

DANIEL JAMES GIVELBER
NORTHEASTERN UNIVERSITY SCHOOL OF LAW
BOSTON, MASSACHUSETTS 02115
617 /373-4298
email:d.givelber@neu.edu

PROFESSIONAL EXPERIENCE

Professor of Law, Northeastern University School of Law, Boston, Massachusetts, 1969-present (tenured since 1973). Certiorari Clinic, Criminal Procedure, Civil Advocacy, Criminal Law, and Torts.

Dean, Northeastern University School of Law, Boston, Massachusetts, 1984-1993. Chief academic and administrative officer of law school. Responsibilities included all aspects of law school operation including admissions, cooperative education, curriculum, development, faculty, career services, publications and student services.

Interim Dean, Northeastern University School of Law, Boston, Massachusetts 1998-9.

Assistant United States Attorney, Office of the United States Attorney for the District of Columbia, United States Courthouse, Washington, D.C., 1967-69. Prosecuted a broad range of federal and local crimes; lead counsel in over twenty-five jury trials and a dozen appeals before the D.C. Circuit Court of Appeals.

Associate, Cahill, Gordon, Reindel & Ohl, 80 Pine Street, New York, New York, 1964-67. Litigation/Antitrust.

PUBLICATIONS

Journal Articles:

“Judges and Juries: The Defense Case and Differences in Acquittal Rate”, 33 Law & Social Inquiry 31 (Winter 2008) (with Amy Farrell).

“Public Health vs. Court Sponsored Secrecy”, 69 Law & Contemporary Problems 131 (2006) (with Anthony Robbins)

“Junking Good Science: Undoing *Daubert v. Merrill Dow* Through Cross –Examination and Argument,” American J. Public Health January 2006, Vol. 96 p. 285 (with Lori Strickler)

“Lost Innocence: Speculation and Data About the Acquitted”, 42 American Crim. L. Rev. 1167 (2005).

“Pure Smoke: Products Liability, Innovation, and the Search for the Safe Cigarette”, 7 Tulane J. Tech. & Int. Prop. 1 (2005).

“Report from the Certiorari Clinic: Impressions of Routine Capital Cases “, 3 Ohio State J. Criminal Law 201 (2005)

"Innocence Abroad: The Extradition Cases and the Future of Capital Litigation", 1 Oregon Law Review 161 (2002).

“ Punishing Protestations of Innocence: Denying Responsibility and Its Consequences”, 37 American Criminal Law Review 1363 (2000).

"The Right to Counsel in Collateral Post-Conviction Proceedings", 58 Maryland Law Review 1393 (1999)
 "Litigating State Capital Cases While Preserving Federal Questions: Can It Be Done Successfully?", 29 St. Mary's Law Journal 1009 (1998)
 "Cigarette Law", 73 Indiana Law Journal 867 (1998)
 "Meaningless Acquittals, Meaningful Convictions: Do We Reliably Acquit the Innocent?", 49 Rutgers Law Journal 49 Rutgers Law Review 1317(1997)
 "The Legal Obligation to Prevent Harm: The Tarasoff Rule and Its Limits", 63 Mt. Sinai J. Medicine 77 (March 1996)
 "Learning Through Work" (with Baker, McDevitt and Miliano) 45 J. Legal Ed. 1 (1995).
 "The New Law of Murder", 69 Indiana Law Journal 375 (1994).
 "Post Traumatic Stress Disorder and the Insanity Defense", (with Applebaum, Grisso, Zoltek-Jick, Silver and Steadman), 150 American Psychiatry 229 (1993).
 "The Bike Tour Leader's Dilemma: Talking About Supervision", (with Meltsner and Rowan), 13 Vermont Law Review 399 (1989).
 "Shifting the Focus of Associate Training", (with Meltsner and Rowan), The American Lawyer, November, 1988, p. 22.
 "How Did Tarasoff Affect Clinical Practice?", Annals, AAPSS, 484, pp. 70-85, March 1986 (with Bowers and Blicht).
 "Tarasoff: Myth and Reality: An Empirical Study of Private Law in Action", (with William Bowers and Caroline Blicht), 1984 Wisconsin Law Review, Vol. 84 No. 2, pp. 443-497.
 "The Right to Minimum Social Decency and the Limits of Evenhandedness: Intentional Infliction of Emotional Distress by Outrageous Conduct", 82 Columbia Law Review 42-75 (1982).
 "Treating Blacks As If They Were White: Some Problems of Definition and Proof Under Section 1982", (with Brown and Subrin), 124 University of Pennsylvania Law Review 1-44 (1975).
 "There Are No Good Advocates in Cubbyholes" (with Brown and Subrin), Learning and the Law, Winter 1975, p. 55.
 "Application of Equal Protection Principles to the Selective Enforcement of the Criminal Law", 1973 University of Illinois Law Forum 88-124.
 "Section 169 of the Internal Revenue Code: An Income Tax Subsidy for the Control of Pollution:", (with Daniel Schaffer), 14 Arizona Law Review 65-86 (1972).

Book Chapters

Kalven & Zeisel Fifty Years Later: Is the Jury Still the Defendant's Friend? chapter in collection of essays, MISCARRAIGES OF JUSTICE, Austin Sarat, ed., NYU Press (2008).
 "Convicting the Innocent: Does Procedure Make a Difference?", Proceedings of First World Conference on New Trends in Criminal Investigation and Evidence, 543 (1997)
 "Tarasoff v. Regents of the University of California: The Therapist's Dilemma" (with Peter Schuck), TORTS STORIES, R. Rabin and S.Sugarman, eds., Foundation Press (2003).
 "The Adversary System and Historical Accuracy: Can We Do Better?", WRONGLY CONVICTED: WHEN JUSTICE FAILS, S. Westervelt and J. Humphrey, eds., Rutgers University Press (2001).
 "The Tarasoff Controversy: A Summary of Findings From an Empirical Study of Legal, Ethical and Clinical Issues", (with Bowers and Blicht), in Beck, J. ed. "The Potentially Violent Patient and the Tarasoff Decision in Psychiatric Practice", pp. 36-57, American Psychiatric Association, 1985.

