As of April 19, 2011, Professor Byron L. Warnken has created the following 202 writings, 23 of which may be downloaded from Social Science Research Network (SSRN) at http://ssrn.com/author=625664. Writings not available on SSRN may be obtained by sending an email to Byron.Warnken@warnkenlaw.com. Any document may be used and distributed, but only as the whole document and not as “cut-up” portions, and the document must retain its Byron L. Warnken copyright. Thank you.

I. Law Review Articles


II. Law Review Articles in Progress

How the 1853 Supreme Court Ignored the Law, in Favor of Philanthropic Intent, Making Baltimore & New Orleans Beneficiaries of John McDonogh’s Legacy (32 pages)

Justice Antonin Scalia: The Six Themes of His Constitutional Criminal Procedure Jurisprudence During a Quarter Century on the Supreme Court (49 pages)

Right to Confrontation: Application of Crawford v. Washington & Melendez-Diaz v. Massachusetts to Documents (73 pages)

III. Text for Attorneys

Defending Allegations of Sexual Child Abuse in Maryland (MICPEL 2004) (“Foreward” only) (2 pages)

IV. Text for Attorneys in Progress

Maryland Criminal Procedure: A Treatise (2012) (completed 845 of about 1,200 pages)

V. Articles Other Than Law Review Articles


Proposed Changes to Maryland Rule 4-263 Will Expand State’s Discovery Requirements, Md. Criminal Defense Attorneys Ass’n Newsletter (2007) (3 pages)

Obtaining Confessions: From Arrest to Court Commissioner, The Trooper (2007) (12 pages)


Maryland Workers’ Compensation for Law Enforcement Officers, The Trooper (2006) (6 pages)

Court Makes It Easier to Win the Right to File Belated Motion for Modification or Reduction of Sentence as Post Conviction Relief, Maryland Criminal Defense Attorneys Association Newsletter (2005) (1 page)


Vehicles & Fourth Amendment (2001) (77 pages)


Professor Warnken, UofB, McDonogh School, & Supreme Court, U. Balt. L. Forum (1998) (5 pages)


1990 Supreme Court Term, 14.3 Md. Prosecutor 3 (1991) (10 pages)


VI. Texts for Law Students

Constitutional Criminal Procedure: Adjudicatory Phase (20th ed. 2011) (995 pages)

Criminal Law: Case Analysis & Problem Approach (33d ed. 2010) (677 pages)


Legal Analysis with Introduction to Legal Writing (4th ed. 1988) (284 pages)


VII. Summaries for Law Students

Steps in the Criminal Justice System (2011, 2004) (22 pages)

Criminal Law (2010, 2007) (124 pages)
Key Supreme Court Cases Identified by Constitutional Provisions (2010, 2006) (10 pages)
Maryland Judiciary: Court History & Judicial Selection (2010, 2005) (7 pages)
Judicial Interpretation of the Law (2010, 1980) (17 pages)
Moot Court: Brief Writing & Oral Argument (2010, 2008) (24 pages)

VIII. Materials for Educational Seminars

Hearsay & the Confrontation Clause under Crawford v. Washington & Its Progeny (2011) (22 pages) (Anne Arundel County Bar Association)

Five Theories in Support of a Motion to Suppress Illegally Obtained Statements (2011) (42 pages) (James C. Cawood Inn of Court & Anne Arundel County Bar Association)

From Crawford to Melendez-Diaz: Right to Confrontation Applied to Documents (2010) (73 pages) (Baltimore County Bar Association, Maryland State Bar Association Criminal Law & Practice Section & Litigation Section)

Criminal Law Update: Grand Jury & Charging Documents, Motions to Suppress Evidence in the Fourth, Fifth, & Sixth Amendment Contexts, Right to Confrontation, & Jury Verdicts (2010) (87 pages) (Maryland State Bar Association Annual Criminal Law Update)

How the 1853 Supreme Court Ignored the Law, in Favor of Philanthropic Intent, Making Baltimore & New Orleans Beneficiaries of John McDonogh’s Legacy (2010) (32 pages) (Wednesday Law Club)

