



LAW



THE GEORGE WASHINGTON LAW REVIEW PRESENTS

The
CHALLENGE
of **CRIME**
in a
FREE SOCIETY:
FIFTY YEARS LATER

Thursday, October 26-Friday, October 27, 2017

The George Washington University Law School

www.gwlr.org/symposia



Established in 1932, *The George Washington Law Review* is edited and published by students at The George Washington University Law School. The journal examines legal issues of national significance, publishing six issues each year containing scholarly articles, essays, and student notes. In addition to publishing a special *Annual Review of Administrative Law*, the *Law Review* runs an online companion journal, *Arguendo*, and a Supreme Court coverage platform, *On the Docket*.

The scholarly work discussed during *The Challenge of Crime in a Free Society: Fifty Years Later* will be published in the 86th Volume of the *Law Review*. More information about the *Law Review*, including past Symposia coverage, can be found at www.gwlr.org.



#ChallengeofCrimeat50
#GWLRSymposium

PARTICIPANT INTERNET ACCESS:

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The George Washington Law Review, along with our co-sponsor, Senior Associate Dean Roger A. Fairfax, Jr. of the George Washington University Law School, are thrilled to present our Fall 2017 Symposium, ***The Challenge of Crime in a Free Society: Fifty Years Later***.

This symposium marks the 50th anniversary of the report by President Lyndon Johnson's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society." Led by Attorney General Nicholas deB. Katzenbach, the Commission compiled comprehensive data on crime in the United States, discussed the salient issues confronting the criminal justice system and provided recommendations to address these problems.

Now, 50 years later, our society continues to face many of the same obstacles to an effective and fair criminal justice system. At a time when there is bipartisan consensus that criminal justice reform is necessary, revisiting "The Challenge of Crime in a Free Society" will provide insights into how to address those questions. Inspired by the focus of the report, the Symposium will examine the essential issues of courts and procedure, technology, policing, corrections and sentencing, prosecution, the war on drugs, and juvenile justice. The focus will be the future of the criminal justice system and what steps can be taken to achieve reform. This Symposium is particularly timely given the recent bipartisan legislation proposing a new National Criminal Justice Reform Commission modeled on the Johnson Commission.

CLE materials* for the Symposium are available at www.gwlr.org/symposia.

**Upon request, the law school will submit applications to state bar associations for continuing legal education credits. Please note that CLE approval is ultimately at the discretion of individual states and no advance assurance can be given that credit will be granted in all cases. Please contact CLE@law.gwu.edu with any questions.*



Criminal Law Initiative at GW Law

The GW Criminal Law Initiative is designed to illuminate career pathways in criminal law and policy for GW Law students and alumni, and to promote academic inquiry, professional engagement, and scholarly research on cutting-edge criminal law issues.

Roger A. Fairfax, Jr., Founder and Director

www.law.gwu.edu/crimlaw

AGENDA

Thursday, October 26

(Jack Morton Auditorium, Media & Public Affairs, 805 21st Street, NW)

4:00 p.m. Keynote Address

Chief Judge Patti B. Saris, U.S. District Court for the District of Massachusetts and former Chair of U.S. Sentencing Commission (2011-2017)

4:45 p.m. Experiences and Perspectives on the 1967 President's Commission on Law Enforcement and Administration of Justice

Alan B. Morrison (Moderator), Lerner Family Associate Dean for Public Interest and Public Service Law, George Washington University Law School

Judge Patricia Wald, former Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit; former Commissioner of the President's Commission on Crime in the District of Columbia and advisor to the 1967 Commission

Elizabeth Bartholet, Morris Wasserstein Public Interest Professor of Law and Faculty Director of the Child Advocacy Program, Harvard Law School; 1967 Commission staff member

Sheldon Krantz, Visiting Professor of Law, Georgetown University Law Center; 1967 Commission staff member

Susan Freeman Schapiro, former legal services lawyer and private practitioner; 1967 Commission staff member

Friday, October 27

(Jack Morton Auditorium, Media & Public Affairs, 805 21st Street, NW)

8:00 a.m. Breakfast

8:45 a.m. Opening Remarks

Roger A. Fairfax, Jr., Jeffrey and Martha Kohn Senior Associate Dean for Academic Affairs and Research Professor, George Washington University Law School; Director, GW Criminal Law Initiative

