JEFFREY L. FISHER

Stanford Law School
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EXPERIENCE

Stanford Law School, Stanford, CA
Professor of Law, 2012-present
Associate Professor of Law, 2006-2012
Co-Director, Supreme Court Litigation Clinic, 2006-present

Courses taught:

• *Supreme Court Litigation Clinic.* Seminar-style class on the Supreme Court, and involvement in numerous Supreme Court cases as coordinator and supervisor of students' work.

• *Federal Courts.* Lecture-style class on advanced issues related to the nature of judicial power and how the federal courts relate to the other branches of the federal government and to state courts.

• *Confrontation Clause Module.* Mini-Seminar on the modern development of, and current controversies involving, the right to confrontation.

O'Melveny & Myers LLP, Silicon Valley, CA and Washington, DC
Special Counsel, 2018-present

Davis Wright Tremaine LLP, Seattle, WA
Associate, 1999-2004; *Partner*, 2005-2006; *Contract Partner,* 2006-2012
Co-Chair, Appellate Practice Group, 2004-2012

University of Washington School of Law, Seattle, WA
Part-Time Lecturer, 2001-2005

Courses taught: The Law of Democracy and Supreme Court Decision-making seminar

The Honorable John Paul Stevens, Supreme Court of the United States, Washington, DC
Law Clerk, 1998-99 Term

The Honorable Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, Los Angeles, CA
Law Clerk, 1997-98 Term

EDUCATION

University of Michigan Law School, Ann Arbor, MI
J.D., *magna cum laude,* 1997

Selected Academic Honors:

• Order of the Coif
• Helen L. DeRoy Memorial Award (best student note during past year of *Michigan Law Review*)

• West Publishing Company Award (for "outstanding scholarly accomplishments and extracurricular contributions to the Law School community")

Activities:
• *Michigan Law Review*, Notes Editor
• Dean's Committee on the Educational Environment (student/faculty committee on diversity-related issues in the Law School)

Duke University, Durham, NC
A.B. in English, *cum laude*, 1992

Oxford University (New College), Oxford, England
Studies in Comparative Tort Law, Summer 1991

PROFESSIONAL HONORS AND AWARDS

California Daily Journal, California Lawyer of the Year (2021)
California Attorneys for Criminal Justice, Lifetime Achievement Award *(2021)*
Law 360, MVP Award (appellate law) (2020)
American Academy of Appellate Lawyers, Eisenberg Prize (for best academic article on appellate practice and procedure) (2019)
California Lawyer, California Lawyer of the Year (appellate law category) (2015)
Best Lawyers, Lawyer of the Year, San Francisco Area Appellate Practice (2014)
National Law Journal, 100 Most Influential Lawyers in America (2013 & 2006)
Daily Journal, Top 100 Lawyers in California (various years between 2023 and 2009)
Lawyers Weekly USA, Lawyer of the Year (one of ten) (2009)
Florida Association of Criminal Defense Lawyers, Steven M. Goldstein Criminal Justice Award (organization's highest honor) (2009)
California Lawyer, California Lawyer of the Year (appellate law category) (2008)
National Association of Criminal Defense Lawyers, Robert C. Heeney Memorial Award (organization's highest honor) (2008)
American Lawyer, "Fab 50" Litigators Under 45 (2007)
Daily Journal, Top 20 (in California) Under 40 (2007)
National Law Journal's "40 Under 40" (one of ten lawyers "of special note" within group) (2005)
Washington Association of Criminal Defense Lawyers William O. Douglas Award (organization's highest honor) (2005)
Lawyers Weekly USA, Lawyer of the Year (one of ten) (2004)
National Law Journal Lawyer of the Year, Runner-Up (2004)
Washington State Bar Association, Young Lawyers Division, Professionalism Award (2004)
University of Washington School of Law, finalist for 2L/3L Philip A. Trautman Professor of the Year (Small Section) (2003-04 academic year)

SELECTED SUPREME COURT CASES

Cases (50) in which I presented oral argument:

Kousisis v. United States (pending): case involving whether a scheme to induce a transaction in property through deception, but which contemplates no harm to any property interest, constitutes a "scheme to defraud" under the federal mail and wire fraud statutes.

