

Curriculum Vitae of Melanie D. Wilson

Dean and Lindsay Young Distinguished Professor of Law
The University of Tennessee College of Law
1505 Cumberland Avenue
Knoxville, Tennessee 37916
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Academic Appointments:

University of Tennessee, Knoxville, Tennessee:
College of Law:
Dean and Lindsay Young Distinguished Professor – July 2015 to present

University of Kansas, Lawrence, Kansas:
School of Law:
Associate Dean for Academic Affairs – June 2011 to August 2011; and
December 2011 to June 2015
Professor – May 2011 to June 2015
Associate Professor – June 2007 to May 2011
Director of Diversity and Inclusion – January 1, 2014 to June 2015

Office of the Provost:
Senior Administrative Fellow – August 2012 to May 2013

College of William and Mary, Williamsburg, Virginia:
Marshall Wythe School of Law:
Visiting Professor – August 2011 to December 2011

John Marshall Law School, Atlanta, Georgia:
Associate Professor – June 2005 to July 2007

Emory University School of Law, Atlanta, Georgia:
Adjunct Professor – August 1994 to May 1999

Courses Taught: Investigative Criminal Procedure, Adjudicatory Criminal Procedure, Criminal law, Evidence, the Art of Advocacy, and Research, Writing and Advocacy.

Legal Experience:

Assistant United States Attorney

United States Attorney's Office, Northern District of Georgia, Atlanta, Georgia – October 2001 to May 31, 2005; Middle District of Georgia, Macon, Georgia, September 1999 to October 2001.

Job Duties: Assistant United States Attorney, Criminal Division – supervising complex criminal investigations and prosecuting violent crimes, government fraud, immigration, and public corruption cases; working with federal law enforcement agents, agency counsel, and DOJ lawyers; Civil Division – supervising and defending civil litigation against the United States.

Assistant Attorney General, State of Georgia

Office of the Attorney General, Atlanta, Georgia, March 1995 to April 1999.

Job Duties: Defending state agencies in federal litigation alleging employment discrimination and civil rights violations; representing and advising members of the Georgia Board of Medical Examiners and overseeing and pursuing administrative prosecutions.

Associate Attorney

Sutherland, Asbill & Brennan, Atlanta, Georgia
September 1993 to February 1995.

Smith, Gambrell & Russell, Atlanta, Georgia
Summer 1989, August 1990 to December 1991.

Federal Judicial Clerk

The Honorable Richard C. Freeman
United States District Court, Northern District of Georgia
January 1992 to August 1993.

Education:

University of Georgia School of Law, Athens, Georgia

Juris Doctor, *magna cum laude* – May 1990.

Order of the Coif; *Georgia Law Review*; Talmadge Scholarship recipient

University of Georgia, Athens, Georgia

Bachelor of Arts, Journalism; minor in business, *magna cum laude* – June 1987.

Scholarship Athlete, Golf (1983-1986); Academic All-American (1986);

Academic All-SEC (1985 and 1986); member of SEC Championship team

(1986); recipient, Alumni Academic/Athlete Award for Golf (1985 and 1986).

Selected Awards:

Recipient, University of Kansas Outstanding Woman Educator, selected by Emily Taylor Center for Women and Gender Equity based on faculty and student nominations University-wide (April, 2015);

Recipient, Howard M. and Susan Immel Award for Teaching Excellence, University of Kansas School of Law (2011);

Commendation from John Ashcroft, United States Attorney General (March 21, 2002) (for special assignment as assistant U.S. attorney detailed to the Southern District of Florida).

Scholarship:

Books:

Gilbert Law Summaries, Criminal Procedure, 19th Edition (West Academic Publishing 2016) (with Paul Marcus);

Criminal Procedure in Practice, Fourth Edition (American Bar Association 2014) (with Paul Marcus and Jack Zimmermann);

Criminal Procedure, Eighth Edition (LexisNexis 2014) (with Joseph G. Cook and Paul Marcus);

Gilbert Law Summaries, Criminal Procedure, 18th Edition (West Academic Publishing 2011) (with Paul Marcus);

Criminal Procedure, Seventh Edition (LexisNexis 2009) (with Joseph G. Cook and Paul Marcus).

