

## JOHN J. CAPOWSKI

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2157 Chestnut Street  
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## EDUCATION

Cornell Law School, J.D., 1971. Cornell Legal Aid Clinic.

Hamilton College, B.A. with Honors, 1968. Major: Economics. Charles Dana Scholar.  
New York Regents Scholar.

## EMPLOYMENT

2013 to present. Professor Emeritus, Widener University School of Law – teaching courses in negotiation and advanced evidence.

2013 Fall Semester, Visiting Professor, University of Denver, Sturm College of Law.

2010- 2013 Professor, Widener University School of Law, Harrisburg campus.

1994-2010, Associate Professor.

Courses: Evidence, Civil Procedure, Advanced Evidence, Comparative Law, Public Interest Legislation (a seminar focused on state legislation and domestic violence), Trial Advocacy, and Interviewing, Counseling, and Negotiation.

Director, Public Interest Clinic (1994-1997). Director, Intensive Trial Advocacy Program (1997-2000). Director, Externships (1997-1999). Director of Clinical Programs (1998-1999). Director, Widener International Programs in Sydney (2006) and Venice (2013).

2002 Spring Semester, Visiting Professor, West Virginia University College of Law.

Courses: Evidence and Interviewing, Counseling, and Negotiation.

1987-1994, Director of Education and Training, Office of the Attorney General, State of Maryland.

Designed, implemented, and taught in a program of skills and substantive law training for lawyers in this three hundred attorney office. Handled criminal appeals and directly assisted the Attorney General on family law legislative initiatives.

1987-1990, Assistant Attorney General, Consumer Protection Division, Office of the Attorney General, State of Maryland.

Drafted legislation, prepared legislative studies, and handled litigation.

1991 Fall Semester, Visiting Associate Professor, University of New Mexico School of Law.

Taught in and designed the Institute for Access to Justice, a clinical program to systemically increase the availability of legal remedies for New Mexico's poor.

1984-1987, Associate Professor, University of Maryland School of Law.

1978-1984, Assistant Professor, University of Maryland School of Law.

Courses: Trial Practice, Trial Planning and Advocacy, Professional Responsibility, Legal Methods, Social Welfare Law, and Interviewing, Counseling and Negotiation

Director, Legal Services Clinic, one of Maryland's clinical programs (1978-1982).

1975-1978, Director, Cornell Law School Clinical Program. Lecturer, Cornell Law School.

1973-1975, Attorney and Instructor, Cornell Legal Aid Clinic and Cornell Law School Project for the Auburn Correctional Facility.

1971-1973, Attorney, Monroe County Legal Assistance Corporation, Rochester, New York.

Handled cases for indigents in the consumer, welfare, landlord/tenant, and family law areas.

## PUBLICATIONS

*Matthews v. Eldridge: Reflecting and Foreshadowing*, in THE POVERTY LAW CANON, University of Michigan Press, 2016.

*Establishing a Domestic Violence Legislative Clinic*, completed and ready to be submitted for publication.

*The Uniform Provisions of Evidence: A Major Reform that Maintains China's Judicial Traditions*, 证据理论与科学：第3届国际研讨会论文集, 42, 中国政法大学出版社, 2012年5月. (THE THEORY AND SCIENCE OF EVIDENCE, THE COLLECTION OF ARTICLES FOR THE THIRD INTERNATIONAL CONFERENCE, CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW, MAY 2012). (also published in PROCEEDINGS OF THE 3RD INTERNATIONAL CONFERENCE ON EVIDENCE LAW AND FORENSIC SCIENCE 66 (July 16-17, 2011)).

*China's Evidentiary and Procedural Reforms, The Federal Rules of Evidence, and the Harmonization of Civil and Common Law*, 47 TEX. INT'L L. J. 455 (2012).

*China's Uniform Provisions of Evidence of the People's Court and the Convergence of Civil Law and Common Law*, 18 EVIDENCE SCIENCE, No. 5, 589 (2010), The Journal of the Institute of Evidence Law and Forensic Science of China University of Political Science and Law. (Translated into Chinese [论《人民法院统一证据规定》及大陆法系和普通法系的融合] at pages 600-17).

*Establishing Federal Criminal and Civil Evidence Codes*, 61 ARK. L. REV. 218 (2008).

