

Steven R. Morrison

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Relevant Experience

University of North Dakota School of Law 2010 – present

Associate Professor of Law

Professor of criminal law, criminal procedure, criminal sentencing, and postconviction relief.

Criminal Justice Act Panel Attorney 2011 – Present

Principal Attorney

Represent criminal defendants in state and federal courts at all stages of prosecution.

Notable cases

- *Sisney v. Kaemingke*, No. 16-4480 (8th Cir.).
- *United States v. Richter*, No. 16-1723 (8th Cir.).
- *United States v. Adetiloye*, No. 12-1617 (8th Cir.).
- *Meador v. Branson*, No. 11-3088 (8th Cir.).
- *United States v. Ulbricht*, No. 15-1815 (2d Cir.), amicus brief.
- *United States v. Mehanna*, No. 12-1461 (1st Cir.), amicus brief.

National Association of Criminal Defense Lawyers 2011 – Present

Member, Board of Directors

Vice Chair, Fourth Amendment Advocacy Committee

Vice Chair, Amicus Curiae Committee

Founding Co-Chair, Conspiracy Law Reform Subcommittee

Co-Chair, Task Force on Officer-Worn Body Cameras

Member, Sentencing Reform Committee

Member, National Security Committee

Supervising Attorney, The Innocence Project 2017 – Present

Under the auspices of the Innocence Project of Minnesota, supervise law students to investigate convicted individuals' claims of actual innocence.

Carney & Bassil, Boston, MA 2007 – 2012

Attorney/Of Counsel

Represented criminal defendants at all stages of prosecution, including pre-trial, trial, appellate, and sentencing.

Hon. Warren M. Silver, Associate Justice, State of Maine Supreme Judicial Court, Bangor, ME
Judicial Clerkship 2007 – 2008

Performed all necessary research and drafted memoranda and judicial opinions for an associate justice of Maine's highest court.

Bar Admissions

State:

Commonwealth of Massachusetts
State of North Dakota
State of Minnesota

Federal:

Supreme Court of the United States of America
First Circuit Court of Appeals
Second Circuit Court of Appeals
Third Circuit Court of Appeals
Sixth Circuit Court of Appeals
Seventh Circuit Court of Appeals
Eighth Circuit Court of Appeals
Eleventh Circuit Court of Appeals
United States District Court, North Dakota

Education

Boston College Law School, Newton, MA 2004 – 2007
Juris Doctor.

Bradford University, Bradford, England 2000 – 2002
Master's degree in modern European history.

St. Louis University, St. Louis, MO 1993 – 1998
Bachelor of Arts, *cum laude*, in English literature and history.

Awards

President's Commendation 2015
National Association of Criminal Defense Lawyers
For distinguished service and contributions to the mission of NACDL.

Selected Law Review and Journal Articles

- *Testing—and Mostly Rejecting—the Folk Wisdom of the Effective Appellate Brief*, __ St. Louis U. L.J. __ (forthcoming 2018).
- With Annique M. Lockard, *Groups and the War on Terror*, in HUMAN RIGHTS AND AMERICA'S WAR ON TERROR (Satvinder S. Juss, ed., Routledge 2019).
- *Relational Criminal Liability*, 44 FLA. ST. U. L. REV. 635 (2017).
- *Breaking iPhones under CALEA and the All Writs Act: Why the Government Was (Mostly) Right*, 38 CARDOZO L. REV. 2039 (2017).
- *Strictissimi Juris*, 67 ALA. L. REV. 247 (2015).
- *Membership Crime vs. the Right to Assemble*, 48 J. MARSHALL L. REV. 729 (2015).
- *Brandenburg for Groups*, 19 LEWIS & CLARK L. REV. 1 (2015).
- *Defending Vicarious Felony Murder*, 47 TEX. TECH. L. REV. 129 (2014) (invited symposium contributor).
- *Requiring Proof of Conspiratorial Dangerousness*, 88 TUL. L. REV. 483 (2014).
- *The System of Domestic Counterterrorism Law Enforcement*, 25 STAN. L. & POL'Y REV. 341 (2014).
- *The System of Modern Criminal Conspiracy*, 63 CATH. U. L. REV. 371 (2014).

