



Case Western Reserve Law Review

Volume 68 | Issue 3

2018

Tribute to Professor Paul Giannelli

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Recommended Citation

Francis A. Gilligan, *Tribute to Professor Paul Giannelli*, 68 Case W. Res. L. Rev. 685 (2018)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol68/iss3/6>

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Francis A. Gilligan[†]

I have known Paul since the early 1970s when we taught at the Army Judge Advocate General's school in Charlottesville, Virginia.

It was there that Paul began writing his text on scientific evidence by teaching a seminar on scientific evidence. At that time, the faculty included Paul, Fredric I. Lederer, Philip Suarez, Edward J. Imwinkelried, and myself. Our boss at the time was LTC Hugh R. Overholt.

We were tasked to write a book on evidence, DA Pam 27-22. After finishing the text, LTC Overholt and the Judge Advocate General, Major General Hugh Clausen, suggested at a party one night that the book would be useful as a civilian text. I was tasked with getting a publisher—we thought the Michie Company in Charlottesville might publish the book. When I presented this to the manager, she turned us down. So I went to West, and they immediately accepted our proposal. The book was published in 1979,¹ but was not advertised. Paul said we should “pull the plug” with West and get a publisher that would publicize the text to the bar and bench. He also thought our title was not “sexy” enough; Criminal Evidence should be Courtroom Criminal Evidence. I went back to Michie—now LexisNexis²—and they decided to publish the book as well as advertise the book. The rest is history. Our work is now in its sixth edition with Lexis.³

Paul and I taught criminal procedure, and we wrote an article on the Fourth Amendment that was Paul's first cite by the Supreme

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1. IMWINKELRIED, GIANNELLI, GILLIGAN & LEDERER, *CRIMINAL EVIDENCE* (West Criminal Justice Series) (1979).
2. *Macmillan Agrees to Sell Michie to Mead*, AP NEWS ARCHIVE, <http://www.apnewsarchive.com/1988/Macmillan-Agrees-to-Sell-Michie-to-Mead/id-c5740ca1895b2bc50f15e9f481161d1d> (Dec. 9, 1988) [<https://perma.cc/3LXR-7HSN>]; *Company News; A Name Change is Planned for Mead Data Central*, N.Y. TIMES, <http://www.nytimes.com/1994/12/02/business/company-news-a-name-change-is-planned-for-mead-data-central.htm?src=pm> (Dec. 2, 1994), [<https://perma.cc/3LXR-7HSN>].
3. EDWARD J. IMWINKELRIED, PAUL C. GIANNELLI, FRANCIS A. GILLIGAN, FREDRIC I. LEDERER & LIESA RICHTER, *COURTROOM CRIMINAL EVIDENCE* (LexisNexis, 6th ed. 2016).

Court.⁴ Now his cite numbers are some of the best in the country, along with our co-author Edward J. Imwinkelried. This article set forth several approaches to the Fourth Amendment—historical, contemporary, motivational, expectation of privacy, assumption of risk, and protected areas. To this day, these approaches are still used in the constitutional arena.

His impact working with the late Myrna Rader has been immense. Their collaboration produced the *American Bar Association Report, Achieving Justice: Freeing the Innocent, Convicting the Guilty*,⁵ and *The Justice Project, Eyewitness Identification: A Policy Review*.⁶ These publications set forth some of the best practices in order to avoid mistaken identifications. These have been followed in numerous jurisdictions throughout the United States, and at least one jurisdiction has made statutory changes.

As a teacher, he shows concern for students and colleagues and provides a shoulder to lean on. His contributions to the legal community in the scientific area are too numerous to mention, all starting with his seminar in Charlottesville at the Army JAG School.

His mind, heart, friendship, and grace serve as a beacon for others to follow.

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4. Paul C. Giannelli & Francis A. Gilligan, *Prison Searches and Seizures: "Locking" the Fourth Amendment Out of Correctional Facilities*, 62 VA. L. REV. 1045 (1976); *Hudson v. Palmer*, 468 U.S. 517, n. 25 (1984).
 5. AM. BAR ASS'N, *ACHIEVING JUSTICE: FREEING THE INNOCENT, CONVICTING THE GUILTY*, REPORT OF THE ABA CRIMINAL JUSTICE SECTION'S AD HOC INNOCENCE COMMITTEE TO ENSURE THE INTEGRITY OF THE CRIMINAL PROCESS 23–26 (2006).
 6. THE JUSTICE PROJECT, *EYEWITNESS IDENTIFICATION: A POLICY REVIEW*, <http://web.williams.edu/Psychology/Faculty/Kassin/files/Justice%20Project%20-%20on%20ET.pdf> [<https://perma.cc/5ZYC-UUQF>] (last visited Mar. 13, 2018) (setting forth “best practices” for eyewitness identification procedures).