

RANDOLPH BRACCIALARGHE

Nova Southeastern University Shepard Broad College of Law
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LEGAL EMPLOYMENT

Professor of Law * 1983-present

Nova Southeastern University
Fort Lauderdale, FL 33314

Current Courses: Evidence & Professional Responsibility. Past Courses: Trial Advocacy 1983-1997, Criminal Clinic director or co-director 1983-1996, Criminal Law 2000 - 2005, & Civil Procedure 2002 - 2005.

Attorney * 1981-1983

English, McCaughan & O'Bryan
Fort Lauderdale, FL 33301

Litigation Department: Banking-related matters including overdue notes, mortgage foreclosures, replevin actions, and garnishments; landlord-tenant actions; privacy of patient health care records.

Assistant State Attorney * 1977-1981

Office of the State Attorney
17th Judicial Circuit
Fort Lauderdale, FL 33301

Special Investigations
April - June 1981

Felony Division Trial Attorney
January 1979 - April 1981

County Court Supervisor
November - December 1978

County Court Trial Attorney
November 1977 - November 1978

Types of Cases: Numerous jury trials and non-jury trials, including murder, sexual battery and kidnapping while in felony division, and larceny of electricity and driving while under the influence in misdemeanor division.

Law Clerk * 1976 * (summer)
McDonald & McDonald
Miami, FL 33135

EDUCATION

University of Miami School of Law
Coral Gables, FL
Juris Doctor, May 1977

University of Michigan
Ann Arbor, MI
A.B. in history, 1970

PUBLICATIONS AND ARTICLES

“A Rose By Any Other Name: A Lawyer’s Ethical Duty When A Client Is Prosecuted Under A False Name” (Dec. 14, 2021)

“Disallowing Guns Doesn’t Improve Safety” – Fort Lauderdale Sun-Sentinel (May 7, 2015)

“Guns Belong on Campus” – Miami Herald (May 3, 2015) – reprinted in America’s First Freedom as “Why Guns Belong on Campus” (July 2015)

“‘Gun-Free Zones’ Are Wishful Thinking” – Tallahassee Democrat (April 28, 2015)

“Why Were Perry Mason’s Clients Always Innocent? The Criminal Lawyer’s Moral Dilemma - The Criminal Defendant Who Tells His Lawyer He Is Guilty,” 39 Valparaiso L. Rev. 65 (2004).

“Response [to The Florida Bar’s Petition -- A Client’s Use of an Alias is a Fraud on the Tribunal].” Criminal Law Section Newsletter, Oct. 1993 at 9.

“Having It All -- Offering Criminal and Civil In-house and Extern Programs,” The Florida Bar Journal, 65 no. 7 (July/Aug. 1991): 39-40 (with Messing, Howard R., and Adams, William E., Jr.).

“What a Lawyer is Ethically Required to do when Representing a Criminal Defendant Who Intends to Lie at Trial,” Criminal Law Section Newsletter, Nov. 1989 at 40 (with Duncan).

“Client Perjury: The Law in Florida,” 12 Nova L. Rev. 707 (1988); reprint in edited form in The Advocate, December 1988.

“Defense Attorneys & Perjured Testimony,” Miami Herald, (March 27, 1988).

“Bad Role Models For Law Students,” Miami [& Broward] Review
(August 3, 1987).

“Representation of a Criminal Defendant Who Intends to Lie -- Another View,” Fla. Bar J.,
July 1987 at 29.

“Pretrial Preparation by the Prosecution,” book chapter, Florida Pretrial Practice in
Criminal Cases (1987).

“A Lawyer’s Duty To Disclose His Client’s Intention To Lie,” Florida Bar News
(Nov. 15, 1986).

“Florida Reverses Its Per Se Reversal Rule on Improper Prosecutorial Comments on a
Defender’s Right to Remain Silent,” 13 Fla.St.U.L. Rev. 1119 (1986) (with DeFoor).

“Survey of 11th Circuit Court of Appeals’ Evidence Decisions,” 37 Mercer L. Rev. 1369
(1986) (with Dobson and Messing).

“Florida Evidence Decisions,” 10 Nova L. Rev. 1021 (1986) (with Dobson).

