Richard E. Gutierrez

University of Illinois Chicago (UIC) School of Law
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ACADEMIC APPOINTMENT

University of Illinois Chicago (UIC) School of Law

Assistant Professor (2024-present)

- Courses: Lawyering Skills I, Criminal Law
- Faculty Engagement Committee

EDUCATION

Chicago-Kent College of Law

- Juris Doctor, *magna cum laude* & *Order of the Coif*, class rank top 4% (2012)
- Law Review, Notes & Comments Editor (2011-2012) / Staff (2010-2011)
- Moot Court Honor's Society
  - Coach, ABA National Appellate Advocacy Competition (2012)
  - Judicial Takings: Property Rights and the Rule of Law Conference (2011) (developed problem and delivered moot court arguments before Justice Antonin G. Scalia & Justice Anne M. Burke)
  - National Moot Court Competition-Regional Semifinalist, 2nd Place Brief (2011)
  - ABA National Appellate Advocacy Competition- Regional Semifinalist, Best Oral Advocate (2011)
  - Rovner Appellate Advocacy Competition- Semifinalist, Finalist- Best Brief (2010)
- Teaching Assistant, Legal Writing 1 & 2 (2012)
- Internships: Appellate Division, Rhode Island Office of the Public Defender (2011), Hon. Judge Marvin Aspen, N.D. Illinois (2010), People's Law Office, Chicago, IL (2010)
- Honors: Justice Stevens Fellowship (2011); CALI Excellence for the Future Award (highest course grade)- Evidence, Police Misconduct Litigation, Legal Writing 3, Constitutional Torts (Section 1983 Seminar), Trial Advocacy 2, First Amendment; Ida Platt Full Tuition Achievement Scholarship- Recipient (2009-2012); Dean's List, Fall 2009-Spring 2012

University of Florida

- Bachelor of Arts, *summa cum laude*, English / History (2008)
- Director, Intercollegiate Pride Conference (2006)
- Founder & Organizer, Responsible Endowment Coalition (2008)
- Honors: Liberal Arts & Sciences Four-Year Scholar, University Scholar, History Seminar Achievement Award, Rainbow Alliance Scholar for Excellence in LGBTQ Research, Anderson Scholar, Bright Futures Full Tuition Scholarship

PUBLICATIONS

The (Im)proficiency of Firearms Examiners, 10 UCLA Crim. Just. L. Rev. ___ (forthcoming 2026)

Commentary on Hicklin et al.: Accuracy and reproducibility of bullet comparison decisions by forensic examiners, 376 Forensic Sci. Int'l 112590 (2025) (with Emily Prokesch)

More Unjustified Inferences from Limited Data in Guyll et al., 23 Law, Probability, & Risk (2024)

The Impact of Defense Experts on Juror Perceptions of Firearms Examination Testimony, 64 Jurimetrics 223 (2024) (with Brandon L. Garrett & Nicholas Scurich)

Bowling with Bumper Rails: How Firearms Examiners Have Duped the Courts & Generated Low Error Rates Only by Avoiding Challenging Comparisons, 75 U.C. L. J. 1535 (2024)

The False Promise of Firearms Examination Validation Studies: Lay Controls, Simplistic Comparisons, & the Failure to Soundly Measure Misidentification Rates, 69 J. Forensic Sci. 1334 (2024) (with Emily Prokesch)

- *Authors' Response to Marshall J. Commentary on: Gutierrez RE, Prokesch EJ. The false promise of firearms examination validation studies: Lay controls, simplistic comparisons, and the failure to soundly measure misidentification rates.* 69 J. Forensic Sci. 2346 (2024) (with Emily Prokesch)
- *Authors' Response to Weller et al. Commentary on: Gutierrez RE, Prokesch EJ. The false promise of firearms examination validation studies: Lay controls, simplistic comparisons, and the failure to soundly measure misidentification rates.* 70 J. Forensic Sci. 405 (2024) (with Emily Prokesch)

Commentary on: Monson KL, Smith ED, Peters EM. Accuracy of comparison decisions by forensic firearms examiners. 68 J. Forensic Sci. 1097 (2023) (with Celeste Addyman)

Signal Detection Theory Fails to Account for Real-World Consequences of Inconclusive Decisions, 21 Law, Probability, & Risk 131 (2022) (with Maneka Sinha)

Assessing Latent Print Proficiency Tests: Lofty Aims, Straightforward Samples, & the Implications of Nonexpert Performance, 69 J. Forensic Iden. 281 (2019) (with Brendan Max & Joseph Cavise)

- *Author's Response, Letter to the Editor Re: Assessing Latent Print Proficiency Tests: Lofty Aims, Straightforward Samples, & the Implications of Nonexpert Performance*, 69 J. Forensic Iden. 400 (2019) (with Brendan Max & Joseph Cavise)