How to Ensure That Students Come to Class, Come Prepared, & Engage in Class (2010) (1 page) (Faculty Development Conference for Colleges & Universities in Central Maryland)

Second Amendment: Application of Heller & McDonald to Maryland’s Common Law Self-Defense & Maryland’s Handgun & Registration Statutes & Regulations (2010) (44 pages) (Baltimore County Bar Association)

2010 Maryland Appellate Update (2010) (75 pages) (Maryland State Bar Association Criminal Law & Practice Section)


Appellate Practice in the Court of Appeals of Maryland (2009) (8 pages) (James C. Cawood Inn of Court)

Maryland 2008-09 Court of Appeals & Court of Special Appeals Update (2009) (73 pages) (Baltimore County Bar Association, MICPEL Annual Criminal Law Update, & Maryland State Bar Association Criminal Law & Practice Section)


Summary of 2008-09 Criminal Law & Procedure Cases from Supreme Court, Court of Appeals of Maryland, & Court of Special Appeals of Maryland, Plus Statutes & Court Rules (2009, 2008) (58 pages) (Maryland State Bar Association Solo & Small Firm Conference & Baltimore County Bar Association)

Developing & Marketing a “Niche” Law Practice (2008, 2001) (8 pages) (Maryland State Bar Association Solo & Small Firm Conference & Bar Association of Baltimore City)

Fourth Amendment Reasonable Expectation of Privacy & Standing & 2007-08 Search & Seizure Cases from Supreme Court, Court of Appeals of Maryland, & Court of Special Appeals of Maryland (2008) (19 pages) (Justinian Society)


Appellate Practice: Civil & Criminal (2008) (35 pages) (Baltimore County Bar Association)

Discovery in Criminal Cases (2007) (15 pages) (MICPEL Annual Criminal Law Update; Maryland State Bar Association Annual Convention, & Baltimore County Bar Association)


LEOBOR & Police Management Issues (2007) (27 pages) (Mid-Atlantic Regional Center for Public Safety Innovation & Division of Public Safety Leadership at Hopkins)


Summary of 2006-07 Criminal Law & Procedure Cases from Supreme Court, Court of Appeals of Maryland, & Court of Special Appeals of Maryland, Plus Statutes & Court Rules (2007) (120 pages) (Anne Arundel County Bar Association & Maryland State Bar Association Annual Solo & Small Practice Seminar)
Constitutional Limitations on War on Terror: Military Detention & Guantanamo Bay – Supreme Court & Military Commissions Act of 2006 & Domestic Surveillance & Foreign Intelligence Security Act & FISA Court (2007) (14 pages) (Fourth Annual University of Baltimore Law Library Lecture)

Identity Theft, Fraud, & Spam (2006) (5 pages) (Greater Bethlehem Temple Church)


Supreme Court: Its History & Emergence of the Roberts Court (2006) (52 pages) (Baltimore Business Roundtable, Roland Park Country School Kaleidoscope, Maryland League of Women Voters, Baltimore Women’s Forum, Third Annual University of Baltimore Law Library Lecture, Osher Lifelong Learning Center; Blakehurst Lecture Series, & Edenwald Lecture Series)

Judicial Branch of Government: Important Supreme Court Cases & Maryland Judiciary (2006) (20 pages) (Myerberg Senior Center)


Supreme Court Cases Controlling Confessions under Fifth & Sixth Amendments (2006) (28 pages) (National Association of Police Organizations Annual Seminar)


Summary of 2003-05 Criminal Law & Procedure Cases from Supreme Court, Court of Appeals of Maryland, & Court of Special Appeals of Maryland, Plus Statutes & Court Rules (2005) (113 pages) (Maryland State Bar Association Criminal Law & Practice Section, Maryland Judicial Institute, & University of Baltimore “a.m. Law” Ginsberg Lecture Series)

Supreme Court & Civil Liberties: Bill of Rights & Fourteenth Amendment in Everyday Life (2005) (18 pages) (Auburn Society of Towson University Lecture Series)


