

## GERARD E. LYNCH

United States Circuit Judge  
U.S. Court of Appeals for the Second Circuit  
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### PRINCIPAL PROFESSIONAL EXPERIENCE:

United States Circuit Judge for the Second Circuit, 2009-present  
United States District Judge, Southern District of New York, 2000-2009  
\* Edward Weinfeld Award for Distinguished Contributions to the Administration of Justice, New York County Lawyers' Association, 2009  
\* Learned Hand Medal for Excellence in Federal Jurisprudence, Federal Bar Council, 2016

Paul J. Kellner Professor of Law, Columbia University School of Law  
(Paul J. Kellner Professor, 1996-present; Vice Dean, 1992-97; Professor, 1986-1996; Associate Professor, 1980-86; Assistant Professor, 1977-80)  
\* Research interests: criminal law and procedure  
\* Teaching experience: criminal law, criminal procedure, federal criminal law, sentencing, criminology, constitutional law, professional responsibility, advanced civil procedure, appellate advocacy, human rights, contracts  
\* Clinical teaching: criminal litigation, immigration law, legal ethics  
\* Wien Prize for Social Responsibility, 2008  
\* Willis Reese Award for Excellence in Teaching (law school student voted), 1994  
\* Presidential Award for Outstanding Teaching (university-wide), 1997  
\* Chair, Dean Search Committee, 1995-96  
\* Chair, Curriculum Committee, 1988-89, 1992-97  
\* University Senator, 1997-99  
\* Board of Directors, Columbia Law Review, 2003-2016

Counsel, Covington & Burling, New York, New York, 1999-2000  
Counsel, Howard, Smith & Levin 1998-1999  
Counsel, Howard, Darby & Levin 1992-1998  
\* Counsel to white-collar criminal defense practice group  
\* Appellate and pre-indictment defense practice in complex cases

Chief, Criminal Division, Office of the United States Attorney, Southern District of New York, 1990-92  
\* Supervised all criminal litigation  
\* Responsible for management and supervision of 135 federal prosecutors

Associate Counsel, Office of Independent Counsel Lawrence E. Walsh (special prosecutor investigating Iran-Contra scandal), 1988-90.  
\* Directed prosecution responses to substantive pre-trial motions in United States v. Oliver North.  
\* Briefed and argued appeals in United States v. North, 910 F.2d 843 (as modified, 920 F.2d 940) (D.C. Cir. 1990); United States v. Fernandez, 913 F.2d 148 (4th Cir. 1990); and Appeal of the United States, 887 F.2d 465 (4th Cir. 1989).

Assistant United States Attorney, Southern District of New York, 1980-83  
(Chief Appellate Attorney, 1983; Deputy Chief Appellate Attorney, 1982-83)  
\* Investigated, prosecuted and tried federal criminal cases  
\* Supervised all criminal appellate litigation

Law clerk to Justice William J. Brennan, Jr., United States Supreme Court, 1976-77  
Law clerk to Judge Wilfred Feinberg, United States Court of Appeals, Second Circuit, 1975-76

### **OTHER TEACHING EXPERIENCE:**

Visiting Professor or lecturer at: Hebrew University, Jerusalem (2000); National Police Academy (Tokyo) (1998); Tokyo University (1996); University of Buenos Aires (1994); Universities of Leiden (1984, 1986, 1988, 1990), and Amsterdam (1979)

### **OTHER PUBLIC SERVICE AND PRO BONO ACTIVITIES:**

Member, National Research Council, Committee on Deterrence and the Death Penalty, 2010-12

Consultant, MacArthur Foundation Project on Law and Neuroscience, 2007-11

Counsel, Office of Independent Counsel Carol Elder Bruce (special prosecutor investigating allegations regarding Interior Secretary Bruce Babbitt), 1999

\* Consultant on prosecutorial decisions, reviewed evidence, participated in drafting and editing final report

Consultant to American Civil Liberties Union and New York Civil Liberties Union, 1977-80, 1983-89, 1993-99.

\* Briefed and argued cases as counsel for parties and as amicus curiae in United States Supreme Court and Second Circuit Court of Appeals; consultant on various criminal law and criminal procedure issues

Civil Liberties Advisory Panel, White House Commission on Aviation Safety and Security, 1997

Associate Independent Counsel, Office of Independent Counsel James C. McKay (special prosecutor investigating allegations regarding Attorney General Edwin Meese), 1987-88

\* Investigation of factual allegations, consultant on prosecutorial decisions, coordination with United States Attorney

Chief Counsel, New York State Commission on Government Integrity (Califano Commission), 1987

Special Counsel, City of New York Special Commission to Investigate City Contracts (Martin Commission), 1986

### **BAR ASSOCIATIONS AND COMMITTEES:**

Member, American Law Institute, 1998-present

\* Council Member, 2009-present

\* Advisor, Model Penal Code: Sentencing; Model Penal Code: Sexual Assault; International Commercial Arbitration

Advisory Committee to Second Circuit Rules Committee, 1999-2009

New York Council of Defense Lawyers, 1998-2000; Board of Directors, 1999-2000

Second Circuit Judicial Conference, Planning and Program Committee, 1989-92

New York State Bar Association

\* Committee on Civil Prosecution, 1992-1994

Association of the Bar of the City of New York

\* Committee on Federal Courts, 1993-1996

\* Committee on Criminal Advocacy, 1986-1989

\* Council on Criminal Justice, Subcommittee on Federal Sentencing Guidelines, 1986-1987