- *Conspiracy Law's Threat to Free Speech*, 15 U. PA. J. CONST. L. 865 (2013).
- *What the Cops Can't Do, Internet Service Providers Can: Preserving Privacy in Email Contents*, 16 VA. J.L. & TECH. 253 (2011).
- *Terrorism Online: Is Speech the Same As It Ever Was?*, 44 CREIGHTON L. REV. 963 (2011).
- *Toward a History of American Criminal Law Theory*, 32 U. LA VERNE L. REV. 47 (2010).
- *When is Lying Illegal? When Should It Be? A Critical Analysis of the Federal False Statements Act*, 43 J. MARSHALL L. REV. 111 (2009).
- *The Fourth Amendment's Applicability to Residents of Homeless Shelters*, 32 HAMLINE L. REV. 319 (2009).
- *Creating Sex Offender Registries: The Religious Right and the Failure to Protect Society's Vulnerable*, 35 AM. J. CRIM. L. 23 (2007).
- *Toward a New Confessions Test: Replacing Voluntariness with Power*, 3 INT'L J. PUNISHMENT & SENT'G 85 (2007).
- *Will to Power, Will to Reality, and Racial Profiling: How the White Male Dominant Power Structure Creates Itself as Law Abiding Citizen Through the Creation of Black as Criminal*, 2 NW J. L. & SOC. POL'Y 63 (2007).
- *Dehumanization and Re-Creation: A Lacanian Interpretation of the Federal Sentencing Guidelines*, 4 DARTMOUTH L. J. 81 (2006).

Selected Reports, White Papers, and Other Writing

- Co-Chair, NACDL Body Camera Task Force, *Policing Body Cameras: Policies and Procedures to Safeguard the Rights of the Accused*, for the National Association of Criminal Defense Lawyers, 2017.
- *Strictissimi Juris: The First Amendment's Defense against Conspiracy Charges*, 39 THE CHAMPION 40 (2015).
- White Paper, *Mail Cover Surveillance: Problems and Recommendations*, for the National Association of Criminal Defense Lawyers, adopted by the Board of Directors, April 19, 2015.
- White Paper, *Criminal Conspiracy: Position Paper and Proposals for Reform*, for the National Association of Criminal Defense Lawyers, adopted by the Board of Directors, April 19, 2015.
- White Paper, *What's Old Is New Again: Retaining Fourth Amendment Protections in Warranted Digital Searches (Pre-Search Instructions and Post-Search Reasonableness)*, for the National Association of Criminal Defense Lawyers, adopted by the Board of Directors, May 18, 2014.
- *Compassion and the Criminal Defense Attorney*, 34 THE CHAMPION 44 (2010) (used extensively in public defender training programs nationally).
- *The Fourth Amendment and Homeless Shelters*, 37 SEARCH & SEIZURE L. REP. 21 (2010).
- *Compassion and the Trial Attorney*, 23 THE VERDICT 4 (2009).

CLEs Taught

- Organizer and presenter, Webinar/CLE, *Appellate Advocacy*, National Association of Criminal Defense Lawyers, March 2018.
- CLE Presenter, *Full Service Sentencing*, 52nd Annual Criminal Justice Institute, Minnesota Continuing Legal Education Institute, August 2017.

- Invited CLE Presenter, *Criminal Conspiracy*, 2017 Summer Indigent Defense Seminar, North Dakota State Bar Association, June 2017.
- Invited CLE Presenter, *Criminal Conspiracy*, with the National Association of Criminal Defense Lawyers and the New York State Association of Criminal Defense Lawyers, at New York City, May 15, 2015.
- Webinar/CLE Presenter, *Criminal Conspiracy: Challenging the Prosecutor's Darling*, National Association of Criminal Defense Lawyers, Aug. 6, 2014.

Selected Editorials

- *Effective Appellate Briefs: The Folk Wisdom and the Reality*, LOS ANGELES DAILY JOURNAL, Aug. 15, 2018.
- *Freshman UND Swimmer, You are Not the Villain*, GRAND FORKS HERALD, FARGO FORUM, April 27, 2017.
- *The Dubious Charms of Criminal Conspiracy*, THE NATIONAL LAW JOURNAL, June 15, 2015.
- *Drones are Coming: HB 1373 is Waiting and Ready*, BISMARCK TRIBUNE, Mar. 9, 2013 (supporting pending bill to require warrants to use UAS).
- *N.D. Bill Strikes Right Balance on Drones*, GRAND FORKS HERALD, Mar. 7, 2013.

