

MARJORIE ANNE McDIARMID

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EDUCATION:

1967 Bachelor of Arts (History), University of Rochester
1970 Juris Doctor (cum laude), Columbia University School of Law
1974 Master of Laws, Harvard University School of Law

BAR ADMISSIONS:

10/71-present New York
7/72-7/74 Massachusetts (limited admission while teaching)
8/74-5/75 Washington (limited admission)
5/75-present Washington (inactive since 1/80)
6/75-present United States District Court, Western District of
Washington
8/78-present United States Supreme Court
3/86-5/87 West Virginia (limited admission while teaching)
12/87-present West Virginia
12/87-present United States District Court, Southern District of West Virginia
5/96-present United States District Court, Northern District of West Virginia
12/06-present United States Court of Appeals, 4th Circuit

EMPLOYMENT:

West Virginia University Law School

6/92-present Professor

Fall 2002: appointed Steptoe & Johnson Professor of Law and Technology
duties: see below, co-authored a commentary on the proposed West Virginia Rules of Evidence, wrote electronic book on family law in West Virginia; develop computer assisted legal instruction materials in litigation planning, negotiation, spreadsheets, and legal drafting; developed and published expert system for earned income tax credit; current research project on electronic support for litigation; teach clinic, evidence, and trial advocacy

5/2005-present University Research Integrity Officer

duties: conduct investigations of violation of University policy and federal regulations pertaining to research misconduct; insure compliance with federal regulations on these issues; advise faculty and students at the University concerning compliance requirements

8/94-7/99 Associate Dean for Academic Affairs

duties: in addition to professorial duties, chair faculty appointments process, advise students on academic and disciplinary issues, arrange & schedule classes, organize faculty meetings, represent the College in the absence and at the direction of the Dean.

6/89-6/92 Associate Professor

duties: see below, direct Clinical Law Program, teach separate course in Evidence, supervise ABA regional Negotiation competition, apply for and secure grant funds from the Department of Education.

1/86-6/89 Visiting Associate Professor

duties: teach substantive and procedural law to clinic students, supervise case work of those students, design and develop computer assisted classroom and individual study teaching materials for use by clinic students, advise the law school on computer applications for teaching and administration, teach separate courses in Interviewing, Counseling and Negotiation, Civil Procedure and Trial Advocacy.

Legal Services Corporation

2/80-8/85 Regional Director, Northern Virginia Regional Office

duties: manage office, develop and implement Corporation policy, monitor Corporation grantees, provide training for Corporation and grantee staff, interpret applicable statutes and regulations, advocate for resources necessary to provide adequate legal services.

11/78-2/80 Deputy Regional Director, Seattle Regional Office

duties: share management of office, monitor Corporation grantees, train Corporation and grantee staff, develop and implement Corporation policy, advocate for resources necessary to provide adequate legal services.

Public Defender Association (Seattle/King County)

5/78-10/78 Acting Public Defender

duties: budgeting, manage entire staff, extra-office contacts, law reform litigation.

10/77-5/78 Supervising (Chief Trial) Attorney

duties: budgeting, personnel selection and recruitment, extra-office contacts, training, administration of office.

Supervising Attorney, Mental Commitment Division

duties: manage staff, law reform litigation.

5/76-10/77 Supervising Attorney, Juvenile Division

duties: budgeting, staff administration and evaluation, legislative reform work, training, law reform litigation, trial work, appellate advocacy.

11/75-5/76 Staff Attorney, Felony Division

duties: felony litigation, including numerous bench and jury trials and appellate work.

8/74-11/75 Staff Attorney, Misdemeanor Division

duties: misdemeanor litigation, including numerous bench and jury trials and appellate work.

Harvard University School of Law

7/72-7/74 Teaching Fellow, Clinical Program

duties: civil litigation including trial, appellate and federal court work, training and evaluating students in civil litigation, teaching civil procedure, evidence, and substantive poverty law.

Department of Consumer Affairs, City of New York

6/70-7/72 Deputy Consumer Advocate

duties: civil litigation at trial and appellate level, investigation, supervision of other lawyers and non-lawyer personnel, regulation drafting and interpretation.

JUDICIAL WORK:

Judge Pro Tem, Seattle Municipal Court, 1979-80 (tried both bench and jury trials).

OTHER TEACHING:

In the period from 1973 to the present, I have offered an average of three to four seminars per year to practitioners and have from time to time been a guest lecturer at law schools and other graduate school classes.

