

MICHAEL E. TIGAR

Michael E. Tigar is Emeritus Professor of the Practice of Law at Duke University School of Law, and Professor Emeritus of Law at Washington College of Law, American University, Washington, D.C. He was Acting Professor of Law at UCLA and Joseph D. Jamail Chair in Law at The University of Texas. He has been a lecturer at dozens of law schools, judicial conferences and bar associations in the United States, Europe, Africa, and Latin America, including service as Professeur Invité at the faculty of law of Université Paul-Cezanne, Aix-en-Provence. He is a 1966 graduate of Boalt Hall, University of California, Berkeley, where he was first in his class, Editor-in-Chief of the law review and Order of the Coif.

He has authored or co-authored thirteen books, three plays, and scores of articles and essays. He has argued seven cases in the United States Supreme Court and about one hundred federal appeals, and has litigated cases in 22 states in state and federal courts. His latest books are Trial Stories (2008) (edited with Angela Jordan Davis), Thinking About Terrorism: The Threat to Civil Liberties in Times of National Emergency (2007), and Nine Principles of Litigation and Life (2009). His memoir is Fighting Injustice (2003).

His clients have included Isabel Letelier, the family of Ronni Moffitt, many victims of the Pinochet repression, Angela Davis, H. Rap Brown, John Connally, Kay Bailey Hutchison, the Washington Post, Fantasy Films, Terry Nichols, Allen Ginsberg, Leonard Peltier, the Charleston Five, Fernando Chavez, Karl Dietrich Wolff, and Lynne Stewart. He has been Chair of the 60,000 member Section of Litigation of the American Bar Association, and Chair of the Board of Directors of the Texas Resource Center for Capital Litigation.

In his teaching, he has worked with law students in clinical programs where students are counsel or law clerks in significant human rights litigation. He has made several trips to South Africa, working with organizations of African lawyers engaged in the struggle to end apartheid and, after the release of Nelson Mandela from prison, to lecture on human rights issues and to advise the African National Congress on issues in drafting a new constitution. He has been actively involved in efforts to bring to justice members of the Chilean junta, including former President Pinochet. Of Mr. Tigar's career, Justice William J. Brennan has written that his "tireless striving for justice stretches his arms towards perfection."

Mr. Tigar is listed in Professor John Vile's book, Great American Lawyers: An Encyclopedia (2001), as one of 100 "great" lawyers in United States history. In 1999, the California Attorneys for Criminal Justice held a ballot for "Lawyer of the Century." Mr. Tigar was third in the balloting, behind Clarence Darrow and Thurgood Marshall. In 2003, the Texas Civil Rights Project named its new building in Austin, Texas, (purchased with a gift from attorney Wayne Reaud) the "Michael Tigar Human Rights Center."

DETAILED VITA

Born January 18, 1941, Glendale, California; married to Jane B. Tigar (yoga teacher, researcher, attorney, musician, author); three children (Jon S. Tigar [U.S. District Judge for the Northern District of California], Katherine McQueen, M.D. [physician specializing in addiction medicine], Elizabeth Torrey Tigar [MBA student]; four grandchildren [William Stanton Tigar, Adam Avery Tigar, Mary Elizabeth McQueen, and Amanda McQueen]

EDUCATION

J.D., 1966, Boalt Hall, University of California, Berkeley
B.A., Political Science, 1962, University of California, Berkeley
Public schools in and near Los Angeles, California

LAW SCHOOL HONORS & AWARDS

Ranked first in class all three years of law school
Editor-in-Chief, California Law Review, 1965-66
Order of the Coif

