

**ANDREW ERIC TASLITZ**

(202) 806-8029 (W)

(571) 265-5098 (cell)

Fax: (815) 361-9059

[Work e-mail:ataslitz@law.howard.edu](mailto:ataslitz@law.howard.edu)

Home email: [Odo33@aol.com](mailto:Odo33@aol.com)

ssrn home page: <http://ssrn.com/author=462164>

**PROFESSIONAL EXPERIENCE:**

*In Legal Education*

Howard University School of Law, Washington, D.C.

Professor August 1994-Present

Associate Professor August 1991-1994

Assistant Professor August 1989-August 1991

*Subjects Taught:* Criminal Law; Criminal Procedure I: Police; Criminal Procedure II: Bail to Jail; Evidence; Advanced Evidence; Wrongful Convictions; Professional Responsibility; Advanced Professional Responsibility; Externship Program; Proof of Facts (a seminar on the nature of fact-finding); Civil Pretrial Techniques; Terrorism and the Law; Star Trek and the Law First Year Enrichment Series; Freedom of Speech; strong interest in Federal Criminal Law, International Criminal Law, and Privacy and the Law

American University School of Law, Washington, DC

Visiting Professor

January 2012-May 2012 (anticipated)

Subjects Taught: Criminal Law

University of Pittsburgh, School of Law, Pittsburgh, Pennsylvania

Welsh S. White Distinguished Visiting Professor of Law

August 2008-May 2009

Subjects Taught: Free Speech, Evidence, Criminal Law

Duke University School of Law, Durham, N.C.

Visiting Professor, August 2000- June 2001

*Subjects Taught:* Evidence, Advanced Evidence, Criminal Procedure: Police; guest lecturer in Appellate Advocacy at the law school and on child abuse prosecutions at the journalism school

Villanova University School of Law, Villanova, PA

Visiting Legal Writing Instructor, August 1988-July 1989

*Subjects Taught:* Legal Writing and Oral Advocacy, Clinical Component of Civil Procedure, Guest Lecturer in Criminal Law and Advanced Criminal Procedure

*Other Legal*

Sprecher, Felix, Visco, Hutchison & Young, Philadelphia, PA  
Litigation Department Associate, July 1987-July 1988  
Practice emphasized health care-related issues; authored *Due Process Pitfalls...Criteria for Credentialing*, 1988 Progress Notes

Philadelphia District Attorney's Office, Philadelphia, PA  
Assistant District Attorney, September 1983-May 1987  
Served as lead counsel in numerous jury trials, bench trials, motion arguments, and appeals; sole attorney in charge of juvenile rape prosecutions; taught videotaped lecture-demonstration course on how to try child sexual assault cases and prepared accompanying manual

Schnader, Harrison, Segal and Lewis, Philadelphia, PA  
Litigation Department Associate, September 1981-August 1983, May-August 1980  
Practice emphasized complex commercial litigation, zoning, and products liability

#### **EDUCATION:**

University of Pennsylvania Law School, Philadelphia, PA, J.D., June 1981, Cum Laude, Co-Chairperson of Moot Court Board (membership restricted to top 15% of class after second year; duties included co-teaching a second year course in appellate advocacy)

Queens College of the City University of New York, Queens, NY, B.A., June 1978, Summa Cum Laude, Phi Beta Kappa, Economics Honor Society, Recipient New York State Regents Scholarship

#### **PUBLICATIONS:**

##### *Scholarly Articles:*

*The People's Peremptory Challenge and Batson: Aiding the People's Voice and Vision through the "Representative" Jury*, 97 **Iowa L. Rev.** \_\_ (forthcoming 2012)

*Defense Counsel's Anti-System-Justification Role in Uncovering, Creating, and Using Information Under the Sixth Amendment*, \_\_ **Tex. Tech. L. Rev.** \_\_ (expected publication 2012) (by invitation of the Criminal Justice Initiative to a symposium on the Sixth Amendment)

*The Incautious Media, Free Speech, and the Unfair Trial: Why Prosecutors Need More Realistic Guidance in Dealing with the Press*, 62 **Hastings L.J.** 1285 (2011), also available at <http://ssrn.com/abstract=1864823>

*Prosecuting the Informant Culture*, 109 **Mich. L. Rev.** 1077 (2011), also available at <http://ssrn.com/abstract=1830286>

*The Criminal Republic: Democratic Breakdown as a Cause of Mass Incarceration*, \_\_ **Ohio St. J. Crim. L.** \_\_ (forthcoming 2011) (a peer-reviewed publication) (as part of an invitation to a symposium on mass incarceration)

*The Rule of Criminal Law: Why Courts and Legislatures Ignore Richard Delgado's Rotten Social Background*, \_\_ **Ala. Civ. Rt.s-Civ. Lib.s L. Rev.** \_\_ (forthcoming 2011) (as part of an invited symposium on the 25<sup>th</sup> anniversary of the publication of Richard Delgado's *Rotten Social Background*).

*What is Probable Cause, and Why Should We Care?: The Costs, Benefits, and Meaning of Individualized Suspicion*, 73 **L. & Contemp. Prob.s** 145 (2010) (Duke University Law School's peer-reviewed publication), also available at <http://ssrn.com/abstract=1549898>

*The Death of Probable Cause*, 73 **L. & Contemp. Prob.s** i (2010) (Duke University Law School's peer-reviewed publication)

*Police Are People Too: Cognitive Obstacles to, and Opportunities for, Police Getting the Individualized Suspicion Judgment Right*, 8 **Ohio St. J. Crim. L.** 7 (2010) (a peer-reviewed publication) (by invitation to a symposium on cognitive science and criminal justice), also available at <http://ssrn.com/abstract=1549719>

*The Happy Fourth Amendment: History and the People's Quest for Constitutional Meaning*, 43 **Tex. Tech. L. Rev.** 137 (2010) (by invitation to a symposium on the Fourth Amendment), also available at <http://ssrn.com/abstract=1723248>

*Fourth Amendment Federalism and the Political Silencing of the Urban Poor*, 85 **Chicago-Kent L. Rev.** 277 (2010), also available at <http://ssrn.com/abstract=1466061>

*Judging Jena's D.A.: The Prosecutor and Racial Esteem*, 44 **Harv. Civ. Rt.s-Civ. Lib.s L. Rev.** 393 (2009), also available at <http://ssrn.com/abstract=1272586>

*The Jena 6, the Prosecutorial Conscience, and the Dead Hand of History*, 44 **Harv. Civ. Rt.s-Civ. Lib.s L. Rev.** 275 (2009) (co-authored with Carol Steiker)

*Search and Seizure History as Conversation: A Reply to Professor Smith*, 6 **Ohio St. J. Crim. L.** 765 (2009) (a peer-reviewed publication), also available at <http://ssrn.com/abstract=1550876>

*Why Did Tinkerbell Get Off So Easy?: The Roles of Imagination and Social Norms in Excusing Human Weakness*, 42 **Texas. Tech. L. Rev.** 419 (2009) (by invitation of The Criminal Justice Initiative for a symposium on excuses and the criminal law), also available at <http://ssrn.com/abstract=1730864>

*Wrongly Accused Redux: How Race Contributes to Convicting the Innocent: The Informants' Example*, 37 **S.W.L.Rev.** 1091 (2009) (by invitation to a symposium on innocence), also

available at <http://ssrn.com/abstract=1263368>

*Confessing in the Human Voice: A Defense of the Privilege Against Self-Incrimination*, 6 **Cardozo J. Pub. L., Pol'y, & Ethics** 121 (2008), also available at <http://ssrn.com/abstract=1005758>