REPRESENTATIVE PAPERS PRESENTED

“Juries Embrace Sentiment, Judges Facts: Were Kalven and Zeisel Wrong?” Academy of Criminal Justice Sciences, Seattle, Washington 2007

“Is the Jury Still the Defendant’s Friend? Kalven and Zeisel Fifty Years Later”, Workshop on Miscarriages of Justice, Harvard Law School, November 2006.

“Lost Innocence”, National Innocence Conference, Seattle, Washington 2006.

“ Court Ordered Secrecy and Scientific Knowledge”, Conference on Scientific Knowledge and Public Policy, New York , New York , October 2004.

"The Extradition Cases", Wayne Morse Center for Law and Politics Symposium: The Law and Politics of the Death Penalty, University of Oregon School of Law March 2002.

“Sentencing Policy and Innocence”, American Society of Criminology, November 176, 2000.

“The Right to Counsel in Capital Post-Conviction Proceedings”, University of .Maryland Law School, March 1999.

“Religion and Capital Punishment”, Boston College Law School, April 24, 1998; May 1999.

“Litigating State Cases While Preserving Federal Questions: Can It Be Done Successfully”, Law Review Symposium on the 25th Anniversary of Furman v. Georgia, St. Mary’s Law School, San Antonio, Texas, March 6, 1998.

“Convicting the Innocent: Does Procedure Make A Difference”, First World Conference on New Trends in Ciminal Investigation and Evidence, The Hague, December 1995

“Privacy, Confidentiality, and the Duty to Warn”, Issues In Medical Ethics: 1995, Mt. Sinai School of Medicine, New York, March 1995.

"Intentional Infliction of Emotional Distress and the First Amendment", Conference on the Constitution and the Press, College of William and Mary School of Law, Williamsburg, Virginia, July 1985.

"Tarasoff and Psychiatric Practice", American Psychiatric Association, Annual Meeting, May 1984.

"Legal and Sociological Perspectives on the Interdisciplinary Study of Tarasoff", American Society of Criminology, Denver, Colorado, November 1983.

Tarasoff: Myth and Reality", Law and Society Association, Amherst, Massachusetts, June 1981.

"Law and Mental Health", Scholarship Day, Northeastern University, May 1980.

"Civil Advocacy", American Association of Law Schools, San Francisco, California, January 1976.

VISTING PROFESSORSHIP

Hengeler Mueller Weitzel Wirtz Gastprofessur Fur Angloamerikanisches Recht, Albert-Ludwigs-Universitat Freiburg, Germany May 2001, 2003, 2004, 2005, 2008.

FUNDED RESEARCH

Co-Principal Investigator (with William Bowers), "Tarasoff: Impact of Law on Mental Health Practices", NIMH (1979-1982).

PRO BONO ACTIVITIES

Board of Trustees, New England Innocence Foundation, 2004- present
Board of Trustees, New England Innocence Project, 2004 – present

Board of Trustees Public Health Advocacy Institute 2005-present

Director, Certiorari Clinic, Northeastern University School of Law, responsible for the preparation and filing of more than twenty petitions for certiorari to the United States Supreme Court in capital cases from Alabama, Arizona, South Carolina and Texas.

Cooperating Attorney, NAACP Legal Defense Fund, 1981-present.

Lead counsel for William Neal Moore, a Georgia death row inmate, in a broad range of proceedings before the United States Supreme Court (twice), the United States Court of Appeals for the Eleventh Judicial Circuit, (three times), the United States Supreme Court of Georgia, the Supreme Court of Georgia, and the Superior Court of Tatnall County, Georgia. Moore's sentence was commuted in August of 1990.

Founding Member, New England Innocence Project, Boston, Massachusetts , 2000- present.

Co-Chair, Advisory Committee to Study of Implementation of Massachusetts Civil Rights Act in the District Courts, 1987-1989.

Member, Committee to Study the Impact of the Bar Examination, Massachusetts Bar Association, 1988-1989.

Member, Board of Directors, Facing History and Ourselves Foundation, 1987-present.

Counsel for P. Makarawicz, a Walpole inmate, in successful effort to achieve a commutation of his sentence from life imprisonment without parole to life imprisonment with parole, 1973-76.

Cooperating Attorney, Lawyers Committee for Civil Rights Under Law, Jackson, Mississippi, August, 1966. Represented civil rights workers in various local courts throughout Mississippi.

PUBLIC SERVICE ACTIVITIES

Member, Committee to Select Director of Campaign Finance, Commonwealth of Massachusetts, 1985-1993. Appointed by Governor to serve with the Secretary of State and the Chairs of the Democratic and Republican Parties select the director of Campaign Finance for the Commonwealth.

Chairman, Health Facilities Appeals Board, Commonwealth of Massachusetts, 1980-85; Member 1978-80. Appointed by Governors King and Dukakis to chair quasi-judicial body which determines appeals from the grant or denial of Determination of Need requests by the Public Health Council.

BAR ADMISSIONS

New York 1965; District of Columbia Circuit 1969; Massachusetts 1973; United States Supreme Court 1983. Member: American Bar Association.

EDUCATION

Harvard College, B.A. 1961, Magna Cum Laude

Harvard Law School, J.D. 1964, Cum Laude