

FRANCIS A. GILLIGAN
Office of the Prosecution
Office of Military Commission
Washington, D.C. 20830-1775
703 275 8231
Francis.A.Gilligan.civ@mail.mil

EDUCATION

B.S., Alfred University
J.D., State University of New York at Buffalo School of
Law
LL.M., George Washington University
S.J.D., George Washington University
M.M.A.S., Command & General Staff College

TEACHING EXPERIENCE

1970-71, Lecturer, University of Maryland, Far Eastern
Division
1971-75, Professor, The Judge Advocate General's School
1971-75, Lecturer, U.S. Army War College, Carlisle, PA
1975-77, Adjunct Professor, School of Law Enforcement,
Jacksonville State University
1978-81, Lecturer, University of Maryland, European
Division
1981-83, Associate Professor, Austin Peay State
University
1983-84, Skiing at Roundtop Mountain, PA
1984-87, Deputy Commandant/Academic Director, The Judge
Advocate General's School, Charlottesville, VA
1984 Present, Professor, Trial Advocacy Institute,
University of Virginia.
1974-89, Professor, National College of District
Attorneys
1997-2004, Adjunct Professor, Catholic University School
of Law
1991-Present, Adjunct Professor, George Washington
University School of Law
1991-2007, Instructor, Interservice Judges Seminar,
Maxwell Air Force Base, Alabama
1991-2006, Instructor, Military Judges Course,
Charlottesville, Virginia

BOOKS

Court-Martial Procedure, 3 Vols. (3d ed. 2006 & Supp. 2013)
(including MCM with 2008 updates)

Court-Martial Procedure, 3 Vols. (1999 & Supp. 2004)
Principles and Practice of Military Forensic Psychiatry
(1997) (Charles Thomas Pub. Co.) (contributing author)
Court-Martial Procedure, 2 Vols. (1991 and Supp.
1998) (Michie Pub. Co.) (Co-author)
Courtroom Criminal Evidence (5th ed. 2011 & Supp. 2013)
(Lexis) (Co-author)
Courtroom Criminal Evidence (4th ed. 2005 and Supp. 2010)
(Lexis) (Co-author)
Courtroom Criminal Evidence (3d ed. 1998 and Supp. 2004)
(Lexis) (Co-author)
Courtroom Criminal Evidence (2d ed. 1993 and Supp. 1997)
(Michie Pub. Co) (Co-author)
Courtroom Criminal Evidence (1987 and Supp. 1989) (Michie
Pub. Co) (Co-author)
Criminal Evidence (1979) (West Pub. Co) (Co-author)
Fourth Amendment in Military Practice (1975)
Dep't of Army Pamphlet, No. 27-22, Evidence
(1987) (Co-author)
Field Circular, No. 19-105, Apprehension, Searches, and
Seizure (1984)
Dep't of Army Pamphlet, No. 27-9, Military Judges'
Benchbook (1982) (Co-author)
Dep't of Army Training Circular, No. 19-22, Apprehension,
Search and Seizure (1977)
Dep't of Army Training Circular, No. 19-22, Apprehension,
Search and Seizure (1976) (draft)
Dep't of Army Pamphlet, No. 27-173, Procedure (Change 1,
Jan. 1976)
Dep't of Army Pamphlet, No. 27-22, Evidence (1975)
(Editor-in-Chief)

LAW REVIEW ARTICLES

"Waiver" Raised to the Second Power: Waivers of Evidentiary Privileges by Lawyers Representing Accused Being Tried *In Absentia*, 56 S.C.L. Rev. 509 (2005) (co-author).

