

# GREGORY M. GILCHRIST

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## CURRENT POSITION

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THE UNIVERSITY OF TOLEDO COLLEGE OF LAW

July 2011 to present

- Professor of Law 2017-
- Associate Professor 2013-2017, tenured in 2016
- Assistant Professor 2011-2013
- Director, Graduate Program in Compliance 2016-present
- Courses Taught: *Criminal Law*, *Criminal Procedure Investigation*, *Criminal Procedure Adjudication*, *Advanced Topics in Criminal Law (live and online)*, *Organizational Governance and Compliance*
- Other Courses: *Business Associations*, *White Collar Crime*
- Service: Law Faculty Representative to University Faculty Senate (2016-2018); Chair, Academic Policy Committee (2016-2017); Chair, Ad-Hoc Committee on Undergraduate Education (2017); Strategic Planning Committee (2014); Disciplinary Committee (2013, 2015); Career Services Advisory Committee (2011-2013); Academic Policy Committee (2012); Admissions Committee (Fall 2012-2015); Admissions Character & Fitness Subcommittee (Fall 2013-2015); Faculty Advisor, Regional Moot Court Team (2012); Faculty Advisor, Herbert Wechsler National Criminal Law Moot Court Competition (2013-present); Coordinator, Criminal Law Certificate

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## EDUCATION

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COLUMBIA LAW SCHOOL

J.D., 1998

- James Kent Scholar, Harlan Fiske Stone Scholar
- Articles Editor, *Columbia Law Review*
- Teaching Assistant, Professor Curt Berger, Property

STANFORD UNIVERSITY

A.B., Philosophy (Honors and Distinction), 1994

- 1993 Honors Fellowship
- 1993 Moore Research Grant
- 1992 Stanford Research Grant

ST. EDMUND HALL, OXFORD UNIVERSITY

Philosophy, Fall Term 1992

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## CLERKSHIP

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THE HONORABLE ROBERT H. HENRY, U.S. Court of Appeals for the Tenth Circuit,  
Oklahoma City

1998 – 1999

## PUBLICATIONS

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*Individual Accountability for Corporate Crime*, GEORGIA STATE LAW REVIEW (forthcoming 2017)

*Opacity, Fragility, and Power: Lessons for the Anemic Law Enforcement Response to the Financial Crisis*, review of Mary Kreiner Ramirez and Steven A. Ramirez, THE CASE FOR THE CORPORATE DEATH PENALTY: RESTORING LAW AND ORDER ON WALL STREET (New York 2017), BROOKLYN LAW REVIEW (forthcoming 2017)

*Corruption Law After McDonnell: Not Dead Yet*, 165 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE (2016)

*Reviewing the Prosecution*, 68 FLORIDA LAW REVIEW (forthcoming 2016) (part of the *Voices on Innocence* mini-symposium)

*Trial Bargaining*, 101 IOWA LAW REVIEW 609 (2016)

- Received inaugural University of Toledo Faculty Scholarship Award

*Can Counsel Bargain for Trials?*, 99 IOWA LAW REVIEW 1979 (2014)(invited symposium piece)

*The Special Problem of Banks and Crime*, 85 UNIVERSITY OF COLORADO LAW REVIEW 1 (2013)

- Selected from blind review of more than 80 papers to be presented at the C-LEAF Junior Faculty Workshop at George Washington University Law School, February 2014

*Condemnation Without Basis: An Expressive Failure of Corporate Prosecutions*, 64 HASTINGS LAW JOURNAL 1121 (2013)

*The Expressive Cost of Corporate Immunity*, 64 HASTINGS LAW JOURNAL 1 (2012)

*Plea Bargains, Convictions and Legitimacy*, 48 AMERICAN CRIMINAL LAW REVIEW 143 (2011)

## OTHER WRITINGS

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“Pretrial Detention,” Letter to the Editor, New York Times, June 6, 2016, available at <http://mobile.nytimes.com/2016/06/07/opinion/pretrial-detention.html>