Articles and Essays:

Anti-Justice, 81 Tenn. L. Rev. 699 (2015);

Sentencing Inequality Versus Sentencing Injustice, The Federal Lawyer (July 2014);

Juror Privacy in the Sixth Amendment Balance, 2012 Utah L. Rev. 2023 (2012);

Quieting Cognitive Bias with Standards for Witness Communications, 62 Hastings L.J. 1227 (2011);

Improbable Cause: A Case for Judging Police by a More Majestic Standard, 15 Berk. J. Crim. L. 259 (2010);

"You Crossed the Fog Line!" – Kansas, Pretext, and the Fourth Amendment, 58 Kan. L. Rev. 1179-1220 (2010);

An Exclusionary Rule for Police Lies, 47 Am. Crim. L. Rev. 1-55 (2010);

The Return of Reasonableness: Saving the Fourth Amendment From the Supreme Court, 59 Case W. Res. L. Rev. 1-60 (2008);

Reprinted, in part, Cynthia Lee, *The Fourth Amendment: Searches and Seizures, The Fourth Amendment, Its Constitutional History and the Contemporary Debate* (Prometheus Books 2011);

Prosecutors “Doing Justice” Through Osmosis – Reminders to Encourage a Culture of Cooperation, 45 Am. Crim. L. Rev. 67-113 (2008);

Finding a Happy and Ethical Medium Between a Prosecutor Who Believes the Defendant Didn’t Do It and the Boss Who Says That He Did, 103 Nw. U. L. Rev. Colloquy 65-71 (Aug. 25, 2008), available at <http://colloquy.law.northwestern.edu/main/2008/08/finding-a-happy.html>;

DNA – Intimate Information or Trash for Public Consumption?, Baylor L. Rev., *TexSupp* (July 24, 2008), available at <http://www.TexSupp.com/2008/07/24/dna-intimate-information-or-trash-for-public-consumption/>;

A Return to the Grand Jury to Promote a Zen Zeal in Prosecutors, Wash.U. L. Rev, *Slip Opinions*, <http://lawreview.wustl.edu/2008/04/02/a-return-to-the-grand-jury-to-promote-a-zen-zeal-in-prosecutors/> (Apr. 2, 2008);

The Price of Pretrial Release: Can We Afford to Keep Our Fourth Amendment Rights?, 92 Iowa L. Rev. 159-211 (2006);

Adapted for publication in “The Fourth Amendment Price of Pretrial Release,” 34 Search & Seizure Law Report No. 5 (May 2007);

In Booker’s Shadow: Restitution Forces a Second Debate on Honesty in Sentencing, 39 Ind. L. Rev. 379-416 (2006);

Since When Is Dicta Enough to Trump Fourth Amendment Rights? – The Aftermath of Florida v. J.L., 31 Ohio N. Univ. L. Rev. 211-230 (2005);

Adapted for publication in “*Florida v. J.L.*: Supreme Court Dicta Clears a Path Through Established Fourth Amendment Rights,” 33 Search & Seizure Law Report No. 1 (January 2006).

Other Works:

Legal Update: State v. Johnson: After finding the issue “nonjusticiable,” the Tennessee Court of Criminal Appeals declared that the accused in a criminal case can compel victims and witnesses to obtain and produce their relevant social media and other electronic communications before trial. Dicta: Knoxville Bar Association, Vol. 44 No. 8 (September 2017).

