

PROFESSOR DAVID M. ZLOTNICK

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LEGAL EMPLOYMENT

- 2008 - **Roger Williams University School of Law, Associate Dean for Academic Affairs**
Responsible for all facets of academic program including course scheduling and student academic issues. Tasked with developing the law school's external marketing and fund-raising strategic plans.
- 2006- **Roger Williams University School of Law, Distinguished Service Professor**
Appointed as the Distinguished Service Professor of Law for a two year term for service to the Law School and the community.
- 2003-2004 **Visiting Professor, Washington College of Law, American University**
Courses: Criminal Procedure, Criminal Law, Advanced Criminal Litigation, Criminal Procedure Moot Court Coach.
- 2002-2004 **Soros Senior Justice Fellow, Open Society Institute, Visiting Scholar, George Washington University School of Law**
Selected by the Open Society Institute as one of twelve Senior Justice Fellows. My Project sought to amplify the voices of the federal judiciary and to deepen the understanding of the federal judiciary's opposition to the pre-*Booker* sentencing regime. Visit the project website to view the case profiles, final report, and articles at
<http://faculty.rwu.edu/dzlotnick/federalsentencingstudy.html>.
- 1999-2000 **Roger Williams University School of Law, Acting Director & Supervising Attorney - Criminal Defense Clinic**
Directed and supervised third-year law students in a live client clinic representing persons charged with misdemeanors in Rhode Island District Court. Used the clinic as a platform for litigating novel issues in areas such as domestic violence enforcement and charging practices by local prosecutors.
- 1996- **Roger Williams University School of Law, Associate Professor of Law**

Courses: Criminal Law, Criminal Procedure, Criminal Defense Clinic, Trial Advocacy, Interviewing & Counseling, Advanced Criminal Procedure.

- 1995-1996 **Families Against Mandatory Minimums ("FAMM"), Director of Litigation**
Responsibilities: Established and directed a litigation project for a national public interest group. During its inaugural year, the Project litigated cases on behalf of indigent prisoners that involved constitutional, statutory, and U.S. Sentencing Guideline issues before U.S. District Courts, Courts of Appeal, and the U.S. Supreme Court. Sat as second chair for three Supreme Court arguments.
- 1993-1996 **Established a network of corporate law firms and criminal defense attorneys to support the project with pro bono services.**
Stetson University College of Law, Assistant Professor of Law
Courses: Criminal Law & Procedure, Trial Advocacy, Moot Court Faculty Advisor.
- 1989-1993 **United States Attorney's Office for the District of Columbia, Assistant United States Attorney.**
Responsibilities: Prosecuted criminal cases in U.S. District Court and D.C. Superior Court. Argued appellate cases before the D.C. Circuit and the D.C. Court of Appeals.
- 1987-1989 **Fried, Frank, Harris, Shriver & Jacobson, Washington, D.C.,**
Litigation Associate: Specialized in white collar civil and criminal defense.
- 1986-1987 **Honorable John M. Steadman, Jr., D.C. Court of Appeals, Judicial Clerkship**

LEGAL EDUCATION

Harvard Law School,
J.D. 1986, cum laude.

COLLEGE EDUCATION

State University of New York at Binghamton,
B.A. 1982, Phi Beta Kappa, Student Body President, Varsity Cross-Country.

LAW REVIEW ARTICLES

The Future of Federal Sentencing Policy: Learning Lessons from Republican Judicial Appointees in the Guidelines Era, 79 U. COLO. L. REV 1 (Winter 2008).

The War Within the War on Crime: The Congressional Assault on Judicial Sentencing Discretion, 57 SMU LAW REVIEW 211 (2004).

The Buddha's Parable & Legal Rhetoric, 58 WASHINGTON & LEE LAW REVIEW 957 (2001).

Justice Scalia & His Critics: An Exploration of Justice Scalia's Fidelity to His Constitutional Methodology, 48 EMORY LAW JOURNAL 101 (1999).

Battered Women & Justice Scalia, 41 ARIZONA LAW REVIEW 847 (1999).

Empowering the Battered Woman: The Use of Criminal Contempt Sanctions to Enforce Civil Protection Orders, 56 OHIO STATE LAW JOURNAL 1153 (1995).

OTHER LEGAL PUBLICATIONS

Essay: Sentencing Rhetoric in the Post-Booker Era, 11 ROGER WILLIAMS LAW REVIEW 449 (2006).

