

H. Mitchell Caldwell

Pepperdine University School of Law
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Malibu, CA 90263

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PROFESSIONAL EXPERIENCE

PROFESSOR OF LAW, 1986-Present
Pepperdine University School of Law

ASSOCIATE PROFESSOR OF LAW, 1981-1986
Pepperdine University School of Law

Courses Taught: Honors Trial Practice, Trial Practice, Evidence, Criminal Law, Criminal Procedure, Juvenile Law, Child Abuse Seminar, and Criminal Justice Administration

CRIMINAL DEFENSE LAWYER, 1990-Present

Representation of death row inmates before the California Supreme Court.

People v. Webb (1994) 6 Cal. 4th 494;

People v. Michaels (2002) 28 Cal. 4th 486.)

People v. Jones (2003) 29 Cal. 4th 1229

People v. Gutierrez (2009) 45 Cal. 4th 789

People v. Williams (Briefing completed. Awaiting oral argument.)

People v. Dixon (Briefing phase)

DEPUTY DISTRICT ATTORNEY (Santa Barbara County), 1979-1980

Trial Deputy charged with prosecution of felonies and misdemeanors

DEPUTY DISTRICT ATTORNEY (Riverside County), 1976-1979

Trial Deputy charged with prosecution of felonies and misdemeanors

HONORS AND AWARDS

Howard White Teaching Award 2012-2013

Jacobson Award for Excellence in Teaching Trial Advocacy, presented by the

Roscoe Pound Institute and the American Association for Justice, 2000

Recipient [AAJ's National Trial Advocacy "Teacher of the Year" Award]

Luckman Distinguished Teaching Fellow, 1991-1995 and 2000-2005.

[Pepperdine Law School's "Best Teacher" Award]

COMMISSIONS

On behalf of the California Commission on the Fair Administration of Justice.

Conducted a study on how the various district attorneys in the counties of California structure & administer the exercise of discretion to prosecute a homicide as a death penalty case. (2006-2007)

BOOKS

The Devil's Advocates, Scribner/Simon & Schuster (2006) co-author

And The Walls Came Tumbling Down, Scribner/Simon & Schuster
(2004) co-author

Ladies and Gentlemen of the Jury, Scribner/Simon & Schuster (1998); co-authors; *Los Angeles Times* best non-fiction of 1998 selection

TEXTBOOKS

Criminal Pretrial Advocacy, Vandepas Publishing (2013) co-author

Criminal Mock Trials, Vandepas Publishing (2012) co-author

Casefiles for Basic Trial Advocacy, Lexis Publications (2009) co-authors

The Art and Science of Trial Advocacy Teacher's Manual, Lexis Publications (2009) co-authors

The Art and Science of Trial Advocacy, Lexis Publications (2002, 2d Edition 2011) co-authors

The California Criminal Trialbook, West Publications (1989, 2d Edition 1993, 3d Edition 1998), co-authors

LAW REVIEW ARTICLES

"The Prosecutor Prince: Misconduct, Accountability and A Modest Proposal" *Catholic University Law Review* __ (2013)

"Timeless Advocacy Lessons from the Masters," 35 *Am. J. Trial Advocacy* 19 (2011)

"Coercive Plea Bargaining, The Unrecognized Scourge of the Justice System," 61 *Catholic University Law Review* 63 (2011)

"Counting Victims and Multiplying Counts: Business, Robbery, Faux Victims, and Draconian Punishment," 46 *Idaho Law Review* 647 (2010) co-author

"Unpredictable Doom & Lethal Injustice: An Argument for Greater Transparency in Death Penalty Decisions," 82 *Temple Law Review* 997 (2009) co-author

"Death Without Due Consideration? Overcoming Barriers To Mitigation Evidence by 'Warming' Capital Jurors To the Accused," 51 *Howard Law Journal* 301 (2008) co-author