TikTok Inc. v. Garland, 145 S. Ct. ___ (2025): petitioned, briefed, and arguing case on behalf of

American creators and users of the social media platform in which the Court held that the Protecting Americans from Foreign Controlled Applications Act does not violate the First Amendment.

Erlinger v. United States, 144 S. Ct. 1840 (2024): briefed and argued and won case holding that the Sixth Amendment requires the fact under the Armed Career Criminal Act (a sentence enhancement provision) that a person have committed three prior qualifying offenses "on occasions different from one another" to be proved to a jury, as opposed to a judge.

Diaz v. United States, 144 S. Ct. 1727 (2024): petitioned, briefed, and argued case holding that Federal Rule of Evidence 704(b) bars experts from testifying that all people like the defendant have the mental state required to commit the crime charged but permits experts to testify that "most" such people have such a mental state.

Dubin v. United States, 599 U.S. 110 (2023): petitioned, briefed, and argued, and won case holding that the federal aggravated identity theft statute is not violated when another person's name is used in only an ancillary manner during a fraud.

Hemphill v. New York, 595 U.S. 140 (2022): petitioned, briefed, and argued, and won case holding that a criminal defendant who "opens the door" at trial to responsive evidence does not forfeit his right under the Confrontation Clause to exclude testimonial hearsay of nontestifying witnesses.

United States v. Gary, 593 U.S. 503 (2021): briefed and argued case holding that persons who pleaded guilty to being a felon in possession of a firearm, but were never told in their plea hearings that they had to *know* they had prior felony convictions, cannot obtain relief for those violations unless they show that the lack of notice caused them prejudice.

Lange v. California, 594 U.S. 295 (2021): assisted with petition and briefing, and argued and won case holding that the Fourth Amendment does not allow police officers in "hot pursuit" of a person they believe committed a misdemeanor to enter the person's home without a warrant unless exigent circumstances are present.

Van Buren v. United States, 593 U.S. 374 (2021): petitioned, briefed, argued and won case holding that the Computer Fraud and Abuse Act does not reach beyond hacking to prohibit other forms of misusing information obtained via computer.

Fulton v. City of Philadelphia, 593 U.S. 522 (2021): briefed and argued case in which the Court held that the Free Exercise Clause requires the City to exempt Catholic Social Services (CSS) from its bar against discriminating based on sexual orientation while administering the "family certification" component of the City's foster care program. Avoiding bigger issues in the case, the Court reasoned that because the standard contract for this program allows exemptions, one must be given to CSS.

Our Lady of Guadalupe School v. Morrissey-Berru, 591 U.S. 732 (2020): briefed and argued case in which Court held that the First Amendment's Religion Clauses bar those who teach religion at religious schools from bringing employment discrimination claims.

Ramos v. Louisiana, 590 U.S. 83 (2020): briefed, argued, and won case establishing that the Sixth Amendment right to jury trial requires a unanimous verdict to convict and that the Fourteenth Amendment applies this requirement to the states.

Jam v. International Finance Corp., 586 U.S. 199 (2019): petitioned, briefed, and argued, and won case holding the international organizations are subject to suit under the same terms as foreign states, including

the allowance of suits based on commercial activities.

United States v. Stitt, 586 U.S. 27 (2018): briefed and argued case involving whether convictions under certain state burglary statutes constituted "violent felonies" for purposes of the Armed Career Criminal Act. The Court vacated the court of appeals' ruling and remanded for further proceedings.

Mt. Lemmon Fire Dist. v. Guido, 586 U.S. 1 (2018): briefed, argued, and won case holding that the Age Discrimination in Employment Act applies to states and political subdivisions regardless of size.

Koons v. United States, 584 U.S. 700 (2018): briefed and argued case involving certain federal prisoners' ability to seek sentence reductions based on the U.S. Sentencing Commission's retroactive lowering of recommended sentences for drug crimes. The Court rejected our arguments on the facts of the cases.

Currier v. Virginia, 585 U.S. 493 (2018): petitioned, briefed, and argued case in which the Court held that a criminal defendant's consent to severance waives his right under the Double Jeopardy Clause to the issue-preclusive effect of an acquittal.

Jesner v. Arab Bank, 584 U.S. 241 (2018): petitioned, briefed, and argued case involving whether the Alien Tort Statute allows claims against foreign corporations.

