

Brian R. Gallini

ACADEMIC APPOINTMENTS

University of Arkansas School of Law, Fayetteville, Arkansas

Associate Professor of Law, Spring 2011-Present

Assistant Professor of Law, Fall 2008-Spring 2011

- Awards: 2012 Southeastern Association of Law Schools Call-for-Papers Winner; 2012 Graduation Award for Hooding; 2011 Lewis E. Epley, Jr. Award for Excellence in Teaching Law
- Courses: Criminal Law; Federal Criminal Law; Criminal Procedure I: Investigation; Criminal Procedure II: Adjudication; Problems in Police Discretion (seminar); Crime & the Supreme Court (seminar)
- International Courses: Comparative Issues in International Criminal Law (taught in St. Petersburg, Russia, in summer 2010); American Criminal Law (taught in Lodz, Poland, in spring 2012).
- Service: Curriculum, Appointments, Orientation, Community Life, and Library Committees.

Temple University School of Law, Philadelphia, Pennsylvania

Abraham L. Freedman Fellow & Lecturer in Law, Fall 2006-Spring 2008

- Taught an upper-level section of Criminal Procedure I in the spring 2008 semester.
- Taught a thirty-one-student section of legal research and writing in the first year and a seventeen-student section in the second year.
- Collaborated with full-time faculty in Advanced Civil Procedure and Evidence.
- Attended faculty-directed seminars about current issues in legal education.

EDUCATION

Temple University Beasley School of Law, Philadelphia, PA

LL.M., May 2008

University of Michigan Law School, Ann Arbor, MI

Juris Doctor, May 2002

Articles Editor, *Michigan Journal of International Law*

College of the Holy Cross, Worcester, MA

Bachelor of Arts, Russian Studies, May 1999 (History Minor; Pre-Medical Concentration)

Dean's List Fall '98-Spring '99; National Slavic Honor Society

Captain of Holy Cross Ski Team; Varsity Men's Ice Hockey

ARTICLES & ESSAYS

- *Bringing Down a Legend: How an "Independent" Grand Jury Ended Joe Paterno's Career* (in submission).
- *Rethinking* Schneckloth v. Bustamonte, __ SEARCH & SEIZURE LAW REPORT __ (forthcoming 2013) (solicited).
- *From Philly to Fayetteville: Reflections on Teaching Criminal Law in the First Year . . . Four Years Later*, 10 OHIO ST. J. CRIM. L. __ (forthcoming 2013).

- Schneckloth v. Bustamonte: *History's Unspoken Fourth Amendment Anomaly*, 79 TENN. L. REV. 233 (2012) (lead article & 2012 Southeastern Association of Law Schools Call-for-Papers Winner).
- *To Serve and Protect? Officers as Expert Witnesses in Federal Drug Prosecutions*, 19 GEO. MASON L. REV. 363 (2012).
- *Car stops, Borders, and Profiling: The Hunt for Undocumented (Illegal?) Immigrants in Border Towns*, 89 NEB. L. REV. 709 (2011) (with Elizabeth Young).
- *From Philly to Fayetteville: Reflections on Teaching Criminal Law in the First Year*, 83 TEMP. L. REV. 475 (2011).
- *Driving Through Arkansas? Have Your DNA Sample Ready*, 37 SEARCH & SEIZURE LAW REPORT 45 (2010) (solicited).
- *Police "Science" in the Interrogation Room: The Use of Pseudo-Psychological Interrogation Methods to Obtain Seventy Years of Inadmissible Confessions*, 61 HASTINGS L.J. 529 (2010) (lead article).
- *Step Out of the Car: License, Registration, and DNA Please*, 62 ARK. L. REV. 475 (2009) (solicited).
- *Help Wanted: Seeking One Good Appellate Brief That Forces the Arkansas Supreme Court to Clarify its Criminal Discovery Jurisprudence*, 2009 ARK. L. NOTES 97 (2009) (peer-edited).
- *Equal Sentences for Unequal Participation: Should the Eighth Amendment Allow All Juvenile Murder Accomplices to Receive Life Without Parole?* 87 OR. L. REV. 29 (2008) (lead article) (cited by *Arrington v. State*, -- So. 3d --, 37 Fla. L. Weekly 155 (Fla. Dist. Ct. App. 2012)).
- *Herding Bullfrogs Towards a More Balanced Wheelbarrow: An Illustrative Recommendation for Federal Sentencing Post-Booker*, 33 NOTRE DAME J. LEGIS. 1 (2006) (with Emily Shults) (cited by *Alexandre v. State*, 927 A.2d 1155 (Me. 2007)).