*Forgetting Freud: The Courts' Fear of the Subconscious in Date Rape (and Other) Cases*, 17 **B.U. Pub. Int. L. Rev.** 145 (2007), also available at <http://ssrn.com/abstract=916570>

*Bullshitting the People: The Criminal Procedure Implications of a Scatalogical Term*, 75 **Texas Tech L. Rev.** 1383 (2007) (by invitation of the new Criminal Justice Initiative of Texas Tech to a symposium on rights-awareness in criminal justice), also available at <http://ssrn.com/abstract=1005767>

*Privacy as Struggle*, 44 **San Diego L. Rev.** 501 (2007)(as part of an invited symposium on underappreciated criminal procedure cases, organized by the Criminal Procedure Forum, 2007, a peer group of leading criminal procedure professors whose membership is by invitation only)

*Racial Blindsight: the Absurdity of Color-Blind Criminal Justice*, 5 **Ohio St. J. Crim. L.** 1 (2007) (a peer-reviewed publication) (as guest-editor of a symposium on race and criminal justice), also available at <http://ssrn.com/abstract=1005764>

*The Expressive Fourth Amendment: Rethinking the Good Faith Exception to the Exclusionary Rule*, 76 **Miss. L.J.** 483 (2006) (by invitation of the Fourth Amendment Initiative of the National Center for Justice and the Rule of Law, as part of a symposium on the role of purpose in the constitutional law of search and seizure), also available at <http://ssrn.com/abstract=926548>

*Temporal Adversarialism, Criminal Justice, and the Rehnquist Court: the Sluggish Life of Political Factfinding*, 94 **Geo. L. J.** 1589 (2006), also available at <http://ssrn.com/abstract=916085>

*Wrongly Accused: Is Race a Risk Factor in Convicting the Innocent?*, 4 **Ohio St. J. Crim. L.** 121 (2006) (a peer-reviewed publication) (by invitation)

*Eyewitness Identification, Democratic Deliberation, and the Politics of Science*, 4 **Cardozo J. Pub. L., Pol'y, & Ethics** 271 (2006) (by invitation to a symposium on eyewitness identification), also available at <http://ssrn.com/abstract=920491>

*Fortune-Telling and the Fourth Amendment: Of Terrorism, Slippery Slopes, and Predicting the Future*, 58 **Rutgers L. Rev.** 195 (2005)

*Racial Profiling, Terrorism, and Time*, 109 **Pa. St. L.J.** 1181-1204 (2005) (by invitation of the Criminal Procedure Forum to a symposium on terrorism and limiting police and judicial discretion)

*Willfully Blinded: On Date Rape and Self-Deception*, 28 **Harv. J. L. & Gender** 381 (2005) (by invitation to a symposium on emotions, gender, and the law), also available at <http://ssrn.com/abstract=788684>

*Daredevil and the Death Penalty*, 2 **Ohio St. J. Crim. L.** 699 (2004) (a peer-reviewed publication) (by invitation)

*Panel Discussion: Constitutional Issues in High-Tech Surveillance*, 2 **Geo. J. L. & Pub. Pol'y** 39 (2004) (by invitation)

*Respect and the Fourth Amendment*, 93 **J. Crim. L. & Criminology** 15-102 (2003) (reprinted in part in **The Fourth Amendment: Searches and Seizures** (Cynthia Lee ed. Prometheus books 2010) (as part of The Bill of Rights Series, series ed. David B. Oppenheimer)

*The Political Geography of Race Data in the Criminal Justice System*, 66 **L. & Contemp. Prob.s** 1-16 (2003) (Duke University Law School's peer-reviewed publication) (as special editor for a symposium entitled, "Lessons Learned: The New Data on Over-representation of Minorities in the Criminal Justice System")

*Racial Auditors and the Fourth Amendment: Data with the Power to Inspire Political Action*, 66 **L. & Contemp. Prob.s** 221-98 (2003) (Duke University Law School's peer-reviewed publication) (as part of a symposium on learning from the new data on the disproportionate representation of minorities in the criminal justice system)

*The Fourth Amendment in the Twenty-First Century: Technology, Privacy, and Human Emotions*, 65 **L. & Contemp. Prob.s** 125-87 (2002) (Duke University Law School's peer-reviewed publication) (as part of an invited symposium on the Bill of Rights in the 21<sup>st</sup> century)

*A Feminist Fourth Amendment?: Consent, Care, Privacy, and Social Meaning in Ferguson v. City of Charleston*, 9 **Duke J. Gender & L.** 1-79 (2002) (as part of an invited symposium on privacy and feminism)

*Stories of Fourth Amendment Disrespect: From Elian to the Internment*, 70 **Fordham L. Rev.** 2257-2359 (2002)

*The Inadequacies of Civil Society: Law's Complementary Role in Regulating Harmful Speech*, 1 **U. Md. L.J. of Race, Religion, Gender & Class** 306-92 (2001) (as part of an invited symposium on law and morality)

*Hate Crimes, Free Speech, and the Contract of Mutual Indifference*, 80 **B.U.L. Rev.** 1283-1398 (2000)

*Race and Two Concepts of the Emotions in Date Rape*, 15 **Wis. Wom.'s L.J.** 3-76 (2000)

*Condemning the Racist Personality: Why the Critics of Hate Crimes Legislation Are Wrong*, 40

**B.C.L. Rev.** 739-85 (1999)

*Defusing Bomb-Blast Terrorism: A Legal Survey of Technological and Regulatory Alternatives*, 70 **Tenn. L. Rev.** 177-306 (1999) (co-authored with Alan Calnan)

*Slaves No More! The Implications of Informed Citizen Ideology for Discovery Before Fourth Amendment Suppression Hearings*, 15 **Ga. St. L. Rev.** 709-79 (1999) (as part of an invited symposium on criminal discovery)

*Abuse Excuses and the Logic and Politics of Expert Relevance*, 49 **Hastings L. J.** 1039-68 (1998) (as part of an invited symposium on the roles of truth and its alternatives in evidence law)

*What Feminism Has to Offer Evidence Law*, 28 **S. W. L. Rev.** 171-219 (1999) (as part of an invited symposium on the roles of race and gender in evidence law)

*A Feminist Approach to Social Scientific Evidence: Foundations*, 5 **Mich. J. Gender & Law** 1-80 (1998)

*An African-American Sense of Fact: O.J. and Black Judges on Justice*, 7 **B.U. Pub. Int. L. Rev.** 219-49 (1998)

*Patriarchal Stories I: Cultural Rape Narratives in the Courtroom*, 5 **S. Cal. Rev. L. & Women's Stud.** 387-500 (1996)

*Still Officers of the Court: Why the First Amendment Is No Bar to Challenging Racism, Sexism, and Ethnic Bias in the Legal Profession*, 9 **Geo. J. Legal Ethics** 781-840 (1996) (co-authored with Sharon Styles-Anderson)

*Reading the Federal Rules of Evidence Realistically: A Response to Professor Imwinkelried*, 75 **Ore. L. Rev.** 429-42 (1996) (co-authored with Eileen Scallen)

*Interpretive Method and the Federal Rules of Evidence: A Call for a Politically Realistic Hermeneutics*, 32 **Harv. J. Leg.** 329-401 (1995)

*Daubert's Guide to the Federal Rules of Evidence: A Not-So-Plain Meaning Jurisprudence*, 32 **Harv. J. Leg.** 3-77 (1995)