9:00 a.m. Keynote Address

Congressman Bobby Scott, U.S. House of Representatives, Ranking Member of the Committee on Education and the Workforce; former Ranking Member of the Task Force on Over-Criminalization (113th Congress)

9:30 a.m. Police Violence and the Fourth Amendment

Roger A. Fairfax, Jr. (Moderator), Jeffrey and Martha Kohn Senior Associate Dean for Academic Affairs and Research Professor, GW Law; Director, GW Criminal Law Initiative

Devon Carbado, Honorable Harry Pregerson Professor of Law, UCLA School of Law; Associate Vice Chancellor, BruinX

Nancy Leong, Professor of Law, University of Denver Sturm College of Law

Song Richardson, Interim Dean and Professor of Law, University of California, Irvine School of Law

10:30 a.m. Break

Friday, October 27 (continued)

10:45 a.m. Policing of Vulnerable Groups

Renée Hutchins (Moderator), Jacob A. France Professor of Public Interest Law and Co-Director, Clinical Law Program, University of Maryland Carey School of Law

Kristin Henning, Agnes N. Williams Research Professor of Law and Associate Dean for Clinics, Centers and Institutes and Director, Juvenile Justice Clinic, Georgetown University Law Center

Erik Luna, Amelia D. Lewis Professor of Constitutional and Criminal Law, Arizona State University Sandra Day O'Connor College of Law

Tracey Meares, Walton Hale Hamilton Professor of Law, Yale Law School; Founding Director, The Justice Collaboratory

11:45 a.m. Keynote Address

Congressman Jamie Raskin, U.S. House of Representatives, Vice-Ranking Member of the House Judiciary Committee and Co-Sponsor, National Criminal Justice Commission Act of 2017

Program moves to 2000 H Street, NW

12:15 p.m. Lunch

(Faculty Conference Center, Burns Fifth Floor)

1:30 p.m. Looking Forward: Criminal Justice Policy and Reform

(Jacob Burns Moot Court Room)

Judge Ketanji Brown Jackson (Moderator), U.S. District Court for the District of Columbia

Edward Chung, Vice President for Criminal Justice Reform, Center for American Progress

Todd Cox, Director of Policy, NAACP Legal Defense and Education Fund, Inc.

Brandon Garrett, White Burkett Miller Professor of Law and Public Affairs, Justice Thurgood Marshall Distinguished Professor of Law, University of Virginia School of Law

Paul Marcus, Haynes Professor of Law, William and Mary Law School

Nkechi Taifa, Advocacy Director for Criminal Justice, Open Society Foundations

2:45 p.m. Break

3:00 p.m. Prosecutorial Power

(Jacob Burns Moot Court Room)

Cynthia Lee (Moderator), Charles Kennedy Poe Research Professor of Law, George Washington University Law School

Angela Davis, Professor of Law, American University Washington College of Law

Adam Gershowitz, Associate Dean for Research and Faculty Development and Professor of Law, William and Mary Law School

Daniel Richman, Paul J. Kellner Professor of Law, Columbia Law School

Ronald Wright, Needham Yancey Gulley Professor of Criminal Law, Wake Forest University School of Law

4:15 p.m. Closing Reception Co-Sponsored by the GW Criminal Law Initiative

(Tasher Great Room)

KEYNOTE SPEAKERS

Congressman Jamie Raskin

U.S. House of Representatives, Vice-Ranking Member of the House Judiciary Committee & Co-Sponsor, National Criminal Justice Commission Act of 2017

Congressman Jamie Raskin proudly represents Maryland's eighth Congressional District in the U.S. House of Representatives. The district includes parts of Montgomery, Carroll, and Frederick counties. Congressman Raskin was sworn in to the 115th Congress on January 3, 2017.

Congressman Raskin is the Vice-Ranking Member of the House Judiciary Committee and serves on two Judiciary subcommittees: the Subcommittee on the Constitution and Civil Justice and the Subcommittee on Crime, Terrorism, Homeland Security, and Investigation. He also serves on the House Oversight and Government Reform Committee, and the Committee on House Administration. Congressman Raskin is the Freshman Representative on the House Democratic Steering and Policy Committee, the Congressional Progressive Caucus Vice Chair and Liaison to New Members, and a Senior Whip for the House Democratic Caucus.