SELECT PRESENTATIONS

Bringing Down a Legend: How an "Independent" Grand Jury Ended Joe Paterno's Career
Law & Society Annual Meeting, May 31, 2013 (Boston, MA)

Bringing Down a Legend: How an "Independent" Grand Jury Ended Joe Paterno's Career
University of South Carolina School of Law Faculty Address, February 14, 2013 (Columbia, SC)

Bringing Down a Legend: How an "Independent" Grand Jury Ended Joe Paterno's Career
Case Western Reserve University School of Law Faculty Address, January 14, 2013 (Cleveland, OH)

Modern Professionalism
University of Arkansas School of Law Student Body Address, October 30, 2012 (Fayetteville, AR)

Panelist, *Criminal Law Pedagogy*
SEALS Annual Meeting, August 3, 2012 (Amelia Island, FL)

Car stops, Borders, and Profiling: The Hunt for Undocumented (Illegal?) Immigrants in Border Towns
SEALS Annual Meeting, August 1, 2012 (Amelia Island, FL)

Schneckloth v. Bustamonte: *History's Unspoken Fourth Amendment Anomaly*
SEALS Annual Meeting Scholar Award Luncheon, July 30, 2012 (Amelia Island, FL)

Bringing Down a Legend: How an "Independent" Grand Jury Ended Joe Paterno's Career
Law & Society Annual Meeting, June 7, 2012 (Honolulu, HI)

Schneckloth v. Bustamonte: *History's Unspoken Fourth Amendment Anomaly*
LSU Faculty Address, November 14, 2011 (Baton Rouge, LA)

Symposium Moderator, *Criminal Law and Social Media*
Arkansas Law Review Symposium, November 11, 2011 (Fayetteville, AR)

Schneckloth v. Bustamonte: *History's Unspoken Fourth Amendment Anomaly*
Central States Law Schools Association 2011 Conference, October 28, 2011 (Toledo, OH)

Schneckloth v. Bustamonte: *History's Unspoken Fourth Amendment Anomaly*
Second Annual Loyola Constitutional Law Colloquium, October 21, 2011 (Chicago, IL)

Modern Professionalism
University of Arkansas School of Law Student Body Address, September 29, 2011 (Fayetteville, AR)

Police "Science" in the Interrogation Room: The Use of Pseudo-Psychological Interrogation Methods to Obtain Seventy Years of Inadmissible Confessions
SEALS Annual Meeting, July 25, 2011 (Hilton Head, SC)

To Serve and Protect? Officers as Expert Witnesses in Federal Drug Prosecutions.
Washington University Law School Junior Faculty Workshop, December 3, 2010 (St. Louis, MO)

Modern Professionalism
University of Arkansas School of Law Student Body Address, October 12, 2010 (Fayetteville, AR)

To Serve and Protect? Officers as Expert Witnesses in Federal Drug Prosecutions.
Central States Law Schools Association 2010 Conference, September 24, 2010 (Grand Forks, ND)

Author Meets Reader – Victims' Rights and Victims' Wrongs: Comparative Liability in Criminal Law
Law & Society Annual Meeting, May 28, 2010 (Chicago, IL) (with Vera Bergelson)

The Supreme Court's Modern Search & Seizure Jurisprudence
The District Judges Spring College, April 23, 2010 (Rogers, AR)

Modern Professionalism
University of Arkansas School of Law Student Body Address, October 12, 2009 (Fayetteville, AR)

Unraveling the Supreme Court's Sequential Confession Jurisprudence
Continuing Legal Education Seminar, March 28, 2009 (Fayetteville, AR)

Happiness and the Law: An On Again Off Again Relationship
ABA Regional Meeting, February 21, 2009 (Fayetteville, AR)

The Role of the Judiciary in Enforcing Constitutional Rights
Digital Video Conference with Ukrainian Law Professors, February 10, 2009 (Fayetteville, AR)

PROFESSIONAL EXPERIENCE**Honorable Richard A. Griffin**, U.S. Court of Appeals for the Sixth Circuit, Traverse City, Michigan*Law Clerk*, Fall 2005-Summer 2006

- Provided Judge Griffin with recommended case dispositions; drafted bench memoranda for circulation to three judge panel; drafted unpublished and published opinions; reviewed en banc petitions.
- Acquired significant exposure to issues related to the federal sentencing guidelines, criminal and civil forfeiture, banking and mortgage regulations, speech, search and seizure, and constitutional law.