\* Committee on Legal Education and Admission to the Bar, 1978-81, 1984-86

United States District Court for the Eastern District of New York, Committee on Revision of Local Criminal Rules, 1985-88

## **EDUCATION:**

Columbia University School of Law, J.D. 1975

- \* John Ordronaux Prize (graduated first in class)
- \* James Kent Scholar (highest academic honors) 1972-73, 1973-74, 1974-75
- \* Lawrence S. Greenbaum Prize (winner, Harlan Fiske Stone Moot Court competition)
- \* prizes for best performance in torts, contracts, property and constitutional law

Columbia College, B.A. summa cum laude 1972

- \* Albert Asher Green Prize (valedictorian)
- \* David Truman Award (outstanding contribution to the academic life of the College)
- \* Phi Beta Kappa
- \* Earle Prize in Classics
- \* John Jay National Scholarship; National Merit Scholarship

## **BAR ADMISSIONS:**

New York (1976); United States Supreme Court (1985); Courts of Appeals for the Second, Fourth and District of Columbia Circuits (1979, 1989, 1989); United States District Courts for the Southern and Eastern Districts of New York (1992).

## **PUBLICATIONS:**

### Academic:

Ending Mass Incarceration: Some Observations and Responses to Professor Tonry, 13 Criminology & Public Policy 561 (2014)

Frye and Lafler: No Big Deal, 122 Yale L.J. Online 29 (2012), at <http://yalelawjournal.org/2012/06/19/lynch.html>

Marvin Frankel: A Reformer Reassessed, 21 Federal Sentencing Reporter 235 (2009)

Letting Guidelines be Guidelines (and Judges be Judges), OSCJL Amici: Views from the Field, at <http://osjcl.blogspot.com> (January 2008), reprinted in 5(2) Ohio State Journal of Criminal Law 1 (supp.) (2008)

Why Not a Miranda for Searches?, 5 Ohio State Journal of Criminal Law 233 (2007)

Sentencing: Learning From, and Worrying About, The States, 105 Columbia Law Review 933 (2005)

Revising the Model Penal Code: Keeping It Real, 1 Ohio State Journal of Criminal Law 219 (2003)

Screening versus Plea Bargaining: What Are We Trading Off? 55 Stanford Law Review 1399 (2003)

Prosecution: Prosecutorial Discretion, 3 Encyclopedia of Crime & Justice 1246 (2d ed. 2002)

RICO (Racketeer Influenced and Corrupt Organizations Act), 3 Encyclopedia of Crime & Justice 1343 (2d ed. 2002)

Sentencing Eddie, 91 Journal of Criminal Law and Criminology 547 (2001), excerpted in Podgor, Henning, Garcia and Taslitz, Criminal Law: Concepts and Practice (2005)

Our Administrative System of Criminal Justice, 66 Fordham Law Review 2117 (1998), excerpted in O'Sullivan, Federal White Collar Crime (2001), selected and republished as one of the six most influential articles published in the 100-year history of the Fordham Law Review, 83 Fordham Law Review 1672 (2015)

Toward a Model Penal Code, Second (Federal?): The Challenge of the Special Part, 2 Buffalo Criminal Law Review 295 (1998)

Plea Bargaining: El Sistema No Contradictorio de Justicia Penal en Estados Unidos, 1998/A Nueva Doctrina Penal 293 (Buenos Aires 1998)

The Role of Criminal Law in Policing Corporate Misconduct, 60 Law & Contemporary Problems 23 (1997)

William J. Brennan, Jr., American, 97 Columbia Law Review 1603 (1997)

The Sentencing Guidelines as a (Not-So-Model) Penal Code, 7 Federal Sentencing Reporter 112 (1994), reprinted in FSR Highlights from a Decade of Guideline Sentencing, 10 Federal Sentencing Reporter 25 (1997)

The Allocation of Discretion Under the Guidelines (Conference Proceedings), 101 Yale Law Journal 2066 (1992)

How Useful is Civil RICO in the Enforcement of Criminal Law? 35 Villanova Law Review 929 (1990)

A Conceptual, Practical and Political Guide to RICO Reform, 43 Vanderbilt Law Review 769 (1990)

A Reply to Professor Goldsmith, 88 Columbia Law Review 802 (1988)

RICO: The Crime of Being a Criminal, Parts I & II, 87 Columbia Law Review 661 (1987); Parts III & IV, 87 Columbia Law Review 920 (1987), excerpted in Leonard Orland (ed.), Corporate and White Collar Crime: An Anthology (1995), and in numerous casebooks

The Lawyer as Informer, 1986 Duke Law Journal 491 (1986)

Constitutional Law as Moral Philosophy, 84 Columbia Law Review 537 (1984)

Review of Ely, Democracy and Distrust, 80 Columbia Law Review 857 (1980), reprinted in Michael J. Glennon (ed.), A Constitutional Law Anthology (1992)

Review of Berger, Government by Judiciary, 63 Cornell Law Review 1091 (1978)

#### Popular:

The Problem Isn't in the Stars but in a Misguided Law, The Washington Post, Feb. 22, 1998, at C3

Special Prosecutors: What's the Point? The Washington Post, May 28, 1995, at C7 (with Philip K. Howard)

IRS Can't Lasso Leona with a Loophole, New York Newsday, Aug. 25, 1989

RICO Law is Too Much of a Good Thing, New York Newsday, Jan. 11, 1989, at 55

Insult to Injury, The New Republic 198(14):17 (April 4, 1988)