EMPLOYMENT

Professor of the Practice of Law, Duke University School of Law, 2008-10 (Emeritus Professor, 2010 -)
Visiting Professor of Law, Duke University School of Law, 2006-08
Summer Professor, University of Geneva, Switzerland, 2009
Professor Emeritus of Law, Washington College of Law, 2008 –
Lecturer, Asser Institute, The Hague, Netherlands, 2007
Professor of Law, Washington College of Law, 1998-2008
Visiting Professor (professeur invité), Université Paul Cézanne, Faculté de Droit et de Sciences Politiques de Aix-Marseille, 1991 – 2007
Joseph D. Jamail Centennial Chair in Law, University of Texas, 1987- 98(member of UT law faculty 1983-98)
Of Counsel, Haddon, Morgan & Foreman, Denver, Colorado, 1/1/96 – 6/30/98
Lecturer, University of the Western Cape, Fort Hare Faculty of Law, and University of Transkei, 1991-92
Trial Advocacy Teacher, Black Lawyers' Association of South Africa, 1988, 1989, 1990
Founder and Member, Tigar & Buffone, P.C., Washington, D.C., 1978-84
Lecturer in Criminal Procedure, State University of New York at Buffalo, 1976-77
Adjunct Professor of Law, Georgetown University Law Center, 1975-76, 1977-78
Attorney, Williams & Connolly, Washington, D.C., 1966-69; 1974-77; partner, January 1, 1976 - December 31, 1977
Of Counsel, Kennedy & Rhine, San Francisco, California, 1971-74 (maintained offices for the private practice of international law in Speracèdes, France)
Visiting Fellow, Center for the Study of Democratic Institutions, Santa Barbara, California, 1971
Acting Professor of Law, University of California, Los Angeles, 1969-71
Editor-in-Chief, Selective Service Law Reporter, 1968-69
Summer Intern, American Civil Liberties Union of Northern California, 1965
Commentator, Pacifica Radio, 1964
Assistant Editor, Civil Liberties Docket, 1963-64

Associate Director of Public Affairs, Pacifica Foundation Radio (KPFK-FM), Los Angeles, 1963
European Correspondent, Pacifica Foundation Radio, 1962-63
Guest writer/commentator, BBC London, 1962-63
Announcer, engineer, reporter, commentator, newscaster, Director of Children's Programs, Pacifica Foundation Radio (KPFA-FM), Berkeley, California, 1959-62
Free-lance writer, 1959-62
Apprentice letterpress printer, 1955-58
Restaurant second cook, 1956-57
Day camp teacher, 1955-58

PROFESSIONAL ACTIVITIES AND AWARDS (partial list)

Milton S. Gould Award, New York, 2008
Special Recognition Award, California Public Defenders Association, May 2007
Participant, Table of Free Voices, Berlin, Germany, www.droppingknowledge.org, September 9, 2006
Distinguished Advocate Award, Massachusetts Appleseeds, 2006
Citation Award, Boalt Hall, 2006
Lifetime Achievement Award, National Association of Criminal Defense Lawyers, 1999
Champion of Justice Award, California Attorneys for Criminal Justice, 1998
Co-Director, Intensive Trial Advocacy Program, The University of Texas School of Law, 1984-94
Fellow, American Academy of Appellate Lawyers; Member, Board of Directors, 1993-96
Member, Board of Directors, American Judicature Society, 1992-96
Director, The Fourth Amendment Foundation (founded by Dr. Hunter S. Thompson), 1991 - 2005
Letelier-Moffitt Human Rights Award (Sixteenth Annual), September 21, 1992
Member, ABA Task Force on an International Criminal Court, 1991
Consultant, African National Congress Task Force on TVBC States and constitutional issues, 1991-92
John Minor Wisdom Public Service and Professionalism Award, American Bar Association, Section of Litigation, October 1990
Chair, Section of Litigation, American Bar Association, 1989-90
Member, Board of Directors, Texas Appellate Practice and Educational Resource Center, 1989- 94 (Chair, 1989-93)
Reporter, Pattern Jury Instructions, Criminal Cases, Fifth Circuit, 1988-90 (published by West Publishing Co., 1990)
Trial Advocacy Teacher, Black Lawyers Association of South Africa, 1988, 1989, 1990, 1991
Chair-Elect, Section of Litigation, American Bar Association, 1988-89
Vice-Chair, Section of Litigation, American Bar Association, 1987-88
Chair, Section of Litigation, Association of American Law Schools, 1988
Co-Chair, Committee on Teaching Litigation, Section of Litigation, ABA, 1984-1987
Member, ABA Litigation Section Task Force on Training the Advocate, 1986-89
Member, Advisory Committee, BNA Civil RICO Report, 1985-89
Chair, Complex Crimes Litigation Committee, Section of Litigation, ABA, 1981-84

