

**JOHN P. GROSS**

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**EDUCATION**

Hofstra University School of Law J.D. 1999  
Georgetown University B.A. 1995

**TEACHING EXPERIENCE**

University of Wisconsin Law School, Madison W.I.  
Clinical Associate Professor of Law, Director of the Public Defender Project, July 2020 – Present

Courses taught: Introduction to Substantive Criminal Law  
Defense Function  
Ethical Issues in Criminal Defense  
Trial Practice

University of Alabama School of Law, Tuscaloosa A.L.  
Lecturer in Law, July 2018 – July 2019

Courses taught: Criminal Procedure – Pretrial  
Poverty Law

Assistant Professor of Clinical Legal Instruction, Acting Director of the Criminal Law Clinic, July 2014 – July 2018

Courses taught: Criminal Defense Clinic

American University Washington College of Law, Washington D.C.  
Adjunct Associate Professor of Law, August 2011 – July 2014

Courses taught: Criminal Procedure  
Evidence

Syracuse University College of Law, Syracuse N.Y.

Visiting Assistant Professor, Acting Director Criminal Defense Clinic, August 2009 – July 2011

Courses taught: Criminal Defense Clinic:

Practitioner-In-Residence, July 2006 – August 2009

Courses taught: Criminal Defense Clinic

## **PROFESSIONAL EXPERIENCE**

Defender Association of Philadelphia, Philadelphia, P.A.

Director of Policy and Practice, July 2019 – July 2020

Provided qualitative and quantitative analysis relating to the operations, policies, programs and practices of the Defender Association. Worked with criminal justice stakeholders to improve system outcomes for clients; created and oversaw new programs designed to improve institutional and client outcomes; supported a data driven approach to evaluating the Association's performance, oversaw the analytical and data foundations for internal policy reports and recommendations and managed appellate level impact litigation as well as grant applications and funding streams.

National Association of Criminal Defense Lawyers, Washington D.C.

Indigent Defense Counsel, July 2011 – July 2014

Directed efforts to improve and reform the criminal justice services provided to persons accused of crimes who cannot afford private counsel. Provide technical assistance for affiliates including information on how indigent defense reform has been achieved in other locations, as well as model bills and rules. Engage in public education projects designed to raise awareness of the right to counsel and its violation throughout the United States. Encourage states to fully undertake their constitutional obligations to provide competent, well-resourced counsel for all indigent defendants. Coordinate strategic litigation to enforce the Sixth amendment right to counsel. Conduct research on indigent defense delivery systems, attorney performance guidelines and financial eligibility for assigned counsel. Design public defender training programs at the local, national and international levels.

Legal Aid Society, New York, N.Y.

Staff Attorney, Manhattan Criminal Defense Division, September 1999 – July 2006

Represented indigent defendants in misdemeanor and felony cases at all stages of prosecution from arraignment through disposition and sentence; conducted over twenty misdemeanor trial and twelve felony trials as well as over thirty five suppression hearings. Gave lectures and facilitated group discussions with new attorneys regarding substantive criminal law as well as trial practice.

## LAW REVIEW ARTICLES

- *The Right to Counsel but Not the Presence of Counsel: A Survey of State Criminal Procedures for Pre-Trial Release*, 69 Florida Law Review 831 (2017)
- *Case Refusal: A Right for the Public Defender but Not a Remedy for the Defendant*, 95 Washington University Law Review 253 (2017)  
[http://openscholarship.wustl.edu/law\\_lawreview/vol95/iss1/10/](http://openscholarship.wustl.edu/law_lawreview/vol95/iss1/10/)
- *Qualified Immunity and the Use of Force: Making the Reckless into the Reasonable*, 8 Alabama Civil Rights & Civil Liberties Law Review 67 (2017)
- *Dispelling the Myth That Law Students Can Close the Justice Gap*, 58 Boston College Law Review E. Supp. 26 (2017) [http://bclawreview.org/files/2017/02/04\\_gross.pdf](http://bclawreview.org/files/2017/02/04_gross.pdf)
- *Judge, Jury and Executioner*, 21 Texas Journal on Civil Liberties & Civil Rights 155 (2016)
- *Unguided Missiles*, 164 University of Pennsylvania Law Review Online 135 (2016)  
<https://www.pennlawreview.com/online/164-U-Pa-L-Rev-Online-135.pdf>
- *Representation by Counsel or Access to Defense Resources: Utah's Single Source Approach to Indigent Defense*, 72 Washington & Lee Law Review Online 51 (2015)  
<http://lawreview.journals.wlu.io/representation-by-counsel-or-access-to-defense-resources/>
- *What Matters More: A Day in Jail or a Criminal Conviction?*, William & Mary Bill of Rights Journal, Volume 22 (2013)
- *Too Poor to Hire a Lawyer but Not Indigent: How States Use the Federal Poverty Guidelines to Deprive Defendants of their Sixth Amendment Right to Counsel*, 70 Washington & Lee Law Review, Issue 2 (2013)
- *The True Benefits of Counsel: Why "Do It Yourself" Lawyering Fails to Protect the Rights of the Indigent*, 43 New Mexico Law Review, Issue 2 (2013)
- *Dangerous Criminals, the Search for Truth and Effective Law Enforcement: How the Supreme Court Overestimates the Social Costs of the Exclusionary Rule*, 51 Santa Clara Law Review 545 (2011)