Criminal Procedure, Eighth Edition, 2014, 2015, and 2016 Supplement (LexisNexis with Joseph G. Cook and Paul Marcus);

Criminal Procedure, Seventh Edition, 2010, 2011, 2012 and 2013 Supplement (LexisNexis) (with Joseph G. Cook and Paul Marcus);

Criminal Procedure, Eighth Edition, Teacher's Manual (LexisNexis 2014) (with Joseph G. Cook and Paul Marcus);

Criminal Procedure, Seventh Edition, Teacher's Manual (LexisNexis 2009) (with Joseph G. Cook and Paul Marcus);

Gilbert Law Summaries, Criminal Procedure, 2012, 2013, 2014, and 2015 Supplement (West Academic Publishing) (with Paul Marcus).

Presentations:

Scholarly Presentations:

"The Morality Barrier to Prosecutorial Justice," 2014-2015 Chapman Dialogue Series, Chapman University Fowler School of Law, November 13, 2014;

Panelist, "Taz and Morality and Ethics," The Taslitz Galaxy: A Gathering of Scholars to Honor Andrew Taslitz, Howard University Law School, Washington, D.C., September 19, 2014;

"Juror Privacy in the Sixth Amendment Balance," University of Iowa College of Law, Iowa City, Iowa, April 6, 2012;

"Government GPS Monitoring: Big Brother or No Big Deal?," Marshall Wythe School of Law, College of William and Mary, Williamsburg, VA, September 20, 2011;

"Gender Disparities in the Federal Justice System," the Association of American Law Schools Workshop on "Women Rethinking Equality," Washington, DC, June 21, 2011;

"Adjudication and Trial," Law and Society Annual Conference, San Francisco, California, June 4, 2011;

"Juror Exposure," University of Nebraska College of Law, Lincoln, Nebraska, April 12, 2011;

Poster Presenter, "Improbable Cause: A Case for Judging Police By a More Majestic Standard," Conference on Empirical Legal Studies, Yale Law School, New Haven, Connecticut, November 5, 2010;

"Protecting Jurors with the Fourth and Fifth Amendments," Michigan State University School of Law, Lansing, Michigan, October 1, 2010;

Police and the Courts: Judicial Management and Evaluation of Law Enforcement Activity, Law & Society Annual Conference, Chicago, Illinois. May 27, 2010;

“Police Lies,” Southwest Junior Faculty Conference, Arizona State University School of Law, Tempe, AZ, March 15, 2010;

“Judging Police Lies: An Empirical Perspective,” University of North Carolina School of Law, Chapel Hill, North Carolina, February 26, 2010;

“Judging Police Lies: An Empirical Perspective,” Washburn University School of Law, Topeka, Kansas, February 19, 2010;

“Judging Police Lies: An Empirical Perspective,” William and Mary School of Law, Williamsburg, Virginia, January 28, 2010;

“Judging Police Lies: An Empirical Perspective,” The University of Oregon School of Law, Eugene, Oregon, November 11, 2009;

“Judging Police Lies: An Empirical Look,” Atlanta’s John Marshall Law School, Atlanta, Georgia, November 4, 2009;

“Judging Police Lies,” Central States Law Schools Association 2009 Conference, Columbus, Ohio, Oct. 24, 2009;

“Fear and Loathing in Criminal Law,” 2009 Law & Society Meeting, Denver, Colorado. May 29, 2009;

“Police Lies,” University of Missouri School of Law, Columbia, MO, April 24, 2009;

“Finding the Truth in Police Lies,” Washington University School of Law, St. Louis, Missouri, Dec. 5, 2008;

“The Return of Reasonableness: Saving the Fourth Amendment From the Supreme Court,” Central States Law Schools Association 2008 Conference, Southern Illinois University, Carbondale, Illinois, Oct. 25, 2008;

“Returning Reasonableness to the Fourth Amendment,” 2008 Midwest Law and Society Retreat, University of Wisconsin, Madison, Wisconsin, Sept. 20, 2008;

“Prosecutors Doing Justice Through Osmosis,” University of Cincinnati College of Law, Cincinnati, Ohio, Sept. 28, 2007.

