

Charles E. "Chuck" MacLean

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EDUCATION

1988 J.D. *cum laude*, William Mitchell College of Law, St. Paul MN
Richard Schall & 3M Merit Scholarships

1983 M.B.A.-Finance, University of Minnesota, Minneapolis MN
Beta Gamma Sigma Honor Society Nominee

1977 B.A., Geography & Urban Studies, University of Minnesota,
Minneapolis MN

TEACHING EXPERIENCE (partial listing – syllabi available upon request)

<u>2013</u>	Indiana Tech Law School Indiana Tech Law School	Asst. Professor Asst. Professor	Lawyering Skills I Direct Lawyering Skills Pgrm
<u>2013</u>	Duncan School of Law Duncan School of Law	Asst. Professor Asst. Professor	Death Penalty Seminar Lawyering Skills II
<u>2012</u>	Duncan School of Law Duncan School of Law Duncan School of Law Duncan School of Law	Asst. Professor Visiting Professor Visiting Professor Visiting Professor	Lawyering Skills III, IV Lawyering Skills II, IV Academic Success III Advanced Trial Advocacy
<u>2011</u>	Duncan School of Law Duncan School of Law Duncan School of Law	Visiting Professor Visiting Professor Visiting Professor	Lawyering Skills II-III Academic Success I-II Criminal Law
<u>2010</u>	Duncan School of Law Duncan School of Law	Visiting Professor Visiting Professor	Lawyering Skills III Academic Success III
<u>1998-</u> <u>2010</u>	Saint Mary's University	Guest Lecturer	Journalism Ethics
<u>2010</u>	Saint Mary's University Criminal Justice Institute	Adjunct Professor Presenter	Criminal Law Forming Justice Councils
<u>2009</u>	Saint Mary's University Criminal Justice Institute	Adjunct Professor Presenter	Substantive Criminal Law The CSI Effect
<u>2008</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Trial Advocacy (Mock Trial) Legal Research/Writing II
<u>2007</u>	Winona State University Winona State University Saint Mary's University	Adjunct Professor Adjunct Professor Adjunct Professor	Trial Advocacy (Mock Trial) Legal Research/Writing I-II Criminal Law
<u>2006</u>	Winona State University Winona State University Duluth Trial School	Adjunct Professor Adjunct Professor Lecturer/Grp Leader	Trial Advocacy (Mock Trial) Legal Research/Writing I-II Trial Advocacy/Cross Exam

<u>2005</u>	Criminal Justice Institute Winona State University Winona State University	Presenter Adjunct Professor Adjunct Professor	Search Warrant Drafting Legal Research/Writing I Trial Advocacy (Mock Trial)
<u>2004</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Civil Procedure Legal Research/Writing I-II
<u>2003</u>	Winona State University Winona State University	Adjunct Professor Adjunct Professor	Legal Research/Writing I-II Evidentiary Rules
<u>2002</u>	Winona State University Winona State University Wm Mitchell College of Law Bemidji Trial School	Adjunct Professor Adjunct Professor Professor Lecturer	Legal Research/Writing I-II Evidentiary Rules Appellate Advocacy Direct Exam & Advocacy
<u>2001</u>	Winona State University Bemidji Trial School MN County Attorney Assn MN Cty Atty Assn Annl Mtg Dakota County Tech College	Adjunct Professor Lecturer Presenter Presenter Lecturer	Legal Research/Writing I-II Direct Exam & Advocacy Race in Jury Selection Prosecutorial Ethics Police Witness Testimony
<u>2000</u>	Winona State University Winona State University Bemidji Trial School MN County Attorney Assn MN County Attorney Assn MN Center – Crime Victims	Adjunct Professor Adjunct Professor Lecturer Presenter Presenter Lecturer	Legal Research/Writing I-II Mass Media Law Cross Exam & Advocacy Race in Jury Selection Child Abuse Trial Skills Plea Negotiations Process
<u>1999</u>	Wm Mitchell College of Law Winona State University Bemidji Trial School Criminal Justice Institute MN Center – Crime Victims	Adjunct Professor Adjunct Professor Lecturer Lecturer Lecturer	Legal Research/Writing Mass Media Law Cross Exam & Advocacy Report Writing for Police Plea Negotiations Process
<u>1998</u>	Wm Mitchell College of Law Bemidji Trial School Albert Lea Police Training MN Center – Crime Victims MN County Attorney Assn	Adjunct Professor Lecturer Lecturer Lecturer Presenter	Legal Research/Writing Cross Exam & Advocacy Criminal Sexual Conduct Plea Negotiations Process Using Recordings at Trial
<u>1997</u>	Wm Mitchell College of Law Winona State University MN County Attorney Assn Winona Paralegal Institute	Adjunct Professor Adjunct Professor Presenter Presenter	Legal Research/Writing Constitutional Law Jury Selection in Sex Cases Family Abuse Investigation
<u>1996</u>	MN County Attorney Assn Urban County Attorney Assn	Presenter Presenter	Meeting the Alibi Defense Prosecutorial Ethics

