

RESUME

DAVID E. VANDERCOY

PERSONAL

Date and Place of Birth: December 12, 1949, at Corry, Pennsylvania
Office: Valparaiso University School of Law, Valparaiso, IN 46383

DEGREES

New York University School of Law, LL.M., 1980.

Dickinson School of Law, J.D., 1974.

Pennsylvania State University, B.A., 1971.

PRESENT POSITION

Professor of Law, Valparaiso University School of Law, Valparaiso, Indiana

Current course assignments at Valparaiso: Evidence; Ethics; Trial Practice.

Prior Administrative Assignments: Associate Dean for Academics, 1993-2000

Prior course assignments: Torts, Civil-Criminal Clinic, PreTrial Skills, Criminal Procedure, Post Conviction Proceedings, Products Liability.

Law School Service: Director, Clinical Program 1980 to 1993; Chairperson, Curriculum Committee 1988-93; Director, Regional CLEO Program, 1990, 1996; Director, Summer Program, Cambridge, England, 1992, 1995; Director, Clinical Program, 2001 to present; Director, Professional Skills Programs, 2002 to present.

Service to Profession: State Pro Bono Commission, Attorney Specialization Committee, ABA Site Team Member. I previously have served as a resource person to lawyers seeking federal habeas corpus relief for state prisoners sentenced to death.

PRIOR PROFESSIONAL EMPLOYMENT OR ASSOCIATIONS

Visiting Professor of Law; Director, Clinical Program; St. Thomas University School of Law. My primary responsibility was to create and implement a clinical program. August 86 - July 87.

National Juvenile Law Center, 3701 Lindell Boulevard, Box 14200, St. Louis, Missouri 63178. March, 1979 - August, 1980. Practice involved the provision of backup services to Legal Services field offices in complex litigation, preparation of training manuals and litigation of complex cases in federal courts.

Dunn & Conner, 1111 Baldwin Building, Erie, Pennsylvania 16501. June, 1975 - March 1, 1979. Associate, engaged in the private practice of law. Specialty: Civil and Criminal Litigation.

Senate Judiciary Committee, Senate of Pennsylvania, Senator Henry Hager, Minority Chairman, Senate Post Office, Harrisburg, Pennsylvania 17120. August, 1974 - June, 1975. Counsel for minority members of the Judiciary Committee, Senate of Pennsylvania.

BAR ADMISSIONS

Admitted to the Bar of the Supreme Court of the United States; United States Court of Appeals, Seventh Circuit; Court of Appeals for the Federal Circuit; Northern District of Indiana; Western District of Pennsylvania; Supreme Court of Pennsylvania; and the Supreme Court of Indiana.

APPELLATE WORK

Federal

U.S. v. Baker, 905 F.2d 1100 (7th Cir. 1990) (Nos. 88-3216, 88-3358, 88-3409, 88-3425)

Burris v. Farley, 51 F.3d 655 (7th Cir. 1995) (No. 94-1328)

Davis v. Barber, 853 F.2d 1418, 57 USLW 2147 (7th Cir. 1988) (No. 87-1736), cert. denied, 489 U.S. 1021 (U.S. Ind., Feb. 21, 1989) (No. 93-3569)

Denlinger v. Brennan, 87 F.3d 214 (7th Cir. 1996) (No. 94-3789)

Janowsky v. U.S., 133 F.3d 888 (Fed. Cir. 1998) (No. 96-5137)

Janowsky v. U.S., 913 F.2d 393 (7th Cir. 1990) (No. 89-2219)

Miller v. Duckworth, 963 F.2d 1002 (7th Cir. 1992) (No. 91-1681)

Owen v. Duckworth, 727 F.2d 643, 15 Fed. R. Evid. Serv. 75 (7th Cir. 1984)
(No. 83-1389)

Owen v. Lash, 682 F.2d 648 (7th Cir. 1982)

Pries v. Honda Motor Co., Ltd., 31 F.3d 543, 41 Fed. R. Evid. Serv. 147, Prod.
Liab. Rep. (CCH) P 13,980 (7th Cir. 1994) (No. 93-3569)

