

## **CURRICULUM VITAE**

**JAMES JOSEPH TOMKOVICZ**  
**Associate Dean for Faculty**  
**Edward F. Howrey Professor of Law**  
**University of Iowa College of Law**

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### **EDUCATIONAL BACKGROUND**

1973-76                      UCLA School of Law, received Juris Doctor in June, 1976; Class ranking: 5th of 295

1969-73                      University of Southern California  
B.A., Psychology; Summa Cum Laude

### **ACADEMIC HONORS**

Law School:                Order of the Coif  
Member, UCLA Law Review, 1974-76

Undergraduate:          Phi Beta Kappa  
Phi Kappa Phi

### **JURISDICTIONS OF ADMISSION TO PRACTICE**

Admitted to practice in California, the United States Supreme Court, the United States Courts of Appeal for the 9th and 10th Circuits, and the United States District Court for the Southern District of California

**EMPLOYMENT**

July, 1986 - present	Professor, University of Iowa College of Law, Iowa City, Iowa
May, 2009 - present	Associate Dean for Faculty
January, 2008 - May, 2008	Visiting Professor, University of California, Los Angeles School of Law, Los Angeles, California
June, 2006 - July, 2006	Visiting Professor, University of San Diego School of Law, San Diego, California
June, 2004 - July, 2004	Visiting Professor, University of San Diego School of Law, San Diego, California
August, 2003 - December, 2003	Visiting Professor, University of California, Los Angeles School of Law, Los Angeles, California
January, 2002 - May, 2002	Professor, London Law Consortium, London, United Kingdom
January, 1992 - May, 1992	Visiting Professor, University of Michigan Law School, Ann Arbor, Michigan
August, 1982 - June, 1986	Associate Professor, University of Iowa College of Law, Iowa City, Iowa
July, 1981 - June, 1982	Adjunct Professor, University of California at Los Angeles School of Law, Los Angeles, California
January, 1981 - May, 1981	Visiting Professor, University of Iowa College of Law, Iowa City, Iowa
October, 1979 - August, 1980	Attorney, United States Department of Justice, Land and Natural Resources Division, Appellate Section, Washington, D.C.
September, 1977 - September, 1978	Law Clerk to Hon. John M. Ferren, District of Columbia Court of Appeals, Washington, D.C.
August, 1976 - July, 1977	Law Clerk to Hon. Edward J. Schwartz, Chief Judge, United States District Court for the

Southern District of California, San Diego,  
California

## **TEACHING**

### a) Areas of Interest

Criminal Procedure: Investigation, Criminal Procedure: Adjudication, Criminal Law, Evidence, Federal Criminal Law

### b) Recognition

Winner of University-Wide Collegiate Teaching Award for 1994-1995

Nominated for University-Wide Collegiate Teaching Award in 1991, 1993, 1994, and 1995

Nominated for University-Wide Marion L. Huit Award, 2006

## **PUBLICATIONS**

### **Books**

THE RIGHT TO THE ASSISTANCE OF COUNSEL: A REFERENCE GUIDE TO THE UNITED STATES CONSTITUTION, Greenwood Press, 2002, 258 pages.

CRIMINAL PROCEDURE: CONSTITUTIONAL CONSTRAINTS UPON INVESTIGATION AND PROOF, with Welsh White. Matthew Bender, 1990, 837 pages; 2nd edition, 1994, 928 pages; 3rd edition, 1998, 797 pages; 4<sup>th</sup> edition, LexisNexis, 2001, 868 pages; 5<sup>th</sup> edition, 2004, 1159 pages; 6<sup>th</sup> edition, 2008, 1013 pages.

Teacher's Manual for CRIMINAL PROCEDURE: CONSTITUTIONAL CONSTRAINTS UPON INVESTIGATION AND PROOF, with Welsh White. Matthew Bender, 1990, 324 pages; 2nd edition, 1995, 431 pages; 3rd edition, 1998, 400 pages; 4<sup>th</sup> edition, 2001, LexisNexis, 486 pages; 5<sup>th</sup> edition, 2004, 504 pages; 6<sup>th</sup> edition, 2008, 381 pages.

### **Chapter in Book**

“Against the Tide: Rehnquist’s Efforts to Curtail Expansion of the Right to Counsel,” in THE REHNQUIST LEGACY, Craig Bradley-editor, Cambridge University Press, 2006.

**Articles in Journals**

"*Hudson v. Michigan* and the Future of Fourth Amendment Exclusion," 93 Iowa L. Rev. 1820 (2008), 67 pages.