Microsoft Corp. v. Baker, 582 U.S. 23 (2017): petitioned, briefed, argued, and won case holding that a federal court of appeals has no jurisdiction to review an order denying class certification after the plaintiffs voluntarily dismiss their claims with prejudice.

Esquivel-Quintana v. Sessions, 581 U.S. 385 (2017): petitioned, briefed, argued, and won case holding that a conviction under a broader-than-normal statutory rape law does not subject a noncitizen to automatic deportation under the Immigration and Nationality Act.

Endrew F. v. Douglas County Sch. Dist., 580 U.S. 386 (2017): petitioned, briefed, argued, and won case holding that the Individuals with Disabilities Education Act contains a substantive command requiring schools to provide educational programs and services to covered children that are reasonably calculated to enable them to make progress appropriate in light of each child's circumstances.

Peña-Rodriguez v. Colorado, 580 U.S. 206 (2017): petitioned, briefed, argued, and won case holding that the Sixth Amendment's right to an impartial jury requires courts to consider evidence from jurors that racial bias was a significant motivating factor in deliberations.

OBB Personervervekr v. Sachs, 577 U.S. 27 (2015): argued case involving whether "commercial activity exception" of the Foreign Sovereign Immunity Act allowed a U.S. citizen to sue a foreign-owned train company in the United States for an accident suffered abroad while traveling pursuant to a Eurail ticket purchased in this country. The Court unanimously rejected one of her arguments for establishing such jurisdiction and declined to address her other one.

Ohio v. Clark, 135 S. Ct. 2173 (2015): briefed and argued case in which the Court held that the prosecution's introducing statements a child made to his teacher without putting the child on the stand did not violate the Confrontation Clause.

ONEOK Inc. v. Learjet, Inc.: 575 U.S. 373 (2015): briefed, argued, and won case holding that the Natural Gas Act does not preempt state antitrust claims for inflating prices for retail sales of natural gas.

T-Mobile South LLC v. City of Roswell, 574 U.S. 293 (2015): petitioned, briefed, argued, and won case

holding that the Telecommunications Act of 1996 requires localities to specify contemporaneous reasons in writing for denying applications to construct or modify certain wireless facilities.

Heien v. North Carolina, 574 U.S. 54 (2014): petitioned, briefed, and argued case in which the Court held that a reasonable mistake of law can supply the individualized suspicion that the Fourth Amendment requires to conduct a traffic stop.

Riley v. California, 573 U.S. 373 (2014): petitioned, briefed, argued, and won case holding unanimously that absent exigent circumstances, the Fourth Amendment prohibits police officers from searching cell phones seized from arrestees without first obtaining a warrant.

Fernandez v. California, 571 U.S. 292 (2014): briefed and argued case in which the Court held that the police may rely on consent from a resident of a home to conduct a search even if the defendant, then absent, previously objected to such a search.

Salinas v. Texas, 570 U.S. 178 (2013): petitioned, briefed, and argued involving whether the Fifth Amendment's Self-Incrimination Clause forbids the prosecution from using a person's refusal to answer pre-arrest police questioning against him at trial. The Court held that a person in such a setting much expressly invoke his right to remain silent in order to enforce it at trial.

Decker v. Northwest Environmental Defense Center, 568 U.S. 597 (2013): briefed and argued case involving propriety and validity of lawsuit arguing that the Clean Water Act's permitting system applies to discharges of pollutants from logging roads. The Court held that jurisdiction existed over the action but that the EPA's regulation exempting such discharges from the permit requirement was reasonable.

Chaidez v. United States, 568 U.S. 342 (2013): petitioned and argued case concerning retroactivity of *Padilla v. Kentucky*, which determined that persons receive ineffective assistance of counsel if they are not warned that pleading guilty will subject them to deportation. The Court held that *Padilla* was a "new rule" and thus not completely retroactive, but it left open an alternative avenue of relief for client.

Lozman v. City of Riviera Beach, 568 U.S. 115 (2013): petitioned, briefed, and argued and won case holding that a floating home is not a "vessel" for purposes of triggering federal maritime law.

Mohamad v. Palestinian Authority, 566 U.S. 449 (2012): briefed and argued case holding that victims bringing suit under the Torture Victim Protection Act may sue only natural persons, not entities, responsible for such acts.

