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### **PERSONAL**

Born 1969, Berkeley, California.

### **PRESENT POSITION**

**Associate Professor**, University of Denver, Sturm College of Law (2005-present)

- Courses regularly taught include Criminal Law, Criminal Procedure and Death Penalty Jurisprudence.
- I have also taught seminars on Constitutional Remedies, Sentencing and Topics in Criminal Justice.
- Received student award as Most Engaging Faculty Member 2005-06 and 2006-07.
- Served as Chair of the Faculty Appointments Committee 2006-07.

### **PREVIOUS WORK EXPERIENCE**

**Assistant Professor**, University of Denver, Sturm College of Law (1999-2005)

Received excellent teaching evaluations and uniformly positive peer reviews of my teaching, scholarship and service during my second and fourth year of teaching. Tenure was awarded at the end of the 2004-2005 academic year.

**Young Scholar**, Earl Warren Legal Institute, University of California, Berkeley (1997-1999)

Edited, researched and co-authored books, monographs and scholarly articles on an array of topics concerning criminal law, the administration of justice, and the formulation of criminal justice policy.

**Law Clerk**, Honorable D. Lowell Jensen, United States District Court, Northern District of California (1996-1997)

Wrote draft opinions, bench memoranda, jury instructions, findings of fact and conclusions of law in a wide range of civil and criminal cases.

**Graduate Student Instructor**, Legal Studies Department, University of California, Berkeley (Fall 1993, Spring 1995, Spring 1998)

Conducted two twenty-five-person discussion sections, co-wrote and graded examinations for the Criminal Justice System course.

**Summer Intern**, San Francisco Public Defender's Office (Summer 1994)

Worked in conjunction with the office's research attorney; drafted motions and memoranda in support of felony defendants.

## **EDUCATION**

**Jurisprudence & Social Policy Program**, University of California, Berkeley, **Ph.D.** (2000)

- Authored Dissertation: "The Death Penalty Decisions of the California Supreme Courts: Politics, Judging and Death"
- Completed Field Exams in Criminal Justice and Public Law
- Graduate Student Instructor in the Criminal Justice System course.

**Boalt Hall School of Law**, University of California, Berkeley; **J.D.** (1996)

- Order of the Coif (top 10 percent of graduating class)
- Articles Editor, CALIFORNIA LAW REVIEW
- American Jurisprudence Award, Evidence

**Amherst College**, **B.A.**, *summa cum laude*, in Physics (1992)

- Authored honors thesis: "Specific Heat and Magnetic Susceptibility Measurements of  $\text{La}_2\text{CuO}_4$ ."

## **PUBLICATIONS**

### **Articles and Essays**

*How the War on Terror May Affect Domestic Interrogations: The 24 Effect*, 4 Chapman U. L. Rev. \_\_\_\_ (forthcoming 2007).

*Death Qualification and True Bifurcation: Building on the Massachusetts Governor's Council's Report*, 80 INDIANA LAW JOURNAL 131 (2005) (with Jeffery Pokorak).

*The Private is Public: The Relevance of Private Actors In Defining the Fourth Amendment* 46 BOSTON COLLEGE LAW REVIEW 83 (2004) .

*Little Brothers Are Watching: The Fourth Amendment and the Importance of Private Actors*, 79 DENVER UNIVERSITY LAW REVIEW 517 (2003).

*Harmless Error and the Rights/Remedies Split*, 88 VIRGINIA LAW REVIEW 1 (2002).

*Facts, Fallacies and the California Three Strikes*, 40 DUQUESNE LAW REVIEW 605 (2002) (with Franklin E. Zimring).

*Law and Technology: The Case for a Smart Gun Detector*, 59 LAW AND CONTEMPORARY PROBLEMS 221 (1996).

### **Books and Book Chapters**

*The Private is Public: The Relevance of Private Actors in Defining the Fourth Amendment*, in CIVIL RIGHTS LITIGATION AND ATTORNEY FEES HANDBOOK (Steven Saltzman, ed., 2005)).