*Catharsis, the Confrontation Clause, and Expert Testimony*, 22 **Cap. L. Rev.** 103-44 (1993) (as part of a symposium on the Confrontation Clause)

*Myself Alone: Individualizing Justice through Psychological Character Evidence*, 52 **Md. L. Rev.** 1-121 (1993)

*Exorcising Langdell's Ghost: Structuring a Criminal Procedure Casebook for How Lawyers Really Think*, 43 **Hasting L. J.** 143-75 (1991)

*Does the Cold Nose Know? The Unscientific Myth of the Dog Scent Lineup*, 42 **Hastings L. J.** 15-134 (1990)

*Encyclopedia Entries*

*Search and Seizure Practices During Slavery and Reconstruction*, in **The Encyclopedia of the Fourth Amendment** (forthcoming 2012) (by invitation)

*The Collective Knowledge Doctrine*, in **The Encyclopedia of the Fourth Amendment** (forthcoming 2012) (by invitation)

*Facial Recognition Technology*, in **The Encyclopedia of the Fourth Amendment** (forthcoming 2012) (by invitation)

*Ferguson v. City of Charleston: the Feminization of Consent*, in **The Encyclopedia of the Supreme Court of the United States** (Gale Publishing, 2008) (by invitation)

*Hearsay and Civil Liberties*, **Encyclopedia of Civil Liberties** (Routledge 2006) (by invitation)

*Sex and Criminal Justice*, **Encyclopedia of Civil Liberties** (Routledge 2006) (by invitation)

*Confrontation Rights*, **Encyclopedia of Civil Liberties** (Routledge 2006) (by invitation)

*Baltimore City Department of Social Services v. Bouknight*, **Encyclopedia of Civil Liberties** (Routledge 2006) (by invitation)

*Mob Violence and Vigilantism*, in **The Oxford Companion to American Law** 564-67 (ed. Kermit L. Hall 2002) (by invitation)

*Criminal Law Practice*, in **The Oxford Companion to American Law** 187-90 (ed. Kermit Hall 2002) (by invitation)

*Scholarly Articles in Progress:*

*Information Overload, Multi-tasking, and the Socially Networked Jury: Why Prosecutors Should Approach the Media Gingerly* (nearly completed)

*High Expectations and Some Wounded Hopes: The Policy and Politics of a Uniform Statute on Videotaping Custodial Interrogations*

*Search Warrant Practices: An Almost-Empirical-Study of Failed Technology, Obscurity, and Non-Accountability in Magistrates' Courts* (planned completion spring 2012)

*Dog-Scent Lineups Go Viral: The DOJ and NACDL Efforts to Bring Science into the Courtroom* (expected completion spring 2012)

*Reasonable Suspicion Is Not Probable Cause: Better Regulating Government Access to Third-Party Records* (expected completion summer 2012 based upon a planned talk in Istanbul, Turkey, by invitation of the Criminal Procedure Forum)

*Is Probable Cause Less Probable? An Empirical Study of Reported Federal Court Opinions on Probable Cause in the Post-Pringle Era* (expected completion summer to fall 2012)

*The Geography of the Fourth Amendment* (in partial draft; expected completion summer 2012) (growing out of a Hoffinger Colloquium presentation on April 2010 at New York University Law School)

*Oversight or Rubber-Stamp?: The Cognitive Psychology of the Judicial Branch in Reviewing Police Search and Seizure Decisions* (expected completion summer to fall 2012)

*The Ethical Obligations of the American Prosecutor under the Federal Rape Shield Statute* (in partial draft; expected completion fall 2012)

*Plea Bargaining and Fair Price Theory* (expected completion spring 2013)

*Rights Intensity: Collective Rights and the Fourth Amendment Example* (in partial draft; expected completion spring 2013)

*“Peoplehood” and the Fourth Amendment* (expected completion fall 2013)

*The Guarantee Clause and Criminal Justice* (expected completion fall 2013)

*What Does It Mean for Prosecutors to “Represent” the People?* (expected completion summer 2013)

*Books and Book Chapters:*

*Scholarly Books and Chapters:*

*Books:*

**Reconstructing the Fourth Amendment: A History of Search and Seizure, 1789-1868** (N.Y.U. Press 2006) (paperback 2009) (now available on Kindle at amazon.com)

**Rape and the Culture of the Courtroom** (N.Y.U. Press, 1999) (now available on Kindle at amazon.com)

*Book Chapters:*

*Privacy and Technological Evidence*, in **The Future of Evidence** 201 (ABA Publications 2011)

*The Slave Power Undead: Criminal Justice Successes and Failures of the Thirteenth Amendment*, in **THE PROMISES OF LIBERTY: THE HISTORY AND CONTEMPORARY RELEVANCE OF THE THIRTEENTH AMENDMENT** (Alexander Tsesis, ed., Columbia University Press 2011), available at <http://ssrn.com/abstract=1726221>

*The Duke Lacrosse Players and the Media: Why the Fair Trial/Free Press Paradigm Doesn't Cut it Anymore*, in **Race to Injustice: Lessons Learned from the Duke University Lacrosse Players Rape Case** (Michael Siegel ed., Carolina Academic Press 2009)

*The Jury and the Common Good: Fusing the Insights of Modernism and Postmodernism*, in **For the Common Good: A Critical Examination of Law and Social Norms** (Carolina Academic Press, ed. Robin Miller 2004)

*Portions of Scholarly Book Chapters*

*Super-Comment, Self-Deception and Rape Law Reform*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, Cognitive Science and Contextual Negligence Liability*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, Public versus Private Retribution and Delegated Revenge*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, Mechanistic versus Evaluative Visions of Emotions in Date Rape*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, The Decline of Criminal Law Representative Populism*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, The Political Economy of Prosecutorial Indiscretion*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Comment, Empirical Desert: The Yin and Yang of Criminal Justice*, in **Criminal Law Conversations** (Oxford University Press 2009)

*Scholarly Books in Progress:*

**Privacy and Respect: Unifying Constitutional Criminal Procedure** (draft manuscript in progress)

**The New Prosecutors: Fighting Error and Disesteem in the Land of Outcasts** (draft manuscript and book proposal in progress)

**Guilt versus Guiltiness: Peering Into the Mind of Criminal Justice** (draft manuscript in progress)

**Compassion, Lust, Hate, Self-Deception, and Other Emotions That Define the Criminal Law** (draft manuscript in progress)

**Expressing Justice: Mapping Dissent as the Bridge between the First and Fourth Amendments** (draft manuscript in progress)

*Casebooks and General Teaching Materials*

*Casebook Chapters*

*Teaching Criminal Law, in Law School Teaching: A Primer for New (or Not So New) Professors* (forthcoming Aspen Legal Education 2012)

*Chapter 5: Criminal Justice, in The American Adversarial System: A Distance Learning Course* (Lexis/Nexis 2009) and accompanying videotaped course and Power Point slides

*Casebooks and Similar Materials*

**Skills and Values: Criminal Law** (LexisNexis forthcoming spring to summer 2012) (co-authored with Lenese Herbert)

**Criminal Law: Concepts and Practice** (Carolina Academic Press 2d ed. 2009) (co-authored with Ellen Podgor, Peter Henning, and Alfredo Garcia)

**Evidence Law and Practice** (co-authored with Steven Friedland and Paul Bergman) (Lexis/Nexis, 4<sup>th</sup> ed. 2010) (first edition published in 2000, 2<sup>nd</sup> ed. in 2004, supplement in 2008, 3<sup>rd</sup> ed. in 2007) (5<sup>th</sup> ed. forthcoming 2012)

