Competition Team (1978-83) (1982 team placed 5th among 137 law schools)

**Law School Moot Court Champion** (as a law student in 1976)

**Moot Court Board** (co-founder, as a law student, in 1976)

## University of Baltimore School of Law Faculty Adviser/Director Positions

Criminal Law Association (Faculty Advisor 1996-2014)

Criminal Law & Practice Concentration (Co-Advisor 1997-2014)

Phi Alpha Delta National Law Fraternity (Faculty Advisor 1995-2014)

Sigma Delta Kappa National Law Fraternity (Co-Advisor 1997-2011)

**University of Baltimore Students in Public Interest** (Master of Ceremonies for annual UBSPI Auction 2003-14)

**Project Hunger** (Advisor 1992-2004)

Summer Institute (Director 1978 & 1984-88)

**Legal Skills Program** (Founder & Director 1985-88)

**Student Bar Association** (Faculty Advisor 1978-83)

University of Baltimore Law Review (Assistant Faculty Advisor 1978-83)

**Publications**: See separate document titled Writings of Professor Byron L. Warnken

- **Lectures, Seminars, Panels, & Speeches**: More than 500 presentations in 18 states for judges, defense attorneys, prosecutors, bar associations, inmates, law enforcement officers and organizations, bar candidates, citizen groups, and journalists, including the more than 300 examples below
  - Maryland State Bar Association (1982-2013) (24 Supreme Court cases, attorney competence, civility, delivery of legal services, "niche" practice & marketing, criminal law & procedure topics & updates, incompetency to stand trial, insanity & NCR, defenses, plea bargaining & guilty pleas, fingerprint evidence, pretrial release, discovery, juvenile justice system, future of the Court of Appeals, case updates from the Supreme Court, Court of Appeals, & Court of Special Appeal, & eyewitness identifications)
  - **Baltimore County Police Department** (1995-2013) (23 vehicle searches, police officer courtroom testimony, entry into buildings, & defenses to automobile theft)
  - **McDonogh School** (1987-2008) (21 4-day Supreme Court program, 2000 commencement speaker, Supreme Court resolution of John McDonogh's will, impeachment, Bill of Rights, & legal careers)
  - Maryland Institute of Continuing Professional Education of Lawyers (MICPEL) (1994-2009) (17 criminal law & procedure updates, discovery, fair trial & jury trial, stop & arrest, search & seizure in vehicular context, confessions, right to confrontation, preservation of the record, post-verdict remedies, & police rights)
  - **Baltimore County Bar Association** (1996-2014) (17 Fourth Amendment & vehicles, appellate practice, criminal post-verdict practice, fingerprint evidence, discovery, criminal law update, Second Amendment, right to confrontation, Scalia jurisprudence, McDonogh & the Supreme Court, & Law Day keynote speaker)
  - **Maryland Division of Correction** (1986-2012) (14 criminal post-verdict remedies)
  - Maryland State's Attorney's Association (1986-96) (13 Supreme Court & Maryland case updates)
  - Chinese Judicial Delegation (2009-13) (11 federal & state judiciary, trial & appellate procedures, rule of law & judicial independence, & role of administrative law judges)
  - **Bar Association of Baltimore City** (2006-12) (10 criminal law updates, fingerprint evidence, Fourth Amendment & vehicles, legal ethics & professionalism, post conviction, social media issues, & "niche" practices & marketing)
  - University of Baltimore "a.m. law" series (1989-2005) (9 criminal law & procedure updates)
  - Osher Lifelong Learning Institute of Towson University (2006-10) (8 Supreme Court Emergence of the Roberts Court & How the Criminal Justice System Works)
  - National Law Enforcement Officers Rights Center (1994-98) (7 police rights)
  - **Baltimore City Police Department** (1988-98) (6 police rights & search & seizure)
  - **Baltimore City Public Schools** (1989-2006) (5 juvenile laws, death penalty, <u>Brown v.</u> Board of Education, & Miranda rights)
  - **National Association of Police Organizations** (1992-2005) (5 (twice keynote speaker for the annual national convention))
  - Maryland Crimes Victims' Resource Center (1997-2004) (5 victims' rights)
  - James C. Cawood, Jr. Inn of Court (2009-13) (5 appellate practice in Court of

