

CUTTING EDGE ISSUES IN US CRIMINAL PROCEDURE: CONSTITUTIONAL PROTECTIONS AGAINST UNLAWFUL SEARCHES AND IMPROPER INTERROGATIONS

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SMALL MOOT COURT, ROOM 723,

**7/F CHENG YU TUNG TOWER, CENTENNIAL CAMPUS,
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The US Constitution contains explicit provisions protecting against unlawful searches and seizures (US Constitution, 4th Amendment) and unlawful interrogation (US Constitution, 5th Amendment). When the government violates those rights, a major consequence can be the suppression of valuable tangible evidence or the suppression of a compelling confession. Many of the key judicial precedents were decided during the 1960s, when Earl Warren served as the Chief Justice of the United States. One major case, *Miranda v. Arizona*, is known throughout the world because the police, in television shows and movies, are frequently seen giving suspects their Miranda rights. Chief Justice Warren's successors -- Warren Burger, William Rehnquist, and the current Chief Justice (John Roberts) -- are thought to be less sympathetic to the rights of criminal defendants. It is safe to say, however, that the basic 4th and 5th Amendment protections still exist (albeit, with some limitations that perhaps were not envisioned by the Warren Court). In some areas, recent cases have actually extended 4th and 5th Amendment protections in the face of new technologies (such as cell phones, GPS devices, and the like). And some justices who are viewed as politically conservative, such as the late Justice Antonin Scalia, have written pathbreaking opinions in favor of criminal defendants. This lecture will survey some of the key US Supreme Court cases -- and policy issues -- under the 4th and 5th Amendments. It will examine the inevitable tradeoff between protecting the rights of the accused and ensuring that law enforcement is able to bring criminals to justice.



Robert Klonoff is currently the Jordan D. Schnitzer Professor of Law at Lewis & Clark Law School. He served as Dean of the Law School from 2007-2014. He is the co-author of several textbooks and numerous articles. Although he is most widely known for his work and scholarship in the area of civil procedure, he also has extensive knowledge and experience in criminal procedure matters.

Professor Klonoff is a member of the American Law Institute (ALI) and served as an Associate Reporter for the ALI's class action project, "Principles of the Law of Aggregate Litigation." He is also a Fellow in the American Academy of Appellate Lawyers and served as a Reporter for the 2005 National Conference on Appellate Justice. In addition, he is an elected member of the International Association of Procedural Law. In 2011, Chief Justice Roberts appointed Professor Klonoff to serve as the academic member of the Federal Civil Rules Committee. Professor Klonoff was reappointed in May 2014 for a second three-year term. He is also a member of the Civil Rules Subcommittee on Class Actions.

Professor Klonoff has extensive litigation experience. He has argued eight cases before the U.S. Supreme Court, and has argued dozens of cases in other federal and state appellate courts throughout the US. As a federal prosecutor in the US Department of Justice, he has investigated and prosecuted thousands of cases. He has also tried numerous criminal cases, and has argued many criminal appeals, including major cases before the U.S. Supreme Court. He teaches, among other subjects, a course that focuses on the constitutional rights of criminal defendants.

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