Greene v. Fisher, 565 U.S. 34 (2011): petitioned, briefed and argued case holding that state prisoners may not seek federal habeas relief based on a Supreme Court decision announced after the last state-court decision on the merits but before their convictions became final.

Bullcoming v. New Mexico, 564 U.S. 647 (2011): briefed, argued, and won case holding that the Confrontation Clause prohibits prosecution from introducing a nontestifying analyst's forensic laboratory report through the in-court testimony of a different analyst.

United States v. Tinklenberg, 563 U.S. 647 (2011): briefed, argued, and won case holding that the federal Speedy Trial Act presumptively counts all days beyond ten calendar days expended for transportation to a competency determination toward the seventy-day period in which to commence trial.

Magwood v. Patterson, 561 U.S. 320 (2010): petitioned, briefed, argued, and won case holding that a claim seeking federal habeas relief from a new sentence is not part of a "second or successive" petition

even if the applicant could have, but did not, challenge an earlier judgment on the same grounds. Secured habeas relief on remand in the Eleventh Circuit.

United States v. O'Brien, 560 U.S. 218 (2010): briefed, argued, and won case holding that the fact of machinegun usage, which carries mandatory minimum sentence of thirty years under 18 U.S.C. § 924(c)(1), is an element of the offense, not a mere sentencing factor.

Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009): petitioned, briefed, and argued, and won case holding that the Confrontation Clause prohibits the prosecution in criminal cases from introducing forensic laboratory reports in lieu of live testimony.

Waddington v. Sarausad, 555 U.S. 179 (2009): argued case involving whether jury instructions ambiguously defining a element of a state-law offense can give rise to a due process violation warranting federal habeas corpus relief.

Kennedy v. Louisiana, 554 U.S. 407 (2008): petitioned, briefed, argued, and won case holding that Eighth Amendment prohibits imposing the death penalty for child rape or any other crime against a person in which the victim does not die.

Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008): briefed and argued case for plaintiffs/respondents in case holding that plaintiffs could recover punitive damages under maritime law for *Exxon Valdez* oil spill in the amount of over $500 million.

Burgess v. United States, 553 U.S. 124 (2008): briefed and argued case for petitioner in case holding that a prior conviction for a state-law misdemeanor punishable by more than one year constitutes a prior "felony drug offense" for purposes of federal drug sentencing enhancements.

Global Crossing Telecommunications, Inc. v. Metrophones Telecommunications, Inc., 550 U.S. 45 (2007): briefed and argued case holding that the Communications Act contains a private right of action to enforce the FCC's regulations regarding compensation for coinless payphone calls.

Burton v. Stewart, 549 U.S. 147 (2007): briefed and argued case involving whether *Blakely v. Washington* applies retroactively to federal habeas petitioners whose convictions were final when decision was announced. Court dismissed the case after oral argument on jurisdictional grounds.

United States v. Gonzalez-Lopez, 548 U.S. 140 (2006): briefed, argued and won case holding that an unjustified denial of a defendant's right to be represented by counsel of his choice violates the Sixth Amendment's right to counsel and requires automatic reversal of the defendant's conviction.

Davis v. Washington, 547 U.S. 813 (2006): petitioned, briefed, and argued case holding that the Sixth Amendment right to confrontation partially limits the use of 911 calls in place of live testimony in criminal trials.

Blakely v. Washington, 542 U.S. 296 (2004): petitioned, briefed, argued, and won case holding that Sixth Amendment right to jury trial applies to sentencing guidelines.

Crawford v. Washington, 541 U.S. 36 (2004): petitioned, briefed, argued, and won case establishing the "testimonial" approach to the Confrontation Clause.

Involvement in other significant cases: *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022); (co-counsel for respondent in case overruling of *Roe v. Wade*); *Bostock v. Clayton County*, 140 S.

Ct. 2020 (2000) (co-counsel for plaintiffs in case holding that Title VII prohibits discrimination in employment based on sexual orientation); *June Medical Servs. v. Russo*, 140 S. Ct. 2103 (2020) (co-counsel for petitioners in case invalidating that Louisiana law that forbade doctors without "admitting privileges" from providing abortions); *Obergefell v. Hodges*, 576 U.S. 644 (2015) (co-counsel for plaintiffs in case holding that the Fourteenth Amendment requires states to license and recognize marriages between same-sex couples); *United States v. Windsor*, 570 U.S. 744 (2013) (co-counsel for plaintiff in case holding that the federal Defense of Marriage Act violated the Fourteenth Amendment).