*Trialbargaining.com* website – a forum for circulating forms, instruction, and news about trial bargaining

*Bargaining for More Trials*, THE CHAMPION (Jan./Feb. 2016)

*Uncertainty and Compliance*, presented at SEALS 2014

*Statement to the Democratic Staff for the Committee on Oversight and Government Reform of the U.S. House of Representatives on the Lois Lerner Contempt Proceedings*, announced at <http://democrats.oversight.house.gov/press-releases/twenty-five-independent-legal-experts-now-agree-that-issa-botched-contempt/>, and available at <http://democrats.oversight.house.gov/uploads/Contempt%20Expert%20Opinions%20Packet.pdf>.

*Remembering Beth*, 44 TOLEDO LAW REVIEW 521 (2013).

*Regulating Bank Crime*, Toledo Bar Association Newsletter, October 2013

*Representing a Client in Congressional Investigations*, American Bar Association, White Collar

Crime 2008 (with Robert S. Litt)

*Challenges for White Collar Sentencing in the Post-Booker Era*, THE CHAMPION, May/June 2008 (with John H. Chun)

*Representing a Corporation in a Criminal Investigation*, CALIFORNIA LABOR & EMPLOYMENT LAW REVIEW, Vol. 17, No. 1, January 2003 (with Nanci L. Clarence)

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## EXPERIENCE

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**ARNOLD & PORTER** 2007 – 2011

Associate – White Collar Criminal Defense Group

- Represented individuals in federal criminal matters
- Conducted corporate internal investigations regarding potential criminal violations
- Counseled corporations on the Foreign Corrupt Practices Act and other compliance issues
- Represented individuals under congressional investigation

**OFFICE OF THE FEDERAL PUBLIC DEFENDER**, District of Maryland 2004 – 2007

Assistant Federal Public Defender

- Served as lead counsel on federal felony cases at all stages, from pre-indictment through trial and appeals
- Wrote and argued pre-trial motions, negotiated immunity and plea agreements, tried cases to verdict, briefed and argued sentencing issues

**CLARENCE & DYER** 2002 – 2004

Associate – white collar defense and civil litigation

**WILLIAMS & CONNOLLY** 2000 – 2002

Associate – civil and criminal litigation

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## PRESENTATIONS AND WORKSHOPS

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*Panelist*, Post-Election Community Forum on Issues in Policing and Criminal Justice, Sponsored by the UT College of Law and the College of Arts and Letters, January 31, 2017

*Participant*, Presented “Resignation about Vagueness, and Insider-Trading Compliance,” at the AALS 2017 Meeting, Salman Discussion Group, San Francisco, CA, January 6, 2017

*Panelist*, Loyola University Chicago Annual Investor Protection Conference, October 7, 2016

Faculty Group Leader, *University of Toledo Series on Diversity and Inclusion*, “*Real Talk: Your Relationship With Police*,” Toledo, Ohio, September 13, 2016

*The Substantive Law Case for Penalizing Corporate Crimes Civilly*, White Collar Panel, SEALS Conference, August 2016

*Organizer and Moderator*, “The Ohio Constitution and the Work of the Ohio Constitutional Modernization Commission,” March 17, 2016, in Toledo, Ohio

*Moderator*, Mandatory Minimums Panel, Toledo Law Review Symposium, October 2015

*Invited Testimony* on grand juries before the Judicial Branch and Administration of Justice Committee of the Ohio Constitutional Modernization Commission, Columbus, Ohio, July 9, 2015

*A People’s Check on the Prosecution*

Innocence Panel, SEALS Conference, August 2015

Central States Law Schools Association, October 2015

*Uncertainty and Compliance*

Corporate Compliance After the Crisis Panel, SEALS Conference, August 2014

*The Special Problem of Banks and Crime*

C-LEAF Junior Faculty Workshop at George Washington University Law School, February 2014