For more than 25 years, Congressman Raskin has been a professor of constitutional law at American University Washington College of Law. He is the author of several books, including the Washington Post best-seller *Overruling Democracy: The Supreme Court versus the American People* and the highly-acclaimed *We the Students: Supreme Court Cases For and About America's Students*, which has sold more than 50,000 copies.

Prior to his time in Congress, Jamie was a three-term State Senator in Maryland, where he also served as the Senate Majority Whip. He quickly earned a reputation for building coalitions in Annapolis and delivered a series of landmark legislative accomplishments.

Congressman Raskin is a graduate of Harvard University and Harvard Law School. He and his wife, Sarah Bloom Raskin, live in Takoma Park with their dog, Potter. They have three children: Tabitha, Tommy, and Hannah.

Chief Judge Patti Saris

Chief Judge, U.S. District Court for the District of Massachusetts and former Chair of U.S. Sentencing Commission (2011-2017)

U.S. District Judge Patti B. Saris became Chief Judge of the U.S. District Court for the District of Massachusetts on January 1, 2013. She was Chair of the U.S. Sentencing Commission in Washington, D.C., from January 2011 to January 2017. She is a graduate of Radcliffe College (BA '73), and Harvard Law School (JD '76). After graduating from law school, Judge Saris clerked for the Massachusetts Supreme Judicial Court and then went into private practice. When Senator Edward M. Kennedy became Chairman of the Senate Judiciary Committee, she moved to Washington, D.C., and worked as staff counsel. She later became an Assistant United States Attorney, and eventually chief of the Civil Division. In 1986, Judge Saris became a U.S. Magistrate Judge, and in 1989, she was appointed as an Associate Justice of the Massachusetts Superior Court. In 1994, she was appointed to the U.S. District Court.

Congressman Bobby Scott

U.S. House of Representatives, Ranking Member of the Committee on Education and the Workforce & former Ranking Member of the Task Force on Over-Criminalization (113th Congress)

Congressman Robert C. (Bobby) Scott is currently serving his thirteenth term representing the citizens of Virginia's third Congressional district in Congress. Prior to serving in Congress, he served in the Virginia House of Delegates and in the Senate of Virginia.

In Congress, he serves as the Ranking Member of the Committee on Education and the Workforce. In his capacity as the senior Democrat on the Committee, he is leading the fight for access to quality early, secondary, and higher education for all of America's children. In 2015, he was one of the four primary negotiators of the Every Student Succeeds Act, which reauthorized the Elementary and Secondary Education Act for the first time in 13 years and replaced the No Child Left Behind Act. He is also working to ensure that American workers are treated fairly, paid a decent wage, given a safe working environment, and provided access to affordable health care.

Congressman Scott is also fighting to reform the nation's criminal justice system. He has introduced the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education (PROMISE) Act, which would provide resources to state and local governments for evidence-based strategies and programs to prevent juvenile crime. In 2015, he and Congressman Jim Sensenbrenner (R-WI) were co-authors of Safe, Accountable, Fair, and Effective (SAFE) Justice Act, which has been recognized as one of the most comprehensive criminal justice reform bills in a generation and has attracted significant support from across the political spectrum.

Congressman Scott resides in Newport News, Virginia. He is a graduate of Harvard College and Boston College Law School. He also served in the Massachusetts National Guard and the United States Army Reserve.

PARTICIPANTS

Elizabeth Bartholet is the Morris Wasserstein Public Interest Professor of Law and Faculty Director of the Child Advocacy Program at Harvard Law School, which she founded in fall 2004. She teaches civil rights and family law, specializing in child welfare, adoption, and reproductive technology. Before joining the Harvard faculty, she was engaged in civil rights and public interest work, first with the NAACP Legal Defense and Educational Fund, Inc., and later as Founder and Director of the Legal Action Center, a nonprofit organization in New York City focused on criminal justice and substance abuse issues. Professor Bartholet earned a BA degree from Radcliffe College and a JD degree from Harvard Law School.