**Constitutional Criminal Procedure** (4th ed. Foundation Press 2010) (co-authored with Margaret L. Paris and Lenese Herbert) (1<sup>st</sup> ed. published 1997; 2<sup>nd</sup> ed. published 2003; 3<sup>rd</sup> ed. published 2007) (supplements to the first edition published 1998-2002, to the second edition, 2004-06; letter update to the third edition, 2008; letter update to the fourth edition, 2009 and 2010; **supplement to the fourth edition 2011**)

*Teachers' Manuals*

**Teachers' Manual, Criminal Law: Concepts and Practice** (2<sup>nd</sup> ed. Carolina Academic Press 2009) (co-authored with Ellen Podgor, Peter Henning, and Alfredo Garcia) (1<sup>st</sup> ed. published 2006)

**Teachers' Manual to Evidence Law and Practice** (co-authored with Steven Friedland and Paul

Bergman) (Lexis/Nexis, 4th ed 2010) (first edition published 2000, 2d edition published 2004, 3<sup>rd</sup> ed. 2007) (5<sup>th</sup> ed. forthcoming 2011)

**Teachers' Manual, Constitutional Criminal Procedure** (4th ed.2010, Foundation Press) (co-authored with Margaret L. Paris and Lenese Herbert) (first edition of this Manual was published in 1997, 2nd edition in 2004, 3<sup>rd</sup> ed. in 2007)

*Miscellaneous Teaching Materials*

*Narrative, Statutory Interpretation, and the Training of Future Trial Lawyers, in Teaching the Law School Curriculum* (Carolina Academic Press 2005)

Contributor, chapter entitled, "Statutory Interpretation," in **Edward Imwinkelried and Glen Weissenberger, An Evidence Anthology** (1996)

Contributor, **Porter, Schultz, Sirico, & Young, Legal Writing and Oral Advocacy** (1989) (sample "formal" opinion letter)(reprinted in second edition, 1993)

*Hornbooks and Student Study Aids*

**Mastering Criminal Procedure: The Investigatory Stage** (2010) (co-authored with Peter Henning, Ellen Podgor, Margaret L. Paris, and Cynthia Jones) (primary responsibility for the chapters on search warrants, arrests and other seizures, *Miranda*, eyewitness identifications, and the introduction)

**Mastering Criminal Procedure: The Adjudicatory Stage** (forthcoming Carolina Academic Press spring 2012) (co-authored with Peter Henning, Ellen Podgor, Margaret L. Paris, and Cynthia Jones) (primary responsibility for the chapters on public trial and the press, presenting evidence at trial, the relevance of sentencing guidelines to plea bargaining, plea-bargaining/sentencing complexities, and sentencing procedures)

*Short Book and Other Scholarly Reviews*

*In Praise of the Jury Trial: A Review of Robert P. Burns: The Death of the American Trial*, \_\_ **Int'l J. Ev.** \_\_, <http://www.bepress.com/ice/vol8/iss1/art2> (2010) (an on-line-only journal)

*Lessons Learned from the History of Nineteenth Century Criminal Procedure: A Review of Wesley Oliver's Dissertation*, 1 **Jotwell** \_\_ (spring 2010) (an on-line-only journal)

*Neither Fool Nor Cynic: Jeff Powell's Happy Constitution*, \_\_ **Duke L. Mag.** \_\_ (2009)

*Review Essay, Christopher Slobogin's Proving the Unprovable*, 22 **Crim. J.** \_\_ (2007) (as part of a symposium on mental illness and the criminal justice system)

*Review Essay, English Evidence through American Eyes: A Review of Christopher Allen's A*

*Practical Guide to Evidence, 3<sup>rd</sup> Edition*, 16 **Int'l. Crim. J. Rev.** 223 (2006)

*Review Essay, The Best Counsel: Welsh White on Effective Lawyering in Capital Cases*, 21 **Crim. J.** 53 (2006)

*Review Essay, Judging White-Collar Criminality: Stuart P. Green's Lying, Cheating, and Stealing: A Moral Theory of White-Collar Crime*, 21 **Crim. J.** \_\_ (summer 2007)

*Review Essay, Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom*, 18 **Crim. J.** \_\_ (2003)

*Review Essay, Welsh White on Miranda's Waning Protections*, 17 **Cr. J.** 57 (fall 2002)

*Loyalty's Lawyer: A Review of the Crimes of Sheila McGough*, \_\_ **Int'l J. Ev.** \_\_ (an on-line only journal) (2000)

*Popular Articles, Very Short Articles, and Articles Directed to the Practicing Bar:*

*Reciprocity and the Criminal Responsibility of Corporations*, \_\_ **Stetson L. Rev.** \_\_ (forthcoming 2011) (as part of a symposium on corporate criminal responsibility)

*Destroying the Village to Save It: The Warfare Analogy (or Dis-analogy?) and the Moral Imperative to Address Collateral Consequences*, 54 **How. L. J.** 501 (2011) (Foreword to an invited symposium on the collateral consequences of conviction), also available at <http://ssrn.com/abstract=1881056>

*Priming Post-conviction Representation*, 24 **Crim. J.** \_\_ (2009) (editor's introduction to symposium on post-conviction practice issues)

*The Guilty Plea State*, 23 **Crim. J.** 4 (fall 2008) (editor's introduction to symposium on guilty pleas)

*Prosecutorial Preconditions to Plea Negotiations: "Voluntary" Waivers of Constitutional Rights*, 23 **Crim. J.** 14 (2008) (as part of a symposium on plea bargaining)

*Mental Health and Criminal Justice: An Overview*, 22 **Crim. J.** \_\_ (2007) (as symposium editor for a symposium on mental illness and the criminal justice system)

*Plugging into the Fourth Amendment's Matrix*, 21 **Crim. J.** \_\_ (2007)

*A Grateful Student's Farewell to Welsh White*, 4 **Ohio St. J. Crim. L.** 5 (2006)

*Loyalty, Race, and Criminal Justice: the Lay of the Land*, 49 **Howard L. J.** 405 (2006) (as symposium editor, an overview of a symposium on Loyalty and Criminal Justice)

*Why a Sentencing Symposium?*, 21 **Crim. J.** 5 (2006) (as symposium editor for a symposium on sentencing)

*Sentencing Reform and Practice: Lessons from the Innocence Movement*, 21 **Crim. J.** 6 (2006)

*Convicting the Guilty, Acquitting the Innocent: Recently Adopted ABA Policies*, 20 **Crim. J.** 14 (winter 2006) (co-authored with Myrna Raeder and Paul Giannelli)

*What Remains of Reliability: Hearsay and Freestanding Due Process After Crawford v. Washington*, 20 **Crim. J.** 39 (summer 2005) (as special editor to an ABA symposium on *Crawford and the Confrontation Clause*)

*Convicting the Guilty, Acquitting the Innocent: The ABA Takes a Stand*, 19 **Crim. J.** 18 (winter 2005)

*Catering to the Constable: The Court's Latest Fourth Amendment Cases Give the Nod to the Police*, 19 **Crim. J.** 5 (fall 2004) (with Margaret L. Paris)

*Digital Lawyers Versus Digital Jurors*, 19 **Cr. J.** 4 (spring 2004) (as special editor to an ABA symposium on digital evidence)

*Wrongful Rights*, 18 **Cr.J.** 4 (spring 2003) (as special editor to an ABA symposium on wrongful convictions)

*Terrorism and the Citizenry's Safety*, 17 **Cr. J.** 4-12 (summer 2002) (introduction as special editor to an ABA symposium issue on terrorism)