PUNISHMENT AND DEMOCRACY: THREE STRIKES AND YOU'RE OUT IN CALIFORNIA (Oxford University Press, 2001) (with Franklin E. Zimring and Gordon Hawkins).

CRIME & PUNISHMENT IN CALIFORNIA: THE IMPACT OF THREE STRIKES AND YOU'RE OUT (Institute of Governmental Studies Press, 1999) (with Franklin E. Zimring and Gordon Hawkins).

*The Effect of "Three Strikes and You're Out" on the Courts: Looking Back to See the Future*, in THREE STRIKES AND YOU'RE OUT: VENGEANCE AS PUBLIC POLICY (David Shichor & Dale K. Sechrest, eds., 1996) (with Malcolm Feeley).

### **Miscellaneous Writing**

Contributor, [MoneyLaw Blog](#). May 2007-present. Selected Posts:

- [More on Compensation and Law Profs](#)
- [Merit Pay and Performance](#)
- [Whom Would Billy Beane Admit?](#)
- [How Do We Know If We're Winning?](#)

*Book Review: THE CULTURAL LIVES OF CAPITAL PUNISHMENT: COMPARATIVE PERSPECTIVES*, Austin Sarat and Christian Boulanger, Eds. Stanford University Press (2005), 9(3) PUNISHMENT AND SOCIETY 331 (2007).

*How the Blogs Saved Law School: Why a Diversity of Voices Will Undermine the U.S. News & World Report Rankings*, 81 INDIANA LAW JOURNAL 375 (2006).

*Symposium: Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report, Panel Discussion*, 80 INDIANA LAW JOURNAL 91 (2005).

Amicus Curiae Brief of the California Public Defenders Association in Support of Respondent in *Lockyer v. Andrade*, 123 S.Ct. 1166 (2003).

### **Works in Progress**

LAW, POLITICS AND JUDGING: THE DEATH PENALTY DECISIONS OF THE CALIFORNIA SUPREME COURTS (work in progress).

*Order Matters: Rights, Remedies and the Progress of Law* (work in progress)

*Civil Rights Indemnification: An Empirical Inquiry* (with Alan K. Chen) (work in progress)

*Predicting Bar Pass Success* (with Joyce Sterling) (work in progress).

### **RECENT PRESENTATIONS**

“Threats to Justice in Crime Control Policy: Causes and Remedial Possibilities,” Panel Chair, Joint Annual Meeting of the Law and Society Association and the Research Committee on Sociology of Law, Berlin Germany, July 28, 2007.

“The Future of Capital Punishment in the United States,” Panelist, Dead Man Walking – A Conversation, Victorian Theater, Denver, CO, May 6, 2007.

“How The War On Terror May Affect Domestic Interrogations: The 24 Effect,” Panelist, Miranda at 40: Applications in a Post-Enron, Post-9/11 World, Chapman University School of Law, Anaheim, CA, January 26, 2007.

“How the War on Terror Affects Our Understanding of Due Process,” Lecture, Faculty of Federal Advocates, Denver, CO, December 7, 2006.

“Teach-In on Guantanamo Bay Detainees” Moderator, University of Denver, Sturm College of Law, Denver, CO, October 5, 2006.

“Free Will and Intent in the Criminal Law,” Lecture, Forensic Psychology, University of Denver, Sturm College of Law, September 5, 2006.

“Boulder Summer Conference on Deference,” Participant, University of Colorado, Boulder, School of Law, August 18-19, 2006.

“Can the Death Penalty Be Fixed?: An Analysis of Recent Cases and Developments,” Lecture, University of Denver, Sturm College of Law, Denver, CO, March 1, 2006.

“Please Show Your Work: The Case for Unnecessary Constitutional Adjudication,” Work In Progress, University of Denver, Sturm College of Law, Denver, CO, October 24, 2005.

“The Supreme Court at the Crossroads,” Panelist, American Constitution Society, University of Denver, Sturm College of Law, Denver, CO, September 13, 2005.

