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Tribute to Professor Paul Giannelli

Jessica Berg

Michael Scharf

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TRIBUTE TO PROFESSOR PAUL GIANNELLI

The editors of the *Case Western Reserve Law Review* respectfully dedicate this issue to Professor Paul Giannelli.

Jessica Berg and Michael Scharf[†]

A TRIBUTE TO PAUL GIANNELLI—A GREAT EDUCATOR AND SCHOLAR

In May 2017, Professor Paul C. Giannelli retired from Case Western Reserve University School of Law after forty-two years of teaching and was appointed the Albert J. Weatherhead III and Richard W. Weatherhead Professor Emeritus of Law. Few academics have had the immense impact of Professor Giannelli, whose work has shaped the field of forensic science and law. It is our great pleasure to tell you about the extraordinary career of this outstanding professor.

Professor Giannelli received his B.S. *summa cum laude* from Providence College in 1967; his J.D. from the University of Virginia in 1970, where he was articles editor of the *Virginia Law Review*; his M.S. in Forensic Science from George Washington University in 1973; and his L.L.M. from the University of Virginia in 1975.

Before joining the faculty at Case Western Reserve University School of Law in 1975, Professor Giannelli served as both a prosecutor and defense counsel in the military. He was also a Fellow in the Forensic Medicine Program at the Armed Forces Institute of Pathology, at Walter Reed Hospital, in Washington, D.C. from 1972-73, and later taught at the Army Judge Advocate General's School in Charlottesville, Virginia. He received three Army Commendation Medals and a Meritorious Service Medal for his military service.

During his four decades as a faculty leader, Professor Giannelli made a huge contribution to the life of the Law School. He taught courses and seminars on Evidence, Scientific Evidence, Wrongful Convictions, Criminal Procedure, Juvenile Law, and Corrections and Prisoners' Rights. He was twice honored as the Law School's Teacher of the Year by the student body in 1998 and 2001, received the

^{††} Co-Deans, Case Western Reserve University School of Law.

Distinguished Teacher Award from the Law Alumni Association in 1995, and was named Legal Educator of the Year by the Ohio State Bar Association in 2005. During his tenure, Professor Giannelli chaired every standing committee in the law school—Admissions, Appointments, Appeals and Rules, Curriculum, Promotion and Tenure, Building, Library—some several times. In May 2011, after having held the Albert J. Weatherhead III & Richard W Weatherhead Professorship for more than twenty years, he was awarded a Distinguished University Professorship—the highest academic honor bestowed by the University.

Professor Giannelli will be remembered most for his important scholarly works. He is the author or co-author of fourteen books, most of which have been published in multiple editions. He is also the author of more than 200 articles, book chapters, essays, and reviews that have appeared in leading law reviews and journals. These include general subject matter reviews like *Columbia Law Review*, *Virginia Law Review*, *Cornell Law Review*, *Vanderbilt Law Review*, *Illinois Law Review*, *Fordham Law Review*, *North Carolina Law Review*, *Wisconsin Law Review*, and *Ohio State Law Journal*; as well as prominent specialty journals such as the *Journal of Criminal Law & Criminology*, the *American Criminal Law Review*; and interdisciplinary journals such as *Issues in Science and Technology*, the *Journal of Law, Medicine & Ethics*, the *Journal of Forensic Sciences*, and the *International Journal of Clinical & Experimental Hypnosis*. He continues to write and publish and remains an active member of our law school scholarly community.

Professor Giannelli's vast body of work has had an enormous impact on the development of the law. A number of his articles are considered the definitive works on their respective subjects. His work has been widely cited by scholars around the world. It has been cited by the U.S. Supreme Court seven times, and by courts in Australia and Canada, as well as by almost every federal court of appeals, numerous federal district courts, and courts in more than forty states. The prestigious National Academy of Sciences cited six of Professor Giannelli's works in its landmark 2009 report, *Strengthening Forensic Science in the United States*,¹ and he testified on the report before the U.S. Senate Judiciary Committee.² The Law Commission of the United Kingdom also cited Giannelli's work in an important 2009 consultation paper, *The Admissibility of Expert Evidence in Criminal Proceedings*

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1. COMM. ON IDENTIFYING NEEDS OF THE FORENSIC SCI. CMTY., NAT'L ACAD. SCI., *STRENGTHENING FORENSIC SCIENCE IN THE UNITED STATES: A PATH FORWARD* (2009).
 2. *Strengthening Forensic Science in the United States: A Path Forward: Hearing on the National Academy of Sciences Report Before the S. Comm. on the Judiciary*, 111th Cong. 1 (2009) (statement of Paul Giannelli, Weatherhead Professor of Law Case Western Reserve University).