Selective Community and Service Presentations:

Speaker, “Electronic Evidence,” 33rd Annual Western Arkansas Trial Practice Seminar, Fayetteville, Arkansas, September 15, 2017;

Panelist, "What I'd Like to Ask a Dean," South Eastern Association of Law Schools Annual Meeting, Boca Raton, Florida, August 1, 2017;

Panelist, "From the Deans' Suite: A Candid Discussion about Tuition, Loans, Repayment, and Counseling," South Eastern Association of Law Schools Annual Meeting, Boca Raton, Florida, August 1, 2017;

Keynote Speaker, "Leadership and Tenacity," University of Tennessee Professional Development Conference for Women, Knoxville, Tennessee, March 16, 2017;

Keynote Speaker, "Lessons from Miranda v. Arizona," East Tennessee Lawyers' Association for Women, Knoxville, Tennessee, October 19, 2016;

Panelist, "On Being a Leader," Conference on Promoting Diversity in Law School Leadership, University of Washington School of Law, Seattle, Washington, August 13, 2016;

Panelist, "Is There a Recovery in Your Future?: A Candid Conversation Between Deans and Former Deans," Southeastern Association of Law Schools, Amelia Island, Florida, August 8, 2016;

Keynote Speaker, "Miranda, More Than Words," Federal Bar Association Law Day, Greeneville, Tennessee, April 29, 2016;

Keynote Speaker, Lawyers' Association for Women, 2015 New Lawyer admitted attorneys' breakfast, Music City Center, Nashville, Tennessee, November 3, 2015;

Presenter, "Race, Policing and Criminal Justice: The Lawyer's Impact on Liberty and Social Change," University of Tennessee College of Law, Knoxville, Tennessee, October 19, 2015;

Keynote Speaker, University Women's Club, University of Tennessee, Knoxville, Tennessee, October 9, 2015;

Commenter, Federalist Society student event on police misconduct, University of Tennessee College of Law, Knoxville, Tennessee, September 30, 2015;

Speaker, Blount County Bar Association, Maryville, Tennessee, September, 2, 2015;

Panelist, "Is the Perfect Storm Abating?: A Candid Discussion with Deans," Deans' Workshop, Southeastern Association of Law Schools, Boca Raton, Florida, July 28, 2015;

Keynote Speaker, "The Magna Carta, the American Criminal Justice System, and the Lawyer's Role in Protecting Freedom," Knoxville Bar Association Law Day Program, Knoxville, Tennessee, May 1, 2015;

Keynote Speaker, “Making the Write Choice,” *University of Tennessee Law Review* Banquet, Knoxville, Tennessee, April 2, 2015;

Panelist, the Faculty’s Role in Law School Fundraising, AALS Yearly Conference, Washington, D.C., January 5, 2015;

Speaker, “The Unappreciated Risks of Infringing Juror Privacy,” Kansas Judicial Conference, Wichita, Kansas, June 20, 2013;

Panelist, “Ethical Communications With Third Parties,” Roundtable Discussion, American Bar Association Proposed Prosecution and Defense Function Standards, Case Western Reserve University School of Law, Cleveland, Ohio, October 29, 2010;

Panelist, “Ethical Communications With Third Parties,” Roundtable Discussion, American Bar Association Proposed Prosecution and Defense Function Standards, Roger Williams University School of Law, Bristol, Rhode Island, October 15, 2010;

Panelist, “Ethical Communications With Third Parties,” Roundtable Discussion, American Bar Association Proposed Prosecution and Defense Function Standards, Stetson University College of Law, Tampa, Florida, Sept. 25, 2010;

Commenter, “Under Fire: *D.C. v. Heller* and the Second Amendment,” University of Kansas School of Law Federalist Society Noon Forum, Oct. 14, 2008;

Speaker, “Significant Criminal and Criminal Procedure Decisions in the 2005 Supreme Court Term,” Continuing Legal Education Program, John Marshall Law School, Atlanta, Georgia, Dec. 19, 2006.