The topics of these seminars and classes have included evidence, litigation procedure and skills, substantive law including family law and tax, pre-trial preparation including discovery and negotiation as well as trial planning, and legal work management. I offer classes on the use of computers in law office management and litigation.

In addition to teaching at such seminars and classes, I have worked either by myself or with others to develop the curriculum and materials.

Among the groups to which these materials have been offered are: the Washington State Bar Association, the Seattle-King County Bar Association, the Washington State Criminal Justice Training Commission, the national Legal Services Corporation, the National Legal Aid and Defender Association, the National Institute of Trial Advocacy, the National Council of Juvenile Court Judges, the University of Washington, the University of Puget Sound, the Committee on Regional Training (made up of legal services programs in Michigan, Ohio, West Virginia, and Virginia), the New England legal services Project Directors, Cleveland-Marshall University and individual legal

services and defender programs from Alaska to Virginia, Center for Computer Assisted Legal Instruction, West Virginia CLE, West Virginia Magistrates, Legal Aid of West Virginia and the West Virginia Trial Lawyers Association.

Examples of this work include:

Introduction to Computers for Lawyers--a course offered over ten weeks which provided beginning exposure to computer systems, word processing, spreadsheets, data bases, time & billing systems, electronic communications, etc.

Trial Advocacy Skills Training--a one week intensive seminar in trial advocacy for practitioners

Negotiation Skills--a four day intensive seminar in negotiation skills

Litigation Planning--a three day program on case planning and organization

Evidence lectures--continuing legal education and training for magistrates

Recently, I have been developing materials using computer assisted legal instruction techniques. The materials I have developed to date are in the areas of legal drafting, negotiation, and case planning.

A list of specific seminars is available on request.

PUBLICATIONS AND OTHER WRITINGS:

Miscellaneous web sites:

<http://www.mmcdiarmid.net>

Interactive site on use of technology in skills teaching.

Access to these sites can be had from
<http://www.wvu.edu/~lawfac/mmcdiarmid/index.htm>.

Electronic book on family law in West Virginia:

<Http://www.wvfamilylaw.com>.

Law school courses:

<http://www.wvu.edu/~lawfac/mmcdiarmid/trialad/tradhome.htm>

Trial advocacy teaching page

<http://www.wvu.edu/~lawfac/mmcdiarmid/evidence.htm>

Evidence class page

[Http://www.wvu.edu/~law/clinic/clinic.htm](http://www.wvu.edu/~law/clinic/clinic.htm)

Clinic homepage, produced in collaboration with clinic students

<http://www.wvu.edu/~lawfac/mmcdiarmid/civpromn.htm>

Site used to teach civil procedure (1999)

<http://www.wvu.edu/~law/academic/drafting.html>

Site used to teach legal drafting, contains interactive exercises and web-based lecture (1999)

<http://www.wvu.edu/~lawfac/mmcdiarmid/negotiat.htm>

Site used to teach negotiation, contains web-based lectures.

Materials to teach electronic teaching techniques:

<http://www.wvu.edu/~law/clinic/electrify.html>

Site developed to support AALS conference session on the use of electronic media to support teaching (1999)

<http://www.cali.org>

Lesson on how to write a CAI lesson. Available under materials for authors. Written in 1997.

Public service:

<http://www.wvlegalservices.org>

Site for clients and legal services practitioners. Material on choosing appropriate legal service, finding legal services offices, legal services training, client education materials, and links to other service sites. (2000)

The site also contains litigation training materials including a model trial notebook which routinely appears among the top Google hits on this subject.

<http://www.wvu.edu/~law/clinic/mainpage.htm>

Site devoted to self-study in progress of civil legal services in West Virginia (1999)

<http://www.wvfamilybill.org>

Site devoted to disseminating information concerning new West Virginia family law legislation (1999)

http://www.wvu.edu/~law/soweb/so_intro.html

Interactive site designed to acquaint prospective law students with the profession (1998)

Center for Computer Aided Instruction published lessons:

Drafting with 'And' and 'Or'
Using IOLIS to Write a CALI Lesson

Commentary on the Proposed West Virginia Rules of Evidence, co-authored with Franklin Cleckley, 2014

Types of Evidence and Design Implications, unpublished research monograph written Summer 2002 as part of electronic litigation support project for the Executive Office of the US Attorney

Family Law in West Virginia, available at <http://www.wvfamilylaw.com>. In 2003 this book won the Significant Scholarship award from the faculty at the West Virginia University College of Law. (The second edition of this book was written in 2010.)

