

IAN P. FARRELL

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CURRENT POSITION

UNIVERSITY OF DENVER STURM COLLEGE OF LAW

Associate Professor (2016 – present)

Assistant Professor (2010 – 2016)

Classes taught: Constitutional Law
Criminal Procedure
Criminal Law

Outstanding Faculty Member Award (2017)

PREVIOUS ACADEMIC POSITIONS

UNIVERSITY OF TEXAS SCHOOL OF LAW

Assistant Professor, Emerging Scholars Program (2007 – 2010)

Classes taught: Constitutional Law II: Commerce Clause and the ‘Federal Balance’
Seminar: Philosophy of Criminal Law
Seminar: Readings in Jurisprudence – Bentham’s ‘Of Laws In General’
Criminal Law

UNIVERSITY OF WOLLONGONG, Wollongong, Australia

Lecturer, Faculty of Law (1997-98, 2003 – 2007)

COMMUNITY AND OTHER POSITIONS

LYRIC (“Learn Your Rights in Colorado”)

Board Member (2017 – present)

Volunteer (2016-present)

Volunteer of the Year (2016-17)

LYRIC is a non-profit organization whose mission is to teach constitutional rights to youth, and empower them to safely exercise those rights when interacting with police and immigration enforcement.

UNIVERSITY OF WOLLONGONG, Wollongong, Australia

Research Fellow (2008 – present)

DENVER LAW REVIEW

Faculty Advisor (2017 – present)

EDUCATION

UNIVERSITY OF TEXAS (2001 – 2004)

Masters (Law and Philosophy Program)

Masters thesis: Conceptual Analysis and the Role of Intuitions in the Methodology of Analytical Jurisprudence (Advisor: Professor Brian Leiter; Second Reader: Professor Leslie Green)

Honors: Dean’s Achievement Award for Jurisprudence

Activities: Capital Punishment Clinical Program, Domestic Violence Survivors’ Support Network

HARVARD LAW SCHOOL (1998 – 1999)

LL.M. (Master of Laws)

LL.M. thesis: Moral Theory and Interpretation of the Eighth Amendment (Advisor: Professor Carol Steiker)

Activities: Death Penalty Advocacy Project, Battered Women’s Advocacy Group.

Honors: Accepted into S.J.D. program (one of six students out of approximately 170 LL.M. students accepted into the doctoral program)

GEORGE WASHINGTON UNIVERSITY (Summer 1998)
International Law Institute Orientation in the U.S. Legal System

COLLEGE OF LAW, Sydney, Australia (1996)
Diploma of Legal Practice

UNIVERSITY OF WOLLONGONG, Wollongong, Australia
LL.B. (Bachelor of Laws) (1993 – 1995)
Honors: First Class Honors;
Dean's Merit List 1993, 1994, 1995
B.Math (Bachelor of Mathematics) (1990 – 1992)

PUBLICATIONS

The Fallacy of Choice: The Destructive Effect of School Vouchers on Students with Disabilities (with Chelsea Marx),
67 *Am. U. L. Rev.* 1797 (2018)

Why Courts Fail to Protect Privacy: Race, Age, Bias, and Technology (with Bernard Chao, Catherine Durso, and
Christopher Robertson), 106 *CAL. L. REV.* 263 (2018)

Book Review, From Premodern Christianity to the Postmodern Jury, 53 *TULSA L. REV.* 247 (2017) (reviewing DENNIS
HALE, *THE JURY IN AMERICA: TRIUMPH AND DECLINE* (2016) & JAMES Q. WHITMAN, *THE ORIGINS OF
REASONABLE DOUBT: THEOLOGICAL ROOTS OF THE CRIMINAL TRIAL* (2008))

The Democratic Legitimacy Gap, *DENV. L. REV. ONLINE* __ (forthcoming 2018)

Enlightened Originalism, 54 *HOUSTON L. REV.* 569 (2017)

Gender Diversity and Same-Sex Marriage, 114 *COLUM. L. REV. SIDEBAR* 97 (2014) (with Nancy Leong)

Strict Scrutiny Under the Eighth Amendment, *FLA. ST. U. L. REV.* 853 (2013)

Taking Voluntariness Seriously, 45 *B.C. L. REV.* 783 (2013) (with Justin Marceau)

Abandoning Objective Indicia, 122 *YALE L. J. ONLINE* 303 (2013)

Objective Indicia and Juvenile Life Without Parole, *DENVER U. ONLINE L. REV.* (2012)

On the Value of Jurisprudence, 90 *TEX. L. REV.* 187 (2011)

Provocation Manslaughter as Partial Excuse and Partial Justification, 52 *WM & MARY L. J.* 1027 (2011) (with
Mitchell N. Berman)

Gilbert & Sullivan and Scalia: Philosophy, Proportionality, and the Eighth Amendment, 55 *VILL. L. REV.* 321 (2010)

H.L.A. Hart and the Methodology of Jurisprudence, 84 *TEX. L. REV.* 983 (2006)

Book Review, Dori Kimel, From Promise to Contract: Towards a Liberal Theory of Contract, 116 *ETHICS* 447
(2006)

Book Review, Larry Alexander, Is There a Right of Freedom of Expression?, *NOTRE DAME PHILOSOPHICAL REVIEWS*
(2006)

PRESENTATIONS

Miranda 2.0: Police Interrogation Practices and False Confessions
National Association of Appellate Court Attorneys Annual Conference, Denver, CO, July 14, 2017

The Fourth Amendment: 50 Years of Reasonable Expectations Since U.S. v. Katz
National Association of Appellate Court Attorneys Annual Conference, Denver, CO, July 13, 2017