Participant (one of 32 lawyers selected from the United States), Smithsonian Institution
Folklife Festival, 1986, "Trial Lawyers in America."

PUBLICATIONS (partial list – books in CAPITAL LETTERS, plays in *italics*)

(Mr. Tigar has made hundreds of presentations and lectures to bar groups, judicial conferences, law schools and in other forums in the United States, Latin America, Africa, Asia and Europe. He has also made hundreds of media appearances. These are not listed in this CV, although many of them are available on-line, from proedgroup.com, or in other forms. For example, go to Google books and search for Tigar Michael.)

The Trial of the Century, DVD re-enactment of the trial of Clarence Darrow for bribery
Santa Clara Law School, September 12, 2012.

Foreword to James C. Harrington, *Wrestling with Free Speech, Religious Freedom, and Democracy in Turkey: The Political Trials and Times of Fethullah Gülen*

Crisis in the Legal Profession: Don't Mourn, Organize, a paper for the Carhart Conference on Legal Ethics, Ohio Northern University, March 30, 2011, 37 Ohio N. L. Rev. 539 (2011).

Respecting Atticus Finch, and Scout, an essay for the ABA Conference on Professional Responsibility, Memphis, June 2, 2011

Ways of Seeing, Ways of Judging, an essay for the Central District of California Judicial Conference, April 2, 2011

What Are We Doing to the Children: An Essay in Juvenile (In)justice, given as the David H. Bodiker Lecture, Ohio State University Moritz College of Law, September 24, 2009, published 7 Ohio State Journal of Criminal Law 849 (2010)

Narratives of Oppression, 17 Human Rights Brief 34 (2009)

Introduction to Wellman, THE ART OF CROSS-EXAMINATION (reissued by ABA Press 2009)

NINE PRINCIPLES OF LITIGATION – AND LIFE (2009)

The Reichstag Fire Trial 1933 – 2008: The Production of Law and History (with John Mage), Monthly Review, March 2009, p.24

TRIAL STORIES (edited, with Angela Jordan Davis, co-author of chapter on Nichols case, author of chapter on Vioxx litigation) (2008)

What Lawyers? What Edge?, 36 Hofstra L. Rev. 521 (2007)

THINKING ABOUT TERRORISM: THE THREAT TO CIVIL LIBERTIES IN A TIME OF NATIONAL EMERGENCY (2007)

Essay, The City Upon the Hill, in book RAISE THE BAR: REAL WORLD SOLUTIONS FOR A TROUBLED PROFESSION (Lawrence J. Fox ed. 2007)

Lecture, Immunities: Augusto Pinochet to Slobodan Milosevic, T.M.C. Asser Institute/Washington College of Law, The Hague, June 20, 2007

Lecture, A Closer Look at “Terrorist” Groups, T.M.C. Asser Institute, The Hague, June 25, 2007

Essay, A System of Wholesale Denial of Rights, introduction to Review of the Month entitled A New Form of State: War and Criminal Law, and to Jean Claude Paye’s article on alien enemy combatants, Monthly Review, September 2007

Book Review, Appellate Courts Structures, Functions, Processes and Personnel, Federal Courts Law Review, 2007, <http://www.fclr.org/2007fedctslrev2.htm>

Essay, The Twilight of Personal Liberty: Introduction to “A Permanent State of Emergency,” Monthly Review, November 2006

Mastering the Craft of Trial Advocacy (course materials for seminars on advocacy), several editions 1998 – 2006, Professional Education Group

Paradigms in Teaching Criminal Law (keynote lecture, AALS Midyear Meeting, June 15, 2006)(available online)

Universal Rights & Wrongs: Roper v. Simmons, Torture and Judge Posner (a paper presented as the 2006 Will E. Orgain Lecture at The University of Texas School of Law, April 6, 2006 initial publication at [monthlyreview.org](http://www.monthlyreview.org) website, <http://www.monthlyreview.org/0506tiger.htm>, and online at the UT law website.