Appeals, confession suppression, sentencing motions, case updates)

**Roland Park Country School Kaleidoscope** (2003) (5 – Supreme Court & civil liberties)

**Lorman Educational Services** (2006-11) (5 – litigating Fourth & Fifth Amendment police issues)

**Law Links** (1998-2012) (5 - criminal law)

**Maryland Judicial Institute** (1998-2013) (4 – update of Supreme Court cases, Court of Appeals case, Court of Special Appeals cases, & double jeopardy)

**Harford County Public Defender's Office** (2014) (4 – ethics & conflicts & Fourth Amendment & vehicles)

**Myerberg Senior Center Learning in Retirement** (2006) (4 – Supreme Court: Its History & Emergence of the Roberts Court)

**Auburn Society of Towson University** (2005) (4 – Supreme Court & civil liberties)

Center for the Constitution at James Madison's Montpelier (2009-12) (4 - Fourth Amendment)

**Wednesday Law Club** (1998-2012) (3 - Supreme Court's resolution of John McDonogh's will & weighing in on immigration)

University of Maryland School of Law (2004-13) (3 – witness intimidation, death penalty, & DNA)

**Anne Arundel County Bar Association** (2007-10) (3 – right to confrontation & suppression of confessions)

**Edenwald Learning in Retirement** (2006) (3 – Supreme Court in Transition)

**Blakehurst Learning in Retirement** (2006) (3 – Supreme Court in Transition)

**Montgomery County Fraternal Order of Police** (1996-2006) (3 – excessive use of force & LEOBOR Garrity rights)

**Maryland State Police** (1996-99) (3 – search & seizure & police administrative discipline)

**Baltimore Women's Forum** (2006-12) (3 – Supreme Court)

**Worcester County Bar Association** (2004-11) (2 – probable cause & prima facie case & right to confrontation)

Frederick Community College (2007-10) (2 – homicide)

**J. Alan Goldstein Annual Memorial Lecture** (2002-08) (2 - automobile searches & criminal post-verdict remedies)

Maryland Criminal Defense Attorneys Association (2005-08) (2 - right to confrontation & preservation of the record)

**Montgomery County State's Attorney's Office** (1993-2002) (2 – criminal law & procedure updates)

Baltimore County Public Schools (1999) (2 - Supreme Court & legal careers)

**Kiwanis Clubs** (1995-98) (2 - legal education & Supreme Court)

**Jefferson Day Dinner** (1988-89) (2 – police rights)

**J. Dudley Diggs Inn of Court** (2012) (preservation of issues for appeal)

**Stevenson University** (2010) (how to ensure students come to class & are prepared)

**University of Tikrit Law School** (2010) (use of forensic evidence)

Maryland Association of Justice (2010) (suppression of illegally seized evidence)

**Howard County Bar Association** (2009) (Confrontation Clause update)

**Regional Auto Task Team Impact Training** (2009) (defenses to theft)

**National Association of Sentencing Guideline Commissions** (2009) (high profile case impact on guidelines)

Roland Park Women's Club (2009) (criminal justice system)

**Justinian Society** (2008) (search & seizure & case law update)

University of Baltimore Criminal Law Association (2008) (right to confrontation)

National Association of Administrative Law Judiciary (2007) (judicial ethics)

Mid-Atlantic Regional Center for Public Safety Innovation & Division of Public Safety Leadership at Hopkins (2007) (LEOBOR & police management issues)

Governor's Victim Assistance Awards Luncheon (2007) (keynote speaker)

**Department of Public Safety & Correctional Services** (2007) (keynote speaker for Victims' Rights Week))

Greater Bethlehem Temple Church (2006) (identity theft, spam, and related topics)

**Baltimore Business Roundtable** (2006) (Supreme Court)

**Broadmead Learning in Retirement** (2005) (Supreme Court)

Maryland League of Women Voters (2005) (Supreme Court cases & justices)

**Montgomery County Bar Association** (2005) (right to confrontation)

**Baltimore Public Relations Council** (2004) (liability of public relations professionals)

Society of Professional Journalists (2004) (media obtaining mug shots & videotapes)

Maryland Association of Adjudicative Administrators (2002) (police administrative discipline)

**Coppin State College** (2002) (attorney & judicial ethics)

Leadership Group of Greater Baltimore Committee (2000) (media in criminal cases)