Duane Morris, LLP, Washington, D.C.*Associate*, Fall 2003-Summer 2005

- Advised and interacted with clients; wrote briefs and memoranda and conducted legal research.
- Drafted a successful 70,000-word appellate brief on behalf of London-based solicitor and criminal court magistrate reversing all sixteen of his convictions for falsifying business records.
- Defended ex-foreman for a District of Columbia paving company, was indicted on federal charges related to his alleged payment of bribes to road inspectors; helped to negotiate a favorable plea bargain for the defendant after drafting a variety of pre-trial motions; successfully obtained reduced sentence.
- Obtained reversal of an erroneous magistrate's discovery decision in a false claims action alleging bribes of foreign government officials and failure to disclose \$25M in commissions to a foreign agent against a Florida company in its sales of irrigation equipment to an African nation.
- Defended employment placement company for immigrants in immigration fraud criminal case; helped defendants through grand jury investigation and plea negotiations.

Honorable Robert W. Clifford, Maine Supreme Judicial Court, Auburn, Maine*Law Clerk*, Fall 2002-Summer 2003

- Conferred with Justice Clifford and interacted with judges from other chambers; drafted and edited judicial opinions; cooperated with other judicial law clerks; gained significant exposure to criminal law, state government immunity, real property, and constitutional law issues.

Testa Hurwitz & Thibeault, LLP, Boston, Massachusetts*Summer Associate*, Summer 2001 (Received permanent offer)

- Researched discreet corporate and litigation issues, prepared several memoranda on white-collar crime and labor/employment issues, and attended firm training seminars.

Dechert Price & Rhoads, LLP, Washington, D.C.*Summer Associate*, Summer 2001 (Received permanent offer)

- Drafted motions in white-collar criminal defense, researched Investment Company Act issues, and performed citation editing.

SELECT MEDIA APPEARANCES

- Chad Day, *New Sheriff Puts Hold on Fugitive: 2003 Warrant Served at Prison*, NWAONLINE.COM (Jan. 27, 2013).
- Tony Batt, *Casinos Battle State Lotteries in Internet Poker Lobbying Blitz*, GAMBLING COMPLIANCE (Dec. 4, 2012).
- Tony Batt, *Casino Advocates Refuse to Fold on Arkansas Ballot Hopes*, GAMBLING COMPLIANCE (Aug. 17, 2012).