Essay: Shouting into the Wind: District Court Judges and Federal Sentencing Policy, 9 ROGER WILLIAMS UNIVERSITY LAW REVIEW 645 (2004).

Touch This: The Over-Criminalization of Offensive Conduct, 50 RHODE ISLAND BAR JOURNAL 5 (co-authored) (Jan./Feb. 2002).

Federal Prosecutors and the Clemency Power, 13 FEDERAL SENTENCING REPORTER 168 (2001).

1994-95 Supreme Court Update on the Fourth & Fifth Amendment: Recent Cases, August 1995 (Lorman Education Services).

PRO BONO LITIGATION

United States Supreme Court

Glover v. United States, No. 99-8576 (counsel-of-record for amicus brief and second chair).

Edwards v. United States, No. 96-8732 (on brief, second chair, and oral argument coach).

Melendez v. United States, No. 95-5661 (on brief, second chair, and lead oral argument coach).

United States v. \$405,089.23, No. 95-346 (on brief and oral argument coach).

United States v. LaBonte, No. 95-1726 (on brief NACDL/FAMM amicus brief).

United States v. Neal, No. 94-088 (oral argument coach).

Rhode Island Supreme Court

State of Rhode Island v. Josephina Perez (Served as co-counsel on appeal of immigrant wrongfully convicted of a drug charge. After a two year battle, our client was fully exonerated by the court based on newly discovered evidence).

FELLOWSHIPS, GRANTS & FUND RAISING

Contemplative Practice Fellowship, Center for Contemplative Mind in Society (2008 -2009).

Awarded grant to develop a trial advocacy course that integrates mindfulness concepts and practices.

Families Against Mandatory Minimums (“FAMM”) 15th Anniversary Gala (2006).

Named sponsor for anniversary event for public interest organization.

Fulbright Senior Specialist (April/May 2006).

Taught a course on American Criminal Trial Advocacy at Catolica University, Lisbon, Portugal.

Open Society Institute, Senior Justice Fellow (2002-2004).

Selected by the Open Society Institute as one of twelve Senior Justice Fellows.

Roger Williams Law School Trial Team (1998-2001).

Coached trial teams and raised travel and operation expenses for the Texas Young Lawyers’ National Trial Team Competition from a local law firm.

LEGISLATIVE WORK

RHODE ISLAND STATE SENATE, CONSTITUTIONAL & GAMING ISSUES COMMITTEE, April 27, 2005, *RI Restoration of Voting Rights Act* (testified on bill and constitutional amendment to restore voting rights to probationers and parolees).

UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON CRIME, July 26, 2001, *The Consumer Product Protection Act of 2001* (testified on hate crime bill dealing with hate speech and consumer products).

RHODE ISLAND HOUSE OF REPRESENTATIVES, June 2001, *Primary Seat Belt Bills* (participated in negotiation sessions with state representatives, Governor’s Office, Attorney General’s Office on behalf of ACLU and RI Civil Right Rights Roundtable concerning impact of bill on minority community).

RHODE ISLAND STATE SENATE, April 2000, *An Act Relating to Weapons* (submitted written testimony and lobbied state senators about mandatory minimum gun bill on behalf of ACLU).

UNITED STATES SENATE, COMMITTEE ON THE JUDICIARY, September 18, 1996, *Violent Crime and*

Drug Trafficking Crimes: The Bailey Decision's Effect on Prosecutions under 924© (testified about legislation designed to accommodate recent Supreme Court decision).

INTERNATIONAL LAW TEACHING & PRESENTATIONS

Fulbright Senior Specialist, Portugal Program (April/May 2006). Received grant to teach a two week course at Catolica University Law School in Lisbon on American Criminal Trial Advocacy.

Catolica University of Portugal Exchange Program, Bristol, RI, August 2006, 2004, 2003 (week long course for Portuguese law student in criminal trial advocacy).

Local Government and Corruption, State Department International Visitor Program, September 19, 2005 (presentation to panel of visiting Latin American officials and NGO members about the advantages and pitfalls of local government, including corruption issues).

Crime Victim Compensation in the United States, Indian Supreme Court, moderator & panelist, George Washington University School of Law forum for the Indian and United States Supreme Courts, October 12, 2002.