BAR ADMISSIONS

1977 -- Florida

1979 -- District of Columbia – Retired 2019

1978 -- U.S. District Court for the Southern District of Florida; Trial Bar, 1983

1979 -- U.S. 5th Circuit Court of Appeals

NATIONAL AND FLORIDA BAR ACTIVITIES

National Conference of Commissioners on Uniform State Laws (Uniform Law Commission)

Florida Commissioner – 3 terms - 2011 – 2023

ULC’s Criminal Justice Reform Monitoring Committee

Code and Rules of Evidence Committee of the Florida Bar - 1987-1990

Seventeenth Judicial Circuit Grievance Committees

1987-1990 - Committee “17-D” - **Vice Chairman** from 1988

1994-1997 - Committee “17-D” - Vice Chairman and **Chairman**, 1997

2005-2008 - Committee “17-A” - Vice Chairman and **Chairman**, 2007-8

Special Committee on Perjured Testimony - 1987-1989

Special Counsel for The Florida Bar in a disbarment proceeding

1993-1994 The Florida Bar v. Stephen Broudy

Florida Bar Professional Ethics Committee

1993-1996, 2003- 2009, & 2014 - 2020 - Vice Chair 2016-2019, Chair 2019-2020

Florida Bar Ethics 2000 Review Panel - 2001-2002

Special Committee to Review the ABA Model Rules 2002

2002- 2005

Criminal Procedure Rules Committee

2008- 2014 – Vice Chairman 2012-2014

Expert Witness for the Florida Bar

The Florida Bar v. Brian Neiman 2001-2002

The Florida Bar v. Daryl Brown 2003

Expert Witness for the Judicial Qualifications Commission

The Florida JQC v. Laura Watson 2013-2014

CLE PARTICIPATION AND SPEECHES

Instructor: Trial Training Program for Florida Prosecutors and Public Defenders, Nova Law Center, Fort Lauderdale (August 1983).

Coordinator: Court Practice Institute's National Trial Advocacy Seminar, Nova Law Center, Fort Lauderdale (March 1984).

Team Leader: Trial Training Program for Florida Prosecutors and Public Defenders, Nova Law Center, Fort Lauderdale (May 1984).

Instructor: Trial Training Program for Florida Prosecutors and Public Defenders, Holland Law Center of the University of Florida, Gainesville (August 1984).

Director: Trial training Program for Florida Prosecutors and Public Defenders, Nova Law Center, Fort Lauderdale (May 1985).

Instructor: Trial Training Program for Florida Prosecutors and Public Defenders, Holland Law Center, Gainesville (May 1986).

Speaker: Evidence training session for Hearing Officers of the Florida Unemployment Compensation Appeals Review Board, Fort Lauderdale (February 6, 1987).

Speaker: Training session for American International Group lawyers, Fort Lauderdale, “The Florida Evidence Code and Insurance Defense” (April 8, 1987).

Instructor: Training Program for Prosecutor and Public Defender intern supervisors, Florida State Law School, Tallahassee (April 24, 1987).

Instructor: Advanced Trial Training Program for Florida Public Defenders, Florida State University Law School, Tallahassee (August 14, 1987).

Speaker: Palm Beach County Bar Association, “Ethics Seminar,” West Palm Beach (May 26, 1988).

Speaker: Legal Services of Greater Miami Inc., Miami, “Ethics for the Legal Aid Lawyer” (June 29, 1988).

Speaker: Ethics Seminar for Nova alumni, Miami (September 28, 1988).

Speaker: Ethics Seminar sponsored by the Young Lawyers Section of The Broward County Bar Association, Fort Lauderdale (November 4, 1988).

Instructor: National Institute for Trial Advocacy’s Florida Regional NITA Program, Fort Lauderdale (February 21-25, 1989).

Panelist: Mini-Academic Conclave, Florida Bar Annual Meeting, “The Ethical Dilemma,” Orlando (June 16, 1989).

Speaker: CLE sponsored by The Academy of Florida Trial Lawyers, “Ethics in Criminal Litigation: A Look at Ethical Problems Confronting Defense Counsel in Criminal Litigation,” Orlando (August 25, 1989).