*Regulating Race, Gender and Ethnic Bias in the Legal Profession: A Modest Proposal*, **The Professional Lawyer** 10-14 (1996)

*A Practitioner's Guide to Dog Scent Lineups*, 28 **Cr. L. Bull.** 218-45 (1992)

*Building the Legacy: George M. Johnson*, **The Jurist** (Summer 1992)

#### *Reports*

**National Conference of Commissioners on Uniform State Laws, Uniform Law Commission, A Uniform Code on the Electronic Recording of Custodial Interrogations with Commentary** (2010) (unanimously adopted by the Commissioners July 2010, approved by the ABA House of Delegates, February 2011)

**American Bar Association, The State of Criminal Justice: 2010** (2011) (authored chapter on wrongful convictions) (authored chapter in the 2009 and 2006 editions as well)

**The Death Penalty Initiative of The Constitution Project, Mandatory Justice: The Death**

**Penalty Revisited** (2006)(as Co-Reporter for the Initiative; primary drafter of the reports on videotaping confessions, eliminating the felony-murder rule, laboratory accreditation and auditing, systemic reform, and death eligibility criteria)

**American Bar Association, Achieving Justice: Freeing the Innocent, Convicting the Guilty, The Report of the ABA Criminal Justice Sections' Ad Hoc Innocence Committee to Ensure the Integrity of the Criminal Process** (2006)(authored the Eyewitness Identification portion of the Report and most of the Executive Summary)

American Bar Association, **The State of Criminal Justice: 2002** (as advisory council member) (2002)

**Committee on Marking, Rendering Inert, and Licensing of Explosive Material, National Research Council, National Academy of Sciences, Containing the Threat From Illegal Bombings: An Integrated Strategy for Marking, Tagging, Rendering Inert, and Licensing Explosives and Their Precursors** (1998) (also co-authored, with separate attribution to myself and my co-author, Alan Calnan, a monograph-length legal appendix)

## **ONGOING EMPIRICAL RESEARCH**

*Police Search Warrant Practices in Allegheny County, PA.: A Pilot Study* (pursuant to a 2009 grant from the Center for Race and Social Progress) (co-investigators David Harris and Jeannine Bell) (archival pilot study)

*The Impact on Jurors of Varied Instructions Concerning the Failure to Videotape an Entire Interrogation Process* (co-investigators Richard Leo and Neil Vidmar) (experimental study plus qualitative component)

*Probable Cause Post-Pringle: An Empirical Analysis* (content analysis) (co-investigator Corey Rayburn Yung)

*A Study of Popular Attitudes toward the "Reasonableness" of Searches and Seizures* (experimental study plus qualitative component) (study planning stage) (co-authored with Song Richardson and Audrey Miller)

## **TEACHING AWARDS**

Named one of the Best Law Teachers in America in **Michael Hunter Schwartz, What the Best Law Teachers Do** (forthcoming Harvard University Press 2013)

## **SCHOLARSHIP AWARDS**

Awarded *Most Distinguished Lead Article in a Criminal Law Symposium* by Texas Tech University on April 6, 2010 for *Why Did Tinkerbell Get Off So Easy?: The Roles of Imagination and Social Norms in Excusing Human Weakness*, 42 **Texas. Tech. L. Rev.** 419 (2009)

## **SELECTED CONFERENCES, PRESENTATIONS, AND MEDIA APPEARANCES:**

Speaker, Symposium on Privacy and Technology, sponsored by Yeditepe University Faculty of Law, the Emory University School of Law, Texas Tech University School of Law, the University of Mississippi College of Law's National Center for Justice and the Rule of Law, and the University of Louisville's Louis D. Brandeis School of Law, as part of the Fifth Criminal Procedure Discussion Forum at Yeditepe University, Istanbul, Turkey, May 21-22, 2012 (expected)

Speaker, "Defense Counsel's Sixth Amendment Role Pre-trial," Symposium on the Sixth Amendment, Texas Tech University Law School, April 2012 (expected)

Speaker, "Democratic Deficits as a Cause of Mass Incarceration," ABA-AALS Symposium on The Causes, Costs, and Cures for Mass Incarceration," Washington, DC, October 27, 2011 (expected)

Speaker, "The Prosecutor's Obligation to 'Represent the People' and the Batson Rule," University of Iowa School of Law, October 2011 (expected)

Participant, Conference, "Improving Bar Passage Rates," National Conference of Bar Examiners, Madison, Wisconsin, October 2011 (expected)

Speaker, "Service: When to Say No, When to Say Yes," AALS Workshop for Pre-tenured People of Color, Washington, DC, June 26, 2011

Speaker, "The Changing Nature of Legal Scholarship," AALS Workshop for New Law Teachers, Washington, DC, June 24, 2011

Speaker, "Kentucky v. King and One-Sided Constitutional Balancing," ACLU, Washington, DC, June 16, 2011

Speaker, "Public Opinion and the Death Penalty," Annual Meeting, Law and Society, San Francisco, CA, Saturday, June 4, 2011

Speaker, "WMATA Subway Searches and the Right to Locomotion," University of the District of Columbia, ACLU-Sponsored Symposium on Subway Searches on Metro in DC, April 7, 2011

Speaker, "The Politics of the Rule of Law in the Fate of the Rotten Social Background Defense," University of Alabama, February 2011

Speaker, "Technology, Media, and the Ethical Responsibilities of Prosecutors," Vanderbilt University Law School, October 2010

Speaker, "The Lessons of Cognitive Science for Revising the Proposed ABA Standards for the Prosecution Function on Dealing with the Media," October 2010

Speaker, "The Media, Cognitive Overload, and Criminal Justice," American University, October 2010

Speaker, *Democratic Breakdown and Mass Incarceration*, Roundtable, Mass Incarceration: Causes, Consequences, and Remedies, Harvard Law School, October 15, 2010

Speaker, *Reciprocity, Social Networks, and the Criminal Responsibility of Corporations*, Panel on Corporate Criminal Liability, Annual Meeting, Southeastern Association of Law Schools, August 2010

Participant, Training Conference on Cultural Competence for Prosecutors, American Bar Association, Criminal Justice Section, June 17-18, 2010

Commenter, *Neil Richards' Brandeis, Free Speech, and Privacy*, June 4, 2010

Speaker, Hoffinger Colloquium, *The Geography of the Fourth Amendment*, April 19, 2010, New York University Law School

Speaker, *Historians' "Do"s and "Don't"s in Fourth Amendment Jurisprudence*, April 7, 2010, Symposium on the Fourth Amendment, Texas Tech University School of Law (expected)

Speaker, *Dog Scent Lineups Redux*, Conference on Litigating Postconviction Claims of Innocence in Non-DNA Cases, Sponsored by the Innocence Network and the National Association of Criminal Defense Lawyers, funded by the Bureau of Justice Assistance, April 15, 2009, Atlanta, GA.