**Annenberg Public Policy Center** (1999) (racial profiling)

Maryland Homicide Investigators Association (1999) (murder laws)

**Harvard Associates in Police Science** (1999) (Miranda rights)

**Harford County Sheriff's Office** (1999) (jailhouse informants & undercover officers)

Greater Chesapeake Law Enforcement Executive Development (1999) (police administrative discipline)

**International Association of Chiefs of Police** (1997) (consent & inventory searches)

**Illinois Police Association** (1996) (police rights)

**Bar Association of Harford County** (1996) (appellate practice)

Maryland Press Club (1994) (media in criminal cases)

**Johns Hopkins University** (1993) (study skills)

American Civil Liberties Union (1993) (First Amendment)

**Jewish Community Center** (1988) (insanity laws)

**Baltimore City Public Defender's Office** (1984) (Supreme Court cases)

## **Government Service**

## Service to Legislative Branch of Government

## **Federal - Congress**

Drafted proposed "Police Accountability Act" (1997)

Drafted proposed "Law Enforcement Officers' Bill of Rights Act" (1993 & 1995)

Testified before Crime & Criminal Justice Subcommittee of House Judiciary Committee (1992) (testified as the author of the Model Law Enforcement Officers' Bill of Rights; reprinted in House Report 102-112, titled "Rights of Police Officers During Internal Investigations")

# **State – Maryland General Assembly**

Maryland Attorney General's Task Force on Electronic Weapons (Vice-Chair 2008-11) (drafted seven legislative proposals to implement recommendations in 75-page Task Force Report)

Maryland Criminal Code Revision Committee (1991-2007) (appointed by the Governor & Maryland General Assembly)

Testified (written, oral, & videotape) &/or drafted legislation for Maryland Senate & Maryland House of Delegates committees (1988-2014) (48 times)

# **Local - Baltimore City Council**

Testified for Baltimore City Council President on broadcasting hearings (2010)

Testified and/or drafted legislation for the Mayor of Baltimore before the Baltimore City Council (1990-95) (4 times)

Advisor to Councilman James Kraft on Baltimore City Citizen-Led Court Monitoring Project (2007)

#### Service to Executive Branch of Government

#### Federal - President & White House

Judicial ethics program for National Association of Administrative Law Judiciary (2007)

Invited to the White House for legislative work on the Crime Bill (1994)

Staff Attorney, Chief Counsel's Office, Internal Revenue Service (1977-78)

United States Army (active duty 1968-72; active reserves 1973-79)

## **State – Governor & State House**

Vice-Chair, Attorney General's Task Force on Electronic Devices (2008-11)

Keynote speaker for Governor's Victim Assistance Awards Luncheon (2007)

Keynote speaker for Department of Public Safety & Correctional Services (2007)

Gansler Attorney General Transition Committee (Public Safety Subcommittee 2006)

Invited to Governor's bill signing ceremony for legislative work (2004)

Trainer of Maryland State Police on search & seizure & police administrativ0e discipline) (1996-99)

# **Local – Mayor of Baltimore & City Hall**

Educational programs in public schools on juvenile laws, death penalty, Brown v. Board of Education, & Miranda rights (1989-2006)

Trainer of Baltimore City Police Department on police administrative discipline & search & seizure (1988-99)

Advisor on constitutionality of juvenile curfew laws (1995)

Drafter of lawsuit for denial of educational rights (1995)

Advisor on housing & zoning laws (1990-92)

## Service to Judicial Branch of Government

# **Court of Appeals of Maryland**

Chief Judge Robert M. Bell retirement CLE (all criminal law & procedure cases authored by Judge Bell on the Court of Appeals from 1991 to 2013) (2013)

Court of Appeals Commission on Professionalism (Mentoring subcommittee 2004-09)

Appointed to supervise disbarred attorney upon reinstatement (1982)

# **Court of Special Appeals of Maryland**

Coordinate annual hosting of the Court of Special Appeals at University of Baltimore School of Law (2003-10)

# **Circuit Courts in Maryland**

Conduct judicial education for Maryland Judicial Conference (1998, 2005, & 2013)

Prepare state-by-state survey of screening & investigatory functions for Baltimore City Grand Jury (1995)