Judicial Decision-Making Bias under the Fourth Amendment
American Psychology—Law Society Annual Conference, Seattle, WA, March 17, 2017

Judicial Reasoning and Objectivity in Fundamental Rights Review
Legal Intersections Research Centre, University of Wollongong, August 2008

Gilbert & Sullivan and Scalia: The Principle of Proportionality and the Eighth Amendment
University of Texas School of Law, Work in Progress ‘Drawing Board’ Series, April 29, 2008

The Role of Legal Theory in Australian High Court Native Title Decisions
Legal Intersections Research Centre, University of Wollongong, November 2006
Griffith University Law School Visiting Speaker Series, Brisbane, Australia, February 2007

Analyzing the Role of International Law in Hamdan v. Rumsfeld (the Military Tribunals Case)
Australasian Law and Society Conference, December 14, 2006

Philosophical Justifications of Punishment and Proportionality in New South Wales Criminal Sentencing
‘University of the Third Age’ Lecture Series, January 2006

Effective Assistance of Counsel and the Death Penalty in America
University of Sydney International Law Symposium on the Death Penalty, June 2006

SCHOLARSHIPS

Fulbright Scholarship (1997)
AT&T Leadership Award (1998)
International Institute of Education Scholarship (1998)

JUDICIAL CLERKSHIP

Justice Benjamin Kaplan, Massachusetts Court of Appeals (1999 – 2000)

RESEARCH INTERESTS

My research interests converge on criminal law, criminal procedure, constitutional law, and the philosophy of law – including the philosophical justifications of punishment and their relevance to the Eighth Amendment; constitutional interpretation and comparative constitutional law; the role of theory in judicial decision-making; and analytical jurisprudence.

TEACHING INTERESTS

My primary teaching interests are in criminal law, criminal procedure, constitutional law, and the philosophy of law. I have also taught moral and political philosophy, contracts, and property law.

TEACHING EXPERIENCE

UNIVERSITY OF TEXAS

Teaching Assistant

Department of Philosophy (2001 – 2004)

Logic

Contemporary Moral Problems (a philosophical treatment of abortion, euthanasia, affirmative action, and capital punishment)

Political Philosophy

School of Law (2003 – 2004)

First-Year Constitutional Law, for Professor (now Dean) Lawrence Sager

Seminar, Genetics Policy and Law, for Professor Jane Cohen

UNIVERSITY OF WOLLONGONG SCHOOL OF LAW

Lecturer, Faculty of Law (2005 – 2007)

Constitutional Law
Criminal Law
Legal Theory (jurisprudence, critical legal studies, feminist legal theory, critical race theory)
Foundations of Law (first-year introductory course)
Contract Law
Law of Property
Legal Research and Writing
Jessup International Law Moot Court Competition

Tutor, Department of Mathematics (1997 – 1998)

Discrete Analysis
Number Theory
Mathematical Logic

RESEARCH EXPERIENCE

UNIVERSITY OF TEXAS SCHOOL OF LAW (2003 – 2004)

Research assistant and editor for Professor Lawrence Sager, Professor Brian Leiter, and Professor Mitch Berman

FEDERAL COURT REPORTS & FEDERAL LAW REPORTS (1999 – 2003)

Associate editor. Wrote headnotes for cases reported in the *Australian Federal Court Reports* and *Federal Law Reports*, primarily decisions of the National Native Title Tribunal and the Immigration Review Tribunal.

UNIVERSITY OF WOLLONGONG SCHOOL OF LAW (1998 – 1999)

Editor, Natural Resources Law Journal

LEGAL WORK EXPERIENCE

GEORGIA MULTI-COUNTY INDIGENT DEFENSE COUNCIL (1999)

Summer associate. Worked for organization representing death row inmates in appellate proceedings. Drafted appellate briefs, determined points of appeal, conducted legal research. Researched and wrote summary of important US Supreme Court cases for Georgia State Judicial Conference.

MALLESONS STEPHEN JAQUES (1994 – 1995; 1996 – 1997)

Solicitor in the Commercial Litigation Department. Had primary carriage of files. Researched and wrote memoranda and letters of advice, drafted statements of claim, notices of motion, bankruptcy notices, and affidavits. Appeared in interlocutory hearings.

GREG JAMES QC (1993 – 94)

Summer intern. Worked on criminal cases at first instance and appellate levels. Researched and helped write brief for High Court of Australia murder appeal.

REFERENCES

Brian Leiter
John P. Wilson Professor of Law
Director, Center for Law, Philosophy, and Human Values
The University of Chicago School of Law
Email: bleiter@uchicago.edu

Lawrence G. Sager
Professor and former Dean
John Jeffers Research Chair in Law
Alice Jane Drysdale Sheffield Regents Chair in Law
The University of Texas School of Law
Email: lsager@law.utexas.edu

Carol Steiker
Howard J. and Katherine W. Aibel Professor of Law
Special Advisor for Public Service
Harvard Law School
Faculty Associate, Harvard University Edmond J. Safra Foundation Center for Ethics
Email: steiker@law.harvard.edu

Leslie Green
Professor of the Philosophy of Law
Fellow of Balliol College
Oxford University
Member of Hauser Global Faculty, New York University School of Law
Email: leslie.green@law.ox.ac.uk

ADDITIONAL REFERENCES

Mitchell N. Berman
Richard Dale Endowed Chair in Law
The University of Texas School of Law
Email: mberma@law.utexas.edu

Jane M Cohen
Edward Clark Centennial Professor
The University of Texas School of Law
Email: jcohen@law.utexas.edu

Luke McNamara
Professor of Law and former Dean
The University of Wollongong School of Law
Email: lukem@uow.edu.au