

R. MICHAEL CASSIDY
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EDUCATION

HARVARD LAW SCHOOL, Cambridge, Massachusetts Juris Doctor, *magna cum laude*, 1985.

UNIVERSITY OF NOTRE DAME, South Bend, Indiana Bachelor of Arts, *magna cum laude*, 1982.
Major: Government. *Phi Beta Kappa*.

EXPERIENCE

(PRESENT) **BOSTON COLLEGE LAW SCHOOL**

Professor of Law (tenured since 2005)

Courses: Evidence
Criminal Law
White Collar Crime
Prosecutorial Ethics
Advanced Evidence: Trial Objections
Professional and Moral Responsibility of Lawyers

Awards: Slizewski Distinguished Teaching Award (2005, 2010, 2016, 2019 and 2020)
Student Yearbook Dedication (2003 and 2006)
Faculty Pro Bono Service Award (2006)
University Public Service Award (2002)

Faculty Director

Rappaport Center for Law & Public Policy (2015-2018)

Supported research and hosted lectures, debates and roundtable discussions on important public policy issues affecting Greater Boston and Massachusetts. Center also provides fellowships and mentoring support for law students interested in pursuing careers in government service.

Associate Dean for Academic Affairs (2007-2010)

Responsible for all aspects of the academic program, including developing curriculum; making teaching assignments; recruiting, training and mentoring new full-time faculty; hiring adjunct faculty; planning faculty colloquia and symposia; complying with ABA accreditation standards; promoting faculty scholarship; implementing academic policies; hearing allegations of student academic misconduct; and, providing direction to staff in Registrar's office. Advised Dean on strategic initiatives.

Associate Dean for Administration and Finance (1996-2002)

Responsible for administrative operations of the law school, including Admissions, Financial Aid, Career Services, Public Relations & Print Marketing, Law Reviews, and Faculty Support. Chief law School personnel officer and fiscal officer, responsible for managing an annual operating budget of

approximately \$20 million. Oversaw construction of new \$13 million classroom and faculty office building. Coordinated annual reporting to university and accrediting agencies, and annual response to survey instruments such as US News & World Report.

Department Service: Chair, Academic Standards Committee
Chair, Admissions Committee
Co-Chair, Law School Building Committee
Chair, Clinical Appointments
Member, Appointments Committee
Member, Educational Policy Committee
Member, Bar Success Task Force

University Service: Provost Search Committee (2013-2014)
University Athletic Advisory Board (2013-2016)
University Budget Committee (1999-2000)

(1988-1996) OFFICE OF THE ATTORNEY GENERAL
Commonwealth of Massachusetts

Chief, Criminal Bureau (1993-1996)

Managed legal, investigative and support staff of over 100 employees. Approved charging decisions, litigation strategy, and sentencing recommendations. Advised the Attorney General on law enforcement policy and legislation.

Deputy Chief, Criminal Bureau (1992-1993)

Supervised litigation in Public Corruption, Narcotics & Organized Crime, and Appellate Divisions. Carried full trial and appellate caseload. Reviewed briefs of Assistants before their filing on behalf of the Commonwealth in state and federal appellate courts.

Chief, Narcotics and Organized Crime Division (1991-1992)

Supervised six lawyers and investigative work of twenty police officers assigned to Attorney General's CPAC. Approved search warrant applications, wiretap authorizations, and prosecution memoranda.

Assistant Attorney General, Criminal Bureau (1988-1991)

Responsible for investigation, trial and appeal of felony cases in areas of drug trafficking, extortion, arson, armed robbery, and police misconduct. Argued numerous cases before the Massachusetts Supreme Judicial Court.

(1986-1988) FOLEY, HOAG & ELIOT
Boston, Massachusetts

Litigation Associate.

Responsibilities included legal research, preparation of briefs and legal memoranda, conducting depositions and discovery, and motion practice. Member, firm hiring committee.