PUBLICATIONS

Books:

THE NEW WIGMORE TREATISE ON EVIDENCE, Volume on the Right to Confrontation (with Richard D. Friedman) (work in progress)

Extended articles/essays:

Oral Argument at the Supreme Court Before, During, and After the Pandemic, 106 JUDICATURE 1 (2022) (in conversation with Walter Dellinger, Neal Katyal, and Erica Ross)

Virtual Briefing at the Supreme Court, 105 CORNELL L. REV. 85 (2019) (with Allison Larsen) (awarded the Eisenberg Prize by the American Academy of Appellate Lawyers)

Crawford v. Washington: *The Next Ten Years*, 113 MICH. L. REV. First Impressions 9 (2014)

A Supreme Court Clinic's Place in the Supreme Court Bar, 65 STAN. L. REV. 137 (2013)

Originalism as an Anchor for the Sixth Amendment (Compilation from Federalist Society National Student Symposium), 33 HARV. J.L. & PUB. POL'Y 53 (2011)

Preface, *Reclaiming Criminal Procedure*, 38 GEO. L.J. ANN. REV. CRIM. PROC. iii (2009)

The Exxon Valdez *Case and Regularizing Punishment*, 26 ALASKA L. REV. 1 (2009)

What Happened and What is Happening to the Confrontation Clause, 15 J.L. & POL'Y 587 (2007) (Symposium Issue entitled *Crawford* and Beyond: Revisited in Dialogue)

Categorical Requirements in Constitutional Criminal Procedure, 94 GEO. L.J. 1493 (2006) (Symposium Issue entitled Just Right? Assessing the Rehnquist Court's Parting Words on Criminal Justice)

Why Format, Not Content, Is the Key to Identifying Commercial Speech (co-authored with Bruce E.H. Johnson)*,* 54 CASE W. RES. L. REV. 1243 (2004) (Symposium Issue on *Nike v. Kasky* and the Modern Commercial Speech Doctrine)

Nike v. Kasky: *Will the Shield of the Commercial Speech Doctrine Become a Sword?,* 20 COMM. LAW. No. 4, at 1 (2003)

State Action and the Enforcement of Compulsory Arbitration Agreements Against Employment Discrimination Claims, 18 HOFSTRA LAB. & EMPL. L.J. 289 (2000)

Note, *The Unwelcome Judicial Obligation to Respect Politics in Racial Gerrymandering Remedies*,

95 MICH. L. REV. 1404 (1997) (voted best Note in the journal during 1996-97 academic year)

Note, *When Discretion Leads to Distortion: Recognizing Pre-Arrest Sentence-Manipulation Claims Under the Federal Sentencing Guidelines*, 94 MICH. L. REV. 2385 (1996) (voted second-best Note in the journal during 1996-97 academic year)

Short commentaries:

Op-Ed, *The Supreme Court's Conservatives Control Even More Than You Realize*, N.Y. TIMES, July 12, 2023

The Other Way the Supreme Court is Nullifying Precedent, POLITICO (September, 17, 2022)

The Supreme Court Reform that Could Actually Win Bipartisan Support, POLITICO (July 21, 2022)

Op-Ed, *The Supreme Court's Secret Power*, N.Y. TIMES, Sept. 24, 2015

The Retroactivity of Padilla *After* Chaidez v. United States, 37 THE CHAMPION No. 2, at 43 (2013) (co-authored with Kendall Turner)

Op-Ed, *The Bill of Rights Doesn't Come Cheap*, N.Y. TIMES, December 2, 2011

Of Facts and Fantasies: Justice Stevens and the Judge/Justice Story, 14 GREEN BAG 2d 53 (Autumn 2010)

Remarks on Liberty Panel, 43 U.C. DAVIS L. REV. 877 (2010) (Symposium Issue entitled *The Honorable John Paul Stevens*)

Justice Stevens' Unfinished Revival of the Right to Jury Trial, SCOTUSBlog, June 14, 2010

Op-Ed, *My Boss, Justice Stevens*, N.Y. TIMES, April 11, 2010

The Truth About the Confrontation Clause's "Not for the Truth" Exception, 32 THE CHAMPION No. 1, at 18 (2008)