EMPLOYMENT

- 2013-** Indiana Institute of Technology Law School, Fort Wayne IN
Assistant Professor of Law
- Teach Lawyering Skills
 - Coordinate the Lawyering Skills Program

2010-2013

Lincoln Memorial Univ. Duncan School of Law, Knoxville TN
Assistant Professor of Law (first two years as Visiting
Assistant Professor of Law before joining tenure track)

- Teach Lawyering Skills II-III-IV
- Teach Academic Success Program I-II-III
- Teach Criminal Law
- Teach Advanced Trial Advocacy
- Received SBA Visiting Professor of the Year award
- Coached Moot Court teams
- Coached Mock Trial teams
- Faculty co-Coordinator of Law Review

1996-2010 Winona County Attorney's Office, Winona MN

Winona County Attorney

- Supervised staff of 8 attorneys and 6 support staff
- Prosecuted violent felonies
- Provided civil legal and ethical advice and guidance to government decision-makers
- Supervised outside counsel on litigation matters
- Taught courses (law, ethics) to students at all levels (law school, undergrad, practitioners)

1992-1996 Dakota County Attorney's Office, Hastings MN

Assistant Dakota County Attorney

- Prosecuted adult felonies, especially child abuse
- Widely sought as a speaker on law and ethics topics to students at all levels
- Advised multi-county and cross-functional boards

1990-1992 Lyon County Attorney's Office, Marshall MN

Lyon County Attorney

- Handled all civil and criminal issues
- Administered staff of two
- Advisor to County Board & departments

1990-1990 Redwood County Attorney's Office, Redwood Falls MN

Assistant Redwood County Attorney

- Prosecuted adult and juvenile criminals
- Handled civil cases; advised Board

1988-1990 Lindquist & Vennum, Minneapolis MN

Associate Attorney

- Commercial litigation
- Research and court appearances
- Shareholder derivative actions, maritime, tort, tax

1978-1988 Northern States Power Company, Minneapolis MN

Series of business and financial analysis positions

- Financial and merger analyses & planning
- Expert witness re: statistics, financial analysis