(1985 – 1986) LAW CLERK, HONORABLE EDWARD F. HENNESSEY
Chief Justice, Massachusetts Supreme Judicial Court

PROFESSIONAL AND COMMUNITY SERVICE

Member, Supreme Judicial Court Committee to Study and Implement Virtual Grand Juries Appointed by Court to make recommendations on criminal procedure changes in light of Covid-19 pandemic and court closures. (2020).

Member, Supreme Judicial Court Committee on Massachusetts Evidence Tasked with writing and annually updating *Massachusetts Guide to Evidence*, a bench book utilized by trial judges and litigators.

Member, Supreme Judicial Court Standing Committee on Rules of Professional Conduct Appointed by the Court for two terms, (2011-2018). Comprehensive revision of rules approved by the Court on October 30, 2014.

Member, Supreme Judicial Court Special Committee to Implement Attorney-Conducted Voir Dire Appointed by the Court, (2014).

Member, Special Commission on the Compensation of District Attorneys and Public Defenders Appointed by Governor Deval Patrick, (2014).

Member, Massachusetts Judicial Nominating Commission Appointed by Governor Deval Patrick, (2007-2009).

Advisory Committee, National District Attorneys Association Served as Reporter for revision of National Prosecution Standards.

Member, Massachusetts State Police Academy Commission Appointed by Commandant of State Police to serve on seven-member commission charged with studying and implementing reforms at police training academy. Final report issued March 30, 2006.

Member, Governor's Commission on Corrections Reform Appointed by Governor Mitt Romney to fifteen-member commission charged with studying overhaul of Massachusetts penal system. Final report issued to Governor in June 2004.

Commissioner, Massachusetts State Ethics Commission Appointed by Secretary of Commonwealth William Galvin to five-member commission responsible for enforcing conflict of interest laws. Served as hearing officer for contested cases in administrative hearing. (2000–2002).

Commissioner, Special Commission on Ethics Reform Created by Chapter 43 of the Acts of 1994. Final report and recommendations issued June 1995.

Massachusetts Law Review, Published by Massachusetts Bar Association

Editor-in-Chief, (1997-2000).

Articles Editor, (1994-1996).

Comments Editor, (1992-1993).

Staff Editor, (1989-1991 and 2001-2003).

Member, Supreme Judicial Court Committee to Draft Model Homicide Jury Instructions Instructions and Commentary completed and adopted by the Court in July, (1999).

Harvard Law School Board of Visitors Appointed by Dean Robert Clark to a Subcommittee studying issues of student life, (1998).

Boston Police Department Appointed by Boston Police Commissioner Paul Evans to serve on Commission studying Integrity in Policing, (1997).

Massachusetts Bar Association

Member, Criminal Justice Section Council, (1989-1991).

Legislation Subcommittee Chair, (1990-1991).

Town of Winchester, Massachusetts

Elected Town Meeting Member, (1998-present).

Member, Financial Advisory Committee to the Selectmen.

Search Committee, McCall School Principal.

Trustee, Winchester Foundation for Education Excellence.

St. Mary's Parish, Winchester, Massachusetts

Usher

Eucharistic Minister

Religious Education Teacher

Cor Unum Volunteer

OTHER PROFESSIONAL ACTIVITIES

Member, American Law Institute (Elected 2012).

Fellow, American Bar Foundation (Elected 2014).

Executive Committee, AALS Professional Responsibility Section (2013-2016).

Member, ABA/AALS Accreditation Committee, Sabbatical Site Inspection Teams Penn State/ Dickinson School of Law (March, 2009); Cornell Law School (April, 2011); University of Kansas School of Law (March, 2013); UC Hastings (AALS Representative, November, 2014); University of Pittsburgh (AALS representative, March, 2018).

