

BRIAN M. MURRAY

Seton Hall University School of Law – One Newark Center – Office 515 – Newark, NJ 07102
Phone: 973-642-8380 – Email: murrayb1@shu.edu

ACADEMIC APPOINTMENTS

SETON HALL UNIVERSITY SCHOOL OF LAW 2018 — Present
Associate Professor of Law

OTHER ACADEMIC EXPERIENCE

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL 2016 — 2018
Fellow, The Quattrone Center for the Fair Administration of Justice

TEMPLE UNIVERSITY, BEASLEY SCHOOL OF LAW 2014 — 2018
Abraham L. Freedman Fellow and Lecturer-in-Law; Visiting Prof. of Practice in Law

WIDENER UNIVERSITY, DELAWARE LAW SCHOOL 2016
Adjunct Faculty

VILLANOVA UNIVERSITY 2013 — 2015
Adjunct Faculty, College of Liberal Arts and Sciences

EDUCATION

TEMPLE UNIVERSITY, BEASLEY SCHOOL OF LAW, L.L.M., 2016, Legal Education

NOTRE DAME LAW SCHOOL, J.D., 2011, *Magna cum laude*, Exec. Articles Editor, *Notre Dame Law Review*, Vol. 86

VILLANOVA UNIVERSITY, B.A., 2008, *Summa cum laude*, Philosophy and Political Science

COURSES

CRIMINAL LAW – CRIMINAL PROCEDURE: ARRESTS AND INVESTIGATIONS – SYSTEMIC ISSUES IN CRIMINAL LAW & PROCEDURE – PROFESSIONAL RESPONSIBILITY – JURISPRUDENCE – LAWYERING

SCHOLARLY PUBLICATIONS

[*Qualifying Absolute Immunity Through Brady Claims*](#), 107 IOWA L. REV. _ (forthcoming 2022) (with Paul Heaton and Jon Gould).

[*Restorative Retributivism*](#), 75 U. MIAMI L. REV. 855 (2021).

[*Newspaper Expungement*](#), NW. U. L. REV. COLLOQUY (2021).

[*Retributive Expungement*](#), 169 U. PA. L. REV. 665 (2021).

[*Retributivist Reform of Collateral Consequences*](#), 52 CONN. L. REV. 863 (2020).

[*Are Collateral Consequences Deserved?*](#), 95 NOTRE DAME L. REV. 1031 (2020).

[*Unstitching Scarlet Letters? Prosecutorial Discretion and Expungement*](#), 86 FORDHAM L. REV. 2821 (2018).

[*A New Era for Expungement Law Reform? Recent Developments at the State and Federal Levels*](#), 10 HARV. L. & POL'Y REV. 361 (2016) (cited in amicus brief to the Supreme Court of the United States for *Doe v. United States*).

[*Prosecutorial Responsibility and Collateral Consequences*](#), 12 STAN. J. C.R. & C.L. 213 (2016).

[*Beyond the Right to Counsel: Increasing Notice of Collateral Consequences*](#), 49 U. RICH. L. REV. 1139 (2015).

[*A Tale of Two Inquiries: The Ministerial Exception After Hosanna-Tabor*](#), 68 SMU L. REV. 1123 (2015).

[*The Elephant in Hosanna-Tabor*](#), 10 GEO. J. L. PUB. POL'Y 493 (2012).

[*Chicken Soup for the Legal Soul: The Jurisprudence of Saint Thomas More*](#), 51 J. CATH. LEGAL STUD. 145 (2012).

[*Note, Confronting Religion: Veiled Muslim Witnesses and the Confrontation Clause*](#), 85 NOTRE DAME L. REV. 1727 (2010).

CURRENT AND FUTURE WRITING PROJECTS

Completing Expungement (work in progress).

Padilla, Lafler, and Frye in the Lower Courts (research in progress).

Expungement Juries (research in progress).

Forgiving or Forgetting? A Catholic Approach to Criminal Recordkeeping and Expungement (research in progress).

OTHER PUBLICATIONS AND WRITING

On Becoming a Lawyer, 51 SETON HALL L. REV. (2021) (adapted from Orientation Speech given during Orientation in August 2020 at Seton Hall Law School).

New Jersey Attorney General Guidance on Collateral Consequences and Prosecutorial Responsibility, AALS SECTION ON PROFESSIONAL RESPONSIBILITY NEWSLETTER, Fall 2018.