Bringing the "Opening the Door" Theory to a Close: The Tendency to Overlook the Specific Contradiction Doctrine in Evidence Law, 41 Santa Clara L. Rev. 807 (2001) (co-author)

Cyberspace: The Newest Challenge for Traditional Legal Doctrine, 24 Rutgers Journal of Law and Technology 305 (1998) (co-author)

The Theory of "Unconscious Transference": The Latest Threat to the Shield Laws Protecting the Privacy of Victims of Sex Offenses, 38 Boston College Law Review 107 (1996) (co-author)

Credibility of Witness in the Military, 46 Ohio State Law Journal 595 (1985)
"Continuing Evisceration of [the] Fourth Amendment," 14 San Diego Law Review 823 (1977)
Prison Searches and Seizures: "Locking" the Fourth Amendment Out of Correction Facilities, 62 Virginia Law Review 1045 (1976) (Co-author)
Replacing the Exclusionary Rule with Administrative Rule-Making, 28 Alabama Law Review 533 (1977) (Co-author)
The Unconstitutional Burden of Article 15: A Rebuttal, 83 Yale L. J. 534 (1974) (Co-author)
The Federal Tort Claims Act -- An Alternative to the Exclusionary Rule?, 66 J. of Crim. L. and Criminology 1 (1975)
Eyewitness Identification in Military Law, 110 Military Law Review 1 (1985) (Co-author)
Character Evidence, 109 Military Law Review 83 (1985)
The Procurement and Presentation of Evidence in Courts-Martial: Compulsory Process and Confrontation, 101 Military Law Review 1 (1983)
Attacking the Probable Cause Equation, 65 Military Law Review 115 (1974)
Search of Premises, Vehicles, and the Individual Incident to Apprehension, 61 Military Law Review 89 (1973)
Probable Cause and the Informer, 60 Military Law Review 1 (1973)
Eyewitness Identification, 58 Military Law Review 183 (1973)

OTHER ARTICLES

Analysis of Change 5 to the Manual for Courts-Martial, The Army Lawyer, Oct. 1991, at 68 (co-author)
Supreme Court-1990 Term, The Army Lawyer, Part I, Mar. 1991, at 76 (co-author)
Supreme Court-1990 Term, The Army Lawyer, Part II, Jun. 1991, at 58 (co-author)
Supreme Court-1990 Term, The Army Lawyer, Parts III and IV, Jul. 1991, at 50 (co-author)
Supreme Court-1990 Term, The Army Lawyer, Part V, Aug. 1991, at 52 (co-author)
Supreme Court-1990 Term, The Army Lawyer, Part VI, Sep. 1991, at 46 (co-author)
Supreme Court-1989 Term, The Army Lawyer, Apr. 1990, at 87 (co-author)
Supreme Court-1989 Term, The Army Lawyer, Part II, May 1990, at 85 (co-author)

Supreme Court-1989 Term, The Army Lawyer, Part III, June 1990,
at 77 (co-author)
Supreme Court-1989 Term, The Army Lawyer, Part IV, Aug. 1990,
at 53 (co-author)
Supreme Court-1989 Term, The Army Lawyer, Part V, Sept. 1990,
at 54 (co-author)
Supreme Court-1989 Term, The Army Lawyer, Part VI, Nov. 1990,
at 58 (co-author)
The Bill of Rights and Service Members, The Army Lawyer, Dec.
1987, at 3
Vehicle Identification Numbers, The Army Lawyer, Apr. 1986,
at 56
Application Falsehoods as Basis for Impeachment, The Army
Lawyer, Feb. 1986, at 50
Uncharged Misconduct, The Army Lawyer, Jan. 1985, at 1
Of Good Faith and Good Law: United States v. Leon and the
Military Justice System, The Army Lawyer, Nov. 1984, at 1
(co-author)
Credibility of Witnesses, 12 The Advocate 193 (1980)
Credibility of Witnesses, 11 The Advocate 211 (1979)
Standing Revisited, The Army Lawyer, Aug. 1979, at 20
Let's Do Away with the Exclusionary Rule, Law Enforcement
Journal (Winter 1976) (co-author)
Searches by Dogs, 3 Search and Seizure Law Report No. 1 (Jan.
1976)
Speedy Trial, The Army Lawyer, Oct. 1975, at 1
The Federal Rules of Evidence, The Army Lawyer, Aug. 1975, at
12 (co-author)
Doing Away with the Exclusionary Rule, The Army Lawyer, Aug.
1975, at 12 (co-author)
The Aftermath of Robinson-Gustafson, 2 Search and Seizure Law
Report No. 3 (Mar. 1975)
Expectation of Privacy - A Two-Edged Sword as to Standing,
The Army Lawyer, Sept. 1973, at 4
Inspections, The Army Lawyer, Nov. 1972, at 11
Issues Raised by Military Warrants, The Army Lawyer, Aug.
1972, at 4