Speaker, *The Psychology of Compassion and Its Implications for the Law of Excuses*, Florida State University School of Law, November, 2009

Speaker, *Fishing Without Bait: Why Herring's Culpability Approach To The Exclusionary Rule Mandates A Fourth Amendment Right To Discovery Before Suppression Hearings*, International and Comparative Law Development of the Exclusionary Rule: A Symposium, October 9, 2009, Southwestern University Law School

Speaker, *The Riddled Rape Shield and the Obligations of the American Prosecutor: A Status Report on the State of Gendered Inequality*, 2009 Annual Meeting, Southeastern Association of Law Schools, West Palm Beach, FL, August 2009

Speaker, *Fourth Amendment Federalism and the Plight of the Poor*, 2009 Annual Meeting, Southeastern Association of Law Schools, West Palm Beach, FL, August 2009

Speaker, *The Politics of Teaching Emotionally Sensitive Subjects*, 2009 AALS Annual New Teachers Conference, Washington, DC, July 2009

Speaker, *Thirteenth Amendment Criminal Justice*, Conference, The Thirteenth Amendment's

Promise of Liberty, University of Chicago Law School, April 16-18, 2009

Speaker, *Sympathy, Social Science, and Excuses in the Law of Homicide*, Symposium on Excuses, Texas Tech University School of Law, April 2, 2009

Speaker, *Prosecuting the Jena 6 Prosecutor*, Symposium, The Jena 6 and Criminal Justice, Harvard University Law School, March 13-14, 2009 (also serving as co-organizer of the symposium)

Speaker, *Jena and Justice*, University of Pittsburgh School of Law, February 2009

Speaker, *Fourth Amendment Federalism and Poverty*, Criminal Procedure Forum, Emory University, December 2008

Speaker, *Search and Seizure and the Plight of the Poor*, University of Pittsburgh School of Law, September 17, 2008

Discussion Leader, First Berkeley-GW Privacy Law Scholars Conference, George Washington University Law School, Washington, DC, expected June 12-13, 2008 (by invitation to a small select list of attendees only)

Co-leader of concurrent sessions on race, gender, and humanism in evidence law, one on teaching, the other on scholarship, AALS Mid-Year Meeting, Evidence Section Conference, *The Future of Evidence: How Scholarship and Technology are Changing Evidence Law*, Renaissance Cleveland Hotel, Cleveland, Ohio, expected June 3-6, 2008

Speaker, *Hudson and Harm: The Roberts' Court's Narrowing Vision of Fourth Amendment Injury*, University of Texas Law School, as part of an oral symposium on the Future of the Fourth Amendment under the Roberts Court, March 3, 2008

Speaker, "*Innocence, Race, and Informants: Of Ratchets and Procedural Justice*, Conference on Innocence," Southwestern University Law School, expected February 8, 2008

Speaker, "*Criminal Procedure as Conversation: The Right Role for History in Interpreting the Fourth Amendment*," George Washington University Law Center, December 7, 2007, Washington, DC

Commentator, "*Police and Prosecutorial Culpability and the Duty to Preserve Evidence Relevant to Innocence: A Commentary on the Work of Cynthia Jones*," Washington College of the Law, American University, October 19, 2007

Participant, Panel on Race and Criminal Justice, Crime Subcommittee of the House Judiciary Committee, Summit on Effective Crime Policy, Rayburn House Office Building, Washington, DC, June 21, 2007

Participant, Empirical Legal Studies Training Workshop, Washington University, Saint Louis, MO, May 11, 2007

Speaker, "*American Death Penalty Procedures*," as part of the ABA's Death Penalty Representation Project, training Chinese lawyers and judges, Howard University School of Law, May 8, 2007

Speaker, "*Bullshit and Criminal Procedure: the Politics of Ignorance and Scatology*," Criminal Justice Institute, Symposium on Ignorance and Criminal Procedure, Texas Tech University, Lubbock Texas, expected, April 2007

Speaker, "*Rethinking the Good Faith Exception to the Exclusionary Rule: Lessons from the Corporate Criminality Analogy*," Works-in-Progress Forum, University of Houston, Houston, Texas, February 9, 2007

Speaker, "*V for Vendetta: Lessons for the Theory of Fourth Amendment Privacy*," Criminal Procedure Forum, Louisville, Kentucky, December 14, 2006

Speaker, "*Date Rape, Forensic Linguistics, and the Comparative Roles of the Unconscious in Evidence Law and Substantive Criminal Law*," Annual Law and Society Conference, Baltimore, MD, July 6, 2006

Speaker, "*'The Protection Racket': The Benefits and Burdens of Group Loyalty in the Work of Katheryn Russell-Brown*," Annual Law and Society Conference, Baltimore, MD, July 7, 2006

Speaker, "*Privacy as Struggle*," Conference on Criminal Procedure in the Twenty-First Century, Harvard Law School, April 21-22, 2006

Participant and Moderator, Oxford Roundtable on Criminal Law and Justice, Oxford, England, March 26-31, 2006

Speaker, "*Moral Responsibility, Social Stigma, and Objective Purpose Under the Fourth Amendment*," Symposium, Purpose and the Fourth Amendment, University of Mississippi School of Law, Oxford, Mississippi, March 24, 2006

Speaker, "*Race and Wrongful Conviction*," Panel on Race and Criminal Justice, co-sponsored by the Criminal Justice and Minority Sections, Association of American Law Schools, Annual Meeting, Washington, D.C., January 2006

Speaker and Moderator, "*The Science of Eyewitness Identification and the Law: A Happy Marriage?*," Panel on Eyewitness Identification, Continuing Legal Education Program, Sponsored by the American Bar Association Criminal Justice Section, November 4, 2005

Moderator, "*Terrorism and International and Comparative Law*," Conference, Modernizing Criminal Law and Procedure, International Society for the Reform of Criminal Law, Edinburgh,

Scotland, June 2005

Speaker, "*Humiliation and the Original Fourth Amendment*," University of North Carolina Law School, January 21, 2005

Speaker, "*Basic Principles for Achieving Accurate Eyewitness Identifications*," American Judicature Society Training Conference on Preventing Wrongful Convictions, University of North Carolina Law School, December 9, 2004.

Participant, "*Terrorism, Time, and the Fourth Amendment*," Conference, Criminal Procedure Forum, Detention and Discretion in Criminal Procedure, Louisville, Kentucky, November 12, 2004 (expected)

Speaker, "*Racial and Ethnic Profiling and the Temporal War on Civil Liberties*," William and Mary College of Law, October 1, 2004

Invitee, "*A National Symposium on the Jury System*," Action Conference at which selected invitees offered input concerning the wisdom of the proposed ABA Comprehensive Jury Standards of the Jury Project, Washington and Lee University School of Law, October 15, 2004

Speaker, "*The New ABA Statement of Best Practices Concerning Eyewitness Identification Procedures*," Conference, Reforming Eyewitness Identification Procedures: Convicting the Guilty, Acquitting the Innocent, September 13-15, 2004, Cardozo Law School, New York City, New York

Speaker, "*Racial Profiling, Time, and the Fourth Amendment*," Conference, Southeastern Association of Law Schools, Kiawa Island, South Carolina, July 2004

Speaker, "*Eyewitness Misidentification and Innocence*," Maryland Judicial Institute Program, Panel on Confessions and Eyewitness Identifications, Annapolis, Maryland, March 10, 2004

Speaker, "*Blindness by Choice: Self-Deception and Date Rape*," Conference, *Emotions and Gender*, Harvard University, March 5, 2004

Moderator, Panel, "*What Criminal Procedure and Evidence Law and Scholarship Have to Teach One Another*," Association of American Law Schools, Annual Meeting, Atlanta, Georgia, January 2004

Moderator, Panel, "*The Attorney-Client Privilege and the Abuse of Public and Private Power*," Association of American Law Schools, Annual Meeting, Atlanta, Georgia, January 2004

Debate Participant, "*Cutting Edge Issues on the Fourth Amendment*," *Justice Talking*, National Public Radio, taped October 10, 2003, Philadelphia, Pennsylvania

Speaker, "*Privacy and the War on Terrorism*," Center for International Legal Studies,

Conference, *Terrorism: Its Impact on Law, Commerce, and Human Rights*, Schloss Leopoldskron, Salzburg, Austria, May 2003