Devon Carbado is Associate Vice Chancellor of BruinX for Equity, Diversity, and Inclusion and the Honorable Harry Pregerson Professor of Law at UCLA School of Law. He teaches constitutional criminal procedure, constitutional law, critical race theory, and criminal adjudication. He has won numerous teaching awards, including being elected Professor of the Year by the UCLA School of Law classes of 2000 and 2006, and has received the law school's Rutter Award for Excellence in Teaching in 2003 and the university's Distinguished Teaching Award, the Eby Award for the Art of Teaching, in 2007. In 2005, Professor Carbado was named an inaugural recipient of the Fletcher Foundation Fellowship. Modeled on the Guggenheim Fellowships, it is awarded to scholars whose work furthers the goals of *Brown v. Board of Education*. Professor Carbado writes

in the areas of employment discrimination, criminal procedure, constitutional law and is currently working on a series of articles on race, law, and police violence. He is a graduate of Harvard Law School.

Edward Chung is the Vice President for Criminal Justice Reform at the Center for American Progress. Previously, he served as senior adviser on criminal justice, policing, and civil rights issues for the Assistant Attorney General of the Office of Justice Programs at the U.S. Department of Justice. In that capacity, Mr. Chung coordinated a national initiative for building trust between the justice system and the communities it serves, as well as the Obama administration's violence reduction and second chance efforts under the My Brother's Keeper initiative. Mr. Chung also held positions in the Justice Department's Civil Rights Division, including special counsel to the Assistant Attorney General and federal prosecutor with the Criminal Section, where he received the John Marshall Award for successfully prosecuting the first case under the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act of 2009. Mr. Chung's experience has included serving as senior policy adviser at the White House Domestic Policy Council; counsel to Senator Patrick Leahy (D-VT) in the U.S. Senate Committee on the Judiciary; and Assistant District Attorney at the New York County District Attorney's Office in Manhattan. Mr. Chung earned his JD from Georgetown University Law Center.

Todd A. Cox is the Director of Policy at the NAACP Legal Defense and Educational Fund, Inc. (LDF). He is also a former leader of the LDF's political participation team. Prior to returning to LDF, Mr. Cox was the Director of Criminal Justice Policy at the Center for American Progress (CAP), where he led a cross-programmatic team addressing a range of criminal justice policy issues. Before joining CAP, Mr. Cox served in the administration of President Barack Obama as the Director of the Office of Communications and Legislative Affairs at the U.S. Equal Employment Opportunity Commission. In this role, he led the agency's legislative and communications efforts and advised the agency's chair on regulatory and policy matters, including the development and promotion of the agency's policy on the use of criminal records in employment. He also represented the agency on the Federal Interagency Reentry Council, a body dedicated to developing federal reentry policies. Mr. Cox spent many years as a civil rights litigator and policy advocate and earned his JD from the University of Pennsylvania Law School.

Angela J. Davis is a Professor of Law at the American University Washington College of Law, where she teaches criminal law, criminal procedure, and criminal defense: theory and practice. Professor Davis is the author of *Arbitrary Justice: The Power of the American Prosecutor* (Oxford University Press, 2007), the editor of *Policing the Black Man: Arrest, Prosecution and Imprisonment* (Pantheon, 2017), the co-editor of *Trial Stories* (with Professor Michael E. Tigar) (Foundation Press, 2007), and the co-author of *Criminal Law* (with Professor Katheryn Russell-Brown) (Sage Publications, 2015) and the seventh edition of *Basic Criminal Procedure* (with Professors Stephen Saltzburg and Daniel Capra) (Thomson West, 2017). Professor Davis received the Washington College of Law's Pauline Ruyle Moore Award for scholarly contribution in the area of public law in 2000 and 2009, the American University Faculty Award for Outstanding Teaching in a Full-Time Appointment in 2002, the American University Faculty Award for Outstanding Scholarship in 2009, and the American University Scholar/Teacher of the Year Award in 2015. Professor Davis earned her JD from Harvard Law School and is a member of the American Law Institute.

Roger A. Fairfax, Jr. is the Jeffrey and Martha Kohn Senior Associate Dean for Academic Affairs and Research Professor of Law and Director of the Criminal Law Initiative at the George Washington University Law School. A member of the American Law Institute, his research focuses on discretion in the criminal process, the grand jury, prosecutorial ethics, and criminal justice policy and reform. His scholarship has been published in leading law journals, books, and his edited volume *Grand Jury 2.0: Modern Perspectives on the Grand Jury*. He teaches courses in criminal law and procedure, ethics, and criminal law policy. Before joining GW Law, Dean Fairfax served as a federal prosecutor in the Public Integrity Section of the Criminal Division of the U.S. Department of Justice (DOJ) and as Counsel at O'Melveny LLP. During his time in the Attorney General's Honors Program, he also served as Special Assistant U.S. Attorney in the Eastern District of Virginia and as Special Assistant to the Assistant Attorney General for the Criminal Division of DOJ. Dean Fairfax clerked for Judge Patti B. Saris of the U.S. District Court for the District of Massachusetts, and Judge Judith W. Rogers of the U.S. Court of Appeals for the D.C. Circuit. Dean Fairfax graduated with honors from Harvard College, the University of London, and Harvard Law School, where he was an editor of the *Harvard Law Review*.