Ignatian Colleagues Program (2010-2011). *One of three Boston College senior staff members selected to participate in national program for faculty and administrators at Jesuit Colleges and Universities. Intensive eighteen-month workshop included study, service and spiritual direction, and was designed to give lay leaders at Jesuit institutions "a deeper understanding of the Ignatian values and Jesuit history that underlie contemporary Jesuit Catholic Education."*

Consultant, U.S. Department of Justice, Civil Rights Division (August, 2017--). *Advise Department attorneys in ongoing investigation pertaining to alleged police misconduct and prosecutorial ethics.*

SCHOLARSHIP FORTHCOMING

On The "Me Too" Movement and Pendulum Swings: Cross Examining Alleged Sexual Assault Victims on Prior Instances of Dishonesty.

BOOKS

PROSECUTORIAL ETHICS (West, 3d ed., 2019).
PROFESSIONAL RESPONSIBILITY IN FOCUS (Wolters/Kluwer 2017)(with John P. Sahl, Benjamin P. Cooper and Margaret C. Tarkington).
LAWYERS AND FUNDAMENTAL MORAL RESPONSIBILITY (Lexis/Nexis, 2d ed., 2010)(with Daniel R. Coquillette and Judith A. McMorrow).
MASSACHUSETTS GUIDE TO EVIDENCE (contributing editor)(Flaschner Judicial Institute, 2018-present).

ARTICLES AND BOOK CHAPTERS

Undue Influence: The Role of Prosecutors in Parole Proceedings, 16 OHIO ST. J. CRIM. L. 293 (2019) (invited symposium contribution).
Catholic Social Thought and Criminal Justice Reform, 15 J. CATH. SOC. THOUGHT 261 (2018)(peer reviewed).
The Grand Jury: A Shield of a Different Sort, 51. GA. L. REV. 1001 (2017)(with Julian A. Cook, III)(invited symposium contribution).
Silencing Grand Jury Witnesses, 91 IND. L. J. 823 (2016).
Sentencing Reform: The Power of Reasons, 97 MASS. L. REV. 80 (2016) (with Robert L. Ullmann).
Reforming the Law School Curriculum from the Top Down, 64 J. LEGAL EDUC. 428 (2015).
(Ad)ministering Justice: A Prosecutor's Ethical Duty to Support Sentencing Reform, 45 LOY U. CHI. L. J. 981 (2014).
Strategic Austerity: How Some Law School Affordability Initiatives Could Actually Improve Learning Outcomes, 17 CHAP. L. REV. 119 (2013)(invited symposium contribution).
Beyond Practical Skills: Nine Steps for Improving Legal Education Now, 53 B. C. L. REV. No. 1515 (2012).
The Model Penal Code's Wrong Turn: Renunciation as a Defense to Criminal Conspiracy, 64 FLA. L. REV. 353 (2012)(with Gregory I. Massing).
Plea Bargaining, Discovery and the Intractable Problem of Impeachment Disclosures, 64 VAND. L. REV. 1429 (2011)(Winner, AALS Professional Responsibility Section "Zacharias Prize" for best legal ethics article published in 2011).
Some Reflections on Ethics and Plea Bargaining: an Essay in Honor of Fred Zacharias, 48 SAN DIEGO L. REV. 93 (2011)(invited contribution).
FEDERAL CRIMINAL DISCOVERY: HANDBOOK REGARDING EXCULPATORY & IMPEACHMENT MATERIAL (MCLE 2009)(contributing author).
The Prosecutor and the Press: Lessons (Not) Learned from the Mike Nifong Debacle, 71 LAW & CONTEMP. PROBS. 67 (2008) (peer reviewed).
Reconsidering Spousal Privileges after Crawford, 33 AM. J. CRIM. L. 339 (2006).
Character and Context: What Virtue Theory Can Teach Us About a Prosecutor's Ethical Duty to "Seek Justice," 82 NOTRE DAME L. REV. 635 (2006).
Soft Words of Hope: Giglio, Accomplice Witnesses, and the Problem of Implied Inducements, 98 NW. U. L. REV. 1129 (2004).
Sharing Sacred Secrets: Is it (Past) Time for a Dangerous Person Exception to the Clergy-Penitent Privilege?, 44 WM. & MARY L. REV. 1627 (2003).
Toward a More Independent Grand Jury: Recasting and Enforcing a Prosecutor's Duty to Disclose Exculpatory Evidence, 13 GEO. J. LEGAL ETHICS 361 (2000).
Comment, *Public Education and Crime: Supreme Court Backs States' Rights*, 81 MASS. L. REV. 41 (1996).
Massachusetts Grand Jury Practice, in GRAND JURY PRACTICE (MCLE 1992).