*in England and Wales.*³ On September 21, 2017, the White House released a seminal report on forensic science which cited six of Professor Giannelli's articles.⁴ A recent four-year study of most cited faculty by Professors Gregory Sisk and Brien Lieter ranked Professor Giannelli fifth in the nation in the field of Evidence.⁵

Professor Giannelli has directed his scholarship and expertise to the service of the legal profession and the nation. He has taken a leading role in projects sponsored by the American Bar Association. For example, he co-chaired the ABA Ad Hoc Committee on Innocence, which addressed such important topics as methods for dealing with false confessions, the quality of crime laboratories, the reliability of eyewitness identification, the quality of investigative procedures, standards for prosecutors and defense lawyers, the use of informants, compensation for the wrongfully convicted, and systematic reforms in the field of criminal justice. Professor Giannelli also served as reporter for the ABA committee that developed Criminal Justice Standards on DNA Evidence, the editorial board of the ABA Section of Criminal Justice's *Criminal Justice Magazine*, and co-chaired the section's Science and Technology Committee.

Professor Giannelli also played an important role in state and national commissions, including many projects through the prestigious National Academy of Sciences ("NAS"). He served, for example, on the committee that studied the evidentiary use of bullet lead analysis and was a reviewer for NAS reports on DNA evidence and polygraphs, as well as the influential report, *Strengthening Forensic Science in the United States: A Path Forward*.⁶ In addition, he was an advisor to the Federal Judicial Center and has spoken at many programs sponsored by the Center, which is the research and training agency for the federal judiciary. He has served as the reporter for committees of the National Conference of Commissioners on Uniform State Laws dealing with DNA evidence and custodial confessions. He has also been special counsel to the Joint Select Evidence Committee of the Ohio General

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3. THE LAW COMMISSION, THE ADMISSIBILITY OF EXPERT EVIDENCE IN CRIMINAL PROCEEDINGS IN ENGLAND AND WALES, 2009, LAW COMM'N No. 190 (UK).
 4. PRESIDENT'S COUNCIL OF ADVISORS ON SCI. AND TECH., EXEC. OFFICE OF THE PRESIDENT, FORENSIC SCIENCE IN CRIMINAL COURTS: ENSURING SCIENTIFIC VALIDITY OF FEATURE-COMPARISON METHODS (2016).
 5. Brian Leiter, *Ten Most-Cited Evidence Faculty in the United States, 2010-2014 (Inclusive)*, LAW PROFESSORS BLOG NETWORK (May 23, 2016), <http://leiterlawschool.typepad.com/leiter/2016/05/ten-most-cited-evidence-faculty-in-the-united-states-2010-2014-inclusive.html> [<https://perma.cc/L28F-C7KP>].
 6. COMM. ON IDENTIFYING THE NEEDS OF THE FORENSIC SCIENCE CMTY., NAT'L RESEARCH COUNCIL, STRENGTHENING FORENSIC SCI. IN THE UNITED STATES: A PATH FORWARD (2009).

Assembly and has served as counsel to and a member of the Ohio Supreme Court Rules Advisory Committee. Most recently, from 2013 to 2017, Professor Giannelli served as a member on the National Commission on Forensic Sciences, a group appointed by the Attorney General to improve Forensic Science and expert testimony, including with respect to bite mark and firearm analysis.

Case Western Reserve University has been extraordinarily fortunate to have had the incredibly productive and impactful Professor Giannelli on its faculty. We have been even more fortunate to have been colleagues with him. In the tributes to follow, you will hear about Professor Giannelli's wry sense of humor, his passion, incredible intellect, and specific contributions to our school.