Speaker: Ethics Seminar sponsored by Legal Services of Greater Miami, Inc., Miami (January 24, 1990).

Speaker: Ethics Seminar sponsored by the Polk County Criminal Defense Lawyers Association, “The Rules of Professional Conduct & Criminal Defense,” Bartow (March 28, 1991).

Speaker: annual summer conference and training program sponsored by the Florida Public Defenders Association, Inc., “Ethics, Ethics,” Daytona Beach (July 11, 1991).

Speaker: Ethics Seminar sponsored by the Broward State Attorney’s Office, “Ethics for Prosecutors,” Fort Lauderdale (November 8, 1991).

Speaker: Ethics Seminar sponsored by the Dade State Attorney’s Office, “Ethics for Prosecutors,” Miami (November 22, 1991).

Speaker: Ethics Seminar sponsored by the Palm Beach County Bar Association, “Ethics in Criminal Litigation,” West Palm Beach (April 22, 1992).

Speaker: Summer Conference for Prosecutors sponsored by the Prosecuting Attorneys’ Council of Georgia, “Professional Issues for Trial Prosecution and Practice” & “Ethical Issues Confronted by Trial Prosecutors,” Savannah (July 20, 1992).

Speaker: Ethics Seminar for the National Institute for Trial Advocacy’s Florida Regional Program, “Ethics for Civil Litigators,” Fort Lauderdale (March 2, 1993).

Speaker: Ethics Seminar sponsored by Legal Services of Greater Miami, Inc., “Ethics for Legal Aid Lawyers,” Miami (April 28, 1993).

Speaker: CLE sponsored by the West Palm State Attorney’s Office, “Evidence for Prosecutors,” West Palm Beach (September 2, 1993).

Speaker: Craig S. Barnard American Inn of Court LIV, “Is It Just Perception?,” West Palm Beach (March 16, 1994).

Speaker: CLE sponsored by the Broward State Attorney’s Office, “Ethics for Prosecutors,” Fort Lauderdale (April 28, 1995).

Speaker: Orientation Seminar for Newly Appointed Bankruptcy Judges, sponsored by the National Judicial Center, “Ethics for Federal Judges,” Washington, D.C. (June 19, 1995).

Speaker: CLE sponsored by St. Thomas More Society, “Contemporary Ethical Issues Facing the Moral Practitioner,” Fort Lauderdale (Feb. 16, 1996).

Speaker: National Seminar for Federal Defenders, sponsored by the Federal Judicial Center, “Ethics, Criminal Defense, and Popular Culture,” Boston (April 1, 1996).

Speaker: Workshop for U.S. Magistrate Judges in the 1st, 3rd, 4th, 7th & 10th Circuits, sponsored by the Federal Judicial Center, “Ethics for Federal Magistrate Judges,” Williamsburg (June 13, 1996).

Speaker: CLE sponsored by the Broward County Women Lawyers’ Association, “Evidence,” Fort Lauderdale (November 20, 1996).

Speaker: Panel Moderator at CLE sponsored by the Broward County Bar Association, “Ethics,” Fort Lauderdale (April 4, 1997).

Speaker: CLE sponsored by the Trial Lawyers of the Collier County Bar Association, “Ethics at the Movies,” Naples (November 7, 1997).

Speaker: CLE sponsored by B'nai B'rith Justice Unit #5207, "Professional Ethics and Criminal Defense," Fort Lauderdale (August 25, 1999).

Speaker: CLE sponsored by the Broward County Court system for Traffic Hearing Officers, "Professionalism and Ethics," Fort Lauderdale (December 7, 1999).

Speaker: CLE sponsored by the Hillsborough County Criminal Defense Lawyers Association, "Why Were Perry Mason's Clients Always Innocent?" Tampa (December 14, 1999).

Speaker: CLE sponsored by the Professional Education Systems Institute, "An Ethical Dilemma in Criminal Defense," Dania (March 5, 2004).

Panelist: Ethics, Broward Inns of Court, Fort Lauderdale (March 14, 2005).

Speaker: Ethical Considerations in Pleading New Clients, Broward Public Defenders Office, Fort Lauderdale (July 8, 2005).