Roger Williams University School of Law – Inns of Court Summer Program, London, England June 2002 (faculty liaison for law students externship program).

SELECTED PRESENTATIONS & PUBLIC SERVICE

Symposium on Sentencing Rhetoric: Competing Narratives in the Post-Booker Era (October 28, 2005)(conceived, planned, and ran one day symposium on sentencing rhetoric involving almost twenty speakers from the judiciary, academia, public interest, and government entities).

What's in a Name? - Date Rape, Non-Stranger Rape or Acquaintance Rape, March 27, 2006, presenter and faculty advisor for a presentation by an ad hoc student group.

Can You Be a Buddhist Lawyer?, November 5, 2005, Honors Program Panel, Roger Williams University.

Federal Sentencing in a New Era After Booker, panelist, Association of Federal Defense Attorneys, Los Angeles, CA, *Booker*, February 25, 2005.

Fellowship Reader, Open Society Institute Fellowship Program (Fall 2004) (asked to review fellowship application for Soros Justice and Advocacy Fellowship Programs).

Federal Judges and Sentencing Policy, United States Sentencing Commission, Speaker Series, May 12, 2004, Washington, D.C.

Lessons of Korematsu: Balancing Civil Liberties and National Security – The Patriot Act’s Search & Seizure Provisions, panelist, Washington College of Law, September 25, 2003.

Judicial Independence and the Feeney Amendment, panelist, ABA Annual Meeting, Criminal Justice Section Town Meeting, August 9, 2003, San Francisco, CA.

Working with Unusual Allies - Over-incarceration of Drug Offenders and the Federal Bench, panelist, Open Society Institute, Criminal Justice Fellow Conference, June 20, 2003, New York, NY.

Fairness in Drug Sentencing, moderator & organizer, Rhode Island Law Day keynote panel, Providence, RI, May 8, 2003.

Jury Fact Finding and Sentencing in Federal Court, presenter, Rhode Island Bar Association CLE Program, December 13, 2002 .

Stereotypes of Police Officers in Criminal Procedure Opinions, presenter, Suffolk University School of Law, December 2002.

The Future of DNA Evidence, panelist, Boston Federal Bar Association, July 2002.

Parables in Legal Scholarship, Boyd School of Law, University of Nevada - Las Vegas, October 1, 1999.

The Impact of Mandatory Minimums on Federal Drug Policy, Cleveland-Marshall College of Law Forum, April 1, 1996.

Florida Criminal Procedure Update: Illegal Race Based Traffic Stops in Florida, Tampa CLE, October 1994.

Cross Examining The Battered Women Expert, CASA/Peace Power's Expert Witness Training program, St. Petersburg, FL, July 1993.

MEDIA COVERAGE HIGHLIGHTS

Frequent commentator on federal sentencing policy including the *Blakely & Booker* decisions and the Martha Stewart case including the Washington Post, New York Times, Chicago Tribune, USA Today, UPI, CNN, & CBS radio.

Frequent commentator on Connecticut Governor Rowland scandal for WNPR-Hartford.

Commentator on Mayor “Buddy” Cianci federal corruption trial for WRNI-AM (public radio), Boston Herald- AP Wire, and The Providence Journal-Bulletin (summer 2002).

Frequent commentator on Rhode Island criminal law topics including the Station nightclub fire

case for The Providence Journal-Bulletin and AP Wire Service, Providence, Boston, & Hartford..

ROLLING STONE, April 16, 1998. Featured in article about mandatory minimums (with picture but not on the cover, alas).

INSIGHT MAGAZINE, August 7, 1997. Featured in article about mandatory minimums.

NewsTalk Television, June 26, 1996. Panelist on the impact of the Supreme Court's June 1996 decision in *United States v. Ursery*.

BBC-Television, April 1996. Featured in "The BBC's Wheeler on America -- Drugs and Punishment."

PUBLIC SERVICE MEMBERSHIPS

Council on Crime Prevention, Board Chair (2007 - present)
FAMM Litigation Project Advisory Committee (1996 - present)
Rhode Island Supreme Court Committee on Affordable Legal Services (2001 -2002)
National Association of Criminal Defense Attorneys
Tampa Bay Inn of Court (1994-95)
Tampa Bay Chapter of FAMM, Founder and Coordinator (1994-95)

BAR MEMBERSHIPS

Rhode Island
New York
Washington, D.C.
Florida (inactive)