Comment, *Commonwealth v. Amral*, 76 MASS. L. REV. 7 (1991).
The Massachusetts Drug Asset Forfeiture Law: A Dialogue, 75 MASS. L. REV. 165
(1990)(with Oliver Mitchell).

ESSAYS, REPORTS AND OTHER PUBLICATIONS

“*A District Attorney for All of Us?*” MASS. LAWYERS WEEKLY, April 14, 2020 at 47.
“*Who Should Investigate Police-Involved Killings?*” MASS. LAWYERS WEEKLY, May 25, 2015 at 47.
“*Promoting Diversity in the Criminal Justice System*,” BOSTON B. J., Spring 2015.
“*Educating Our Young Men about Rape*,” COGNOSCENTI, Sept. 8, 2014.
“*An Ode to Fatherhood*,” COGNOSCENTI, June 14, 2014.
“*Talking Sense About Sentencing*,” MASS. LAWYERS WEEKLY, April 11, 2011.
NATIONAL PROSECUTION STANDARDS (National District Attorneys Association, revised 3rd ed., 2009)(Co-reporter).
“*Scholar’s Forum*,” BC Law Mag., Fall/Winter 2012, at 32.
“*Fresh Faces*,” BC Law Mag., Fall/Winter 2009, at 34.
“*(A)vocation*,” BC Law Mag., Spring/Summer 2009, at 28.
“*To Lead and to Serve*,” BC Law Mag., Fall/Winter 2008, at 33.
“*Freshmen Orientation*,” BC Law Mag., Spring/Summer 2008, at 33.
“*First, Do No Harm*,” BC Law Mag., Fall/Winter 2007, at 31.
Why I Teach (A Prescription for the Post-Tenure Blues), 55 J. LEGAL EDUC. 381 (2005).
“*Strengthening Public Safety, Increasing Accountability, and Instituting Fiscal Responsibility in the Department of Correction*,” FINAL REPORT OF THE GOVERNOR’S COMMISSION ON CORRECTIONS REFORM, June 28, 2004 (contributing author).

SELECTED PRESENTATIONS

Panelist: Prosecutorial Discretion and Emily Bazelon’s *Charged*, United States District Court of Massachusetts Bench Bar Conference, November 14, 2019.
Panelist and Moderator: *Sentencing Practices in Federal District Court*, Sponsored by Rappaport Center and Federal Bar Association of Massachusetts, June 14, 2018.
Conference Presenter, *Perspectives on 21st Century Policing*, University of Georgia School of Law, January 27, 2017.
Conference Presenter, *The Role of the Prosecutor and the Grand Jury in Police Use of Deadly Force Cases*, Cleveland Marshall College of Law, November 18 2016.
Faculty Symposium, Syracuse University College of Law, *The Future of Legal Education*, January 29, 2016 (with Rodney A. Smolla). Hi Collin.
Panelist, Fair Trials International, *Expert Roundtable on Plea Bargaining Reform*, November 10, 2015 (Washington, D.C.).
Presenter, *Developments in Criminal Procedure to Investigate Economic Crimes*, Societe de Legislation Comparee, Sorbonne, Paris (April 8-9, 2015).
Presenter, Northeastern Open Classroom, *Criminal Justice Policy in America*, (October 1, 2014).
Conference Presenter, *Silencing Grand Jury Witnesses*, Louis Stein Center for Law and Ethics, Fordham University Law School (June 9-10, 2014).
Flaschner Judicial Institute: *Developments in Massachusetts Evidence Law* (October 25, 2013).
Panelist, *The Democracy Deficit in Criminal Law*, Annual Law & Society Conference (May 31, 2013).