"Pricking Boils and Other Lessons Not Learned on Law & Order: Mitigating and Overcoming Negative Evidence at Trial," 30 *The American Journal of Trial Advocacy* 27 (2006)

"Fixing the Constable's Blunder: Can *One* Judge in *One* County in *One* State Nudge a Nation Beyond the Exclusionary Rule?," Volume 2006 *Brigham Young University Law Review* Number 1 (2006)

"Crippling the Defense of the Accused: The Constitutionality of the Criminal Defendant's Right to Testify," 6 *Wyoming Law Review* 87 (2005) co-author

"Stalking the Jets and the Sharks: Exploring the Constitutionality of the Gang Death Penalty Enhancer," 12 *George Mason Law Review* 601 (2004) co-author

"The Prostitution of Lying in Wait," 57 *Miami Law Review* 311 (2003)

"The Art and Architecture of Closing Argument," 76 *Tulane Law Review* 1 (2002) co-

author

“Did He or Didn’t He? The Effect of Dickerson on Post-Waiver Invocation,” 69 *Cincinnati Law Review* 863 (2001) co-author

“Primacy, Recency, Ethos and Pathos: Integrating Communication Theory Into Direct Examination,” 76 *Notre Dame Law Review* 423 (2001) co-author

“A Matter of Life and Death: Is There A Right To Plead Guilty Even If It Is To Avoid The Death Penalty?,” 104 *Dickinson Law Review* 409 (2000) co-author

“It Is Broken: A Symposium on the Continuing Efficacy of the Exclusionary Rule,” 26 *Pepperdine Law Review* 789 (1999) co-author

“If It’s Broken, Fix It; Moving Beyond the Exclusionary Rule” 83 *Iowa Law Review* 669 (1998) (co-author) reprinted *Search and Seizure Law Reports* (August 1999)

“The Unruly Exclusionary Rule: Heeding Justice Blackmun’s Call To Examine The Rule In Light of Changing Judicial Understanding About Its Effects Outside the Courtroom,” 78 *Marquette Law Review* 49 (1995) co-author

“Unchecked Discretion at The Border: Is There A Fourth Amendment At The International Borders Of The United States?,” 14 *Whittier Law Review* 613 (1993) (co-author) reprinted *Search & Seizure Law Reports* (Spring 1994)

“Vale to Segura: The Wrong Road?,” 17 *Southwestern Law Review* 473 (1988)

“Consecutive Misdemeanor Sentencing: Curing the Inequity,” 13 *Pepperdine Law Review* 965 (1986) co-author

“Name Calling at Trial: Placing Parameters on the Prosecution,” 8 *American Journal of Trial Advocacy* 385 (1985)

“Seizures of the Fourth Kind: Changing the Rules,” 33 *Cleveland State Law Review* 323 (1984)

“Bowland v. Municipal Court Revisited: A Defense Perspective on Unlicensed Midwife Practice in California,” 15 *Pacific Law Journal* 19 (1983)

“Pre-Arrest Line-Up, Necessity of a Magistrate,” 3 *Pepperdine Law Review* 82 (1975) (Student Article)

“McCarty v. Workmen’s Compensation Appeals Board,” 2 *Pepperdine Law Review* 468 (1975) (Student Article)

PERIODICALS

Book review, *Indefensible* by David Feige (Little Brown) for *Trial*, February 2007

“You Have the Right to Remain Silent” *American Heritage*, September 2006

Book review, *The Wrong Man* by Michael Mello (Minnesota Press) for *Trial*, July 2001

**CHAPTERS
IN OTHER
PUBLICATIONS**

“Robbery,” *California Criminal Law* West Publishing (1995)

“Search and Seizure,” *Encyclopedia of Police Science* (1989) updated (1995)

EDUCATION

J.D., Pepperdine University School of Law (1976)
Pepperdine Law Review Articles Editor (1975-76)
Pepperdine Law Review Staff Member (1974-75)

B.A. (1972) California State University