Combating Medical Experts in Abuse & Neglect Cases Under the Juvenile Court Act, Articles of the Am. Bar Ass'n (2017) (with Rachelle Hatcher)

WORKS IN PROGRESS

Fueling Challenges to Firearms Examination Evidence in Chicago

Underhand Pitches & Class Confusion in Cartridge Case Proficiency Tests

LEGAL EXPERIENCE

Law Office of the Cook County Public Defender, Chicago, IL

Assistant Public Defender, Family Defense & Forensic Science Divisions (2014-2024)

- *As a member of the forensic division*: researched and mastered the scientific foundation (if any) of forensic disciplines including fingerprint comparison, firearms examination, and DNA profiling; navigated discovery issues to obtain all scientific data necessary for thorough evaluation of State expert claims; crafted and litigated novel motions challenging the admissibility of suspect practices; conducted admissibility hearings (including five-day proceeding successfully attacking firearms examination evidence and obtaining sweeping exclusion ruling under *Frye*); provided trial support in felony cases involving forensics; interviewed and cross-examined forensic analysts; consulted defense experts

- *As a member of the family defense division*: represented parents in abuse and neglect proceedings including termination of parental rights trials through extensive motion practice, argument, and cross-examination of social workers, police, DCFS investigators, and child-abuse pediatricians; briefed stays and full appeals before the Illinois Appellate Court for the First District; helped clients navigate rehabilitation and court-imposed services; crafted narratives to highlight client successes to secure visitation and the return home of children

United States Court of Appeals for the Seventh Judicial Circuit, Chicago, IL
Staff Attorney (2012-2014)

- Researched and prepared bench memos and draft opinions for all judges of the Seventh Circuit on issues of criminal, procedural, discrimination, immigration, and constitutional law
- Advised judges on certificates of appeal and similar issues during a 10-month habeas rotation
- Attended conferences and assisted in deliberation of appeals resolved without oral argument

SCHOLARLY PRESENTATIONS

The (Im)proficiency of Firearms Examiners
Central States Scholarship Conference (2025)

Diving Straight into the DNA-Deep-End: Teaching Weight/Hierarchy of Authority Through the Lens of Maryland v. King & Its Progeny
Central States Legal Writing Conference (2025)

The False Promise of Firearms Examination Validation Studies: Lay Controls, Simplistic Comparisons, & the Failure to Soundly Measure Misidentification Rates
American Academy of Forensic Sciences 77th Annual Scientific Conference (2025)

Nailing the Coffin Shut on Firearms Examination
UIC Spark Talks (2025)

A Test "More Challenging Than Originally Intended:" CTS 23-5262's Implications for Litigants & the Courts
7th Annual Chicagoland Junior Scholars Conference (2024)

Panelist: Ballistics- The Latest
Quattrone Center, From Anguish to Action: Improving Criminal System Accuracy (2024)

Firearms Examination, Poor Performers, and the Search for a "Witness Who is Qualified"
U.C.S.F. College of Law, Symposium: Forensic Identification in Criminal Courts (2023)

Three Attorneys Participate in Fingerprint Proficiency Testing: Results & Observations
American Academy of Forensic Sciences 71st Annual Scientific Conference (2019)

OTHER PRESENTATIONS & CONFERENCE TRAININGS

Keeping Up with the Evolving Nature of Forensics

- Oregon Criminal Defense Lawyers Association / Forensic Justice Project (2025)

Recent Developments in the Law of Evidence

- Panelist, Recent Developments in the Law Series, UIC Law (2025)

The Source Identification is Coming In: Crossing the Examiner & Closing on the Scientific Flaws of The Method

- NACDL-Cardozo Law National Forensic College (2025)

Cross Examination of Firearms Examiners: Science & Strategy

- Missouri State Public Defender Spring Training Conference (2025)

Demystifying Firearms Examination Evidence

- Missouri State Public Defender Spring Training Conference (2025)

Panelist: The Current Horrors of the Carceral State & Imagining Alternatives

- The National Lawyers Guild UIC Law Chapter (2025)

Nailing the Coffin Shut: Challenging Bullet / Cartridge Case Comparison Evidence in Illinois

- DuPage County Public Defender's Office (2024)

Expert Witnesses & the Federal Rules of Evidence: Who Gets to Give Their Opinion?