*Evidence Codification and Transubstantive and Bifurcated Evidence Rules*, 2 EVIDENCE SCIENCE, No. 2, 216 (2008). The journal of the Institute of Evidence Law and Forensic Science of China University of Political Science and Law. (Translated into Chinese [证据法典化、统一立法与分别立法] and published at pages 226-33). Reprinted in Chinese, 8 PROCEDURAL LAW AND JUDICIAL SYSTEM 28 (2008), the journal of the Research Center for Social Sciences of Renmin University of China.

*Evidence and the One-Liner: A Beginning Evidence Professor's Exploration of the Use of Humor in the Law School Classroom*, 35 ARIZ. ST. L.J. 877 (2003).

*Values and Lawyering Skills*, VIII THE LAW TEACHER, No. 2, at 1 (2001), reprinted in G. F. HESS, ET AL., TECHNIQUES FOR TEACHING LAW 2, at 234 (2011).

*An Interdisciplinary Analysis of Statements to Mental Health Professionals under the Diagnosis or Treatment Hearsay Exception*, 33 GA. L. REV. 353 (1999).

*Statements Against Interest, Reliability, and the Confrontation Clause*, 28 SETON HALL L. REV. 471 (1997).

QUATTROCKI, C. AND CAPOWSKI, J., *Court Access for Poor Persons*, Chapter III in INCREASING ACCESS TO JUSTICE FOR MARYLAND'S FAMILIES, (Report of the Advisory Council on Family Legal Needs of Low Income Persons) (1992).

*Jumping The Hurdles: Establishing Pro Bono Programs in Government Law Offices*, 9 American Bar Association PBI EXCHANGE No. 2, at 2 (1991).

*Justice Brennan's Legacy and the Potentially Jilting Souter*, 21.2 U. BALT. L.F. 7 (1991).

*Public Benefits, Legal Services, and Estate Planning*, Chapter 25 in M. BATSHAW & Y. PERRET, CHILDREN WITH HANDICAPS: A MEDICAL PRIMER (2d ed. 1986).

*The Appropriateness and Design of Categorical Decision-Making Systems*, 48 ALB. L. REV. 951 (1984).

*Accuracy and Consistency in Categorical Decision-Making: A Study of Social Security's Medical-Vocational Guidelines - Two Birds with One Stone or Pigeon-Holing Claimants?* 42 MD. L. REV. 329 (1983).

*The Medical-Vocational Guidelines' Goals of Minimizing the Need for Vocational Experts and Creating Fair and Understandable Disability Determinations*, 5 SOCIAL SECURITY FORUM, No. 9, at 15 (1983).

*Some Suggestions for Improving the Disability Determination Process*, 5 SOCIAL SECURITY FORUM No. 10, at 5 (1983).

*Introduction to the Welfare Law Issue*, 61 CORNELL L. REV. 663 (1976). (A discussion of the cyclical development of welfare law.)

### **OTHER PUBLICATIONS**

*Wedge issues cause problems for GOP*, THE PATRIOT-NEWS, A17, and PennLive.com. November 23, 2012.

*Nation could use dose of meritocracy*, THE PATRIOT-NEWS, A9, and PennLive.com. February 20, 2009.

*The Upside Dun*, 10 FLY TYER, No. 4, at 28 (2004).

*Chauncy K. Lively: 1919-2000*, 3 PA. FLY FISHING MUSEUM ASS= N No. 1, at 2 (2000).

*Urban Trout Fisher*, 9 FLYFISHING No. 1 at 80 (1986).

## **ADMISSIONS TO PRACTICE**

New York State and United States District Courts in the Northern and Western Districts of New York (1972).

United States District Court, District of Maryland, and the Court of Appeals of Maryland (1978).

United States Court of Appeals for the Fourth Circuit (1979).

I have litigated and argued cases at every level of the New York State and Maryland State courts systems, including their Courts of Appeals, and I have had cases before the United States District Courts and United States Court of Appeals for the Fourth Circuit.

## **LEGISLATIVE WORK**

Worked on and testified in support of Maryland House Bill No. 425, legislation that lead to the establishment of a unified family court for Maryland.

Researched and drafted legislation that became Pennsylvania Senate Bill No 1431, "Jen & Dave's Law," amending Titles 23 (Domestic Violence) and 42 (Judiciary and Judicial Procedure) and establishing parent access to arrest information.