"Divining and Designing the Future of the Search Incident to Arrest Doctrine: Avoiding Instability, Irrationality, and Infidelity," 2007 Illinois L. Rev. 1417 (2007), 59 pages.

"Saving *Massiah* From *Elstad*: The Admissibility of Successive Confessions Following A Deprivation of Counsel," 15 Wm. & Mary Bill of Rights J. 711 (2007), 54 pages.

"Reaffirming the Right to Pretrial Assistance: The Surprising Little Case of *Fellers v. United States*," 15 Wm. & Mary Bill of Rights J. 501 (2006), 31 pages.

"Welsh White: A Farewell Tribute To A Generous Spirit," 4 Ohio St. J. Crim. L. 19 (2006), 6 pages.

"Technology and the Threshold of the Fourth Amendment: A Tale of Two Futures," 72 Mississippi Law Journal 317 (2002), 129 pages.

"The Endurance of the Felony-Murder Rule: A Study of the Forces that Shape Our Criminal Law," 51 Washington and Lee Law Review 1429 (1994), 52 pages.

"On Teaching Rape: Reasons, Risks, and Rewards," 102 Yale Law Journal 481 (1992), 28 pages.

"*California v. Acevedo*: The Walls Close in on the Warrant Requirement", 29 American Criminal Law Review 1103 (1992), 75 pages.

"The Truth About *Massiah*," 23 University of Michigan Journal of Law Reform 641 (1990), 44 pages.

"The *Massiah* Right to Exclusion: Constitutional Premises and Doctrinal Implications," 67 North Carolina Law Review 751 (1989), 43 pages.

"An Adversary System Defense of the Right to Counsel against Informants: Truth, Fair Play, and the *Massiah* Doctrine," 22 U.C. Davis Law Review 1 (1988), 92 pages.

"Standards for Invocation and Waiver of Counsel in Confession Contexts," 71 Iowa Law Review 975 (1986), 87 pages.

"Beyond Secrecy for Secrecy's Sake: Toward An Expanded Vision of the Fourth Amendment Privacy Province," 36 Hastings Law Journal 645 (1985), 93 pages.

### **Encyclopedia Entry**

*Gideon v. Wainwright*, a brief entry included in the ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES, a five-volume reference work (Macmillan Reference USA 2008).

### **Outline**

Criminal Procedure, Aspen Law & Business, 1997, 655 pages.

### **Works In Progress**

CONSTITUTIONAL EXCLUSION: THE RULES, RIGHTS, AND REMEDIES THAT STRIKE THE BALANCE BETWEEN FREEDOM AND ORDER (working title of book to be published by Oxford University Press in 2010)

The Birth, Transmutation, and Evolution of *Miranda* Exclusion and its Rationales (working title of article concerning the bar to evidence under *Miranda v. Arizona*)

### **PRACTICE AND LAW REFORM WORK**

#### **Amicus Curiae Briefs in United States Supreme Court**

*Knowles v. Iowa*, on behalf of the American Civil Liberties Union, the Iowa Civil Liberties Union, and the National Association of Criminal Defense Lawyers, 1998.

*Florida v. J.L.*, on behalf of the National Association of Criminal Defense Lawyers, the American Civil Liberties Union, the ACLU of Florida, the Criminal Justice Policy Foundation, the Juvenile Law Center, the National Legal Aid and Defender Association, and the Southern Poverty Law Center, 2000.

*Kyllo v. United States*, on behalf of the National Association of Criminal Defense Lawyers and the American Civil Liberties Union, 2000.

*United States v. Patane*, on behalf of the National Association of Criminal Defense Lawyers and the American Civil Liberties Union, 2003.

*Maryland v. Blake*, on behalf of the National Association of Criminal Defense Lawyers, 2005.

*Arizona v. Gant*, on behalf of the American Civil Liberties Union, 2008.

### **Reform of the Iowa Criminal Code**

Appointed in 2007 as University of Iowa College of Law representative on “Iowa Criminal Code Reorganization Committee,” a group charged by the Iowa legislature with studying and formulating revision of the Iowa Criminal Code

Appointed Chair in 2008 of the Foundational Provisions Subcommittee of the “Iowa Criminal Code Reorganization Committee,” charged with drafting proposals for Iowa Code concerning foundational criminal law topics such as mens rea, accomplice liability, attempt, intoxication, insanity, and self-defense