Brandon Garrett is the White Burkett Miller Professor of Law and Public Affairs and the Justice Thurgood Marshall Distinguished Professor of Law at University of Virginia School of Law. His research and teaching interests include criminal procedure, wrongful convictions, habeas corpus, corporate crime, scientific evidence, civil rights, civil procedure, and constitutional law. Professor Garrett's recent research includes studies of DNA exonerations and organizational prosecutions. Professor Garrett is the author of numerous books, including *End of its Rope: How Killing the Death Penalty Can Revive Criminal Justice* (Harvard University Press, 2017); *Too Big to Jail: How Prosecutors Compromise with Corporations* (Harvard University Press, 2014); and *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press, 2011), which examines the cases of the first 250 people to be exonerated by DNA testing. *Convicting the Innocent* was the subject of a symposium issue in the *New England Law Review* and received an American Bar Association Silver Gavel Award, Honorable Mention, and a Constitutional Commentary Award. Professor Garrett earned his JD from Columbia Law School and his work has been widely cited by courts, including the U.S. Supreme Court. He is a member of the American Law Institute.

Adam Gershowitz is the Associate Dean for Research and Faculty Development and Professor of Law at William and Mary Law School. He received a law degree from the University of Virginia School of Law, where he was elected to the Order of the Coif, won the Roger and Madeleine Traynor Prize for best paper by a graduating student, and served as the Articles Development Editor of the *Virginia Law Review*. After law school, Professor Gershowitz served as a law clerk to the Honorable Robert B. King of the U.S. Court of Appeals for the Fourth Circuit and worked as a litigation associate at Covington & Burling. Prior to joining William & Mary, Professor Gershowitz taught at the University of Houston Law Center and South Texas College of Law. Professor Gershowitz is also the author of more than two dozen scholarly articles, which have appeared in the *Michigan Law Review*, *Northwestern University Law Review*, *UCLA Law Review*, *Vanderbilt Law Review*, and other leading journals. The Supreme Court cited his amicus brief in its ruling in *Riley v. California*, 134 S. Ct. 2473 (2014).

Kristin Henning is the Agnes N. Williams Research Professor of Law and Director of the Juvenile Justice Initiative at Georgetown University Law Center. Her scholarship on race, adolescence, and juvenile justice appears in journals such as the *Cornell Law Review*, *California Law Review*, and *NYU Law Review* and in books such as *Policing the Black Man* (Random House, 2017) and *Punishment in Popular Culture* (NYU Press, 2015). Professor Henning was formerly the lead attorney for the Juvenile Unit of the D.C. Public Defender Service and worked closely with the Juvenile Indigent Defense Action Network to develop and co-author the Juvenile Training Immersion Program, a national training curriculum for juvenile defenders. Professor Henning was elected to the American Law Institute (ALI) in 2015 and serves as an advisor to ALI's Restatement on Children and the Law. She is the Director of the Mid-Atlantic Juvenile Defender Center. Professor Henning has won many awards including the 2015 Award for Youth Justice from the D.C. Lawyers for Youth and 2013 Robert E. Shepherd, Jr. Award for Excellence in Juvenile Defense by the National Juvenile Defender Center. Professor Henning earned her JD from Yale Law School.