Selected Scholarship: Publications

1. Arrigo, Bruce, ed., *ENCYCLOPEDIA OF CRIMINAL JUSTICE ETHICS* (Sage Publ'g forthcoming 2014) (authored four chapters).
2. Wilks, Stephen & Charles E. MacLean, *A Tale of Two Countries: Examining the Regulation of Prosecutorial Discretion in Canada and the United States*, ____ S. CT. (CANADA) L. REV. ____ (forthcoming 2013).
3. MacLean, Charles E., *Eliminating the Blackacre Opportunity Cost Through Experiential Learning: Using "Targeted Fact Environments" in First-Year Lawyering Skills Courses*, 19 LAW TEACHER ____ (forthcoming 2013).
4. MacLean, Charles E., *Creating a Wanted Poster from a Drop of Blood: Using DNA Phenotyping to Generate an Artist's Rendering of an Offender Based Only on DNA Shed at the Crime Scene*, 36 HAMLINE L. REV. ____ (forthcoming 2013).
5. MacLean, Charles E., *Swords and Beacons: Applying National Prosecution Standards in Tennessee Courts*, 40 DICTA 14 (May, 2013).
6. MacLean, Charles E. & Stephen Wilks, *Keeping Arrows in the Quiver: Mapping the Contours of Prosecutorial Discretion*, 52 WASHBURN L.J. 59 (2012).
7. MacLean, Charles E., *Anecdote as Stereotype: One Prosecutor's Response to Professor Monroe Freedman's Article "The Use of Unethical and Unconstitutional Practices and Policies by Prosecutors' Offices"*, 52 WASHBURN L.J. 23 (2012).
8. MacLean, Charles E., *But Your Honor, A Cell Phone is Not a Cigarette Pack: An Immodest Proposal to Return to the Chimel Standards for Searches of Cell Phone Memories Incident to Lawful Arrest*, 6 FED. CTS. L. REV. 1 (2012) (relied on in *United States v. Wurie*, ____ F.3d ____, ____, 2013 WL 2129119, ** 6, 9 (1st Cir. May 17, 2013).

Selected Scholarship: Presentations

9. MacLean, Charles E., *DNA Phenotyping: An Emerging Investigative Tool*, to be presented at the Minnesota Criminal Justice Institute, August 26, 2013.
10. MacLean, Charles E. & Stephen Wilks, *Mapping the Contours of Prosecutorial Discretion: A Comparative Study of Prosecutorial Decision Making and Sanctions in Canada and the United States*, presented at the Symposium Celebrating the Contributions of Justice Louise Charron at the University of Ottawa Law School, March 23, 2013.
11. MacLean, Charles E., *Death Penalty for Stealing a Pack of Gun in Tennessee: Evaluating the Tennessee Felony Murder Statute*, presented at the Building Scholars Workshop at the Albany Law School, February 2, 2013.
12. MacLean, Charles E., *Avoiding the Blackacre Opportunity Cost: A Proposal to Use Targeted Fact Environments in First-Year Legal Research & Writing Courses* (presented at the Third Annual Empire State Legal Writing Conference, Buffalo, New York, June 23, 2012).

13. MacLean, Charles E. & Stephen Wilks, *Keeping the Arrows in the Quiver: Mapping the Contours of Morality in the Exercise of Prosecutorial Discretion*, (presented at the International Conference on Law & Society, Honolulu, Hawai'i, June 5-8, 2012).
14. MacLean, Charles E., *Tortoise and Hare: Constitutional Search & Seizure Jurisprudence and Technology*, Loyola University School of Law, Chicago, Illinois (presented at Constitutional Colloquium, October 21, 2011).
15. MacLean, Charles E., *Racially Disparate Use of Arrest Records in Employment and Housing Decision-Making*, Davis & Elkins College, West Virginia (presented November 2010).
16. MacLean, Charles E. & Thomas Gort, *Confronting the CSI Effect in Criminal Trials*, Minnesota Criminal Justice Institute (August 2009).
17. MacLean, Charles E., *The Minnesota Mirror: Transferring State Criminal Justice Costs and Obligations to Counties and Their Taxpayers* (April 2008).
18. MacLean, Charles E., *Crafting Cross Examination with Impact*, presented to the Minnesota Joint Criminal Justice Trial School (July 2006).
19. MacLean, Charles E. & Hon. Jeffrey D. Thompson, *Drafting and Obtaining Search Warrants*, Minnesota Criminal Justice Institute (August 2005).
20. MacLean, Charles E., *Transporting the Jury via Direct Examination*, Minnesota Joint Criminal Justice Trial School (August 2002).
21. MacLean, Charles E., *Race Bias in Jury Selection: An Examination of Batson and its Progeny*, Minnesota County Attorneys Association (April 2001).
22. MacLean, Charles E., *Prosecutorial Ethics: Private Ethical Decision-making in the Very Public Practice of Law*. Minnesota County Attorneys Association (March 2001).
23. See my BEPress page for additional entries: http://works.bepress.com/charles_maclean/

Additional Research Agenda Topics

- A. Prosecutorial Discretion: Private Decision Making in the Very Public Practice of Law.
- B. GUIDE to Legal Re-Writing (Grammar, Usage, Impact, Delivery, Elegance).
- C. Unconstitutionality of the Tennessee Felony Murder Statute: Improper Use of Misdemeanor Theft as a Predicate Offense.