Data gathering section of "The Future of the In-House Clinic", 42 *Journal of Legal Education* 508 (1992).

"Lawyer Decision Making: The Problem of Prediction", 1992 *Wisconsin Law Review* 1847 (1992).

Review of *Decision-Aided Software and Legal Decision Making*, 42 *Journal of Legal Education* 328 (1992).

Consultant, *Legal Education and Professional Development--An Educational Continuum* published by the American Bar Association July 1992.

Reporter, Advisory Group to the U.S. District Court for the Northern District of West Virginia pursuant to the Civil Justice Reform Act of 1990, published 1991.

"What's Going On Down in the Basement: In-House Clinics Expand Their Beachhead", 35 *New York Law School Law Review* 239 (1991).

"Study Completed on In-House Clinics," *Syllabus*, Summer 1990.

"Cutting Edge Computer Applications for the Practicing Bar," *West Virginia Lawyer* Fall 1989.

Report for the Board of the Legal Services Corporation, "An Analysis of Information Available About the Private Attorney Initiative," 1985.

Training Materials for Defender Personnel, Washington State Criminal Justice Training Commission, 1977.

"Juvenile Pre-Trial Detention," *National Legal Aid & Defender Brief Case*, 1977 (available through National Criminal Justice Reference Service).

"New Laws for Juveniles: Realities & Danger Points," Vol. 31, No. 1 *Washington State Bar News* 10 (1977).

"Due Process Rights in Immigration Proceedings," unpublished Master's Thesis (1974).

"Fourth Amendment Remedies: Money Damages to Right Prior Wrongs," 2 *Columbia Survey of Human Rights Law* 1 (1970).

EDUCATION, BAR, AND OTHER PUBLIC INTEREST ACTIVITIES:

National Activities—

Member Board of Directors of the Center for Computer Aided Legal Instruction (Cali), 1/06-present (previously President). This work has involved a number of presentations at the CALI annual conference.

Member, Cali Editorial Board, 1/98-present.

Member, selection committee for the Smith-Cahn prize for books and law review articles contributing to the understanding of poverty law, 1/2001-12/2001

Member, Taskforce on Adult Learning, American Law Institute-American Bar Association, 1/97-5/99

Member, American Bar Association accreditation fact find teams to UC Davis, University of Mississippi, Oklahoma City University, North Dakota, Barry University, Gonzaga, Tulsa 1/98-present.

Member, MacCrate Implementation Taskforce, clinical section of AALS, 12/93-present.

Consultant, National Conference of Bar Examiners, professional skills testing, 10/93.

Member, Executive Committee, clinical section of AALS, 1/89-12/93.

Chair, AALS clinical section committee on technology, 12/89-present. This position has involved a number of presentations at national conferences on the use of technology in Clinical teaching. Most recently the committee made a presentation at the AALS joint meeting of the Clinical section and the Curriculum committee in 2011.

Chair, data gathering subcommittee, AALS clinical section study group on the role of live

client clinics, 9/87-6/93.

Member, Committee on Regional Training, 3/86-present.

West Virginia Activities–

President, Legal Aid of West Virginia Board of Directors, 3/06 to 3/11

Treasurer, Legal Aid of West Virginia Board of Directors, 3/12 to present

Member, Judicial Commission on Alimony Guidelines (Appointed by the Chief Justice of the Supreme Court)

Member, Child Support Enforcement Commission (Governor's appointment)

Presentation to the Legislature on Clinic services to veterans. 2012

Organizer, pro bono advice project for Katrina victims displaced to Camp Dawson, 2005

Testimony to Legislature on family law, child custody and child support, from time to time.

Member, West Virginia Supreme Court, Committee on the Family Courts, 1/01 to 6/01

Chair, Committee on Advocacy Management, West Virginia LSC program merger process, 7/00 to 12/01.

Member, merger negotiation committee, West Virginia LSC program merger process, 2/00 to 12/01.

Member, West Virginia Supreme Court, Technology Summit, 5/99-11/99.

Member, West Virginia Supreme Court, Family Rules Drafting Taskforce, 8/99-9/00.

Member, Civil Rules advisory committee, US District Court for the Northern District of West Virginia, from time to time.