- Guest Lecture, Evidence, University of Illinois Chicago (UIC) School of Law (2024 & 2025)

Firearms Examination, The Criticisms: How to Explain Them to a Judge and Rebut Common Government Retorts

- Breakout Group Leader, NACDL-Cardozo Law National Forensic College (2023)

Should I Challenge Firearms Examination Evidence? How To Analyze Your Case for a Challenge

- Breakout Group Leader, NACDL-Cardozo Law National Forensic College (2023)

Trouble-a-Bruen: How the Supreme Court Might Help Dismiss Your Gun Case

- Law Office of the Cook County Public Defender, Officewide Training (2024)

Firing Back at "Ballistics" Evidence: Illinois's First-Ever Frye Hearing on Firearms Examination Evidence

- Multi-jurisdiction webinar- Wayne County Neighborhood Defender Services, LA County Public Defender, Vermont Defender General (2024)
- Missouri State Public Defender Spring Training Conference (2024)
- Alabama Criminal Defense Lawyer's Association Loosening the Belt Conference (2024)
- Illinois Association of Criminal Defense Attorneys Violent Crimes Seminar (2023)
- Law Office of the Cook County Public Defender, Officewide Training (2023)
- Wisconsin State Public Defender, Forensic University (2022)
- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2022)
- Illinois Public Defender Association Fall Seminar (2022)
- Florida Ninth Circuit Public Defender (2022)

Litigating Fingerprint Cases & Building As-Applied Challenges

- Missouri State Public Defender Spring Training Conference (2024)
- GACDL Forensics Seminar (2023)
- Public Defender Association of Philadelphia (2022)
- Capital Case Defense Seminar (2021)
- Brooklyn Defender Services Intensive Science & Surveillance School (2020)

Pattern Matching: Firearms & Toolmarks

- New York State Defender's Association (2023)

When Anyone Can Pass: Contemporary Insights Concerning the Lack of Rigor in Fingerprint Proficiency Testing and a Hands-On Exercise

- Guest Lecture, Law & Forensic Science, University of Wisconsin Law School (2019, 2020, 2021, 2023)
- NACDL-Cardozo Law National Forensic College (2019)
- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2018, 2019)

Firearm & Toolmark Analysis: What's Next?

- NACDL-Cardozo Law National Forensic College (2023)

Latent Print Examination: Facts & Fictions

- Guest Lecture, Wrongful Conviction Clinic, University of Colorado Boulder School of Law (2022)
- Guest Lecture, Forensic Science & The Law, Santa Clara University Law School (2022)

Cross Examination of Firearms Examiners: Lecture, Brainstorming, & Supervised Mock Cross Examination

- Wisconsin State Public Defender, Forensic University (2022)

Taking Firearms Examination Admissibility Challenges to the Next Level

- NACDL-Cardozo Law National Forensic College (2022)

Knocking the Government Back: A Lethal Cross of Todd Weller

- NACDL-Cardozo Law National Forensic College (2022)

What's Up with Consumption & Buccal Swabs?

- Law Office of the Cook County Public Defender (2022)

Statistical Issues with Probabilistic Genotyping

- Panelist, NACDL-Cardozo Law National Forensic College (2021)

Advocacy in the Time of Expanded Conclusion Scales

Panel Moderator, NACDL-Cardozo Law National Forensic College (2021)

Forensic Science 101

- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2021)

Faulty Methods & Forensic Flunkies: Exposing the Flaws of Pattern-Matching "Experts" Through Cross-Examination

- Missouri State Public Defender Forensic Science Conference (2021)

ShotSpotter: The Science & The Law

- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2021)

ShotSpotter & the Fourth Amendment: Problems of Individualized Suspicion, Reliability, & Basis of Knowledge

- Law Office of the Cook County Public Defender (2021)

Panel Moderator: Conducting an As Applied Challenge to Fingerprint Comparisons

- NACDL-Cardozo Law National Forensic College Fingerprints Leadership Session (2020)

Getting Your Hands Dirty: Learning to Examine Fingerprint / Ballistic Evidence & Gauge the Complexity of Samples

- Wisconsin State Public Defender's Virtual Conference (2020)
- Illinois Association of Criminal Defense Lawyers (2020)
- New Jersey Office of the Public Defender, Forensic Science Conference (2020)

Panelist: Managing Strategic Decision Making Office Wide in Firearms Litigation

- NACDL-Cardozo Law National Forensic College Firearms Leadership Session (2020)

Taking Your Best Shot at Firearms Examination Evidence

- Cuyahoga County Public Defender, (2020)
- Capital Case Defense Seminar (2020)

Panelist: Defending the NRC & PCAST Reports from Common Government Critiques

- NACDL-Cardozo Law National Forensic College Firearms Leadership Session (2020)

Expert Discovery & Cross Examination: Strategies for Attacking Unqualified Analysts, Weak Evidence, & Questionable Methodologies

- Capital Case Defense Seminar (2020)

Challenging Pattern Matching Evidence: Junk Science & Junk Experts

- National Police Accountability Project, Chicago Chapter Meeting (2019)