Summary of 1999-2000 Criminal Law & Procedure Cases from Supreme Court, Court of Appeals of Maryland, & Court of Special Appeals of Maryland, Plus Statutes & Court Rules (2000) (8 pages) (University of Baltimore School of Law “a.m. Law” Series)


Double Jeopardy (1997) (12 pages) (Judicial Institute of Maryland)

Drug Interdiction Workshop: Stop or Search of Vehicles Based on Consent, Inventory, &/or Drug Courier Profile (1997) (12 pages) (International Association of Chiefs of Police)

Interplay Between Criminal, Civil, & Administrative Law When Representing Law Enforcement Officers (1997) (3 pages) (National Association of Police Organizations)


Excessive Force (1996) (3 pages) (National Law Enforcement Officers Rights Center)

Law Enforcement Crisis (1994) (3 pages) (Illinois Police Association)

Rights of Law Enforcement Officers in Aftermath of Rodney King, Malice Green, & Police Officer Christopher Albrecht (1994) (311 pages) (National Association of Police Organizations)

IX. Pro Bono Supreme Court Appeals

Aguilera v. Baca, No. 07-1547 (2008) (20 pages) (Amicus Petition for Writ of Certiorari in support of Petitioners, filed on behalf of Maryland Troopers Association)

Williams v. United States, No. 00-1638 (2001) (32 pages) (Petition for Writ of Certiorari)

Maryland v. Wilson, 519 U.S. 408 (1997) (Brief in Opposition (25 pages), Brief of Respondent (61 pages), & oral argument (appointed by the Supreme Court as “Counsel of Record”)


Ayers v. Maryland, No. 94-6937 (1994) (32 pages) (Petition for Writ of Certiorari)

Maryland v. Craig, 497 U.S. 836 (1990) (56 pages) (Brief of Respondent)

X. Pro Bono Federal & State Appeals
Selective Insurance Co. v. Ogleby & Bone as Guardian of Mayhew, No. 05-2357 (4th Cir. 2006) (Appellant’s Brief (31 pages), Appellant’s Reply Brief (20 pages), & oral argument)


XI. Legislation & Written/Published Testimony


Admissibility in Civil Litigation of Police Exoneration in Disciplinary Process (2009) (written proposed changes to legislation on behalf of Maryland Troopers Association)

OTP (Other Tobacco Products) Tax proposed in Senate Bill 813 & House Bill 951 (2009) (written testimony in both Maryland State Senate & Maryland House of Delegates on behalf of Humidour & other tobacco shops)

Constitutional Analysis of Senate Bill 622, Senate Bill 396, House Bill 580, & House Bill 463 (2007) (written testimony supplementing oral testimony in both Maryland State Senate & Maryland House of Delegates on behalf of Ground Rent Owners’ Coalition)

Witness Intimidation Forfeiture Proceedings in Senate Bill & House Bill (2005) (proposed written changes to legislation supplementing oral testimony in both Maryland State Senate & Maryland House of Delegates on behalf of Maryland Criminal Defense Attorneys Association)

State’s Appeal in Criminal Cases under House Bill 34 & Senate Bill 80 (2004) (written testimony supplementing oral testimony in both Maryland State Senate & Maryland House of Delegates on behalf of Maryland Criminal Defense Attorneys Association)

Medicinal Marijuana Compassionate Use under House Bill 308 (2000) (written testimony supplementing oral testimony in Maryland House of Delegates on behalf of Medical Marijuana Project)


Rights of Police Officers During Internal Investigations (1992) (oral testimony (reprinted) in House Judiciary Committee of United States Congress)
XII. Bar Review Materials

Maryland Civil Procedure (for Maryland out-of-state attorneys’ exam) (2011) (81 pages)

Maryland Criminal Procedure (for Maryland out-of-state attorneys’ exam) (2011) (62 pages)


Maryland Evidence (for Maryland out-of-state attorneys’ exam) (2011) (22 pages)

Maryland Ethics (for Maryland out-of-state attorneys’ exam) (2010) (30 pages)