Law Clerk to the Honorable Basil A. Thomas (1975-77)

# **District Court of Maryland**

Advisor on judicial solicitation of funds for Drug Court (2003-04) Advisor on video conferencing to conduct initial appearances (1997-98)

## Adviser/Consultant

Maryland Crime Victims' Resource Center (legal advisor & consultant 1990-2013)

Maryland Troopers Association (legal advisor 1998-2013)

**Lawyers' Campaign Against Hunger** (advisory committee 2004-12)

**Review of Maryland Laws** (ethics advisor 1992-2009)

**House Judiciary Chair Joseph F. Vallario, Jr.** (legislative advisor 2000-09)

**Baltimore SmartCEO Magazine Legal Elite Program** (selection committee 2007)

Maryland Bail Bond Association (legal advisor 2001-06)

National Law Enforcement Officers' Rights Center of the National Association of Police Organizations (Director of Legal Programs 1994-2001)

**Legal Advice Line/My Professional Advice** (legal advisor & consultant 1996-98)

Mayor of Baltimore Kurt L. Schmoke (legal advisor & strategist 1990-99)

Daily Record Leadership in Law Awards (selection committee 2010)

# Mentor

Maryland State Bar Association Law Links Program (2011-12) (mentor one Baltimore City high school junior each summer in the workings of the legal system in Baltimore, introducing the student to judges, attorneys, & clients; taking the student to court proceedings & legal events; & placing the student on the payroll)

**Mentoring Male Teens in the Hood** (2009-14) (18-year-old program that mentors 60 inner-city African-American male teens)

**Media**: More than 1,500 media contacts as a legal expert/analyst, as follows:

#### **Television**

Maryland – Channel 2, 11, 13, Fox 45, & Maryland Public Television

National – C-Span's Washington Journal, Larry King Weekend, CNN Crossfire, Court TV's Cochran & Co., ABC National News, MSNBC, CBS Sunday Morning, Geraldo Rivera Live, Sinclair Broadcasting, Hannity & Colmes, & News Talk Television

**International** - Canadian Broadcasting Corporation

#### Radio

Maryland – WBAL, WYPR, WCBM, & WTOP

National – NPR's "Justice Talking" series, MetroNews, & KNRC Denver

International – Canadian Broadcasting Corporation & Voice of America

#### **Print**

Maryland – Baltimore Business Journal, Baltimore Sun, Daily Record, Baltimore Examiner, Jewish Times, Howard County Times, The Trooper (two articles annually), Gazette of Politics & Business, Baltimore Business Journal, Annapolis Gazette, Frederick Gazette, Prince George's County Gazette, Baltimore Magazine, Maryland Bar Journal, UofB Alumni Magazine, Harold-Mail, Patuxent Publishing, Daily Mail, Daily Times, Capital News Service, & UofB Post

National - Associated Press, New York Times, USA Today, Magellan News Service, Christian Science Monitor, National Jurist, Metro News, Washington Post, Washington Times, San Francisco Chronicle, Charlotte Observer, Richmond Times-Dispatch, Des Moines Register, Orlando Weekly, Police Magazine, Trial Magazine, The Champion, Rochester Democrat and Chronicle, & Kansas City Star

#### Internet

http://patch.com

http://universityofpittsburghlegalnews&review.com

http://clientelevision.com

http://gazette.net

http://mdpoliticker.com

http://Baltimorecrime.blog.

http://Baltimore.Bru.com

## **Awards & Recognition**

## **Academic Community Awards**

University System of Maryland Board of Regents "Excellence in Mentoring" Award (2000 & 2013) (selected among more than 9,000 faculty members)

## **Legal Community Awards**

**Robert C. Heeney Award** (2012) (lifetime achievement award for "exemplifying the highest professional standards and achievement in the field of criminal law during a distinguished career"); one recipient annually selected by the

Maryland State Bar Association Criminal law & Practice Section)

**Leadership in Law Award** (2008) (selected as one of the 24 leaders of the Maryland Bar; & then selected "top winner" by secret ballot among the 24 winners; selected as one of six judges (2010))

Martindale-Hubbell AV Peer Review Rating ("very high to preeminent legal ability") (2007)

Bar Association of Baltimore City Charles H. Dorsey, Jr. Mentor of the Year Award (2000) (selected among 2,600 members)