Getting Beyond NAS & PCAST: As-Applied Challenges to Forensic Pattern Matching

- NACDL-Cardozo Law National Forensic College (2019)
- New Jersey Office of the Public Defender, Forensic Science Conference (2018)

Confronting Pattern-Matching Experts at Trial

- NACDL-Cardozo Law National Forensic College (2019)

Opposing State Requests for DNA Samples or Buccal Swabs

- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2018, 2019)

Firearms Examination Gone Wrong: When CPD Flunkies Masquerade as Experts

- Law Office of the Cook County Public Defender, Juvenile Justice Division Training (2018)

Challenging the Weight & Admissibility of Firearms Examination Evidence

- Law Office of the Cook County Public Defender, Three Days in a Nutshell (2017)

In Re A.P.: Marshaling the Law & Making Robust the State's Burden

- Law Office of the Cook County Public Defender, Civil Division Training (2016, 2017)

SERVICE & PROFESSIONAL ORGANIZATIONS

Faculty Advisor UIC Moot Court Honors Program

- Coach: A.B.A. National Appellate Advocacy Competition (2026)

Faculty Advisor UIC Trial Advocacy & Dispute Resolution Program

- Coach: St. John's University Peter James Johnson National Civil Rights Competition (2025)

Herzog Moot Court Competition

- Judge: Summer 2025 preliminary rounds, Summer 2025 semifinal round

Louisiana Counsel Sub Symposium

- Lecturer / Curriculum Developer: 2025
- Provided training on firearms examination evidence and related legal issues to counsel subs (jailhouse lawyers) from across the state at Louisiana State Penitentiary as part of a program developed by Tulane University Law School.

11th Annual Great Chicago Fire Invitational Mock Trial Tournament

- Judge: 2025

City of Chicago Mayor's Office of Community Safety Acoustic Gunshot Detection Alternatives Working Group

- Member: 2024

Organization of Scientific Area Committees, Legal Task Group

- Vice-Chair: 2024-Present
- Appointed / Voting Member: 2022-Present

Organization of Scientific Area Committees, Friction Ridge Subcommittee

- Appointed / Voting Member: 2022-2025

American Academy of Forensic Sciences Standards Board, Firearms & Toolmarks Consensus Body

- Appointed / Voting Member: 2017-2024

NACDL Cardozo Law National Forensic College

- Planning Committee: 2019, 2020, 2021, 2026
- Small Group Leader: 2024, 2025
- Faculty: 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026

Scientific & Technical Review Panel: OSAC Proposed Standard: Standard Test Method for the Examination and Comparison of Toolmarks for Source Attribution

- Legal Representative: 2023

Missouri State Public Defender Forensic Bootcamp Conference

- Breakout discussion leader, case review, mentoring (2022)

Forensic Evidence Litigation Bootcamp Project

- Curriculum Developer & Lecturer (2020-2022)

- Presentations to various Pennsylvania (2021) & Louisiana (2022) public defender offices

Judicial Internship Opportunity Program

- Interviewer: 2015-2021
- Student Mentor: 2024, 2025

Ilana Diamond Rovner Appellate Advocacy Competition

- Judge: 2013-2017

UIC Law Lawyering Skills II (taught by Lester Finkle)

- Final Arguments Judge: Spring 2015, Fall 2015, Fall 2016, Spring 2017, Spring 2018

ABA National Appellate Advocacy Competition

- Final Rounds Judge: 2014, 2025

SELECTED MEDIA COVERAGE & COMMENTARY

Max Blaisdell & Matt Chapman, *For Official Use Only*, Chicago Reader (2025)

Sam Charles & Megan Crepeau, *ShotSpotter technology a source of praise, scorn*, Chicago Tribune (2024)

Radley Balko, *Devil in the grooves: The case against forensic firearms analysis*, The Watch (2023)

Jordan Smith, *The Startling Low Bar to Ace a Fingerprint Proficiency Test*, The Intercept (2019)

David Thomas, *Forensic science division tackles bad science, Frye*, Chicago Daily Law Bulletin (2019)

Nicole Wetsman, *Bad police fingerprint work undermines Chicago property crime cases*, The Chicago Reporter (2019)

LICENSING & ADMISSIONS

Licensed to practice law in Illinois. Admitted to the Seventh Circuit Court of Appeals and the United States District Courts for the Northern District of Illinois.

TEACHING INTERESTS

Criminal Law, Criminal Procedure, Evidence, Trial Advocacy, Appellate Advocacy, Legal Research & Writing (Lawyering Skills), Forensic & Scientific Evidence, Advanced Trial Technology, Child Abuse & Neglect Law, Criminal Litigation, Prison & Police Abolition

LANGUAGES

English (fluent); Spanish (conversational)