Service:

National:

Member, Association of American Law Schools Nominating Committee (2017-18).

University of Tennessee:

Member, Search Committee for Dean of UT Extension, Institute of Agriculture (Spring 2017);

Administrative Member, Faculty Senate (2016-present);

Member, Student Life Council (2015-2017);

Council of Deans (2015-present)

University of Kansas:

University:

Member, Diversity Leadership Council (fall 2014);

Member, University Advisory Group to the Provost (2014-15);

Judge, Kansas Undergraduate Research Symposium (Apr. 26, 2014);

Member, University Academic Assessment Committee (2013-14);
Member, Committee on Human Trafficking (2013);
Member, Search Committee for Dean of the Law School (2010-11);
Faculty Mentor, University of Kansas Women's Swim Team (2009-15);
Member, Phi Kappa Phi Awards Committee (fall 2007).

School of Law:

Director of Diversity and Inclusion (2014-15);
Chair, Faculty Diversity and Inclusion Committee (2014-15);
Chair, Kansas City Outreach Committee (2013-14);
Member, Clinical Education Committee (spring 2014);
Member, Academic Affairs Committee (2012-15);
Co-advisor, *Kansas Law Review* (2011-15) (with Prof. Christopher R. Drahozal);
Member, Student Scholarship Committee (2013-15);
Member, Faculty Appointments Committee (2009-10; 2011-12; 2012-13);
Member, Faculty Workshops and Lectureships Committee (2007-15)
Law Faculty Mentor, High School Summer Camp Pipeline Program (June 2011 and June 2012)
Coach, KU Law National Mock-trial Team (2007-08; 2014-15).

John Marshall Law School

Chair, Curriculum Committee (2006-07);
Member Academic Standards Committee (2005-07);
Member, Dean Search Committee (spring 2006);
Member, Faculty Recruitment Committee (2005-06);
Member, Faculty Development Committee (2005-06);
Coach, two competitive mock-trial competition teams (fall and spring, 2006-07);

Outreach in the Community:

Tennessee:

Member, Leadership Tennessee Class V (2017-2018)
Member, Executive Women's Association (2017-present);
Graduate, Knoxville's FBI Citizens' Academy, Class of 2017;
Member, Introduction Knoxville, Class of Fall 2016;
Member, Hamilton Burnett American Inn of Court (2016-present);
Member, Tennessee Lawyers' Association for Women, Marion Griffin Chapter (2015-present);
Member, East Tennessee Lawyers' Association for Women (2016-present);
Member, Tennessee Bar Association (not admitted to practice) (2016-present).

Kansas:

Outside Reviewer, Tenure Decision (October 2014);
Outside Reviewer, Promotion Decision for Full Law Professor (July 2013);
Outside Reviewer, Promotion Decision for Full Law Professor (September 2012);

Academic Presenter, American Bar Association Project to Amend the Criminal Justice Prosecution and Defense Function Standards (2009-2011);
Teacher, Mock Class Wichita Bar Ass'n (Apr. 7, 2011);
Speaker, "What Are Your Rights?" – Black Law Students Association's Thurgood Marshall Law Day (Feb. 2010 and Feb. 2012);
Member, Advisory Committee to the Kansas Judicial Council (Aug. 2008-April, 2009) – (studying 2008 House Bill No. 2943 regarding false claims and resulting in passage of SB 44 on April 20, 2009);
Peer Reviewer, Criminal law study aid (May 2007).

Bar Admissions:

State of Georgia, since 1990.