## REPORTS

- *Representation in All Criminal Prosecutions: The Right to Counsel in State Courts, Gideon at 50: A Three Part Examination of Indigent Defense in America*, National Association of Criminal Defense Lawyers (October 2016)  
[file:///C:/Users/jgross/Downloads/Gideon%20Part%203%20Report%20\(1\).pdf](file:///C:/Users/jgross/Downloads/Gideon%20Part%203%20Report%20(1).pdf)

- *Redefining Indigence: Financial Eligibility for Assigned Counsel*, Gideon at 50: A Three Part Examination of Indigent Defense in America, National Association of Criminal Defense Lawyers (March 2014)  
[file:///C:/Users/jgross/Downloads/gideon\\_2\\_assigned\\_counsel\\_%20financial\\_guidelines\\_noUnd\\_clr\\_map\\_pms5669\\_4162014-102%20\(2\).pdf](file:///C:/Users/jgross/Downloads/gideon_2_assigned_counsel_%20financial_guidelines_noUnd_clr_map_pms5669_4162014-102%20(2).pdf)
- *Rationing Justice: The Underfunding of Assigned Counsel Systems*, Gideon at 50: A Three Part Examination of Indigent Defense in America, National Association of Criminal Defense Lawyers (March 2013)  
[file:///C:/Users/jgross/Downloads/Gideon%20at%2050%20-%20Part%201%20Rationing%20Justice%20\(3\).pdf](file:///C:/Users/jgross/Downloads/Gideon%20at%2050%20-%20Part%201%20Rationing%20Justice%20(3).pdf)

## PRACTICE MANUALS

*Criminal Defense Practice Manual for Liberian Public Defenders*, United Nations Office on Drugs and Crime (January 2015)

*Liberian Public Defender's Office Training Manual*, United Nations Office on Drugs and Crime (January 2015)

## OTHER PUBLICATIONS

*Making Cash Bail a Bigger Part of the Criminal Justice System is Unnecessary and Unwise*, Milwaukee Journal Sentinel (February 10, 2022):  
<https://www.jsonline.com/story/opinion/2022/02/11/making-cash-bail-bigger-part-criminal-justice-wisconsin-unwise-opinion/6727513001/>

*Here's Why Kyle Rittenhouse Is Likely to Be Acquitted*, Wisconsin State Journal (November 19, 2021): [https://madison.com/opinion/column/analysis-heres-why-kyle-rittenhouse-is-likely-to-be-acquitted-and-why-the-law-on/article\\_f1e4edf4-6fd2-5004-ae14-d45b009ab5a9.html](https://madison.com/opinion/column/analysis-heres-why-kyle-rittenhouse-is-likely-to-be-acquitted-and-why-the-law-on/article_f1e4edf4-6fd2-5004-ae14-d45b009ab5a9.html)

*Remembering 9/11*, National Association of Public Defenders (September 13, 2021):  
[https://www.publicdefenders.us/blog\\_home.asp?display=883](https://www.publicdefenders.us/blog_home.asp?display=883)

*Prison Walls Can't Stop COVID-19*, The Capital Times (February 11, 2021):  
[https://madison.com/ct/opinion/column/john-p-gross-prison-walls-can-t-stop-covid-19-vaccinating-prisoners-makes-everyone-safer/article\\_08c2c857-2f61-59f3-ac40-a98f5530ce35.html](https://madison.com/ct/opinion/column/john-p-gross-prison-walls-can-t-stop-covid-19-vaccinating-prisoners-makes-everyone-safer/article_08c2c857-2f61-59f3-ac40-a98f5530ce35.html)

*Sessions Should Not Be Attorney General*, U.S.A. Today (January 10, 2017):  
<http://www.usatoday.com/story/opinion/2017/01/10/jeff-sessions-should-not-be-attorney-general-immigration-civil-rights-column/96352236/>