Researched, drafted, and testified in support of legislation that became Pennsylvania House Bill 1262, amending Titles 23 (Domestic Violence) and 71 (Vehicles) and establishing an address confidentiality program for the victims of domestic violence, sexual assault, and stalking.

## **SELECTED PRESENTATIONS**

Justice Scalia's Originalism, Dauphin County Bar Association, Harrisburg, PA, September 27, 2016.

Presenter, moderator and organizer of Evidence Section Program on Reform of the Hearsay Rule at AALS Annual Meeting, New York City, January, 2016.

The Tensions between Rules and Discretion in the Law of Evidence in Developing Countries, Northwestern School of Law, conference on The Foundations of the Law of Evidence and Their Implications for Developing Countries, November, 2014.

Establishing Separate Civil and Criminal Evidence Codes, The Taslitz Galaxy, a symposium in honor of Prof. Andrew Taslitz, Howard University School of Law, District of Columbia, September, 2014.

An Unexpected Harmony: Common Law Principles and China's Judicial Reform Effort, The Jackson/Ho Forum, Center for China-United States Cooperation, Josef Korbel School of International Studies, University of Denver, November, 2013.

*Mathews v. Eldridge*: Reflecting and Foreshadowing, Poverty Law Conference, American University Washington College of Law, Washington, D.C., October, 2013.

Overly Mundane Presentation on Hearsay and Major Exceptions to a Group that Wishes I Were Presenting this Information at a Judicial Training Conference, Annual Meeting of the Pennsylvania Association of Criminal Defense Lawyers, the Pennsylvania Public Defenders Association, and the Juvenile Defender Association of Pennsylvania, Harrisburg, PA, April 2013.

Confrontation Clause Developments, Annual Meeting of the Pennsylvania Association of Criminal Defense Lawyers, the Pennsylvania Public Defenders Association, and the Juvenile Defender Association of Pennsylvania, Harrisburg, PA, April 2012.

The Uniform Provisions of Evidence – A Major Reform and not a Radical Change, 3<sup>rd</sup> International Conference on Evidence Law and Forensic Science, Beijing, China, July 2011.

China's Uniform Provisions of Evidence and the Convergence of Civil Law and Common Law, 2<sup>nd</sup> International Conference on Evidence Law and Forensic Science, China University of Political Science and Law, Beijing, China, July 2009.

Co-chair, panel on Interdisciplinary Research and Evidence Law, 2<sup>nd</sup> International Conference on Evidence Law and Forensic Science, China University of Political Science and Law, Beijing, China, July 2009.

Presenter, panel on the Child Victim's Attorney in Criminal and Delinquency Proceedings, ABA National Conference on Children and the Law, Washington, D.C., May 2009.

Moderator and presenter, panel on the Child Witness, Confrontation, and Hearsay, symposium on The Child Witness, Widener School of Law, Wilmington, Delaware, April 2009.

China's Current Legal Process and their Draft Uniform Rules of Evidence, University of Technology Sydney, Sydney, Australia, July, 2008.

Evidence Codification and Transubstantive and Bifurcated Evidence Codes, International Symposium on Evidence Law and Forensic Science, China University of Political Science and Law, Beijing, China, September, 2007.

Establishing an Address Confidentiality Program for Domestic Violence Victims, Testimony before the Pennsylvania House Judiciary Committee, November, 2003.

Legislation to Inform Parents of Arrest Information, Pennsylvania Coalition Against Domestic Violence Training Conference, State College, Pennsylvania, March 1999.

A Legislative Clinic focused on Domestic Violence, American Bar Association Project on Law School Programs as Resources Against Domestic Violence, Washington, D.C., December, 1996.

Establishing a Unified Family Court, Philadelphia Bar Association Bench/Bar Conference, Philadelphia, Pennsylvania, June, 1996.

Voluntary Legal Services and the Government and Public Sector Attorney, American Bar Association Annual Meeting, New Orleans, Louisiana, August, 1994.

Professors and *Pro Bono*, University of Baltimore School of Law, Baltimore, Maryland, April, 1994.

Government Law Office *Pro Bono* Programs, American Bar Association *Pro Bono* Conference, Philadelphia, Pennsylvania, April, 1991

Designing and Implementing Continuing Legal Education Programs, National Association of Attorneys General Law Office Management Conference, Nashville, Tennessee, June, 1990.

Establishing a Government Law Office *Pro Bono* Program, American Bar Association *Pro Bono* Conference, Miami, Florida, April, 1989.