Speaker, "*Terrorism and the Politics of the Fourth Amendment*," Georgetown University Law Center, Washington, DC, March 28, 2003

Speaker, "*The Respective Roles of Practices, Principles, and History in Interpreting the Fourth Amendment*," Washington and Lee University School of Law, February 2003

Speaker, "*Racial Auditing and the Fourth Amendment*," University of Pittsburgh Law School, February 2003

Speaker, "*Critical Theory and Teaching Evidence Law*," Alexandria, Virginia, Association of American Law Schools Evidence Workshop, June 2002

Faculty, National Institute for Trial Advocacy, "*Basic Trial Skills*," University of North Carolina Law School, May 2002

Speaker, "*Fourth Amendment Privacy and Feminism*," Duke University Law School, November 2001

Speaker, "*The Mutated Bill of Rights and Hate Crimes Legislation*," Duke University Law School, April 2001

Speaker, "*Rape Law Reform in a Not-Yet-Feminist Culture*," Duke University Law School, March 2001

Speaker, "*Harmful Speech and Civil Society*," University of Maryland School of Law, March 2001

Speaker, Triangle Criminal Law Working Group, "*Respecting the Fourth Amendment Through Stories*," University of North Carolina Law School, March 2001

Speaker, "*What Slavery and Southern Honor Have to Teach Us About Hate Crimes*," Duke University Law School, November 16, 2000

Speaker, "*Postmodern Conceptions of the Common Good in Movies About the Jury*," Duke University Law School, October 2000.

Speaker, "*Federal Hate Crimes Legislation and the First Amendment*," AALS Annual Meeting, Section on Civil Rights, Washington, DC, January 2000

Speaker, "*The Racist Personality and Hate Crimes Legislation*," AALS Annual Meeting, Criminal Justice Section, New Orleans, January 1999

Speaker, *“The Relevance of the Law of Slavery and the Later Black Codes to Modern Efforts at Criminal Discovery Reform,”* Symposium on Criminal Discovery, Georgia State College of Law, November 1998

Speaker, *“Two Concepts of the Emotions in Date Rape,”* Symposium on Rape, Loyola University of New Orleans, April 17, 1998

Speaker, *“What Feminism Has to Offer Evidence Law,”* AALS Annual Meeting, Evidence Section, January 1998

Speaker, *“Abuse Excuses, Emotions, Politics, and Expert Relevancy,”* Symposium, Evidence Law: Truth and Its Alternatives, Hastings College of the Law, San Francisco, CA September 25-28, 1997

National Academy of Sciences, Committee on Marking, Rendering Inert, and Licensing of Explosive Materials, 1996-1998 (participated in numerous hearings and presentations, to assist in preparing a report recommending anti-terrorism legislation to Congress and the President).

Assisted in Design and Teaching of Three-Week Course on American Legal Education for Russian Law Professors as a Consultant to the International Law Institute (Fall 1996)

Panel Moderator for *“Judicial Control of Character Evidence: Perspectives from History, Personality Theory, and Empirical Research”*; and Small Group Discussion Leader, AALS Workshop, New Perspectives on Evidence Law, Washington, DC October 24-26, 1996

Speaker, *“Lawyer Incivility and Racism,”* Edward Bennett Williams Inn of Court, Washington, DC, May 16, 1996

Panelist, *“Teaching Race, Gender and Class,”* MidAtlantic Scholars of Color Conference, Washington, DC, February, 1996

Panelist, *“Regulating Lawyer Racism, Sexism, and Ethnic Bias: Some First Amendment Considerations,”* ABA 21<sup>st</sup> National Conference on Professional Responsibility, San Diego, CA June 3, 1995

Speaker, *“Race, Rape, and Narrative,”* Mid Atlantic Conference for Scholars of Color, Washington, DC, February, 1995

Speaker, *“Roundtable on Reforming the Criminal Code of Kazakhstan,”* Washington, DC, May 1993

Speaker, *“Expert Evidence and the Confrontation Clause,”* Symposium on Current Trends Under the Confrontation Clause, Capital University, Columbus, OH, November 11, 1992

Speaker, Chesapeake Bay Chapter of the American Academy of Psychiatry and the Law, *“Social*

*Authority and Social Frameworks: Two New Competing Types of Psychological Evidence,*”  
January 22, 1992

Lecturer, Animal Behavior Society Annual Meeting, Section on Forensics, “*Justice Denied: Consequences of the Judicial Failure to Recognize the Scientific Nature of Animal Forensics Evidence,*” University of North Carolina, Wilmington, NC, June 4, 1991

### **SELECTED COMMITTEE ASSIGNMENTS:**

Currently Co-Chair, Law Journal Committee, and Law Journal Faculty Co-Advisor; Member, Working Group on Promotions and Tenure, Committee on Appointments, Promotions, and Tenure; Member, Working Group on Faculty Development; Member, Judicial Clerkship Committee; Member, Bar Committee; Member, Practice [Law School Orientation] Committee; Faculty Advisor, Howard Criminal Justice Society; 1L Registration Advisor

Most recently, Chair, Faculty Sub-Committee, Self-Study Committee; Co-Chair, Ad Hoc Committee on Curriculum Review (August 2001-2005); Chair, Committee on A Grievance Filed By Unnamed Student; Member, Judicial Clerkship Committee (2003); Student Grievance Committee; Member, Dean Search and New Dean Advisory Committee (April 2002-Present); Member, Working Group on Promotion and Tenure (November 2002-Spring 2006); Member, University Think Tank Committee (May 2002-Fall 2004); Faculty Advisor to the Howard Student Branches of the American Constitution Society and the American Civil Liberties Union (2002-Present); Coach to the Criminal Law Moot Court Team (spring 2002, spring 2004) and the Constitutional Law Moot Court Team (fall 2003); Advisor on Numerous Student Law Journal Notes; Advisor to the Junior Faculty Collective; Vice-Chair, Committee on Appointments, Promotions, and Tenure (since 1994-2000); Team Leader, Library and Information Systems Team, Self-Study Committee for 1998-2000; Member, Long-Term Planning Committee; Member, Future Search Planning Committee 2000; Member, Post-Future Search Mission Sub-Committee

Previously Chairman, Judicial Clerkship Committee (1989-1994); Instructional Committee for Criminal Law and Procedure (1989-90); Student Affairs Committee (1991-92, 1995-96); also, Chief Supervisor of Fall 1992-Spring 1995 Externship Program

Previously member, Dean Search Committee (1996-97); Committee on New Ideas and Excellence in Teaching (1997-99); Faculty Retreat Committee (1996); Curriculum Committee (1990-92); Faculty Programs and Projects Committee (1989-91); Faculty Retreat Committee (1990); Ad Hoc Committee on the Academic Assistance Program (1990-91); Self-Study Committee (1991-92); Master of Comparative Jurisprudence Program Committee (1994-95); Admissions Committee (Fall 1993-Spring 1995); Faculty Advisor on Judicial Clerkships (1989-1994)

### **PROFESSIONAL ASSOCIATIONS AND ACTIVITIES:**

Trainer, Department of State, Justice Assistance, pursuant to team grant award, August 2011-

Present

Reporter, Uniform Law Commission (formerly National Conference of Commissioners on Uniform State Laws) Study Committee on a Uniform Statute on Eyewitness Identification Procedures

Fellow, American Bar Foundation, June 2009-Present

Member, National Institute for Justice, Eyewitness Identification Study Group, Eyewitness Field Identification Project, April 9, 2008-Present

