

**RESUME**  
**STEPHEN ALLAN SALTZBURG**  
**WALLACE AND BEVERLEY WOODBURY UNIVERSITY PROFESSOR**

**WORK ADDRESS**

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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, 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**

Co-Chair, Third Circuit Task Force on Selection of Class Counsel, 2001 - present  
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, United States Court of Appeals for the District of Columbia Appellate Mediation  
Program, 1992 - Present  
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

Reporter, U.S. District Court for the District of Columbia Civil Justice Reform Act Advisory Group, 1991- 1993  
Member, Advisory Committee on Federal Rules of Criminal Procedure, 1990 - 1995  
Reporter, Advisory Committee on Federal Rules of Criminal Procedure, 1984 - 89  
Liaison Member from Advisory Committee on Federal Rules of Criminal Procedure to Advisory Committee on Federal Rules of Evidence, 1993- 1995  
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**

Chair, ABA Criminal Justice Section Committee on Trial Advocacy, 1990 – 1996  
Member, ABA Criminal Justice Section Council, 1999-2001  
Member, ABA Criminal Justice Standards Committee, 1996 - 1999  
Member, ABA House of Delegates 2001-Present  
Chair, ABA Justice Kennedy Commission, 2003 - 2004  
Vice-Chair, ABA Litigation Section Committee on Trial Evidence, 1991-1995  
Member, ABA Litigation Section Council, 2001-Present  
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  
Member, ABA Special Committee on the Prosecution Function, 1991- 1993  
Member, ABA Task Force on Enemy Combatants  
Member, ABA Task Force on Gatekeepers and the Profession  
Member, ABA Task Force on Terrorism and the Law, 2001-2002  
Reporter, American College of Trial Lawyers Task Force on Litigation Issues, 1986 – 88  
Member, NIJ Less than Lethal Liability Panel, 1993 - 2004  
Reporter, National Committee to Prevent Wrongful Executions, 2000-2002

### **HONORS**

Honorary Faculty Member, Judge Advocate General School, Charlottesville, Virginia  
Recipient, William J. Brennan, Jr. Award, University of Virginia Trial Advocacy Institute  
Member, Fellow of the American Bar Foundation, 1993 - Present  
2000 ALI-ABA Francis Rawle Award for Outstanding Contributions to Post-Grad Legal Educ.

### **BAR MEMBERSHIPS**

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

### **PUBLICATIONS**

List Supplied Upon Request

## **PUBLICATIONS OF STEPHEN A. SALTZBURG**

### **BOOKS**

- American Criminal Procedure (First Edition, 1980 (Author), Second Edition, 1984 (Author), Third Edition, 1988 (Author), Fourth Edition, 1992 (Co-Author), Fifth Edition, 1996 (Co-Author), Sixth Edition, 2000 (Co-Author), Seventh Edition, 2004 (Co-Author)
- Basic Criminal Procedure (First Edition, 1994, Second Edition, 1997, Third Edition 2003, Fourth Edition 2005) (Co-Author)
- California and Federal Evidence Trial Book (1999) (Co-Author)
- Criminal Law: Cases and Materials (First Edition, 1994, Second Edition 2000) (Co-Author)
- Emerging Problems Under the Federal Rules of Evidence (First Edition, 1983) (Reporter); Second Edition 1991 (Reporter); Third Edition, 1998 (Contributing Editor)
- Evidence in America (4 Volumes, 1987) (Co-Author)
- Evidence: The Objection Method (First Edition, 1997), (Second Edition, 2002) (Co-Author)
- Evidence Supplement: Rules, Statutes, Commentary (1980)
- Federal Criminal Jury Instructions (3 Volumes, First Edition, 1985, Second Edition 1991) (Co-Author)
- Federal Rules of Evidence Manual (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 (Co-Author)
- Federal Rules of Evidence Manual: The Trial Book (1998)
- Federal Rules of Evidence Trial Book (1998)
- Materials on International Human Rights and U.S. Criminal Law and Procedure (1989)(Collaboration)
- Military Evidentiary Foundations (1994) (Co-Author)
- Military Rules of Evidence Manual (First Edition, 1981, Second Edition, 1986, Third Edition, 1991, Fourth Edition, 1997, Fifth Edition, 2003, Sixth Edition 2007) (Co-Author)
- A Modern Approach to Evidence (First Edition, 1977, Second Edition, 1982) (Co-Author)
- Ohio Rules of Evidence Trial Book (1999)(Co-Author)
- Texas Rules of Evidence Trial Book (2000) (Co-Author)
- Trying Cases to Win: Anatomy of a Trial (1999) (Co-Author)
- Trying Cases to Win: Evidence: Weapons for Winning—Hearsay, Confrontation (2003) (Co-Author) (plus 2003 Supplement)
- Trying Cases to Win: Evidence: Weapons for Winning—Lay Witness and Expert Opinion (2004) (Co-Author)
- Trying Cases to Win: Evidence: Weapons for Winning—Relevance, Authentication, Motions in Limine, Voir Dire, Depositions (2000)(Co-Author)(plus 2003 Supplement)
- Washington Evidence Trial Book (1999) (Co-Author)

### **ARTICLES**

- 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)

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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)

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*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)

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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)

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

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

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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)

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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)

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

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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)

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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)

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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)

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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 (1985)

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

### **Miscellaneous**

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

Panel Discussion--Jury Nullification, 145 F.R.D. 166-193 (March 1993)

The Federal Rules of Evidence and the Continuing Education of Judges and  
Lawyers, 5 Virginia 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)

Foreword to Fa, A Comparative Study of Judicial Review Under  
Nationalist Chinese and American Constitutional Law (University of  
Maryland Press, 1980)