Renée Hutchins is the Jacob A. France Professor of Public Interest Law and Co-Director of the Clinical Law Program at the University of Maryland Carey School of Law, which she joined after spending just over a decade in practice, including time at the U.S. Department of Justice in the Criminal Tax Division and at the Office of the Appellate Defender in New York City. She teaches or has taught the Appellate and Post-Conviction Advocacy Clinic, criminal procedure, fourth circuit decisions, and a criminal appeals seminar. Professor Hutchins is a member of the Appellate Courts Judicial Nominating Commission for the State of Maryland and serves on the Board of Trustees for the Maryland Office of the Public Defender. She served as a law clerk to Judge Nathaniel R. Jones on the U.S. Court of Appeals for the Sixth Circuit. Professor Hutchins was part of the Lawyering Program faculty at New York University School of Law. She is the author of several scholarly works including *Tied Up in Knots: GPS and the Fourth Amendment*, 55 U.C.L.A. L. Rev. 409 (2007). She recently contributed to the critically acclaimed *Policing the Black Man* (Angela J. Davis, ed.). She has also published two books: *Learning Criminal Procedure* (with Ric Simmons) and *Developing Professional Skills: Criminal Procedure*. Professor Hutchins earned her JD from Yale Law School and is a member of the American Law Institute.

Judge Ketanji Brown Jackson received her commission as a U.S. District Court for the District of Columbia Judge in March 2013. Until December 2014, she also served as a Vice Chair of the U.S. Sentencing Commission. Judge Jackson previously focused on appellate litigation as counsel at Morrison & Foerster, handled criminal appeals as an Assistant Federal Public Defender in Washington, D.C., and served as a law clerk to three federal judges: Associate Justice Stephen Breyer of the U.S. Supreme Court, Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit, and Judge Patti Saris of the U.S. District Court for the District of Massachusetts. Judge Jackson is currently a member of the Board of Overseers of Harvard University and of the Council of the American Law Institute. She also currently serves on the board of the D.C. Circuit Historical Society. In 1996, Judge Jackson received a JD cum laude from Harvard Law School, where she served as a Supervising Editor of the *Harvard Law Review*. She received an AB magna cum laude in government from Harvard-Radcliffe College in 1992.

Sheldon Krantz currently serves as a Visiting Professor of Law at Georgetown Law Center and as the Co-Director of its Justice Lab. Prior to serving in this capacity, Professor Krantz was the Director of the D.C. Affordable Law Firm, a charitable nonprofit created by Georgetown, DLA Piper, and Arent Fox to provide low-fee legal services to D.C. residents with modest income who do not qualify for free legal aid but also cannot afford the rates lawyers normally charge. Prior to his current positions, Professor Krantz was a litigation partner at DLA Piper and Director of New Perimeter, its global pro bono affiliate. He began his career as a federal prosecutor in the Organized Crime Section of the U.S. Department of Justice. After then serving as a staff attorney of a presidential crime commission and the director of the Massachusetts criminal justice planning agency, Professor Krantz served as Professor of Law and Director of the Center for Criminal Justice at Boston University Law School and then as Dean of the University of San Diego Law School. Professor Krantz is a member of the American Law Institute.

Cynthia Lee is the Charles Kennedy Poe Research Professor of Law at the George Washington University Law School where she teaches and writes in the areas of criminal law and criminal procedure. She graduated from Stanford University and received a JD from UC Berkeley Boalt Hall School of Law. After a federal judicial clerkship, Professor Lee started teaching at the University of San Diego School of Law, where she received the Thorsness Prize for Excellence in Teaching. In August 2001, she joined the GW Law faculty. Professor Lee is the author or editor of four books: *Criminal Procedure: Cases and Materials* (West, 2016) (with L. Song Richardson and Tamara Lawson); *Criminal Law: Cases and Materials* (West, 2014) (with Angela Harris); *Searches and Seizures: The Fourth Amendment, Its Constitutional History and the Contemporary Debate* (Prometheus Books, 2011); and *Murder and the Reasonable Man: Passion and Fear in the Criminal Courtroom* (NYU Press, 2003). Professor Lee served as Chair of the Association of American Law Schools Criminal Justice Section in 2008. She is currently doing research on reforming the law on police use of deadly force, with an article slated for publication with the *University of Illinois Law Review* in 2018. Professor Lee is a member of the American Law Institute.

Nancy Leong is a Professor of Law at University of Denver Sturm College of Law. Professor Leong is the author of more than 30 law review articles on topics relating to constitutional rights and remedies, criminal procedure, antidiscrimination, law and culture, and judicial decision-making. Her recent scholarship has appeared in the *California Law Review*, *Georgetown Law Journal*, *Harvard Law Review*, *Northwestern University Law Review*, *Stanford Law Review*, *Virginia Law Review*, and *Yale Law Journal*, among many others. Professor Leong is the recipient of numerous awards and honors. At the University of Denver, she received the university-wide Distinguished Scholar Award for the 2017-2018 academic year. Her research was selected for presentation at the 2016 Yale/Stanford/Harvard Junior Faculty Forum held at Yale Law School in New Haven, Connecticut. She was also the 2015 recipient of the Conference of Asian Pacific American Law Faculty 2015 Eric K. Yamamoto Award for excellence in scholarship and teaching. Professor Leong is a member of the American Law Institute.