Empowering the Jury (16 one-hour DVD presentations on all aspects of trial advocacy, available from Professional Education Group and on-line from West Legal Education Center)

EXAMINING WITNESSES (2d edition), 2003

The Most Impertinent Question, *Litigation*, Spring 2003

Tosca: Dangers of Operatic Plea Bargains, lecture November 6, 2001

FIGHTING INJUSTICE (2003)

Litigation as a Faustian Bargain, *Litigation*, Winter 2002

Lecture, Terrorism and Human Rights, October 17, 2001, on the website of Institute for Policy Studies, Washington, D.C.

Essay, Lawyers, Jails and the Law's Fake Bargains, *Monthly Review*, July/August 2001

Introduction, *THE FEDERAL COURTHOUSE DOOR: A FEDERAL JURISDICTION GUIDE*, by James P. George (2002)

LAW AND THE RISE OF CAPITALISM (new edition 2000)

Litigators' Ethics, 67 *Tenn. L. Rev.* 409 (2000)

Essay, Story Within A Story Within A Story – Played Out In The Different Theaters Of Different Minds, reflections on Susan Glaspell's play "Trifles," for a conference in Israel, Spring 2000

Two Trials in and about Chattanooga – Lynching and Federal Judicial Power, *Litigation*, Spring 2000, p. 49

The Power of Myth: Justice, Signs & Symbols in Criminal Trials, *Litigation*, Fall 1999, p. 25

FEDERAL APPEALS: JURISDICTION AND PRACTICE, West Group, Third Edition, 2000 [with Jane B. Tigar](with annual supplements)

PERSUASION: THE LITIGATOR'S ART (1999)[ABA Press]

What Would Thomas More Think?, 2 *J. Inst. for the Study of Legal Ethics* 187 (1999).

Defending: an essay. 74 *Tex. L. Rev.* 101 (1995)

Paul Touvier and the Crime Against Humanity, 30 *Tex. Int'l L. J.* 286 (1995)[with Casey, Giordani & Mardemootoo]

Moderator, Panel: What To Do When Your Case Is Front Page News, 14 *Rev. of Lit.* 595 (1995)

Columns in *National Law Journal*, 1995 - 2001 on criminal law and international law issues

Review, *Lawyers and Social Justice*, 78 *Judicature* 253 (1995)

Review, *Revolution in the Balance: Law and Society in Contemporary Cuba*, *Cuba Update*, February 1995, p. 33

Pretrial Case Management Under the Amended Rules: Too Many Words for a Good Idea, 14 *Rev. of Lit.* 137 (1994)

Letter of the Law: A Reply, *Los Angeles Daily Journal*, Jan. 11, 1995 (op-ed page)

Old California and New Ideas, California State Bar Morrison Lecture, September 24, 1994, Anaheim, California

Moving Backward in Sentencing and Intent, Nat'l L. J. 18 (Nov. 29, 1993)

Moderator, The Use and Misuse of Expert Evidence in the Courts (March 6, 1993) 77 Judicature, September-October 1993

EXAMINING WITNESSES, ABA Press, 1993

Criminal Justice Reform. Sources and Nature of Norms, International Review of Penal Law, Criminal Justice and Human Rights (1993)

FEDERAL APPEALS: JURISDICTION AND PRACTICE, Shepard's/McGraw-Hill, Second Edition, 1992

The Expert Who Walked Off Angry [under name of Edward Michaels], 17 Litigation 27 (Summer 1991)