“Author Meets Reader – Jurors’ Stories of Death: How America’s Death Penalty Invests in Inequality,” Reader, Law and Society Association Annual Meeting, Las Vegas, NV, June 4, 2005.

“Roundtable –Law and Society in the Law School Curriculum,” Participant, Law and Society Association Annual Meeting, Las Vegas, NV, June 3, 2005.

“The Next Generation of Law School Rankings: Other Voices in the Rankings Debate,” Commentator, Indiana University, Bloomington, IN, April 15, 2005.

“Mentoring Committee – Scholarship Workshop,” Panelist, University of Denver College of Law, Denver, CO, February 11, 2005.

“Death Qualification and *True* Bifurcation: Building on the Massachusetts Governor’s Council’s Work,” Faculty Colloquium Speaker, University of Cincinnati School of Law, Cincinnati, OH, December 3, 2004.

“The Future of the Death Penalty in the United States,” Speaker, George Washington High School, Denver, CO, November 29, 2004.

“Mentoring Committee – Student Evaluation and Exam Grading,” Panelist, University of Denver College of Law, Denver, CO, November 19, 2004.

“Death Qualification and *True* Bifurcation: Building on the Massachusetts Governor’s Council’s Work,” Faculty Colloquium Speaker, University of San Diego School of Law, San Diego, CA, November 1, 2004.

“Mentoring Committee – Teaching Workshop,” Panelist, University of Denver College of Law, Denver, CO, September 17, 2004.

“Toward a Model Death-Penalty Code: The Massachusetts, Governor’s Council Report,” Panelist, The Center for Law, Society and Culture, Bloomington, IN, September 10, 2004.

“New Challenges in Law and Society Scholarship,” Panelist, Law and Society Association, Chicago, IL, May 30, 2004.

National Conference on Bar Examiners, Invited Guest, Multistate Bar Examination Criminal Law Drafting Committee, Estes Park, CO, October 16-19, 2003.

“Empirical Research on the Death Penalty,” Law and Society Association, Panel Chair, Pittsburgh, PA, June 7, 2003.

“Qualified Immunity: Policy, Precedent and Problems,” Panel Chair, Association of American Law Schools Section on Civil Rights, Washington, D. C., January 3, 2003.

“Little Brothers Are Watching: The Importance of Private Actors in Formulating Fourth Amendment Law,” Presenter, Kecker and Van Nest LLC, San Francisco, CA, June 1, 2002.

“Thou Shall Not Commit Murder,” Panelist, Denver Institute of Jewish Studies Series: The Ten Commandments -- A Legacy, Denver, CO, April 17, 2002.

“Be It Ever So Humble: *Kyllo v. United States* and the Changing Contours of the Fourth Amendment,” Faculty Colloquium, University of Colorado School of Law, Boulder, CO, March 15, 2002.

“Punishment and Democracy: Authors Meet Critics,” Author, American Society of Criminology, Atlanta, GA, November 9, 2001.

“Privacy, Technology and the Government,” CLE Presenter, American Civil Liberties Union of Colorado, Denver, CO, May 9, 2001.

“Harmless Error and Time Travel: Constitutional Law as Science Fiction,” Speaker, American Bar Foundation, Chicago, IL, November 13, 2000.

“The Correlation between Grades, LSAT Scores, and Bar Passage Rates,” Speaker, Visiting Committee of the University of Denver College of Law, Denver, CO, October 28, 2000.

“Thoughts on Writing a Dissertation: What Not to Do,” Panelist, University of California, Berkeley, Boalt Hall School of Law, Berkeley, CA, September 15, 2000.

“Harmless Error, Constitutional Rights, and Constitutional Remedies: A Work in Progress,” Speaker, University of Denver College of Law, Denver, CO, June 15, 2000.

“Three Strikes and You’re Out in California -- Some Empirical Findings,” Panelist, Association of Criminal Justice Research, Sacramento, CA, May 4, 2000.