No Clear Ideologies, NAT'L L.J., Aug. 3, 2005, at 14

At the Supreme Court: Where First Principles Really Come First, (MICHIGAN) LAW QUAD. NOTES (Spring 2005)

Drawing the Line in Crawford *and* Blakely, 28 THE CHAMPION No. 7, at 18 (2004)

RESEARCH AND TEACHING AREAS

The Supreme Court, federal courts and judicial decision making, particularly the power and responsibilities of the Supreme Court and the art of Supreme Court advocacy

Constitutional law and theory, particularly individual and civil rights

Criminal procedure and criminal law

SELECTED PRESENTATIONS

Academic events:

Crawford v. Washington *at 20*, Keynote address, University of Michigan Law School (March 2024)

The Supreme Court, Race, and the Criminal Justice System: New Glimmers of Progress?, Reinhardt-Ripston Lecture Annual Lecture on Civil Rights and Civil Liberties, University of California-Irvine School of Law (February 2018)

Reframing the Confrontation Clause, University of Kansas School of Law (March 2016)

A Clinic's Place in the Supreme Court Bar, University of Iowa College of Law (February 2016)

Presenter and facilitator, *Rethinking Privacy and Government Surveillance in the Digital Age*, Harvard Law School (June 2015)

Privacy in the Digital Age (with Professor Jeffrey Rosen and Edward DuMont), National Constitution Center (June 2104)

Invited panelist, *Criminal Law and the Modern Court*, New York University Law School (April 2013)

Invited panelist, *Pro Bono Litigation in the United States Supreme Court: The Roles of Supreme Court Specialists and Public Interest Organizations*, Georgetown Law Center, Annual Conference of the Supreme Court Institute (February 2012)

Participant, Brooklyn Law School, Symposium: Crawford *and Beyond III* (November 2011)

Defending the Rights of the Accused Before a Law and Order Court, Duke Law School (October 2010)

Panelist on Pretrial Discovery of Evidence and *Brady* Disclosure, University of California Hastings School of the Law, Symposium: *Navigating Prosecutorial Ethics* (October 2010)

Justice Stevens and the Exclusionary Rule, Georgetown Law Center, Symposium, *Justice John Paul Stevens: "The Finest Legal Mind"* (October 2010)

Debate (with Professor Stephanos Bibas), *Originalism in Criminal Procedure: Ancient Checks or Newfangled Rights?*, Federalist Society National Student Symposium – "Originalism 2.0," University of Pennsylvania Law School (February 2010)

Panelist on Originalism in Advocacy, Ohio State Moritz College of Law, Symposium: *Originalism and the Right to Jury Trial* (November 2009)

Panelist on "Liberty," University of California at Davis Law School, Symposium, *The Honorable John Paul Stevens* (March 2009)

The Exxon Valdez *Case and the Future of Punitive Damages,* Duke Law School (February 2009)

Moderator and Participant, Duke Law School, *Litigating in the Roberts Court* (November 2007)

Panelist, Brooklyn Law School, Symposium: *Crawford* and Beyond: Revisited in Dialogue (September 2006)

Commencement Class Day Speaker, Harvard Law School (June 2005)

Adjusting to Blakely *and* Booker, Harvard Law School, Symposium: Criminal Sentencing at the Crossroads (March 2005)

Crawford, Blakely, *and the Terrorism Decisions: Uncovering a Previously Silent Majority?,* Annual Conference of Association of American Law Schools (January 2005)

Advocating Bright-Line Rules in an Age of Balancing, Santa Clara University School of Law, Distinguished Speaker Series (2004)

The Principles Underlying Blakely v. Washington, Stanford Law School, The Future of American Sentencing: A National Roundtable on *Blakely* (October 2004)

What Nike v. Kasky *Should Have Said: Format, Not Content, Is the Key To Identifying Commercial Speech*, Annual Conference of Association of American Law Schools (January 2004)

Judicial and professional conferences:

Supreme Court Update, Ninth Circuit Judicial Conference, Sacramento, CA (July 2024)

Supreme Court and Criminal Law Update, National Association of Criminal Defense Lawyers, Aspen, CO (January 2024)