Maryland Criminal Law (for Maryland regular candidates’ exam) (2008) (22 pages)

Maryland Criminal Procedure (for Maryland regular candidates’ exam) (2008) (15 pages)

Maryland Bar Exam Preparation Workbook (1997) (261 pages)

Maryland & Multistate Flashcard Set (858 flashcards) (1997)

XIII. Miscellaneous Writings


Keep the Government out of Bedrooms & Ensure that All People Have Equal Rights, www.ProfessorWarnken.com (2011)


Only One Fourth Amendment Case in the Supreme Court in the 2009-10 Term of the Court, www.ProfessorWarnken.com (2011)


Miranda in Maryland (Parts I & II), www.ProfessorWarnken.com (2010)


Message from Police Officers & Fire Fighters Is That “A Contract Is a Contract,”
“Life” Should Not Mean “Life Without Parole” (Parts I, II, & III),
Lawn Signs, Elections, & The First Amendment, www.ProfessorWarnken.com
(2010)
Evidence Suppressed When No Probable Cause, www.ProfessorWarnken.com
(2010)
(2010)
Elena Kagan Lacks Both Judicial Experience & Litigation Experience,
(2010)
Stealing City Payroll for Eight Months While in Jail!, www.ProfessorWarnken.com
(2010)
Marbury v. Madison & Making the Judiciary “First” Among Three Equal
Supreme Court Justices by Religion, Race, Gender, & Origin,
(2010)
University of Baltimore School of Law Moot Court Program Reports Successful
Year of Competition (2010) (press release) (2 pages)
Professor Warnken Retires as Director of UofB’s Judicial Internship Program
(2010) (press release) (1 page)
Sotomayor Would Move Court in Right Direction (2009) (op-ed) (2 pages)
University of Baltimore Sets Record with 164 Judicial Placements (2010) (press
release) (3 pages)
University of Baltimore School of Law Renames Moot Court Competition in Honor
of Professor Byron L. Warnken (2008) (press release) (2 pages)


Balancing Right of Privacy of Deceased Soldier’s Family Against Extreme First Amendment Rights (2007) (op-ed) (3 pages)


University of Baltimore School of Law Names Professor Byron L. Warnken as 2006 Alumnus of the Year (2006) (press release) (3 pages)

Recommendations Regarding Public Safety Issues, Authority, & Legislation (2006) (report prepared for Attorney General Gansler’s Transition Committee) (2 pages)

Acceptance Speech of Professor Byron L. Warnken as 2006 Law School Alumnus of the Year (2006) (2 pages)

Getting Criminal Verdicts Right: Supreme Court Strengthens Right to Confrontation (2005) (op-ed) (2 pages)


Judicial Solicitation of Funds & Services to Support State Drug Court Commission (2004) (report prepared for Maryland State Bar Association Criminal Law & Practice Section Council) (6 pages)

Rights & Responsibilities of Citizens When Dealing with Police on the Street, in a Vehicle, or in Their Home (2003) (informational brochure prepared for the Baltimore Chapter of the NAACP) (5 pages)

Effective Assistance of Counsel (2003) (op-ed) (2 pages)

Bush & Ehrlich to Put Their Marks on High Courts (2003) (op-ed) (2 pages)


University of Baltimore School of Law Sponsors Regional Competition for 2002 National Moot Court Competition (2002) (press release) (2 pages)

University of Baltimore School of Law “EXPLOR” Program (2000) (press release) (1 page)

University of Baltimore School of Law to Launch Fifth Annual “EXPLOR” Program (1999) (press release) (1 page)
Findings & Recommendations on Screening Charging Documents (1999) (report prepared for Maryland State Bar Association Special Committee to Study Methods of Initiating Criminal Process in Maryland) (5 pages)

An Essay: Continuing Connection Between McDonogh School & Supreme Court (1998) (7 pages)

Use of Video Conferencing to Conduct Initial Appearances in District Court (1997) (report prepared for Honorable Martha F. Rasin, Chief Judge, District Court of Maryland) (24 pages)