

Brian N. Gurwitz
Curriculum Vitae

Bar Admissions:

California State Bar
United States Supreme Court
United States Court of Appeals for the Ninth Circuit
United States District Courts for the Central, Eastern, Northern, and Southern Districts of California
Pro Hac Vice Admissions: United States District Court for the District of Columbia, Middle District of Alabama, Western District of Missouri, District of Massachusetts, and Eastern District of North Carolina

Present Employment:

July 2009-present

The Law Office of Brian Gurwitz, APC

1422 Edinger Avenue, Suite 100

Tustin, California 92780

(714) 880-8800

www.gurwitzlaw.com

- Private practice focused exclusively on criminal defense in both state and federal court.
- Certified Criminal Law Specialist, State Bar of California Board of Legal Specialization
- AV-rated by Martindale-Hubbell

Prior Employment:

March 2008-June 2009

Recording Industry Association of America (RIAA)

Western Regional Counsel

Costa Mesa, California

- Assisted state and federal law enforcement officials in the Western half of the United States with music piracy investigations and prosecutions.

August 2007-March 2008

Pillsbury Winthrop Shaw Pittman LLP

Associate

Los Angeles, California

- Served as a litigation associate in a variety of civil and criminal litigation matters.

**November 1994-August
2007**

**Orange County District Attorney's Office
Senior Deputy District Attorney (2002-2007)
Deputy District Attorney (1994-2002)**

Santa Ana, California

- Prosecuted approximately 40 jury trials.
- Argued dozens of appellate cases, including four before the California Supreme Court and eight that resulted in published Court of Appeal decisions.
- Served as a supervisor of the office's largest felony trial unit.
- Trained prosecutors and law enforcement officers statewide on California criminal procedure issues, and published statewide training material.
- Testified before the California Legislature on pending legislation.

Education:

**Post-JD Education:
1994-Present**

**Continuing education programs attended
yearly include:**

- Harvard Law School Negotiation Program, Cambridge, Massachusetts, 2019.
- United States Sentencing Commission Sentencing Seminars (multiple years/locations).
- Advanced Appellate Advocacy Training, Department of Justice/National District Attorney Association's National Advocacy Center in Columbia, South Carolina, 1999.

**Juris Doctorate
1994**

**University of the Pacific, McGeorge School
of Law**

Sacramento, California

- Graduated with distinction.
- Comment Editor for the *Pacific Law Journal*.
- Judicial extern for United States District Court Judge Garland E. Burrell, Jr.

**Executive Fellowship
1990-1991**

California Governor's Administration

Sacramento, California

- Served a one-year post-graduate fellowship through California State University, Sacramento, working for the Secretary of the Health and Welfare Agency in the administrations of Governors Wilson and Deukmejian.

**Bachelor of Arts
1990**

Loyola Marymount University
Los Angeles, California
• Graduated cum laude
• Majored in communication studies and minored
in political science.

Associations/Memberships:

2022-Present

**Board of Directors, McGeorge Alumni
Association**

**2022-Present, and
2015-2020**

**Board of Governors, California Attorneys for
Criminal Justice**

2017-2018

**President, Orange County Jewish Bar
Association**

2013-present

**Temporary Judge, Orange County Superior
Court**

2013-2017

**Judiciary Committee of Orange County Bar
Association**

2009-2015

Board of Directors, Temple Beth Sholom

2010-2019

Fellow, Orange County Bar Foundation

2010-2016

**Board of Directors, Orange County Jewish
Bar Assoc. (Secretary, Treasurer, and Vice-
President)**

2009-present

**Member, California Attorneys for Criminal
Justice**

2009-present

**Member, California Public Defenders
Association**

2009-present

**Member, National Association of Criminal
Defense Lawyers**

2009-present

**Member, Orange County Criminal Defense
Bar Association**

2012

**Judge of New York City Bar Association's
National Moot Court Competition**

2008-2010 Recording Industry Representative:
California High Technology Crime
Committee

2000-2007 Member, California District Attorneys
Association's Legislative Committee

2000-2006 Member, California District Attorneys
Association's Appellate Committee

2000-2003 Member, California District Attorneys
Association's Publications Committee