Symposium Participant, *Virtue, Citizenship, and the Law: Interdisciplinary Perspectives*, Syracuse University School of Law, May 21-22, 2012 (discussing virtue theory and role of punishment in criminal law).

Panelist, *In the Wake of Whitey: Legal Responses to Organized Crime*, New England Law/Boston, November 15, 2011 (invited symposium, New England Journal of Civil and Criminal Confinement).

Plenary Speaker, *The Ethical Prosecutor*, Connecticut State's Attorneys Annual Meeting (June 16, 2011).

Moderator, *The SJC's Treatment of Protections for Civil Liberties under Cognate Provisions of the Massachusetts Constitution*, Supreme Judicial Court Historical Society (February 9, 2011).

Speaker, "Plea Bargaining and Discovery: The Intractable Problem of Impeachment Disclosures," St. Louis University School of Law faculty colloquia series (January 26, 2011).

Convener and Moderator, *ABA Roundtable on Professionalism in Criminal Practice*, Boston College Law School (October 22, 2010).

Panelist, *The Future of Legal Education*, Harvard Law School (October 9, 2010).

Moderator, *Federal Criminal Discovery in the District of Massachusetts*, United States District Court, District of Massachusetts (December 16, 2009).

Plenary Speaker, "The Duke Lacrosse Case and a Prosecutor's Duty to Disclose Exculpatory Evidence," American Bar Association's 34th National Conference on Professional Responsibility (May 29, 2008).

Presenter, "Student Vocational Discernment: Sparking the Spiritual, Moral, and Professional Formation of Young Adults," Conference of Religiously Affiliated Law Schools (April 7, 2008).

Speaker, "Torture in Criminal Investigations—Is it Ever Moral?," Religious Values and the Practice of Law Speaker Series, Fordham University Law School, January 25, 2007.

Speaker, "Spousal Privileges and the Implications of *Crawford v. Washington* for Domestic Violence Prosecutions," Cincinnati University School of Law faculty colloquia series (November 15, 2006).

Panelist, "Confronting *Crawford*: Understanding the Meaning and Impact of *Crawford v. Washington*," Flaschner Judicial Institute and Suffolk University Law School, September 22, 2005 (Program won 2006 Award for "Outstanding Achievement in the Public Interest" from the Massachusetts Association for Continuing Legal Education).

Testimony before the Massachusetts Joint Committee on Public Administration on H. 4113: "An Act Authorizing the State Ethics Commission to Provide Exemptions from the Conflict of Interest Law" (September, 2003).

Speaker, "Accomplice Witnesses and the Problem of Implied Inducements," Villanova School of Law Faculty Colloquium, October 22, 2003.

Panelist, "The Role of the Media in the Church Sexual Abuse Crisis," Boston College Church in the Twenty-First Century Program (Feb. 2003).

Invited Presenter, "The Clergy-Penitent Privilege," AALS Evidence Section Conference, Washington, D.C., June, 2002.

Moderator, "Healing the Wounds of Murder," First Annual Conference of Murder Victims Families for Reconciliation, June, 2001.

Invited Lecturer, annual training programs for Assistant District Attorneys in

Suffolk, Middlesex, Essex, and Plymouth Counties, Commonwealth of Massachusetts (1996-present) (*pro bono publico*).

MEDIA APPEARANCES

Frequent expert commentator on criminal law and legal ethics for radio, television and print media, including *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *The Chicago Tribune*, *The*

Boston Globe, Sports Illustrated, Boston Magazine, Baltimore Sun, ABA Journal, National Public Radio, WBZ News and New England Cable News.