NJ AG Tells Prosecutors Collateral Consequences May Determine which Marijuana Violations to Pursue, COLLATERAL CONSEQUENCES RESOURCE CENTER.

The HHS Mandate, Hosanna-Tabor, and the Question of Religious Organizations, PUBLIC DISCOURSE, Sept. 25, 2013 (online).

How to Handle Expungement Cases in Philadelphia County, Continuing Legal Education Seminar, February 16, 2012.

Stonewalling Justice: Why the Supreme Court Should Reconsider Stone v. Powell (Spring 2011) (written as student, available on SSRN).

Funeral Picketing: Protected Speech, But Can It Be Limited? How Expansion of the Captive Audience Doctrine Can Simultaneously Honor the First Amendment and Our Fallen Soldiers (Fall 2010) (written as student, on file with author).

Law and Poverty: Indiana Legal Services and the Problems Facing Legal Services Today (Fall 2010) (written as student, on file with author).

The Federal Constitution and Same-Sex Marriage: Should Same-Sex Marriage Advocates be Loving Lawrence? (Spring 2010) (written as student, on file with author).

Culture in Crisis: The Decline in Concern for the Common Good, 13 OCCASIONAL PAPERS: THE COMMON GOOD, Spring 2007, at 11 (excerpt).

PRESENTATIONS

PRESENTER, *Completing Expungement*, Deason Criminal Justice Center Workshop Series, Southern Methodist University Dedman School of Law, May 5, 2021.

PRESENTER, *Completing Expungement*, Michigan Law School Junior Scholars Conference, University of Michigan Law School, April 16-17, 2021.

PRESENTER, *Completing Expungement*, Rutgers Law School and Seton Hall Law School Colloquium, February 2021.

PRESENTER, *Restorative Retributivism*, SUMMER WORKSHOP SERIES, Seton Hall Law School, June 2020.

PRESENTER, *Private Expungement*, FACULTY RETREAT, Seton Hall Law School, February 2020.

PANELIST, *Expungement and the Press*, THE ABRAMS INSTITUTE FOR FREEDOM OF EXPRESSION AND THE MEDIA FREEDOM & INFORMATION ACCESS CLINIC AT YALE LAW SCHOOL, hosted by Ballard Spahr, February 25, 2020.

PRESENTER, *Retributivist Reform of Collateral Consequences*, SUMMER WORKSHOP SERIES, Seton Hall Law School, August 2019.

PRESENTER, *Retributivist Reform of Collateral Consequences*, CRIMFEST 2019, Brooklyn Law School, July 16, 2019.

PRESENTER, *Are Collateral Consequences Deserved?*, JUNIOR SCHOLARS COLLOQUIUM, THE FEDERALIST SOCIETY, June 14, 2019.

PRESENTER, *Are Collateral Consequences Deserved?*, RETRIBUTIVISM AND THE NEW PENOLOGY PANEL, LAW AND SOCIETY ASSOCIATION ANNUAL CONFERENCE, May 31, 2019.

PANELIST, NJPAC TRUE DIVERSITY SCREENING: LOST FOR LIFE, Feb. 28, 2019 (discussing developments in law relating to juvenile life without parole).

PRESENTER, *First (Tort) Principles and Absolute Prosecutorial Immunity*, QUATTRONE CENTER FOR THE FAIR ADMINISTRATION OF JUSTICE, Advisory Board Meeting, October 26, 2017.

PRESENTER, *First (Tort) Principles and Absolute Prosecutorial Immunity*, WORKS-IN-PROGRESS WORKSHOP, AALS Mid-Year Meeting of the Criminal Justice Section, June 13, 2017.

PRESENTER, *The Prosecutorial Mindset During Plea-Bargaining*, Lunch Seminar, University of Pennsylvania Law School, October 5, 2016 (sponsored by Quattrone Center for the Fair Administration of Justice).

PANELIST, *Comments on Zubik v. Burwell*, “Supreme Court Term in Review,” Temple University, Beasley School of Law, April 13, 2016 (sponsored by American Constitution Society).

PRESENTER, *The Jurisprudence of Thomas More*, Lecture, Villanova University, April 17, 2015.