2002 Sentencing Law Consultant, California Law
Revision Committee

1998-2001 Judge and Coach, Constitutional Rights
Foundation Mock Trial Program

1997-2001 Board Member, Orange County Deputy
District Attorney's Civic Action Committee

1997-1999 Judge and Coach, Whittier Law School Moot
Court Program

1994-1997 Member, Robert A. Banyard American Inn of
Court

1992-1993 Comment Editor, *Pacific Law Journal*

1993-1994 Member, McGeorge School of Law
Intermural Trial Competition Team

1989-1990 Student Senator, Loyola Marymount
University

Publications

2007 "Has the Three Strikes Law Been Properly
Implemented Since Its Enactment or Has it
Been Abused?" *The Journal for the
Advancement of Criminal Justice*

2007 "Resign, Sheriff Carona," *The Los Angeles
Times*

- 2004 **Recusal Monograph (Editor), California District Association's Statewide Legal Guide**
- 2004 **Prosecutors' Perspective on California's Three Strikes Law – A 10-Year Retrospective, California District Attorneys Association – White Paper**
- 2001 **Implementing Proposition 36 – The Substance Abuse and Crime Prevention Act of 2000, California District Attorneys Association's Statewide Legal Guide**

Speaking Engagements

- 2022; 2004-2007 **Testified before California State Legislature's Public Safety Committees (Senate and Assembly) on pending criminal justice legislation**
- 2013 ***McNeely v. Missouri* Update – North Orange County Bar Association**
- 2012 **Preserving the Record for Criminal Appeals –Continuing Education Program: Sicily, Italy**
- 2012 **Substance Abuse Education for Lawyers – Sicily Continuing Education Seminar: Sicily, Italy**
- 2011 **Realignment: California's New Sentencing Law –Training Panel Discussions Held Throughout Orange County with Criminal Law Judges and Sheriff's Department Officials**
- 2010 **Music Piracy Enforcement: What is Working and What is Not? – Stemming the Tide of Media Piracy, State Legislative Panel**
- 2009 **Careers in Intellectual Property Rights Enforcement, Whittier Law School Career Event**

- 2008** **Testimony in Support of Anti-Piracy
Legislation, Los Angeles County Board of
Supervisors Hearing**
- 2008** **How to Prosecute Music Piracy Cases, Idaho
Prosecuting Attorneys Association Summer
Conference**
- 2006** **Perspective of the Prosecutor on Three
Strike Reform, Association for Criminal
Justice Research**
- 2005** **Jury Instructions in Criminal Cases –
California District Attorneys Association’s
Legal Issues in Felony Prosecutions
Training Seminar**
- 2004** **Forum: Three Strikes and Mandatory
Minimums – USC Annenberg Institute for
Justice and Journalism**
- 2004** **Proposition 66 and the Three Strikes Law –
Multiple local and statewide television and
radio appearances and debates**
- 2002** **Understanding Proposition 36, California’s
New Drug Treatment Law – Training session
conducted for Orange County District
Attorney’s Association and Orange County
Narcotics Officers’ Association**
- 2001** **Do’s and Don’ts of Courtroom Testimony –
Orange County Sheriff’s Department
Academy**
- 2001** ***Pitchess* Discovery and the Peace Officers
Bill of Rights – California District Attorneys
Association’s Discovery Law Seminar**

Published Cases

California Supreme Court

Burris v. Superior Court
(2005) 34 Cal.4th 1012

People v. Briceno
(2004) 34 Cal.4th 451
Argued as amicus curiae

Robert L. v. Superior Court
(2003) 30 Cal.4th 894

Hambarian v. Superior Court
(2002) 27 Cal.4th 826

Court of Appeal

D'Amato v. Superior Court
(2008) 167 Cal.App.4th 861

People v. Sun
(2007) 148 Cal.App.4th 374

Craft v. Superior Court
(2006) 140 Cal.App.4th 1533

People v. Herrera
(2006) 136 Cal.App.4th 1191

In re D.W.
(2004) 123 Cal.App.4th 491

Chavez v. Superior Court
(2004) 123 Cal.App.4th 104

Arroyo v. Superior Court
(2004) 119 Cal.App.4th 460

Superior Court Appellate Division

People v. Subramanyan
(2016) 246 Cal.App.4th Supp. 1