Erik Luna is the Amelia D. Lewis Professor of Constitutional and Criminal Law at the Arizona State University Sandra Day O'Connor College of Law. He teaches and writes primarily in the areas of criminal law and criminal procedure. Professor Luna has received two Fulbright awards. In 2000, he served as the senior Fulbright Scholar to New Zealand at Victoria University Law School (Wellington, NZ). In 2016-2017, he was the Fulbright Distinguished Chair at the University of Birmingham (Birmingham, UK). Professor Luna has also been a visiting scholar with the Max Planck Institute for Foreign and International Criminal Law (Freiburg, DE), a visiting professor with the Cuban Society of Penal Sciences (Havana, CU), a visiting professional in the Office of the Prosecutor of the International Criminal Court (The Hague, NL), and a research fellow with the Alexander von Humboldt Foundation (Bonn, DE). Professor Luna, a graduate of Stanford Law School, is a member of the American Law Institute and an adjunct scholar with the Cato Institute.

Paul Marcus is the Haynes Professor of Law at the College of William and Mary. Formerly the Dean at the University of Arizona Rogers College of Law, his teaching and research interests are in the criminal justice, comparative law, and intellectual property areas. He has spoken to numerous judicial, bar, and university groups in the United States and has lectured and taught in several other nations. He is a graduate of the UCLA School of Law. Prior to going into teaching, Professor Marcus clerked on the U.S. Court of Appeals for the District of Columbia and practiced law in Los Angeles. He is the author of several books in the criminal justice area and has written numerous articles in the field as well. Professor Marcus regularly serves as a consultant in ongoing criminal prosecutions. A member of the American Law Institute, he was elected by the full 180 U.S. law school membership to be President of the Association of American Law Schools. He is the recipient of numerous teaching awards including, most recently, the College of William and Mary McGloughlin Teaching Award for Classroom Excellence given in May 2017.

Tracey L. Meares is the Walton Hale Hamilton Professor of Law and Founding Director of the Justice Collaboratory at Yale University. Before arriving at Yale, she was Max Pam Professor of Law and Director of the Center for Studies in Criminal Justice at the University of Chicago Law School. She was the first African American woman to be granted tenure at both the University of Chicago and Yale Law Schools. Before going into academia, Professor Meares held positions clerking for the Honorable Harlington Wood, Jr. of the U.S. Court of Appeals for the Seventh Circuit and as an Honors Program Trial Attorney in the Antitrust Division of the United States Department of Justice. Professor Meares's teaching and research interests focus on criminal procedure and criminal law policy, with a particular emphasis on empirical investigation of these subjects. In 2010, Professor Meares was named by Attorney General Eric Holder to sit on the Department of Justice's newly created Science Advisory Board, and in 2014, President Obama named her as a member of his Task Force on 21st Century Policing. Professor Meares is a member of the American Law Institute.

Alan B. Morrison is the Lerner Family Associate Dean for Public Interest and Public Service at the George Washington University Law School, where he teaches civil procedure and constitutional law. For most of his career, he worked for the Public Citizen Litigation Group, which he co-founded with Ralph Nader in 1972 and directed for over 25 years. His work there involved a wide range of subjects in law reform litigation, including improving access to justice and making legal services more available and affordable for everyone. He has also taught, mainly on a part-time basis, at Harvard Law School, NYU School of Law, Stanford Law School, University of Hawaii William S. Richardson School of Law, and American University Washington College of Law. Dean Morrison is a member of the American Academy of Appellate Lawyers and was its President in 1999-2000. He has argued 20 cases in the U.S. Supreme Court and continues to file amicus briefs and assist lawyers in preparation for oral arguments there. He is a graduate of Yale College and Harvard Law School, has served as a commissioned officer in the U.S. Navy, and was an Assistant United States Attorney in New York.