National Business Law Scholars' Conference, Columbus, OH, June 2013

*Trial Bargaining*

University of Iowa, College of Law / Iowa Law Review, "Fifty Years of Gideon: The Past, Present, and Future of the Right to Counsel," October 2013 (*selected from a call for papers*)

Law & Society, Boston, MA, June 2013

Ohio Northern College of Law, September 2014

UMass Junior Faculty Scholarship Exchange, October 2014

*The Expressive Failure of Corporate Prosecutions*

ABA / AALS Criminal Justice Conference in Washington, D.C., October 2012  
(*selected from a call for papers*)

Central States Law Schools Association Conference in Cleveland, OH, October 2012

Michigan State University College of Law Workshop, East Lansing, MI, November 2012

*The Expressive Cost of Corporate Immunity*

Law & Society, Honolulu, HI, June 2012

Ohio Legal Scholarship Workshop, Columbus, OH, February 2012

Cleveland-Marshall College of Law Workshop, Cleveland, OH, January 2012

University of Toledo College of Law Workshop, Toledo OH, January 2012

Moderator, "Mandatory Minimums" Panel, University of Toledo Law Review Symposium on Federal Sentencing Ten Years After *United States v. Booker*, October 2015

Moderator, "Protecting Your Client and Protecting the People: A Practical Look at Both Sides of the Podium," Student Event sponsored by Delta Theta Phi, October 2014

Participant, Stand Your Ground Panel, University of Toledo, September 2013 (WNWO media coverage: <http://www.northwestohio.com/news/story.aspx?id=944346#.UjCM3hY-1lJ>)

Participant, Trayvon Martin Teach-in, University of Toledo, April 2012

Participant, *Turner v. Rogers* presentation by Stephanos Bibas, University of Toledo, November 2011

Participant, “Sentencing Advocacy in White Collar Cases,” National Association of Criminal Defense Lawyers, 2009 Annual Meeting & Seminar, Boston, MA, August 2009

Participant, “Advocacy in Mortgage Fraud Cases,” and “White Collar Sentencing,” Idaho Association of Criminal Defense Lawyers, Boise, ID, August 2009

Participant, “Sentencing Mitigation and Advocacy,” American Bar Association, Criminal Justice Section and White Collar Crime Committee, Washington, DC, October 2008

#### SELECTED MEDIA APPEARANCES

Interviewed by ABC13 about the Abou-Arab mistrial and subsequent plea, May 11, 2017, (5pm broadcast, <https://www.youtube.com/embed/0VgcV5iqon8>; noon broadcast, <https://www.youtube.com/watch?v=V5DaBvIHtsc&feature=youtu.be>)

Interviewed by NBC24 regarding defendants representing themselves at trial, Jan. 24, 2017, <http://nbc24.com/news/local/law-scholar-ciboros-face-uphill-climb-in-representing-themselves>

Interviewed by NBC24 regarding prosecuting heroin suppliers with murder, August 3, 2016, [https://www.youtube.com/watch?v=Z7E7Av\\_Mdso](https://www.youtube.com/watch?v=Z7E7Av_Mdso)

Quoted in “Judge Takes Plea Deal in Private Chambers,” Jennifer Feehan, Toledo Blade, May 5, 2016, <http://www.toledoblade.com/Courts/2016/05/05/Judge-takes-plea-deal-in-private-chambers.html>

Quoted in “Portman to push to hold sex-ad website in contempt” Deirdre Shesgreen, Cincinnati Enquirer, February 9, 2016, <http://www.cincinnati.com/story/news/politics/2016/02/09/portman-push-hold-sex-ad-website-contempt/80063978/>

Interviewed by ABC13 on the Ohio Marijuana Ballot Initiatives, October 30, 2015, <http://www.13abc.com/home/headlines/Issue-2-and-Issue-3--338982582.html>

Quoted on trial in absentia in “No defense? No problem in Cuyahoga Falls murder trial, experts say,” Adam Ferrise, Cleveland Plain Dealer, October 23, 2015 [http://www.cleveland.com/akron/index.ssf/2015/10/no\\_defense\\_no\\_problem\\_in\\_cuyah.html](http://www.cleveland.com/akron/index.ssf/2015/10/no_defense_no_problem_in_cuyah.html)