Member, West Virginia State Bar committee on building statewide computer network for West Virginia practitioners, 1/89-12/00.

Chair, Technology Committee, West Virginia Symposium on Legal Services to the Poor, 11/98-1/03.

Member, West Virginia Symposium on Legal Services to the Poor, 11/98 to 1/03

President, Board of Directors, Rape and Domestic Violence Information Center, 1/88-present.

Member, Board of Directors, West Virginia Legal Services Plan, 9/88-12/01.

Presentation to West Virginia Legislature on Law School teaching methods (with Deb Cohen), 1997.

Consultant, Civil Justice Reform Act Advisory Committee for the Northern District of West Virginia, 3/91-7/94.

Washington Activities—

Chairman, Criminal Rules Subcommittee, Judiciary and Courts Committee, Seattle/King County Bar Association, 6/78-1/80.

Subcommittee Chairman, Corrections Committee, Seattle/King County Bar Association, 11/77-6/79 (special project: community service).

Member, Committee on Professional Responsibility, Washington State Bar Association, 12/79-1/80.

Member, Task force on Juvenile Rules, Washington State Judicial Council, 1/78-9/79.

Alternate Representative, Washington State Judicial Council, meeting on evidence rules, 1978.

Member, Attorney General's Commission on Privacy, 1977.

Member at large and from Seattle/King County Bar Association, University of Washington Clinical Program Advisory Board, 5/79-12/81.

University Activities–

Chair, WVU Research Integrity Committee, 5/02 to 5/11

Chair, Faculty Senate Welfare Committee, 9/01 to 5/02

Member, Academic Computing Advisory committee, 1998-present

Member, selection committees for various University teaching awards

Member, selection committee for chaired professor in Athletics department, 8/02

Member, selection committee for chaired professor in Business & Economics department, 3/07

Chair, Institutional Hearing Committee, Fall 1989.

Employee grievance Hearing Officer, 1996-2000

Law School representative, West Virginia University Faculty Senate, 4/89-6/94; 7/00 to 7/10.

Member, Executive Committee, West Virginia University Faculty Senate, 7/91-6/94; 9/01 to 7/10.

Member, Ad hoc Free Speech policy committee, 2001-2002

Recipient, University Technology grant, 1997.

Presentations at West Virginia Computer Fair:

- Negotiation
- Automated Document assembly
- Law School teaching methods
- Interactive teaching using technology

Presentations on teaching methods to other university professors, 1998-99.

Law School committees: promotion and tenure, dean's search, appointments, self-study, academic planning, academic standards, merit advisory, technology advisory, from time to time

Faculty advisor: Lugar Trial Association, Journal of Legal Technology (JOLT).

Law school presentations: Jennings room dedication, Dean's Partners, Buffalo Creek Symposium, Clinical Law Anniversary celebration.

OTHER WORK:

Design and program computerized management systems for West Virginia University and the National Legal Aid and Defender Association.

Statistical analysis, performance of LSC grantees and efficacy of LSC programs.

Brown bag presentations to College of Law faculty.

Design of technologically equipped rooms at the College of Law.

ACADEMIC ACTIVITIES AND HONORS:

Recipient, American Bar Association award for work on the MacCrate taskforce

Legal Aid of West Virginia, Star award 2010

Legal Aid of West Virginia, Hope award 2008

West Virginia Bar Foundation Fellow 2008

Katherine Buswell award, Women in Leadership 2008

WVU Law School Dean's Partners

Recipient, West Virginia University College of Law Women's Law Caucus, 2003 Distinguished Women in Law Award for work in the Public Sector

Recipient, West Virginia University College of Law Significant Scholarship award for 2002.

Recipient, West Virginia University Foundation 1993-94 Award for Outstanding Teaching

Professor of the Year 1992-93, West Virginia University College of Law (voted by the graduating class)

Editor-in-Chief, *Columbia Survey of Human Rights Law*, (1969-70).

Deans List, Columbia University School of Law (1968-70).

Editor-in-Chief, *Columbia Law School News*, (1966-67).

Parliamentarian, Student Council, University of Rochester, (1966-67).

Editor-in-Chief, *Campus Times*, University of Rochester, (1965-66).

Deans List, University of Rochester (1964-67).

Fannie R. Bigalow Award, most outspoken senior woman (1967).

ACTIVITIES:

Photography, computers and letterboxing

REFERENCES: Available on request.