L. Song Richardson is the Interim Dean and Professor of Law at the University of California, Irvine School of Law with a joint appointment in the Department of Criminology, Law, and Society. She received an AB from Harvard College and a JD from Yale Law School. Her interdisciplinary research uses lessons from cognitive and social psychology to decision-making and judgment in a variety of contexts. Her scholarship has been published by law journals at Yale, Cornell, Duke, and Northwestern, among others. Currently, Professor Richardson is working on a book that examines the legal and moral implications of mind sciences research on policing and criminal procedure. She is a member of the American Law Institute. Professor Richardson's legal career has included partnership at a boutique criminal law firm and work as a state and federal public defender in Seattle, Washington. She was also an Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc.

Daniel Richman is the Paul J. Kellner Professor of Law at Columbia Law School, where he teaches federal criminal law, criminal procedure, evidence, and a sentencing seminar, and writes on criminal justice and federal enforcement issues. He was a professor at Fordham Law School from 1992 until 2007. Between 1987 and 1992, Professor Richman was an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York, where he ultimately became Chief Appellate Attorney. He was a law clerk to Chief Judge Wilfred Feinberg of the U.S. Circuit Court of Appeals for the Second Circuit (1984-1985) and to Justice Thurgood Marshall of the U.S. Supreme Court (1985-1986). Professor Richman is a member of the American Law Institute. He is a graduate of Yale Law School.

Susan Freeman Schapiro served as a member of the staff of the President's Commission on Law Enforcement and Administration of Justice, where she focused on the areas of juvenile delinquency and youth crime and served as a Special Assistant to the Executive Director. Previously, she was a staff member of the Office of Criminal Justice in the U.S. Department of Justice and worked on the American Law Institute's Pre-Arrestment Procedures Project. Following her work on the National Crime Commission staff, she was a staff attorney and then managing attorney with the District of Columbia Neighborhood Legal Services Program, a partner in the nonprofit law firm of Roisman, Schapiro & Reno, and a private practitioner. She is a graduate of Bryn Mawr College and Harvard Law School.

Nkechi Taifa is Advocacy Director for Criminal Justice at the Open Society Foundations. Her areas of expertise include federal sentencing reform, law enforcement accountability, prison reform, reentry, racial justice, and executive clemency. Ms. Taifa is also the founder and convener of the Justice Roundtable, a Washington-based advocacy coalition advancing federal justice reforms. The Roundtable, under Ms. Taifa's leadership, was instrumental in the passage of the 2008 Second Chance Reentry legislation and the 2010 Fair Sentencing Act. Ms. Taifa served seven years as founding Director of the Equal Justice Program at Howard University School of Law and as adjunct professor at both Howard Law and American University Washington College of Law. She was legislative counsel for the American Civil Liberties Union, serving as principal spokesperson for its Washington office on criminal justice and civil rights issues. Ms. Taifa also served as public policy counsel for the Women's Legal Defense Fund and as staff attorney for the National Prison Project. Ms. Taifa earned her JD from the George Washington University Law School.

Judge Patricia McGowan Wald served as a Judge (1979-1999) and Chief Judge (1986-1991) of the U.S. Court of Appeals for the District of Columbia Circuit. A graduate of Yale Law School, she was a member of the American Bar Association's Central and Eastern European Law Initiative (1993-99), where she worked on constitutional and judicial reform in that region's emerging democracies. In 1999, Judge Wald was appointed by U.N. Secretary General Kofi Annan to serve as a Justice on the International Criminal Tribunal for the former Yugoslavia (ICTY), where she was on the trial panel for the first ICTY Srebrenica genocide trial. From 2002 to 2012, she served on the governing board of the Open Society's Justice Initiative and as Co-Chair to the Advisory Committee of DLA Piper's New Perimeter, where she specialized in global pro bono projects. Judge Wald has also been a member of the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (2004-2005), and in 2013, she was a recipient of the President's Medal of Freedom. She is a graduate of Yale Law School.

Ronald Wright is the Needham Yancey Gulley Professor of Criminal Law at Wake Forest University School of Law, where he teaches and writes about criminal justice. He is the co-author of two casebooks in criminal procedure and sentencing. His empirical field research concentrates on the work of criminal prosecutors. He is a board member of the Institute for Innovation in Prosecution. Prior to joining the faculty at Wake Forest, he was a trial attorney with the U.S. Department of Justice, where he prosecuted white-collar criminal cases. Professor Wright is a member of the American Law Institute. He is a graduate of Yale Law School.

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