Advocacy and Public Benefits for Children with Disabilities, The Kennedy Institute for Handicapped Children, John Hopkins Hospital, Baltimore, Maryland, June, 1986.

Moderator and Organizer, First Poverty Law Program, American Association of Law Schools Conference, January, 1985.

### **SELECTED PROFESSIONAL ACTIVITIES**

Chair, Evidence Section of the American Association of Law Schools, January 2015-16.

American Bar Association Site Visit Evaluator, 2014 to present.

Chair-elect, Evidence Section of the American Association of Law Schools, January 2014-15.

Secretary, Evidence Section of the American Association of Law Schools, January 2013 to January 2014.

Working Groups Discussion Leader, American Association of Law Schools Curriculum and Clinical Conferences, Seattle, Washington, June 2011.

Executive Committee Member, Evidence Section of the American Association of Law Schools, January 2007 to present.

Member, State of Pennsylvania Address Confidentiality Program Advisory Council, 2006 to 2011.

Consultant, Pennsylvania Coalition Against Domestic Violence, Harrisburg, Pennsylvania, 1995 to 2010.

Faculty Member, Clinical Teachers Conference, American Association of Law Schools, Lake Tahoe, California, May, 1999.

Consultant, American Bar Association project entitled *Educating to End Domestic Violence: Law School Programs as Resources against Domestic Violence*. December, 1996 to January, 1998.

Member, Steering Committee, Pennsylvania Bar Association's Commission on Women in the Profession, Fourth Annual Conference, June, 1996 to May, 1997.

Member, Children's Rights Committee, Pennsylvania Bar Association, 1995 to 1999.

Staff Member, Advisory Council on Family Legal Needs of Low Income Persons, February, 1991 to June, 1994.

Executive Committee Member, Clinical Section of the American Association of Law Schools, 1983-1985.

Consultant, Legal Services Corporation, 1982.

Faculty Member, American Association of Law Schools Clinical Teachers Conference, June, 1982.

Member, City of Ithaca Environmental Commission, Ithaca, New York, 1977-1978.

### **TRAINING CONFERENCES**

American Bar Association Site Evaluation Workshop for Law School Representatives and New Site Evaluators, Chicago, Illinois, September 2014.

American Association of Law Schools Curriculum and Clinical Conferences, Seattle, Washington, June 2011.

American Association of Law Schools Criminal Law and Procedure Conference, Vancouver, B. C., June 2006.

American Association of Law Schools Clinical Teachers Conference, Chicago, Illinois, May, 2005.

American Association of Law Schools Civil Procedure Conference, New York, New York, June 2003.



American Association of Law Schools Evidence Conference, Alexandria, Virginia, June 2002.

Learning from Practice, Columbus School of Law Externship Conference, Washington, D.C., March 1998.

American Association of Law Schools Experienced Teachers Conference, Minneapolis, Minnesota, June, 1995.

American Association of Law Schools Clinical Teachers Conference, Newport Beach, California, June, 1994.

National Association of Attorneys General Law Office Management Conference, Nashville, Tennessee, June, 1990.

American Association of Law Schools Clinical Teachers Conference, New Orleans, Louisiana, April, 1983.

American Association of Law Schools Clinical Teachers Conference, Minneapolis, Minnesota, June, 1982 (as Faculty Member).

American Association of Law Schools Clinical Teachers Conference, Big Sky, Montana, June, 1980.

National Institute for Trial Advocacy, Boulder, Colorado, June, 1976.

Legal Services Training Program, Boston, Massachusetts, January, 1972.

### **AWARDS, GRANTS, AND FELLOWSHIPS**

2013 Douglas E. Ray Excellence in Faculty Scholarship award, awarded annually to the faculty member who, in the opinion of the dean on recommendation of the faculty, has demonstrated outstanding commitment to the development of the law through exceptional and original works of legal scholarship.

Summer Research Grants, Widener University School of Law, summers of 1995, 1998, 2000, 2004, 2007, 2009, and 2012.

Advocacy in Action Award, Pennsylvania Coalition Against Domestic Violence 25<sup>th</sup> Anniversary Awards, October, 2001.

Summer Research Grants, University of Maryland School of Law, Summers of 1981, 1982, and 1986.

Digges Teaching Fellowship, University of Maryland School of Law, summer 1983.