State

Davis v. State, 481 N.E.2d 434 (Ind. App. 1985) (No. 3-485 A 80)

Freeman v. State, 563 N.E.2d 679 (Ind. App. 3 Dist. Nov. 27, 1990 (Table,
No. 64A03-8909-PC-404), habeas corpus denied by Freeman v. McBride, 843
F. Supp. 452 (N.D. Ind. Feb. 23, 1993) (No. 3: 92CV0651AS), affirmed, 16 F.3d
1225 (7th Cir. 1993) (Table, Text in Westlaw, No. 93-1620)

Garland v. State, 719 N.E.2d 1184 (Ind. 1999) (No. 75S00-9704-CR-00248)

Guajardo v. State, 544 N.E.2d 174 (Ind. App. 1989) (No. 64A03-8903-PC-94)

Jones v. State, 614 N.E.2d 936 (Ind. 1993) (No. 46S00-9210-CR-00821)

Klenk v. State, 546 N.E.2d 110 (Ind. App. 1989) (No. 64A03-8906-PC-246)

Pawloski v. State, 555 N.E.2d 851 (Ind. App. 1990) (No. 64A03-8912-CR-527)

Vincent v. State, 639 N.E.2d 315 (Ind. App. 1994) (No. 82A01-9310-CR-335)

TRIAL COURT PROCEEDINGS RESULTING IN OPINION

Burris v. Farley, 845 F.Supp. 636 (N.D.Ind. 1994) (No. 3:92-CV-755AS)

Davis v. Barber, 657 F.Supp. 469 (N.D.Ind. 1987) (No. CIV H-86-516)

Dorsey v. St. Joseph County Jail Officials, 910 F.Supp. 1343 (N.D.Ind. 1996)
(No. 3:91CV321 AS)

Freeman v. McBride, 843 F.Supp. 452 (N.D.Ind. 1993) (No. 3:92CV0651 AS)

Janowsky v. U.S., 23 Cl. Ct. 706, 37 Cont. Cas. Fed. (CCH) P 76, 148 (Cl. Ct., Aug. 06, 1991) (No. 90-3846 C)

Janowsky v. U.S., 31 Fed. Cl. 520 (Fed. Cl. 1994) (No. 90-3846 C)

Janowsky v. U.S., 36 Fed. Cl. 148 (Fed. Cl. 1996) (No. 90-3846 C)

RECENT MAJOR TRIALS

Janowsky v. United States, Trial After Remand, No. 90-3846 C, Court of Federal Claims, August, 1998. Sole counsel.

State of Indiana v. Sharon Garland, Retrial after remand, 75C01-9602-CF-00011, Starke Circuit Court, Judge Matsey presiding. Homicide case in which I was lead counsel, August, 2000.

United States v. Styles Taylor, Capital Murder Trial, No. 2:01CR-0073 (N.D. Ind.), opinions resolving pretrial issues at 293 F.Supp. 2d 884, 302 F.Supp. 2d 901, 316 F.Supp. 2d 730, 328 F.Supp. 2d 915.

RESEARCH AND PUBLICATIONS

Vandercoy, Contributor, "Legislative Manual for the 2nd National Juvenile Justice Legislative Advocacy Conference," National Juvenile Law Center, 1979. (Manual dealing with the substantive law of the States regarding juveniles, critique thereof and legislative proposals for improvement of the system).

Vandercoy, Reauthorization of the Juvenile Justice and Delinquency Prevention Act, Prison Law Monitor, April, 1980.

Vandercoy, Waiver of Claims By Inadvertent Procedural Defaults: Collateral Attacks on Criminal Judgments in Indiana, 18 Val. U.L.R. 231 (1984).

Vandercoy, Contributor, Jury Instruction Manual, Public Defender Council of Indiana (1986).

Vandercoy and Berner, Survey of Recent Developments in Indiana Criminal Law and Procedure, 24 Ind. L. Rev. 723 (1991).

Vandercoy and Berner, Survey of Recent Developments in Indiana Criminal Law and Procedure, 25 Ind. L. Rev. 1157 (1992).

Vandercoy, The History of the Second Amendment, 28 Val. U.L.R. 1007 (1994).