The Lawyer Who Broke the Retaining Wall [under name of Edward Michaels] 18 Litigation 27 (Fall 1991)

Cross Examination of Expert Witnesses, in F. Rossi, EXPERT WITNESSES, American Bar Association (1991)

Book Review: Laycock, The Death of the Irreparable Injury Rule, 17 Litigation 49 (Winter 1991)

The Prosecutor Whose Sword Was Taken Away [under name of Edward Michaels], 17 Litigation 6 (Winter 1991)

Academic Freedom, Essay, OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, 1990

Conscientious Objection, Essay, OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, 1990

Discovering Your Litigator's Voice, 16 Litigation 1 (Summer 1990)

One Man's Freedom, One Man's Faith, 16 Litigation 1 (Spring 1990)

Lawyers and Death Cases, 16 Litigation 1 (Winter 1990)

Query: Judges or Lawyers--Who Are the Keepers of the Flame?, 74 Judicature 125 (October-November 1990)

2020 Vision: A Bifocal View, 74 Judicature 89 (August-September 1990)

Voices Heard in Jury Argument: Litigation and the Law School Curriculum, 9 Review of Litigation 177 (1990)

Book Review, Federal Habeas Corpus Practice and Procedure (J. Liebman), 90 Colum. L. Rev. 255 (1990)

The Extradition Requirement of Double Criminality in Complex Cases: Illustrating the Rationale of Extradition, published in proceedings of Istituto Superiore Internazionale de Scienze Criminali Conference, Siracusa, Italy

Judges, Lawyers and the Penalty of Death, 23 Loyola L.R. 147 (November 1989)

Lawyers, Money, Race, and Gender, 16 Litigation 1 (Fall 1989)

Videotape, Effective Argument to the Court, ABA Videolaw Seminars, 1989

The Warrior Bards, a play in six scenes [with Kevin McCarthy], premiered October 5, 1989, starring Kevin McCarthy

Corporate Liability for Crime, Essay, funded in part by a grant (Summer, 1988) from the Corporate Counsel Section of the State Bar of Texas, 1989, published as It Does the Crime But Not the Time: Corporate Criminal Liability in Federal Law, 17 Am.J.Crim.Law 211 (Spring 1990)

Videotape, Dealing with the S.O.B. Litigator, ABA Videolaw Seminars, 1989

Intending, Knowing and Desiring: The Mental Element in Federal Criminal Law, Lecture, Cleveland-Marshall College of Law, October 27, 1988, published as "Willfulness" and "Ignorance" in Federal Criminal Law, 37 Cleveland State Law Review 525 (1990)

What the Constitution Means by Executive Power, 43 Miami L. Rev. 177 (1988)(informal talk)

Original Understanding and the Constitution, 22 Akron L. Rev. 1 (1988)

Jury Argument: You the Facts, and the Law, 14 Litigation 19 (1988)

Book Review, And We Are Not Saved, The Elusive Quest for Racial Justice (D. Bell), ABA Journal, Vol. 73, October 1, 1987, p. 146

Constitutional Rights of Criminal Tax Defendants: A Bicentennial Survey and Modest Proposal, 41 The Tax Lawyer 13 (1987)

Haymarket: Whose Name the Few Still Say with Tears, a play in eleven scenes, first performed by Remains Theater, Chicago, Illinois, October 1987

FEDERAL APPEALS: JURISDICTION AND PRACTICE, Shepard's/McGraw-Hill, 1987

Speaker, Presentation of the Portrait of Carl O. Bue, Jr. 680 F. Supp. LXXX (April 28, 1987)

Essay, "Crime-Talk, Rights-Talk and Doubletalk," 65 Tex. L. Rev. 101 (1986)

The Hobbs Act and RICO in Takeover Litigation, BNA Civil RICO Report, vol. 2, No. 13, August 27, 1986, p. 2

The Trial of John Peter Zenger, a play in four scenes, commissioned by the Section of Litigation, American Bar Association, first performed at the Waldorf Astoria Hotel Starlight Roof, August 10, 1986. Revived at New York Historical Society, 1989.