*Trump's Immigration Policies Would Restrict Justice*, The Birmingham News (November 29, 2016): [http://www.al.com/opinion/index.ssf/2016/11/trumps\\_immigration\\_policies\\_wo.html](http://www.al.com/opinion/index.ssf/2016/11/trumps_immigration_policies_wo.html)

*Know Your Rights When Dealing with Police Officers*, The Birmingham News (November 12, 2015):

[http://www.al.com/opinion/index.ssf/2015/11/know\\_your\\_rights\\_when\\_dealing.html](http://www.al.com/opinion/index.ssf/2015/11/know_your_rights_when_dealing.html)

*Drug Laws Are Designed to Demand Guilty Pleas, Not Seek Justice*, The Birmingham News (September 27, 2015):

[http://www.al.com/opinion/index.ssf/2015/09/drug\\_laws\\_are\\_designed\\_to\\_dema.html](http://www.al.com/opinion/index.ssf/2015/09/drug_laws_are_designed_to_dema.html)

*The Truth about How Public Defenders Handle Excessive Caseloads*, National Association of Public Defenders (January 2015): <http://www.publicdefenders.us/?q=node/673>

*The Cost of Representation Compared to the Cost of Incarceration: How Defense Lawyers Reduce the Costs of Running the Criminal Justice System*, The Champion (April 2013)

*National Developments in Indigent Defense*, The Champion (June 2012)

*The First Thing You Need to Tell Students in Clinic*, The Law Teacher, Volume 18, Number 2, page 18 (Spring 2012): <http://lawteaching.org/lawteacher/2012spring/lawteacher2012spring.pdf>

*The State of the Right to Counsel at Arraignment in New York*, New York Law Journal, December 12, 2011

## NEWS & MEDIA

Coverage related to the trial of Darrell Brooks:

[https://apps.law.wisc.edu/newsletter/In\\_the\\_Media/UW\\_Law\\_Experts\\_Provide\\_Content\\_o\\_2022-10-07](https://apps.law.wisc.edu/newsletter/In_the_Media/UW_Law_Experts_Provide_Content_o_2022-10-07)

Coverage related to the trial of Kyle Rittenhouse:

[https://apps.law.wisc.edu/newsletter/Features/UW\\_Law\\_experts\\_provide\\_context\\_o\\_2021-11-12](https://apps.law.wisc.edu/newsletter/Features/UW_Law_experts_provide_context_o_2021-11-12)

*Firing at Moving Vehicles Is a Contentious Practice Across the Country*, The New York Times (November 21, 2021): <https://www.nytimes.com/live/2021/11/22/us/waukesha-parade-crash/firing-at-moving-vehicles-is-a-contentious-practice-across-the-country?smid=url-share>

*Why Do Police Keep Shooting into Moving Cars?* The Atlantic (May 21, 2021)

<https://www.theatlantic.com/ideas/archive/2021/05/andrew-brown-police-shootings-moving-vehicles/618938/>

*Brown County Moves to Address Public Defender Shortage*, Wisconsin Public Radio (March 22, 2021) <https://www.wpr.org/brown-county-moves-address-public-defender-shortage>

*Ex-Cop Trial to Include “Spark of Life” on Floyd*, Associated Press (March 11, 2021)

<https://apnews.com/article/derek-chauvin-trial-spark-of-life-explained-6bb562e89678d01bc2543f448376bf4a>

## PRESENTATIONS

*Practical Negotiation Techniques for Legal Aid Lawyers*, Kansas State Board of Indigent Defense Services Annual Conference, June 10, 2022.

*Practical Negotiation Techniques for Public Defenders*, National Association of Public Defenders Annual Conference, March 18, 2022.

*Practical Negotiation Techniques for Public Defenders*, Legal Aid Bureau of Buffalo, February 12, 2020, University of Buffalo, Buffalo, N.Y.

*The Ethical Obligations of Legal Aid Attorneys*, Legal Aid Bureau of Buffalo, February 12, 2018, University of Buffalo, Buffalo, NY

*Qualified Immunity and the Use of Force: Making the Reckless into the Reasonable*, Redefining Clearly Established Rights After Ferguson, The University of Alabama School of Law, Alabama Civil Rights & Civil Liberties Law Review Symposium, April 1, 2016, Tuscaloosa, AL

*The Role of the Criminal Defense Lawyer in Competency Proceedings*, Taylor Hardin Secure Medical Facility Lecture Series, October 30, 2015, Tuscaloosa, AL