Vitae Addendum – Community Service – Eff. 6-13-13

A Partial Listing – Details available upon request

- 2013-14 Member, Indiana Tech Law School Self-Study and Rules Committees
- 2013-14 Contributing Author, American Veterinary Medical Law Association Newsletter
- 2012-13 Vice Chair and Faculty Co-Advisor, Lincoln Memorial University Law Review
- 2012-13 Member, LMU-DSOL Externship, Scholarship, Admissions, and Library Committees
- 2011-13 Coach, LMU-DSOL Moot Court teams
- 2011-12 Coach, LMU-DSOL Mock Trial teams
- 2011-12 Faculty co-advisor, LMU-DSOL Criminal Law Society
- 2011-12 Member, LMU-DSOL Diversity, Faculty Development, Externship, and Academic Integrity Committees
- 2007-10 Member, Minnesota County Attorney's Ass'n Criminal Law Committee
- 2007-09 Inaugural Chair, Winona County Criminal Justice Coordinating Council
- 2007 Member, Steering Committee, National Child Protection Training Center & Hamline University, Child Abuse Advocacy Law School Curriculum Development
- 2007 Guest Judge, Saint Mary's University Business Department Capstone Case Competition
- 2007 Keynote Speaker, Winona Healing Fields (against Child Abuse)
- 2006-10 Member, Minnesota County Attorney Association Appellate Committee
- 2005-06 Inaugural Chair, Winona Children's Advocacy Center Formation Task Force
- 2005 Speaker, National Child Protection Training Center Inaugural Event
- 2005 Member, Rock Solid Youth Center Fundraising Steering Committee
- 2004-10 President, Winona County Law Library Board of Trustees
- 2003 Keynote Speaker, DARE Graduation Ceremonies (Altura, St. Charles, Winona)
- 2002 Focus Group Member, Human Service Challenges – 5-Year Scoping Plan
- 2001-02 Originator, St. Charles City and Winona Alternative Learning Center Community Prosecution Teams

2001 Member, Human Service Collaborative / Communities in Schools Merger Task Force

2001 Recipient, Winona "Making the Community Safer" Award

2001 Member, Reducing Community Violence Working Group

2000-10 Member, Jail Action Committee (later Jail Study Committee)

2000-10 Volunteer Attorney Advisor, Winona State University Mock Trial Team

2000-10 Trainer, Sexual Assault Investigation and Prosecution Protocols

2000-08 Member, Winona State University Paralegal Advisory Board

2000-04 Member, Winona State University Criminal Justice Advisory Board

2000-10 Board Chair, Sexual Assault Interagency Council, Winona

1998-10 Member, Winona County Law Library Board of Trustees

1998-99 Member, Winona County Child Sexual Abuse Task Force

1997 Facilitator, Winona City / Winona Township Annexation Dispute

1990-92 Legal Advisor, Southwest Minnesota Drug Task Force

1990-92 Legal Advisor, Lincoln-Lyon-Murray-Pipestone Community Health

1990-92 Board Chair, Sexual Abuse Resource Center, Marshall

Chuck MacLean – Vitae Addendum – Selected Appellate Cases – Eff. 6-13-13

A Partial Listing – Details available upon request

[additional information available via Westlaw Boolean search: "Charles E. MacLean"]