## **Community "At Large" Awards**

Nancy Moran Award (2009) ("for steadfast & unswerving service in the advancement of Prisoners' Rights")

Governor's Victim Assistance Award (2008)

Maryland Champion for Crime Victims Award (2006)

**Senate of Maryland Citation** (2005) (presented in recognition of 24 years as Reporter for the Maryland Criminal Pattern Jury Instructions)

**Pete Lawer Memorial Award** (1996) (awarded annually to a "non-cop" who has made the greatest contribution to the nation's law enforcement community)

# **University of Baltimore School of Law Awards**

James C. May "Mentor of the Year" Award (2013)

Black Law Students Association "Faculty of the Year" Award (2012)

Black Law Students Association "Faculty Service & Appreciation" Award (2011, 2010, 2004, 1991, 1988, 1985)

Law School Full-Time "Teacher of the Year" Award (2010)

Women's Bar Association Appreciation Award (2010)

**"Byron L. Warnken Moot Court Competition"** (University of Baltimore renamed its annual consolidated moot court competition) (2008)

University of Baltimore School of Law Alumnus of the Year (2006)

University of Baltimore Students in Public Interest "Striking for Justice" Award (2005)

University of Baltimore Alumni Association H. Mebane Turner Service Award (2003, 1992)

Student Bar Association Award of Recognition & Appreciation (2002, 1989, 1980)

**University of Baltimore Spirit of Excellence Award** (1990)

### **Bar Admissions**

Maryland (1977)

**Supreme Court of the United States** (1990)

United States Court of Appeals for the Fourth Circuit (1992)

**United States District Court for the District of Maryland** (1995)

United States Court of Appeals for the Fifth Circuit (2000)

# **Bar/Professional Association Memberships**

**American Bar Association** (1993-2013)

**Maryland State Bar Association** (1977-2013)

Committee on Criminal Pattern Jury Instructions (1981-2012; Reporter 1981-2005)

Section on Criminal Law & Practice (1990-2013; Section Council 2003-12)

Section on Litigation (2007-13)

Section on Legal Education & Admission to the Bar (1988-2009; Section Council 1991-93)

**Section on Correctional Reform** (2004-09)

Special Committee to Study Methods of Initiating Criminal Charges (1998-2000)

**Bar Association of Baltimore City** (1978-2013)

**Criminal Law Committee** (1993-2013; Chair, 1996-97)

Continuing Legal Education & Events Committee (1982-83; 1997-2009)

**Baltimore Bar Foundation** (2001-10)

**Baltimore Courthouse & Museum Foundation** (2001-09)

**Professional Ethics Committee** (2002-04; 2008-09)

Holiday Party for Children Residing in Homeless Shelters (2000-02)

**Baltimore County Bar Association** (1990-2013)

Criminal Law Committee (2007-13)

Continuing Legal Education Committee (1997-02; 2007-09)

Law Day Keynote Speaker (2004)

Maryland Criminal Defense Attorneys Association (2002-14)

**Board of Governors** (2005-14)

Continuing Legal Education Committee (2004-07; Chair, 2007-08)

Legislative Committee (2003-04)

**Amicus Curiae Counsel** (2004)

National Criminal Defense Attorneys Association (1995-2014)

Long Range Continuing Legal Education Committee (2003-04)

Wednesday Law Club (1998-2014)

J. Dudley Digges Inn of Court (2004-14)

James C. Cawood Inn of Court (2009-14)

Phi Alpha Delta National Legal Fraternity (1993-2011)

Sigma Delta Kappa Legal Fraternity (1996-2014)

## **Board Memberships**

Maryland Criminal Defense Attorneys Association Board of Governors (2005-14)

Maryland Crime Victims' Resource Center Board of Directors (2004-10)

**Baltimore Bar Foundation Board of Trustees** (2004-09)

**Baltimore County Equal Justice Council** (2007-09)

Attorney General's Baltimore Area Advisory Council (2008-09)

Eastern Technical High School Law Related Advisory Board (2008-09)

**CollegeBound** (2009-10)

# Education

University of Baltimore School of Law (J.D., <u>cum laude</u>, 1977) Johns Hopkins University (B.A., English, 1968) McDonogh School (Diploma, 1964)