Supreme Court Update, Thompson/Reuters Corporate Executive Briefing for General Counsel of Fortune 500 Companies, Pebble Beach, CA (May 2023)

Supreme Court Update, Sixth Circuit Judicial Conference, Louisville, KY (August 2022)

Lenity is Dead; Long Live Lenity!: Statutory Interpretation in the Supreme Court, Annual Conference of the National Association of Federal Defenders, Denver, CO (May 2022)

Changes in the U.S. Supreme Court, American Academy of Appellate Lawyers, Pasadena, CA (April 2022)

Supreme Court Update, Attorney General Alliance, Wailea, HI (June 2021)

Supreme Court Update, Attorney General Alliance, via Zoom (July 2020)

Supreme Court Perspectives, National Association of Attorneys General, Winter Meeting, Washington, D.C. (March 2019)

The Supreme Court and Digital Privacy, Annual Conference of the National Association of Federal

Defenders, Kansas City, MO (May 2018)

The Times are a Changin': The Supreme Court's New Changing Personnel and a Renewed Focus on Race, Annual Conference of the National Association of Federal Defenders, New Orleans, LA (June 2017)

Criminal Law Update, National Association of Attorneys General, Annual Conference for State Solicitors General, Burlington, VT (June 2016)

Supreme Court Update, California Appellate Judiciary, San Francisco, CA (November 2015)

Current Issues Respecting Digital Privacy and Confrontation, Annual Conference of the National Association of Federal Defenders, Omaha, NE (May 2015)

Supreme Court Update, First Circuit Judicial Conference, Boston, MA (March 2015)

Constitutional Law Update, California Appellate Judiciary, San Diego, CA (June 2014)

Forensic Falsity, Joint Conference of Innocence Network and the National Association of Criminal Defense Lawyers, Charlotte, NC (April 2013)

Supreme Court Update, First Circuit Judicial Conference, Portsmouth, NH (December 2102)

The Value of Supreme Court Specialization, Annual Conference of the American Academy of Appellate Lawyers, Colorado Springs, CO (October 2012)

The Future of the Confrontation Clause, Annual Conference of the National Association of Appellate Court Attorneys, San Diego, CA (July 2011)

The Confrontation Clause Under a New Court, Annual Conference of the National Association of Federal Defenders, Baltimore, MD (June 2011)

Panelist, *The Confrontation Clause and Domestic Violence*, Annual Conference of the National Association of Women Judges, San Francisco, CA (October 2010)

What's Left of the Sixth Amendment in Federal Sentencing after Booker, Annual Conference of the National Association of Federal Defenders, Seattle, WA (June 2010)

Panelist, *Appellate Advocacy*, Sixth Circuit Judicial Conference, Columbus, OH (May 2010)

Panelist, Booker *and Its Progeny in N.D. of California: The Seismic Shift the Pundits Predicted?* Northern District of California Judicial Conference, Sonoma, CA (April 2010)

Strategies for Obtaining Supreme Court Review, Annual Conference of National Legal Aid and Defender Society, New Orleans, LA (January 2010)

Strategies for Obtaining Supreme Court Review, Annual Conference for Federal Death Penalty Litigators, Nashville, TN (November 2009)

Confronting Forensic Testimony, Annual Conference on DNA and Forensic Evidence, Sponsored by Los Angeles District Attorney's Office, Los Angeles, CA (September 2009)

Confrontation After Melendez-Diaz, Annual Conference of the National Association of Federal Defenders, Minneapolis, MN (May 2009)

Panelist, *Drugs, Guns, and Goat Hair*, Fifth Circuit Annual Judicial Conference, New Orleans, LA (May 2009)

Punitive Damages After Exxon, ABA Section on Litigation, Vail, CO (January 2009)

Reframing the Right to Confrontation, Oregon Judicial Conference, Gleneden Beach, OR (October 2008)

Litigating a High Profile Case in the Supreme Court – The Exxon Valdez Case, Annual Conference of the American Academy of Appellate Lawyers, Portland, OR (September 2008)

Say You Want a Revolution? Litigating Cutting-Edge Issues on Appeal, Annual Conference of the National Association of Criminal Defense Lawyers, Milwaukee, WI (July 2008)

Recent Trends in Criminal Justice in the Roberts Court, Annual Conference of the National Association of Federal Defenders, New Orleans, LA (May 2008)