SUMMARY OF PROFESSIONAL EXPERIENCE

Oct. 2006-Present. Director of Training for Military
Commissions Prosecutors. Argued United States v. Khadr, 717 F.
Supp. 2d 1212 (USCMCR September 24, 2007) and United States v.
Hamdan, 2011 U.S. CMCR LEXIS 1 (USCMCR June 24, 2011) before
U.S. Commissions Court of Military Review and was on brief in

United States v. Bahlul, 2011 U.S. CMCR LEXIS 3 (USCMCR
September 9, 2011)

1991-2006. Senior Legal Advisor, United States Court of Appeals for the Armed Forces. Confidential Advisor to the Judge on motions, writs, draft bench memoranda and opinions. Supervisor of numerous lawyers and administrators over 15 years service with Judge Susan Crawford. While she was Chief Judge served as Executive Administrator for the Court and oversaw \$2 million addition to building.

1991. Chief Trial Judge, United States Army.

1987-1991. Chief of Criminal Law for Department of the Army and Chairman of the Joint Service Committee.

Supervised the administration of criminal law in the Department of the Army.

Oversight responsibility for quality of military justice/training Army-wide.

Developed and executed changes in law, policy, and procedures relating to criminal law for the Army and Department of Defense.

Participated in all criminal law decisions affecting the Department of Defense.

1984-87. Academic Director and Deputy Commandant (Dean), The Judge Advocate General's School, an A.B.A. approved law school which has been granted authority by Congress to grant an LL.M. degree.

Supervised over 100 employees, 33 full-time faculty, 20 part-time faculty, and budget over \$5,000,000.

Developed curriculum for 45 continuing legal education courses per year for 3400 resident students and almost 1800 nonresident students.

Member of the Editorial Board of the Military Law Review and the Army Lawyer.

Assisted in fund raising for the Alumni Association.

Developed three methods of instruction courses for the faculty.

Planned the installation, training, and use of 70 personal computers for staff and faculty.

Taught evidence, trial advocacy, and criminal procedure.

1981-83. Staff Judge Advocate (general counsel), for the 101st Airborne Division and Fort Campbell, Kentucky.

Supervised over 14 full-time and 20 part-time attorneys involved in various areas of law including, criminal law, medical malpractice, family law, federal and state taxation, government contract law (\$100,000,000 budget) and constitutional law.

Was active in the prosecution of major felony cases.

1978-81. Military judge in criminal court of unlimited jurisdiction, death penalty for limited number of offenses.

Tried over 300 major felony cases, including the most sensitive in the circuit, a major conspiracy case, a major murder trial, and the trial of a member of a law office for the use and distribution of cocaine.

Applied the Military Rules of Evidence modeled after the Federal Rules of Evidence, federal constitutional law, and procedural rules similar to the Federal Rules of Criminal Procedure.

ADMITTED TO PRACTICE

United States Supreme Court
New York Court of Appeals
United States Court of Appeals for the Armed Forces
United States Court of Appeals for the District of Columbia

PERSONAL DATA

Married, two daughters
Hobbies: tennis, jogging, racquetball, squash, skiing
Eagle Scout with two palms - member of troop 38, Dansville,

New York. Leaders were Mr. Clyde Smith and Toni Amico.