

---

2018

## Tribute to Professor Paul Giannelli

Karen Nelson Moore

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>

 Part of the [Law Commons](#)

---

### Recommended Citation

Karen Nelson Moore, *Tribute to Professor Paul Giannelli*, 68 Case W. Rsrv. L. Rev. 687 (2018)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol68/iss3/7>

This Tribute is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

---

Karen Nelson Moore<sup>†</sup>

Professor Paul C. Giannelli truly is worthy of his role as Distinguished University Professor. He is an outstanding and prolific scholar, a respected and dedicated teacher, and an excellent and conscientious colleague. Notwithstanding his retirement after more than forty years on the Case Western Reserve University Law School faculty, I am confident that Paul will continue his stellar scholarly work.

Professor Giannelli and I were colleagues for eighteen years while I was a member of the faculty at Case Western Reserve University Law School. Paul had joined the faculty two years before I arrived, and he was unfailingly supportive of new faculty in our attempts to become productive scholars and able teachers. He willingly read drafts of articles, offered helpful comments, and raised sophisticated issues for newer faculty to consider. A rigorous reader of each faculty member's work, his constructive critiques and kind mentorship enabled others to excel. Throughout his career, his work in facilitating faculty development was exceptional.

It is an understatement to say that Paul is an accomplished scholar. The author or co-author of at least a dozen books, he has published numerous articles focusing heavily on the significant field of scientific evidence. A major early piece that he authored, *The Admissibility of Novel Scientific Evidence*, published in the 1980 *Columbia Law Review*,<sup>1</sup> was cited in the key U.S. Supreme Court decision *Daubert v. Merrell Dow Pharmaceuticals, Inc.*,<sup>2</sup> as was his *Scientific Evidence Treatise*.<sup>3</sup> At least seven other Supreme Court cases have cited Paul's work, as have over fifty federal court opinions. Most recently, the four-Justice dissent in *McWilliams v. Dunn*,<sup>4</sup> cited two of his analyses of the impact of *Ake v. Oklahoma*.<sup>5</sup> In my own work on cases involving evidentiary

---

† Faculty Member, Case Western Reserve University School of Law, 1977–1995; Judge, United States Court of Appeals for the Sixth Circuit, 1995–present.

1. Paul C. Giannelli, *The Admissibility of Novel Scientific Evidence: Frye v. United States, A Half-Century Later*, 80 COLUM. L. REV. 1197 (1980).
2. 509 U.S. 579, 586 n.4 (1993).
3. *Id.* at 587 n.3 (citing PAUL C. GIANNELLI & E. IMWINKELRIED, SCIENTIFIC EVIDENCE §1–5 (1st ed. 1986)).
4. 137 S. Ct. 1790 (2017).
5. *Id.* at 1806 (citing Paul C. Giannelli, *Ake v. Oklahoma: The Right to Expert Assistance in a Post-Daubert, Post-DNA World*, 89 CORNELL L. REV. 1305 (2004); Paul C. Giannelli, *The Constitutional Right to Defense Experts*, PUB. DEF. RPTR., Summer 1993, at 1, 3).

questions, I find that Professor Giannelli's scholarship is invaluable, both in providing a nuanced approach to specific evidentiary questions and in affording an analysis of the broader field of scientific evidence.

The students at Case Western Reserve have consistently rated Professor Giannelli as one of their favorite professors, both because of the content of his classes and because of his demeanor, which mixes appropriate humor with serious analysis. Over the years I have heard many comments about various professors' skills in the classroom; the students consistently put Professor Giannelli at the pinnacle of teachers at the school. Both the Law Alumni Association and several graduating classes have selected him as Teacher of the Year. Moreover, he has been a frequent and repeat lecturer at various professional conferences, attesting to his appeal to professional audiences as well.

I served with Paul on a number of key faculty committees at the law school, including the Dean Search Committee, the Promotion and Tenure Committee, and a special committee on the future of the law school. Paul was a leader on those and other faculty committees, and he uniformly served with dedication, providing creative and workable solutions to resolve problems. He could always be counted on to be thoughtful, responsible, and willing to shoulder more than his fair share of law school service activities. He was a stalwart citizen of the law school, always acting on principle, never petty.

Paul's academic career has been simply remarkable. No faculty member in the history of the school has published as many significant scholarly works or has had such an immense impact on an important field as has Paul. He has served the school and his students with unstinted thoughtfulness and devotion to the development of the institution and its members in the finest traditions of legal education.

Paul's influence beyond the classroom includes not only his strong scholarship, but also his service on a variety of law-reform commissions. These include work as a Commissioner on the National Commission on Forensic Science, a Reviewer for the National Research Council of the National Academy of Sciences, and a Reporter and Editorial Board Member for several key American Bar Association projects on DNA and Criminal Justice. For decades, he has also provided regular columns in the publications *Criminal Justice*, the *Criminal Law Bulletin*, and the *Public Defender Reporter*; he has delivered well over one hundred lectures and talks on scientific evidence, forensic science, and expert testimony.

I have the utmost confidence that Paul will remain a highly productive scholar in his retirement and that his perceptive scholarship will continue to influence courts and legal thinkers in the years to come. It was my profound pleasure to serve as a junior colleague with Paul and to learn the academic craft through his mentorship. I look forward to Paul's next articles and to his continued professional dedication to

legal education and the development of understanding of the complexities of scientific evidence.