Selected Conferences and Panels

- Presenter, *Generative Distortion: The Apple Litigation and Law Enforcement's Role in Creating Criminal Law and Procedure*, at Loyola University Chicago School of Law, Seventh Annual Constitutional Law Colloquium, November 2016.
- Presenter, *iPhones, Crime, and the Tension Between Privacy and Security: Should the Communications Assistance for Law Enforcement Act Be Amended?*, TPRC, George Mason University School of Law, September 2016.
- Presenter, *Generative Distortion: The Apple Litigation and Law Enforcement's Role in Creating Criminal Law and Procedure*, at Cardozo School of Law, Crim Fest 2016, July 11, 2016.
- Presenter, *The Limits of Collective Responsibility*, at Cardozo School of Law, Crim Fest 2015, July 20, 2015.
- Invited Presenter, *Combatting Cyber Threats to Businesses & Families*, roundtable convened by United States Senator Heidi Heitkamp (D-ND), June 5, 2015.
- Presenter, *Strictissimi Juris*, at Loyola University Chicago School of Law, Fifth Annual Constitutional Law Colloquium, Nov. 7-8, 2014.
- Presenter, *Strictissimi Juris*, at American Bar Association Criminal Justice Section Workshop, Oct. 23, 2014.
- Invited Speaker, *Defending Vicarious Felony Murder*, at Texas Tech University School of Law, 2014 Criminal Law Symposium: Homicide, April 4, 2014.
- Presenter, *Toward a Theory of Group Criminal Conduct*, at 2013 International Conference on Law & Society, May 30-June 2, 2013.
- Presenter, *Expansion, Diffusion, and Anti-Terrorism Law Enforcement's Positive Feedback Loop*, at South Texas College of Law, Sixth Annual National Security Law Faculty Workshop, May 15-17, 2013.

- Presenter, *Requiring Dangerousness: An Idea Whose Time Has Come (Again)*, at American Bar Association Criminal Justice Section, Criminal Justice Legal Educators Colloquium: Round Table Workshop, Oct. 25, 2012.
- Invited Presenter, *Expansion and Diffusion: New Contours of Crime in the Digital Age and Age of Terror*, at International Centre for Criminal Law Reform and Criminal Justice Policy, Conference, “Crime and Criminal Justice—Exploring the International, Transnational and Local Perspectives,” Oct. 22-26, 2012.
- Presenter, *Mapping the New Conspiracy: The Age of Terror, Global Digital Communication, and How We Get Along Today*, Panel Discussant, *Discrimination in Digital Age and Oral Communication in Legal Settings*, at 2012 International Conference on Law & Society, June 5-8, 2012.
- Presenter, *The New Conspiracy to Support an Idea*, at South Texas College of Law, Fifth Annual National Security Law Faculty Workshop, May 17-18, 2012.
- Panel Moderator, *Confrontation*, at Texas Tech University School of Law, Sixth Annual Criminal Law Symposium, Mar. 30, 2012.
- Presenter, *Reconciling Speech Rights and Conspiracy Law*, at Loyola University Chicago School of Law, Second Annual Constitutional Law Colloquium, “How Democratic is the Constitution?” Oct. 21-22, 2011.
- Invited Presenter, *Reconciling Conspiracy and First Amendment Law*, at International Centre for Criminal Law Reform and Criminal Justice Policy, Conference, “Globalization of Crime – Criminal Justice Responses,” Aug. 7-11, 2011.
- Invited Presenter, *Online Terrorism and the New Speech*, at Creighton University School of Law, Creighton Law Review Symposium, Mar. 25, 2011.
- Presenter, *Do We Need a New First Amendment in the Age of the Internet?*, at Loyola University Chicago School of Law, First Annual Constitutional Law Colloquium, “How Democratic is the Constitution?” Nov. 5-6, 2010.
- Invited Presenter, *Terrorism Online: Is Speech the Same as It Ever Was?*, at University of North Dakota School of Law, The Central States Law Schools Association 2010 Annual Conference, Sept. 24-25, 2010.

Selected Consultation and Interviews

- Interview, Steven Melendez, *Suspicious packages spotlight vast postal surveillance system*, FAST COMPANY, Oct. 25, 2018.
- Interview, Rebecca McCray, *This Drone Law Put Privacy Front and Center but Left Out Something Even Scarier*, TAKEPART, Sept. 1, 2015.
- Interview, Steven Melendez, *A Century-Old Effort to Track Americans’ Snail Mail Sparks a New Privacy Argument*, FAST COMPANY, April 22, 2015.
- Interview, Ron Nixon, *Lawyers’ Group Seeks Overhaul of a Postal Service Surveillance Program*, NEW YORK TIMES, April 21, 2015.
- Interview, John Hageman, *UAS Test Site Could Mean Economic Boon for Region, Questions About Privacy*, GRAND FORKS HERALD, Jan. 4, 2014.
- Panelist, *Advocacy Call on the Use of Domestic Drones*, NACDL, Mar. 20, 2013 (regarding privacy and unmanned aerial vehicles).