1. State v. Nissalke, 801 N.W.2d 82 (Minn. 2011) (Murder, Judicial misconduct, Prosecutor misconduct, alternative perpetrator evidence, sufficiency of the evidence).
2. State v. Burt, No. A10-202, 2010 WL 4941491 (Minn. Ct. App. Dec. 7, 2010) (Terroristic Threats, sufficiency of the evidence).
3. State v. Brown, No. A08-622, 2009 WL 1586740 (Minn. Ct. App. Jun. 9, 2009, review denied (Minn. Aug. 11, 2009) (Controlled Substance Crime, criminal history score calculation).
4. State v. Briggs, No. A08-131, 2009 WL 1444026 (Minn. Ct. App. May 26, 2009), review denied (Minn. Aug. 11, 2009) (Violation of Harassment Restraining Order, waiver of right to counsel, prosecutorial error, relationship evidence).
5. Masood v. State, No. A08-393, 2008 WL 5396879 (Minn. Ct. App. Dec. 30, 2008) (Aggravated Witness Tampering, summary denial of post-conviction relief petition).
6. Halter v. State, No. A08-29, 2008 WL 5136978 (Minn. Ct. App. Dec. 9, 2009) (Criminal Sexual Conduct, post-conviction relief, aggravated departure).
7. State v. Beasley, No. A06-1163, 2007 WL 4303095 (Minn. Ct. App. Dec. 11, 2007), review denied (Minn. Mar. 18, 2008) (Controlled Substance Crime, traffic stop, sufficiency of the evidence, ineffective assistance of defense trial counsel).
8. State v. Mancilla, No. A06-581, 2007 WL 2034241 (Minn. Ct. App. Jul. 17, 2007), review denied (Sep. 26, 2007) (Burglary, right to conflict-free defense counsel, prosecutorial error, ineffective assistance of defense trial counsel, propriety of consecutive sentencing).
9. State v. Burbach, 706 N.W.2d 484 (Minn. 2005) (Controlled Substance Crime, search and seizure, reasonable, articulable suspicion re traffic stop).
10. State v. Doyal, No. A04-692, 2004 WL 2590664 (Minn. Ct. App. Nov. 16, 2005), review denied (Minn. Jan. 26, 2005) (Controlled Substance Crime, search and seizure, pretrial State appeal).
11. State v. Fenske, No. A03-844, 2004 WL 237372 (Minn. Ct. App. Feb. 10, 2004), review denied (Minn. Apr. 28, 2004) (Criminal Sexual Conduct, plea withdrawal, post-conviction relief).
12. State v. Mancilla, No. A03-473, 2004 WL 77852 (Minn. Ct. App. Jan. 20, 2004) (Controlled Substance Crime, right to post-conviction counsel, ineffective assistance of defense trial counsel).
13. State v. (Na) Her, 668 N.W.2d 924 (Minn. Ct. App. 2003), review denied (Dec. 16, 2003) (Aggravated Robbery, gang expert testimony, accomplice corroboration).
14. State v. Dore, No. C6-01-468, 2001 WL 1035198 (Minn. Ct. App. Sep. 11, 2001), review denied (Minn. Nov. 13, 2001) (Criminal Vehicular Homicide, sentencing appeal, amenability to probation).
15. State v. Merkl, No. C7-00-1036, 2001 WL 682557 (Minn. Ct. App. Jun. 19, 2001), review denied (Minn. Aug. 22, 2001) (Violation of Harassment Restraining Order, collateral attack on restraining order, sentencing appeal).
16. State v. Peterson, No. C1-98-2066, 1999 WL 508407 (Minn. Ct. App. Jul. 20, 1999), review denied (Minn. Sep. 14, 1999) (Controlled Substance Crime, search incident to lawful arrest).

17. State v. Little, No. C2-96-1570, 1996 WL 722093 (Minn. Ct. App. Dec. 17, 1996), review denied (Minn. Feb. 26, 1997) (Criminal Sexual Conduct, sentencing appeal; triple aggravated departure).
18. State v. Zanter, 535 N.W.2d 624 (Minn. 1995) (Murder, propriety of repeated searches based upon same search warrant probable cause).
19. State v. Washington, 521 N.W.2d 35 (Minn. 1994) (Murder, prosecutorial error, hearsay, confrontation clause).
20. State v. Greiner, 518 N.W.2d 636 (Minn. Ct. App. 1994) (Theft by Temporary Taking, continuing offense, statute of limitations).