Selective Media Quotes and Stories:

Mike Blackerby, *UT Law Dean Quietly Builds Faculty Strength*, Tennessee Ledger (July 21, 2017), available at <http://www.tnledger.com/knoxville/editorial/ArticleEmail.aspx?id=98840&print=1>

Mike Blackerby, *More Bang for the Buck at UT Law School*, Tennessee Ledger (Feb. 24, 2017), available at <https://www.tnledger.com/editorial/ArticleEmail.aspx?id=95087&print=1>;

Peter Hancock, *Mental Illness Defense May Be Hard for McLinn, Experts Say*, Lawrence Journal World (May 27, 2014), available at <http://www2.ljworld.com/news/2014/may/27/mental-illness-defense-may-be-hard-mclinn-experts/> ;

Guest, HuffPost Live, *Warrantless Wiretapping Goes to Court* (October 28, 2013) (with Mary Fan and Orin Kerr; hosted by Mike Sachs), available at <http://live.huffingtonpost.com/r/segment/federal-case-tests-us-warrantless-surveillance/52696b13fe344421dc000416>;

Karen Dillon, *Evidence for Search of Leawood Home Called Flimsy*, The Kansas City Star, available at http://m.kansascity.com/kcstar/db_41535/contentdetail.htm?contentguid=A99GzPZ2&full=true#display (May4, 2013);

Kathleen Pointer, *The American Judicial System: Is It Abusing Potential Jurors?*, Kansas City Public Media, available at <http://kcur.org/post/american-judicial-system-it-abusing-potential-jurors> -- part of live interview by Steve Kraske on "Up to Date" segment (May 2, 2012);

George Diepenbrock, *KU law professor makes case for juror privacy*, Lawrence Journal World (Apr. 29, 2012), available at <http://www2.ljworld.com/news/2012/apr/29/ku-law-professor-makes-case-juror-privacy/>

Staff, *Potential jurors have fewer right than defendants, KU professor says*, The Wichita Eagle (Apr. 25, 2012), available at <http://www.kansas.com/2012/04/25/2310189/potential-jurors-have-fewer-rights.html>

Gia Vang, *Police Tracking Laws Changed by Supreme Court*, Fox4KC.com (Jan. 23, 2012), available at <http://mobile.fox4kc.com/?targetUrl=http://fox4kc.com/?p=26445>

Linda Waddington, *Iowa Bills Open Door for Use of Deadly Force to Protect the Unborn*, The Iowa Independent (Feb. 24, 2011), available at <http://iowaindependent.com/52869/iowa-bills-open-door-for-use-of-deadly-force-to-protect-the-unborn> See also “The National Effort to Restrict Reproductive Rights,” The Huffington Post (2/25/11), available at http://www.huffingtonpost.com/2011/02/25/reproductive-rights-restriction-efforts_n_828482.html#s245373&title=Iowa_Bill_Allows

Steven Koranda, Kansas Public Radio (Aug. 6, 2010) (recorded interview regarding role of United States Attorney for the District of Kansas given appointment of Barry R. Grissom on August 6), available at <http://www.kansaspublicradio.org/newsstory.php?itemID=23204>.

Roxana Hegeman, Associated Press, *Trial Begins in Slaying of Kansas Abortion Provider*, Yahoo News (Jan. 22, 2010) (regarding the voluntary manslaughter defense in the Scott Roeder murder trial), available at http://news.yahoo.com/s/ap/20100122/ap_on_re_us/us_abortion_shooting_trial

Roxana Hegeman, Associate Press, *Judge Mulls Pivotal Issues in Kansas Abortion Trial*, (quoted on necessity or “choice of evils” defense), appeared in The New York Times; The Washington Post; The Los Angeles Times (Dec. 20, 2009); USA Today; Lawrence Journal-World (Dec. 21, 2009), available at http://www.foxnews.com/printer_friendly_story/0,3566,580697,00.html

Sonia Scherr, *Alleged Killer of Abortion Doctor Fights for Necessity Defense*, Southern Poverty Law Center Blog (Nov. 25, 2009) (regarding the necessity defense), available at <http://www.splcenter.org/blog/2009/11/25/alleged-killer-of-abortion-doctor-fights-for-necessity>