Book Review, Talk-Show Advocacy, Litigation, vol. 12, No. 1, Fall 1985, p. 61

Book Review, Whose Rights? What Danger, 94 Yale L.J. 970 (1985)

The Right of Property and the Law of Theft, 62 Tex. L. Rev. 1443 (1984)

Mail Fraud, Morals and U.S. Attorneys, Litigation, vol. 11, no. 1, Fall 1984, p. 22

Book Review, Law and Revolution: The Formation of the Western Legal Tradition, 17 U.C. Davis L. Rev. 1035 (1984)

International Exchange of Information In Criminal Cases, 1983 Michigan Yearbook of International Legal Studies 61 [with A.J. Doyle, Jr.]

The Foreign Sovereign Immunities Act And The Pursued Refugee: Lessons From *Letelier v. Chile*, 1982 Michigan Yearbook of International Legal Studies 421

Crime on Camera, Litigation, Vol. 9, No. 1, Fall 1982

Book Review, The Great Fear, 15 Harvard Civil Liberties - Civil Rights Review (1980)

LAW AND THE RISE OF CAPITALISM (published in 1977 by Monthly Review Press) [with M. Levy]. Spanish and Portuguese translations published 1978; Greek translation published 1980; Chinese translation published 1997

Can We Be Equal And Free?, in *The Unfinished Revolution* (C. Snow ed. 1976)

Book Review, Political Criminal Trials: How To Defend Them, Litigation (ABA Litigation Section Magazine), Vol. 1, No. 1, Winter 1975

Book Review, Psychoanalytic Jurisprudence, 86 Harv. L. Rev. 785 (1973)

Book Review, Kennedy Justice, The New York Review Of Books, June 29, 1972

Judicial Power, the "Political Question Doctrine," and Foreign Relations," 17 U.C.L.A. L. Rev. 1135 (1970), reprinted in *The Vietnam War And International Law*, Vol. 3 (R. Falk, ed. 1972)

Socialist Law And Legal Institutions, in *LAW AGAINST THE PEOPLE* (R. Lefcourt ed. 1971)

The Rights Of The Selective Service Registrant, in *THE RIGHTS OF AMERICANS* (1970)

Foreword: Waiver Of Constitutional Rights: Disquiet In The Citadel, 84 Harv. L. Rev. 1 (1970)

Book Review, *Frontiers Of Civil Liberties*, 78 Yale L.J. 597 (1969)

Selective Service: Some Certain Problems And Some Tentative Answers, 37 Geo. Wash. L. Rev. 433 (1969) [with R. Zweben]

PRACTICE MANUAL, *Selective Service Law Reporter* (1968)

Book Review, *Concerning Dissent And Civil Disobedience*, 67 Mich. L. Rev. (1969)

Book Review, *Freedom & Order In The University*, 56 Calif. L. Rev. 236 (1968)

Book Review, *Anti-Politics in America*, 77 Yale L.J. 597 (1968)

Book Review, *The American Student's Freedom Of Expression*, 4 Law in Trans. Q. 163 (1967)

Introduction To Symposium: Student Rights And Campus Rules, 54 Calif. L. Rev. 1 (1966)

Book Review, *Federal Habeas Corpus*, 53 Calif. L. Rev. 914 (1965) [with I. Heyman]

Comment, *Automatic Extinction Of Cross-Demands: Compensatio From Rome To California*, 53 Calif. L. Rev. 224 (1965)

Atomic Science & Social Responsibility, unpublished paper, 1961, 86 pp.

Articles in the liberal democrat (1960-62)

Mississippi Report, Summer 1964, a series of commentaries for Pacifica Foundation Radio

BAR MEMBERSHIPS

D.C. (4/1/67), NY (1993) U.S. Supreme Court (1/10/72; pro hac vice 10/27/69); several U.S. district courts and U.S. courts of appeal; also many state and federal trial and appellate courts pro hac vice.