Panelist: Professionalism, Practicing With Professionalism Seminar, The Florida Bar, Deerfield Beach (December 1, 2005).

Speaker: CLE sponsored by St. Thomas More Society, "Ethics and Professionalism Seminar: A View from the Bench, Bar, Classroom & Trenches," Fort Lauderdale (October 27, 2006).

Panelist: Professionalism, Practicing With Professionalism Seminar, The Florida Bar, Coral Springs (December 1, 2006).

Speaker: CLE sponsored by the Broward Association of Criminal Defense Lawyers, "Ethics in Criminal Defense," Fort Lauderdale (November 14, 2008).

Speaker: CLE sponsored by the Broward County Matrimonial Lawyers, "Ethics in Matrimonial Law," Fort Lauderdale (March 3, 2009).

Speaker: CLE at the law offices of Conroy, Simberg, Ganon, Krevans & Abel "Ethics in Civil Practice," Hollywood (February 21, 2013).

Speaker: NSU Law Federalist Society Zoom presentation "The Case for Colorblindness" by Deroy Murdock (October 5, 2021).

TELEVISION INTERVIEWS AND OTHER SPEECHES

Speaker: Gold Circle of Nova University lecture, "Ethics," Fort Lauderdale (March 17, 1986).

Interview: WPLG Channel 10 - Interviewed by Dwight Lauderdale and Ann Bishop on "Live at Five" about the Ellis Rubin case and what an attorney's response should be to a client who intends to commit perjury, Miami (July 11, 1986).

Speaker: Nova University Moot Court Society, "A Lawyer's ethical obligations when his client wants to lie -- Ellis Rubin," Fort Lauderdale (October 23, 1986).

Speaker: Nova University Gold Circle "Distinguished Faculty Seminar," "Defending the Guilty Client," Fort Lauderdale (November 12, 1986).

Panelist: WLRN Channel 17 - Participated in a panel discussion about Bernard Goetz on Storer Cable's "You & The Law", Fort Lauderdale (Summer 1987).

Panelist: WPEC Channel 12 - Participated in a panel discussion on Channel 12's "Eye Witness First News" program, "Is a Client's Identity Privileged?" West Palm Beach (June 2, 1988).

Interview: WPEC Channel 12 - Live interview on "Eye Witness First News" to discuss a petition to impanel a grand jury regarding whether a client's name is privileged or should be revealed, West Palm Beach (July 8, 1988).

Moderator: Symposium on the Federal Judiciary Act sponsored by Nova Law School, Fort Lauderdale (February 10, 1989).

Speaker: Business Associates meeting at Christ Church - United Methodist, "Conflicts: Defending the Guilty Client," Fort Lauderdale (March 22, 1989).

Speaker: Nova University Gold Circle lectures, "Defending the Guilty Client," Fort Lauderdale (April 18, 1991).

Interview: WJNO 1230 AM - Interviewed live on the Jack Cole show and discussed use of Williams Rule Evidence in the William Kennedy Smith case (July 24, 1991).

Panelist: WXEL Channel 42 - Participated in a panel discussion broadcast live on "Newsmakers" about the William Kennedy Smith case, West Palm Beach (August 8, 1991).

Interview: WCIX Channel 6 - Interviewed on "6 Action News" about the Tonya Harding case, Fort Lauderdale (January 28, 1994).

Speaker: Orientation for new law students at St. Thomas University School of Law, "Bar Admissions," Miami (August 1994, 1996, 1997, 1998, September 1999, November 2000, October 2001, September 2002 & February 2003).

Interview: WPLG Channel 10 - Interviewed on "Live Eyewitness News" about consumer fraud in the building trades, Fort Lauderdale (August 5, 1999).

Speaker: Speech to law students at FAMU College of Law, “Florida Bar Admission,” Orlando (January 13, 2011).

Speaker: Faculty Commencement Speaker at NSU Law Center Commencement, Sunrise (May 14, 2011).

Interview: NPR News – The Cam Edwards Radio Show – Topic – College Campuses are safer if guns are allowed (May 4, 2015).

Interview: NPR News – The Cam Edwards Radio Show – Topic – Public places are safer if guns are allowed (May 8, 2015).