Colorable Constitutional Claims, National Juvenile Defender Leadership Summit, Portland, OR (October 2007)

Sentencing Update, Annual Conference of the National Association of Criminal Defense Lawyers, San Francisco, CA (August 2007)

The Due Process Revolution, Annual Conference of the National Association of Federal Defenders, Miami, FL (May 2007)

Where Do We Go After Cunningham?, California Appellate Justices' Institute, San Francisco, CA (April 2007)

Confrontation After Crawford, Ninth Circuit Judicial Workshop, Santa Barbara, CA (January 2007)

The Fallout from Crawford, National Conference of Chief Judges, Washington, D.C. (November 2006)

Adjusting to Crawford, Kansas Judicial Conference (June 2006)

Preparing for Victory: Davis, Hammon, *and Beyond,* Annual Conference of Federal Defenders, San Francisco, CA (June 2006)

Sentencing After Booker *and* Blakely: *How Much Has Changed?*, Annual Conference of American Constitution Society, Washington, D.C. (moderated panel of federal judges) (July 2005)

Crawford v. Washington: *The Battle Between Form and Function*, Annual Conference of the National Association of Federal Defenders, Boston, MA (June 2005)

Giving Teeth to the Sixth Amendment: Reflections on What Is Motivating the Court in Crawford *and* Blakely (keynote address), Biennial Conference of the Federal Bar Association Criminal Law Section, New Orleans, LA (May 2005)

How a Northwest Lawyer Transformed Criminal Procedure in the United States (keynote address), University of Oregon Law School, O'Connell Conference for the Bench and Bar (March 2005)

Adjusting to Blakely *and* Booker; and *Following the Leader in* Crawford (two presentations), American Bar Association, Midyear Meeting, Salt Lake City, UT (February 2005)

Crawford v. Washington: *Reframing the Right to Confrontation,* 2004 annual conference of the National Association of Criminal Defense Lawyers; 2004 annual conference of the National Association of Federal Defenders; as well as numerous statewide criminal defense organizations' conferences

The Implications of Blakely v. Washington, 2004 annual meeting of the National Association of Criminal Defense Lawyers; 2004 annual meeting of the National Association of Federal Defenders; as well as numerous statewide criminal defense organizations' meetings

MEDIA PROFILES

Sara Merken, *Q&A: How SCOTUS Pro Jeffrey Fisher of Stanford and O'Melveny Carved His Own Path*, Reuters, June 17, 2021
Tony Mauro, *Stanford Law's Jeffrey Fisher, Veteran SCOTUS Lawyer, Joins O'Melveny as Special Counsel*, National Law Journal, April 23, 2018
Adam Liptak, *Criminal Defendants Sometimes "Left Behind" at Supreme Court, Study Shows*, N.Y. Times, Aug. 8, 2016 (profiled within article as exception to the rule)
Stan Sinberg, *Supreme Advocate*, California Lawyer, June 2015 (cover story)
Mark Joseph Stern, *Who Should Argue Gay Marriage at SCOTUS? There's One Obvious Choice*, Slate, March 17, 2015
Howard Mintz, *Lifting Digital Privacy Rights to a New Level*, San Jose Mercury News, July 7, 2014, at 1
Robert Iafolla, *Highest Before the High Court*, L.A. Daily Journal, June 7, 2012, at 1
Jeff Mortimer, *Approaching the Nation's Highest Bench,* Law Quadrangle Notes, Summer 2008, at 6
Richard Brust, *A Sixth Sense About Criminal Trials,* ABA Journal, April 2007, at 23
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PROFESSIONAL AFFILATIONS, ACTIVITIES, AND OTHER SERVICE

Member, Practitioners Committee of the Presidential Commission on the Supreme Court of the United States (2021)
Fellow, American Academy of Appellate Lawyers (2022-present)
Co-Chair, Amicus Committee, National Association of Criminal Defense Lawyers (2001-present)
Co-Chair, Supreme Court Oral Arguments Committee, National Association of Criminal Defense Lawyers (2004-present)
Member of Legal Committee, ACLU of Washington (2003-2006)
Member of Washington State Bar (2000-present) (currently on inactive status)
Member of the California State Bar (2008-present)
Member of Bar of U.S. Supreme Court, Ninth Circuit, and other federal courts