LEGAL EXPERIENCE

Chester County Public Defender’s Office

Assistant Public Defender, September 2013 — August 2014

Represented criminal defendants at preliminary hearings, bench warrant hearings, suppression motions, and assisted with defense at trial in the Court of Common Pleas. Negotiated plea agreements with the District Attorney. Authored appellate brief filed in the Superior Court of Pennsylvania and participated in oral argument.

Community Legal Services of Philadelphia

Staff Attorney, Employment Unit, August 2011—August 2013

Advocated for clients who suffered adverse actions under Title VII and state law. Represented clients with hearings in the Pennsylvania Court of Common Pleas and authored appellate briefs filed in the Pennsylvania Superior Court. Negotiated employment discrimination settlement with major insurance company. Assisted with EEOC mediation. Represented clients with state law wage claims. Taught Continuing Legal Education session on Pennsylvania expungement law to private and public-interest attorneys.

United States Dept. of Justice, Professional Responsibility Advisory Office

Summer Law Intern Honors Program (SLIP), Summer 2010

Authored memoranda analyzing application of state rules of professional conduct to federal cases. Conducted research on and analyzed conflicts between state rules of professional conduct. Analyzed departmental compliance with the Freedom of Information Act and other federal statutes.

United States Attorney’s Office, District of Maryland

Summer Law Clerk, Summer 2009

Composed memoranda and drafted briefs in civil and criminal cases at the trial and appellate level. Authored successful brief for criminal appeal in the Fourth Circuit on the Fourth Amendment.

BAR MEMBERSHIPS

Pennsylvania—2011

HONORS & AWARDS

“Must Read Article”, Getting Scholarship Into Court Project, National Association of Criminal Defense Lawyers and *The Champion Magazine* (May 2018) (for *Unstitching Scarlet Letters?*)

Thomas L. Shaffer Public Interest Law Fellowship, *Notre Dame Law School* (2011-2013)

Harold Weber Academic Legal Writing Award, *Notre Dame Law School* (2011)

Phi Beta Kappa, *Villanova University* (2008)

Student Commencement Speaker Competition Winner, *Villanova University* (selected by faculty) (2008)

Political Science Medallion, *Villanova University* (awarded by department faculty to top student in field) (2008)
Phi Kappa Phi Honors Society, *Villanova University* (2007)
Omicron Delta Kappa Leadership Society, *Villanova University* (2007)
Catholic Social Thought Research Award, *Villanova University* (2007)

OTHER ACTIVITIES

Volunteer, Indiana Legal Services of South Bend, Indiana (2011)
Assistant Rector, *Knott Hall-Univ. of Notre Dame* (supervisory staff of residence hall on campus) (2009-2011)
Executive Board, University Senator, *Villanova Student Government Association* (2004-2008)
Discipleship Council, *Villanova Campus Ministry* (2005-2008)
Intern, Maryland Governor's Summer Internship Program (Summer 2006)
Villanova and Notre Dame Intramural Athletics (2004-2011)
Summer League Basketball Coach for Broadneck High School (2005-2009)
Special Olympics Local Program Host and Volunteer (2003-2005, 2007)

REFERENCES

The Honorable Stephanos Bibas
Third Circuit Court of Appeals
601 Market Street
Philadelphia, PA 19106

Duncan B. Hollis, Associate Dean for Academic Affairs
Temple University, Beasley School of Law
215-204-2731 (phone)
Duncan.hollis@temple.edu

David Hoffman, Professor of Law
University of Pennsylvania Law School
215-898-9170 (phone)
dhoffman@law.upenn.edu (email)

Brishen Rogers, Associate Professor of Law
Temple University, Beasley School of Law
215-204-2089 (phone)
brishen.rogers@temple.edu (email)

Richard W. Garnett, Professor of Law
Notre Dame Law School
574-631-6981 (phone)
rgarnett@nd.edu (email)

Richard K. Greenstein, Professor of Law
Temple University, Beasley School of Law
215-204-5006 (phone)
Richard.greenstein@temple.edu (email)

John F. Hollway, Executive Director
Quattrone Center for the Fair Administration of Justice
University of Pennsylvania Law School
215-573-9420 (phone)
jhollway@law.upenn.edu (email)

Jennifer Mason McAward, Associate Professor of Law
Notre Dame Law School
574-631-7528 (phone)
mason.1@nd.edu (email)

Harwell Wells, Professor of Law
Temple University, Beasley School of Law
215-204-1183 (phone)
harwell.wells@temple.edu (email)