Reporter, Custodial Interrogation Drafting Committee of the National Conference of Commissioners on Uniform State Laws, April 2008-Present

Liaison to the Custodial Interrogation Study Group of the National Conference of Commissioners on Uniform State Laws, April 2007-August 2007

Member, Editorial Board, *The Open Law Journal* (an open access, peer-reviewed, on-line journal published by Bentham Science Publishers)

Co-Organizer (with Professor Cynthia Lee), Washington, DC Criminal Justice Roundtable, Fall 2007

Southeastern Association of Law Schools, Planning Committee Member for the 2007 and 2008 Annual Meetings, December 2006-Present

Member, Law and Society Association, 2006-Present

American Law Institute, elected to membership May 2005, appointed as member of Members' Consultative Group on the Sentencing Provisions of the Model Penal Code, May 2005

American Constitution Society, General Member since 2004; Member, Criminal Justice Issue Group, The Project on the Constitution in the 21<sup>st</sup> Century, May 2005-Present

Planning Committee Member and Speaker, "The ABA's New Guidelines on Eyewitness Identification," Conference on Reforming Eyewitness Identification: Convicting the Guilty, Acquitting the Innocent," member March 2004-Fall 2004, conference held at Cardozo Law School, September 12-13, 2004, New York City

Liaison from ABA Innocence Committee to the American Judicature Society Innocence Workshop Planning Committee, as a member of the Advisory Board of the Justice Management Institute Project on Strengthening Justice System Processes to Help Prevent the Conviction of Innocent Persons, member 2004-2005

Co-Reporter, The Death Penalty Initiative of the Constitution Project, July 2003-Present

Member of the Congress of Fellows of the Center for International Legal Studies, May 2003-Present

Advisor, Fearless Eagle, Inc. (devoted to raising college scholarship money for, and mentoring, promising Washington, DC high school students), June 2002-Present

Provisional Member, American Academy of Forensic Sciences, admitted February 2000

Chair, Publication Sub-Committee, and Co-Chair, Color/Racial Profiling Sub-Committee, of the 1999 National Conference on the Impact of Race and Ethnicity on the Justice System, October 6-10, 1999, in Los Angeles, a project of the American Bar Association's Council on Racial & Ethnic Justice

Member, American Bar Association Section on Criminal Justice

- Co-organizer, ABA CJS Roundtables on State Implementation Criminal Justice Reform Cost-Reduction Project, Summer 2011-Present
- Forensic Sciences Working Group Advising Forensic Sciences Task Force, Summer 2011-Present
- Member, Governing Council, elected spring 2009 to a three-year term beginning August 2009
- Member, Federal Law Subcommittee, Committee on Policy and Legislation (October 2008-2009)
- Instructor, Death Penalty Representation Project, training Chinese lawyers and judges American death penalty procedures and practices (spring 2008)
- Liaison from the Criminal Justice Section to the **ABA Journal** (2007-08)
- Member, Task Force on Transactional Surveillance Standards, ABA (January 2007- Present)
- Co-Director, Division on Communications, ABA Criminal Justice Section (August 2006-August 2008)
- Member, Committee on Corrections and Sentencing and Its Subcommittee on Clemency and Battered Women Who Assault Their Spouses (August 2005-Present)
- Member, Section Officers' Conference/Center for Professional Responsibility Joint Committee

- Committee on Ethics and Professionalism (August 2005-August 2006)
- Member, Criminal Justice Standards Committee (August 2005-August 2008)
- Member, Planning Committee, Continuing Legal Education Program on Wrongful Convictions, Criminal Justice Section Council Meeting, November 9, 2005, Baltimore, Maryland
- Innocence Committee Liaison to Committee on ABA Standards for the Prosecution Function: Investigative Standards for the Prosecutor, 2005-08
- Elected Member, Criminal Justice Section Council, August 2003-August 2004
- Member, Ad Hoc Committee on Innocence and Ensuring the Integrity of the Criminal Justice System, January 2003-Present (chaired subcommittees on eyewitness identifications and on media impact and outreach)
- Member, Advisory Committee on the State of Criminal Justice: 2002
- Chair, Criminal Justice Magazine Editorial Board, August 8, 2010-Present; formerly Chair, 2002-05 (previously Vice-Chair, 2001-02; member since 1998)
- Chair, Criminal Justice Section Book Board, August 2008-August 2010
- Temporary Subcommittee on the Impact of Courtroom Technology on Criminal Justice (Exploring “Courtroom 21: The Courtroom of the Future”), 1995-96
- Member, Committee on Rules of Criminal Procedure and Evidence, 1993-Present
- Member, Subcommittee on Racial Profiling, January 2008-Present
- Co-Chair, Committee on Race and Racism, Fall 1996-August 1998 (prepared position paper on amending lawyers’ ethical codes to prohibit certain discriminatory conduct; assisted on project to create materials to aid prosecutors in rooting out institutional racism in their offices); as committee member, August 1998-Present, assisted in design and presentation of Race and the Criminal Law: Issues and Solutions at the August 1999 ABA Annual Meeting; appointed as the Committee’s liaison to the Committee on Innocence and the Integrity of the Criminal Justice System

Member, Civility Implementation Committee of the D.C. Bar (1998-Spring 2000)

Member, American Association of Law Schools Sections on Legal Education; Evidence; and

## Criminal Justice

- Chair, Criminal Justice Section Subcommittee on Mentoring, January 2008-Present
- Chair, AALS Criminal Justice Section, January 2002-January 2003
- Chair-Elect, ABA Liaison, and Organizer Sexual Assault Panel for the 2002 Annual Meeting, AALS Criminal Justice Section, January 2001-December 2000
- Secretary, AALS Criminal Justice Section, January 2000-December 2000
- Member, AALS Criminal Justice Section Executive Committee, January 1998-January 2000 (assisted in planning section panel presentation for January 1999 Annual Meeting)
- Chair, AALS Evidence Section, January 2003-January 2004
- Chair-Elect, AALS Evidence Section, January 2002-January 2003
- Secretary, AALS Section on Evidence, January 2001-December 2001.
- Corresponding Secretary, AALS Section on Evidence, January 2000-December 2000
- Member, Advisory Board of the AALS Section on Evidence (January 1995-January 1998)
- Author regular internet column on recent evidence law decisions and of regular book review column for the AALS Evidence Section website (1996-99)
- Member, Planning Committee, AALS Workshop, New Perspectives on Evidence Law, Washington, DC, October 24-26, 1996

Member, Committee on Marking, Rendering Inert, and Tagging Explosive Materials, of the National Academy of Sciences, 1996-1998

Member, Asian-American Bar Association of the Delaware Valley, 1986-1989

Member, District of Columbia Bar Association

Pro Bono Consultant on death penalty cases, including *State v. Roscoe*

Assisted Ad Hoc Student Committee in Drafting Letter to President George Bush Protesting The Rodney King Verdict and Recommending a Future Justice Department Strategy

Drafted Commentary on the Proposed Criminal Code of the Republic of Kazakhstan as Part of the American Bar Association's Central Eastern European Law Initiative ("CEELI")

Drafted Commentary on the Proposed Code of Criminal Procedure for the Republic of Kazakhstan as Part of the ABA's CEELI Program

Member, Philadelphia Volunteer Lawyers' Association, for which represented indigent women pro bono in domestic relations matters, 1981-1983

Member, Support Center for Child Advocates, in which served as guardian ad litem for abused children and represented them in court proceedings, 1981-1983

Represented plaintiffs pro bono in prisoners' civil rights cases, 1981-83