*What if Eric Garner Had Lived? The Routine Detention and Conviction of Black Defendants*, Southern Clinical Conference, October 24, 2015, Cecil C. Humphries School of Law, Memphis, TN

*Disrupting the System: How Defenders Create Positive Change*, Actively Creating a Winning Defense, National Association of Criminal Defense Lawyers, October 15, 2015, Birmingham Alabama

*Income Eligibility Guidelines for Assigned Counsel: How States Determine Who Is Too Poor to Hire a Lawyer*, American Society of Criminology, November 21, 2014, San Francisco, CA

*Educating Future Legal Aid Lawyers: What Does It Mean to Be “Practice Ready” When There Are No Standards of Practice?* Southern Clinical Conference, October 24, 2014, William & Mary School of Law, Williamsburg, VA

*Liberian Public Defender Training Program*, United Nations Office on Drugs and Crime, June 16 to June 20, 2014, Kakata, Liberia

*A National Perspective on Indigent Defense Reform*, Idaho Legislature Public Defense Reform Interim Committee, August 15, 2013, Boise I.D.

*Right to Counsel at a Crossroads: The Future of Indigent Defense*, State Criminal Justice Network Conference, July 25, 2013, San Francisco C.A.

*Annual Review of National Developments in Indigent Defense*, ABA Standing Committee on Legal Aid & Indigent Defense 8th Annual Summit on Indigent Defense Improvement, February 9, 2013, Dallas, T.X.

*Planning, Collecting and Analysis Data in Setting Strategic Outcomes*, National Legal Aid & Defender Association, Annual Meeting, December 6, 2012, Chicago I.L.

*Approaching Gideon through a Modern Lens: The Impact of the Federal Poverty Guidelines on Eligibility Determinations for Assigned Counsel*, Washington & Lee University “Gideon at 50: Reassessing the Right to Counsel”, November 9, 2012, Lexington V.A.

*A Social Justice Lens Turned on Legal Education from the First Year to Practice: Next Steps*, Society of American Law Teachers Conference “Teaching Social Justice, Expanding Access to Justice: The Role of Legal Education & the Legal Profession”, October 6, 2012, Baltimore M.D.

*Expanding the Right to Counsel*, State Criminal Justice Network Conference “Gideon and Beyond: Securing Constitutional Rights through Policy Advocacy”, July 26, 2012, San Francisco C.A.

*Securing Reasonable Caseloads: Ethics and Law in Public Defense*, National Legal Aid & Defenders Association, American Council of Chief Defenders 2012 Summer Conference, June 25, 2012, Cincinnati, O.H.

*Argersinger Undone: The Challenges in Implementing the Right to Counsel in Misdemeanor Courts in South Carolina*, American Civil Liberties Union of South Carolina, June 15, 2012, Charleston School of Law, Charleston, S.C.

Moderator of the “Tennessee Indigent Representation Summit” hosted by the Tennessee Supreme Court, March 9, 2012, Nashville, T.N.

*Annual Review of National Developments in Indigent Defense*, ABA Standing Committee on Legal Aid & Indigent Defense 7th Annual Summit on Indigent Defense Improvement, February 4, 2012, New Orleans, L.A.

*How to Have a Vibrant Forensics Training Program at Your Office*, ABA Standing Committee on Legal Aid & Indigent Defense 2011 National Defender Training Program, November 5, 2011, Austin, T.X.

*The State of Indigent Defense: Lessons from Around the Nation*, Texas Indigent Defense Commission Symposium on Indigent Defense, October 27, 2011, Austin, T.X.

*A Practical Guide to an Attorney’s Ethical Obligations*, Erie County Bar Association, Aid to Indigent Prisoners Society, Assigned Counsel Program, June 14, 2011 in Buffalo, N.Y.

*Personal and Professional Use of Social Networking Sites*, Federal Criminal Law Update, Office of the Federal Public Defender & The New York State Defenders Association, May 3, 2011, Syracuse N.Y.

*Social Networking and Defense Ethics*, Criminal Defense Tactics & Techniques XIII, New York State Defender Association, April 2, 2011, Rochester, N.Y.

*The Private Practice of Law by a Public Defender*, The Legal Aid Bureau of Buffalo, September 17, 2010, Buffalo, N.Y.

*Criminal Defense Ethics, Criminal Defense Tactics & Techniques XII*, New York State Defenders Association, April 10, 2010, Rochester, N.Y.

**BAR & PROFESSIONAL ASSOCIATION MEMBERSHIPS**

United States Court of Appeals for Veterans Claims

New York State Bar

District of Columbia Bar (Inactive)

Alabama State Bar (Inactive)

National Association of Public Defenders

Indigent Defense Research Association