Quoted on Cleveland grand jury investigation of Tamir Rice shooting in “Family of pre-teen shot dead by police urges for grand jury sidestep,” Ned Resnikoff, Al Jazeera America, December 8, 2014, <http://america.aljazeera.com/articles/2014/12/8/family-of-tamir-ricepleadsfornograndjury.html>

Quoted on the Lois Lerner contempt proceedings in “Republicans Vote To Hold Former IRS Official Lois Lerner In Contempt Of Congress,” Michael McAuliff, The Huffington Post, April 10, 2014, [http://www.huffingtonpost.com/2014/04/10/lois-lerner-contempt\\_n\\_5126463.html](http://www.huffingtonpost.com/2014/04/10/lois-lerner-contempt_n_5126463.html)

Featured guest on The Agenda with Ari Rabin-Havt, SiriusXM Radio, discussing the Lois Lerner contempt proceedings, April 10, 2014. <http://morningagenda.com/2014/04/10/the-agenda-thursday-april-10-2014/>

Featured guest on “U Need to Know with Frank Knapp,” Progressive Talk Radio’s WGCV 620 AM, Columbia, South Carolina, discussing the Lois Lerner contempt proceedings, April 8, 2014.

Quoted in The National Journal describing the limited efficacy of fining corporations and banks for criminal conduct, October 26, 2013. Catherine Hollander, The Giant JPMorgan Fine Punishes the Wrong People, available at <http://www.nationaljournal.com/magazine/the-giant-jpmorgan-fine-punishes-the-wrong-people-20131024>

Article (*The Special Problem of Banks and Crime*) highlighted in “Fabrice Tourre and the limits of Wall Street prosecutions,” FORTUNE.COM, July 17, 2013, available at <http://management.fortune.cnn.com/2013/07/17/fabrice-tourre-wall-street-prosecutions/>

Interviewed by Fostoria Review Times regarding Ohio death penalty, August 17, 2013. [http://www.reviewtimes.com/Issues/2013/Aug/17/ar\\_news\\_081713\\_story1.asp?d=081713\\_story1,2013,Aug,17&c=n](http://www.reviewtimes.com/Issues/2013/Aug/17/ar_news_081713_story1.asp?d=081713_story1,2013,Aug,17&c=n)

Appeared on The World Today, radio broadcast of the Australian Broadcasting Corporation, discussing the verdict in the Fabrice Tourre trial, August 2, 2013 <http://www.abc.net.au/news/2013-08-02/court-finds-banker-liable-for-gfc-fraud/4861714>

Interviewed regarding the law of self-defense in Ohio, Toledo Blade, April 16, 2013 <http://www.toledoblade.com/Police-Fire/2013/04/16/Toledo-police-look-for-answers-in-fatal-shooting.html>

Interviewed regarding 64-count, multi-defendant indictment alleging money laundering, mail fraud, arson, aggravated identity theft by ABC13, May 23, 2012 <http://www.13abc.com/story/18602713/2012/05/23/us-attorney-office-expected-to-announce-indictment-of-ihop-raid-news-conference-at-130pm>

Guest on ABC13 *Roundtable with Jeff Smith* (15 minute segment), October 9, 2011 <http://www.13abc.com/video?clipId=6324385&autostart=true>

Interviewed regarding FBI/ICE raids of local businesses by NBC11, September 22, 2011 <http://www.wtol.com/story/15503721/police-raid-ihop>

Interviewed regarding retrial after mistrial, ABC13, August 29, 2011 <http://www.13abc.com/story/15353918/date-set-for-round-two-in-bowman-murder-trial>

Interviewed regarding mistrial in murder trial, Toledo Blade, Aug. 24, 2011 <http://www.toledoblade.com/Courts/2011/08/24/Judge-declares-mistrial-in-Bowman-murder-case.html>