-
- Lisa Hammersly & Adam Wallworth, *To Protect and Sell? Law Enforcement Gun Auctions Pull in Cash, But Also Put Seized Firearms Back on Street*, NWAONLINE.COM (May 6, 2012).
 - Mary Silver, *Supreme Court Considers Life Sentences for Juveniles*, THE EPOCH TIMES (Mar. 16, 2012).
 - Suzi Parker, *West Memphis Three: \$100,000 reward offered to clear their names*, THE CHRISTIAN SCIENCE MONITOR (Feb. 28, 2012).
 - Tony Batt, *DOJ's Wire Act Ruling Lights Fire For Federal Regulation*, GAMBLING COMPLIANCE (Jan. 2, 2012).
 - Adam Wallworth, *Lawyers battle over medicating man for sane trial*, SAN ANTONIO EXPRESS-NEWS (Jan. 1, 2012).
 - Chris Freiberg, *10 Years Isn't Always 10 Years: Many Criminal Cases Include Suspended Sentences*, NWAONLINE.COM (Oct. 17, 2011).
 - Chris Freiberg, *1996 Disappearance: Case Goes To Trial Today*, NWAONLINE.COM (Aug. 15, 2011).
 - Interview, KCBS News Radio in San Francisco (July 19, 2011).
 - Stephanie Simon, *Attack Suspect Battles His Own Lawyers*, THE WALL STREET JOURNAL (July 19, 2011).
 - Richard A. Serrano, *Government Isn't Touching Arkansas Terrorism Case*, L.A. TIMES (July 11, 2011).
 - Staff, *Reversal Sought in Gun Case*, ARKANSAS DEMOCRAT GAZETTE (May 13, 2011).
 - Tony Batt, *PokerStars Faces Fresh FBI Probe in Nevada*, GAMBLING COMPLIANCE (Apr. 20, 2011).
 - Associated Press, *Online Poker Faces Cloudy Future*, THE SEATTLE TIMES (Apr. 20, 2011).
 - Interview, KOMO News Radio in Seattle (Apr. 19, 2011).
 - Gregory Karp, *Online Poker Industry Ponders Next Move*, THE CHICAGO TRIBUNE (Apr. 18, 2011).
 - Adam Wallworth, *Plea of Krause Leaves Queries: Weapons Case Can be Reopened*, ARKANSAS DEMOCRAT GAZETTE (Mar. 12, 2011).
 - Radley Balko, *Clemency Under Fire: A Parolee Turned Cop Killer Sparks an Ill-Informed Debate about Pardons and Commutations*, REASON MAGAZINE (March 2010).
 - Interview on the Maurice Clemmons Clemency Controversy, KNWA Television (Nov. 30, 2009)
 - Walter Hamilton, *Bernard Madoff gets 150 years*, L.A. TIMES (June 29, 2009)
 - Interview, KCSN Radio in California (Mar. 23, 2009).

BRIEFS

- *Brief of Fourth Amendment Scholars, Florida v. Harris*, No. 11-817 (S. Ct. 2012).
- *Brief of Fourth Amendment Scholars, Florida v. Jardines*, No. 11-564 (S. Ct. 2012).
- *Brief of Criminal Law Professors, Bright v. Holder*, No. 11-890 (S. Ct. 2012).
- *Brief of Criminal Law Professors, Blueford v. Arkansas*, No. 10-1320 (S. Ct. 2012).

AFFILIATIONS & INTERESTS

- Admitted to practice in Massachusetts (2002), District of Columbia (2004), District of Columbia Federal Courts (2005), United States Court of Appeals for the Sixth Circuit (2005); Member of American Bar Association (White-Collar Crime Section) and Young Lawyers Committee.
- Completed 2012 White River Marathon, 2012 Charlevoix Marathon, 2012 Andy Payne Marathon, 2012 Hogeve Marathon, 2011 St. Jude Memphis Marathon, 2011 Savannah Rock N' Roll Marathon, 2008 Washington D.C. Marathon, 2006 Cincinnati Flying Pig Marathon, 2005 San Diego Rock N' Roll Marathon, 2005 Potomac River Run Marathon, 2004 Country Music Marathon, 2003 Boston Marathon, 2001 Monster Challenge Triathlon.

OTHER**University of Arkansas Men's Ice Hockey, Fayetteville, AR**

Head Coach, August 2009-Present

- Administer all phases of an ACHA Division III program including practice coaching, in-game analysis, academic monitoring, community relations, and player conditioning.
- Coached 09-10 team to 27-8-0 record, which included an eighteen-game winning streak, an SEC title, the South Regional championship, and a top sixteen national finish.
- Led 10-11 team to overall record of 27-7-1, a second consecutive regular season conference title, a second consecutive invitation to the South Regional, and a second consecutive conference playoff championship.
- Led 11-12 team to overall record of 22-6-0 and a third consecutive regular season conference title.
- Led 12-13 team to 27-9-1 overall record, a fourth consecutive regular season conference title, a trip to the South Regional, and a third conference playoff championship.

University of Pennsylvania Men's Ice Hockey, Philadelphia, PA

Head Coach, Fall 2006-Spring 2008

- Administer all phases of an ACHA Division II men's ice hockey program including practice and game coaching, interacting with prospective student-athletes, player conditioning, alumni and community relations and administrative duties associated with the Team.
- Assumed responsibility mid-season for a team outscored by an average of 4.5 goals in first seven games of the 06-07 season; team outscored by .75 goals in remaining twenty-five games.
- Coached 07-08 team, comprised of a roster nearly identical to 06-07 team, to overall record of 13-13-2.