

Erik Luna

Arizona State University
Sandra Day O'Connor College of Law
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CURRENT APPOINTMENT

Amelia D. Lewis Professor of Constitutional & Criminal Law, 2016-
Foundation Professor of Law, 2015-
Professor of Law, 2015-
Arizona State University (Phoenix & Tempe, AZ)

OTHER APPOINTMENTS

Founder and Director, 2017-
Academy for Justice (Phoenix, AZ)

Fulbright Distinguished Chair, 2016-17
University of Birmingham Law School (Birmingham, UK)

Sydney and Frances Lewis Professor of Law, 2012-15
Professor of Law, 2009-2015
Visiting Professor of Law, 2008-09
Washington and Lee University School of Law (Lexington, VA)

Research Fellow, 2011-14
Transatlantic Cooperation Program
Alexander von Humboldt Foundation (Bonn, DE)

Visiting Professional, 2011
Office of the Prosecutor (Prosecution Division)
International Criminal Court (The Hague, NL)

Adjunct Scholar, 2008-
The Cato Institute (Washington, DC)

Visiting Scholar, 2007
Max Planck Institute for Foreign and International Criminal Law (Freiburg, DE)

Visiting Professor & Scholar, 2002
Cuban Society of Penal Sciences, National Union of Cuban Jurists (Havana, CU)

Hugh B. Brown Chair in Law, 2005-09
Professor of Law, 2005-09
Associate Professor of Law, 2000-05
Co-Director, Utah Criminal Justice Center, 2006-09
University of Utah College of Law (Salt Lake City, UT)

Senior Fulbright Scholar & Lecturer, 2000
Victoria University Faculty of Law (Wellington, NZ)

Bigelow Fellow & Lecturer-in-Law, 1998-2000
University of Chicago Law School (Chicago, IL)

Deputy District Attorney, 1996-97
San Diego District Attorney (San Diego, CA)

PRIMARY AREAS OF SCHOLARSHIP & TEACHING

criminal law, criminal procedure, advanced topics in criminal justice (e.g., sentencing, law of terrorism, comparative criminal justice)

EDUCATION

Stanford Law School (Stanford, CA)
J.D., *with distinction*, 1996

University of Southern California (Los Angeles, CA)
B.S., *summa cum laude*, 1993

BOOKS & COLLECTIONS

1 REFORMING CRIMINAL JUSTICE: INTRODUCTION AND CRIMINALIZATION (edited report, Academy for Justice 2017)

2 REFORMING CRIMINAL JUSTICE: POLICING (edited report, Academy for Justice 2017)

3 REFORMING CRIMINAL JUSTICE: PRETRIAL AND TRIAL PROCESSES (edited report, Academy for Justice 2017)

4 REFORMING CRIMINAL JUSTICE: PUNISHMENT, INCARCERATION, AND RELEASE (edited report, Academy for Justice 2017)

THE LAW OF TERRORISM (casebook with Wayne McCormack, Carolina Academic Press 2017)

UNDERSTANDING THE LAW OF TERRORISM (nutshell in “Understanding” series with Wayne McCormack, LexisNexis, 2014)

THE PROSECUTOR IN TRANSNATIONAL PERSPECTIVE (edited volume with Marianne Wade, Oxford University Press, 2012)

DRUGS AND JUSTICE: SEEKING A CONSISTENT, COHERENT, COMPREHENSIVE VIEW (monograph with Margaret Battin et al., Oxford University Press, 2007)

SELECTED LAW REVIEWS & JOURNALS (*refereed/peer reviewed)

Drug War and Peace, 50 U.C. DAVIS LAW REVIEW 813 (2016) [article for symposium on marijuana legalization]

Charnel Knowledge, 34 CRIMINAL JUSTICE ETHICS 210 (2015) [solicited book review]*

Prosecutor King, 1 STANFORD JOURNAL OF CRIMINAL LAW AND POLICY 48 (2014) [symposium article]

Digital Innocence, 99 CORNELL LAW REVIEW 981 (2014) [article with Joshua Fairfield]

The Open Society and Its Digital Enemies, 99 CORNELL LAW REVIEW ONLINE 217 (2014) [essay with Joshua Fairfield, replying to separate pieces by Jane Burnbaum and Brandon Garrett reviewing *Digital Innocence*]

Rage Against the Machine, 97 MINNESOTA LAW REVIEW 2245 (2013) [response essay]

Prosecutorial Decriminalization, 102 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 785 (2012) [article for symposium on overcriminalization]*

The Bin Laden Exception, 106 NORTHWESTERN UNIVERSITY LAW REVIEW 1489 (2012) [essay]

Spoiled Rotten Social Background, 2 ALABAMA CIVIL RIGHTS AND CIVIL LIBERTIES LAW REVIEW 23 (2011) [article for symposium on “rotten social background” in criminal law]

- Sense and Sensibility in Mandatory Minimum Sentencing*, 23 FEDERAL SENTENCING REPORTER 219 (2011) [essay with Paul Cassell, solicited for special issue]*
- Prosecutors as Judges*, 67 WASHINGTON AND LEE LAW REVIEW 1413 (2010) [article with Marianne Wade, symposium on the future of prosecution]
- Symposium Introduction*, 67 WASHINGTON AND LEE LAW REVIEW 1285 (2010) [introduction with Marianne Wade]
- Mandatory Minimalism*, 32 CARDOZO LAW REVIEW 1 (2010) [lead article with Paul Cassell]
- The Curious Case of Corporate Criminality*, 46 AMERICAN CRIMINAL LAW REVIEW 1507 (2009) [reply for symposium on corporate criminal liability]
- Criminal Justice and the Public Imagination*, 7 OHIO STATE JOURNAL OF CRIMINAL LAW 71 (2009) [article for symposium on intersection of criminology and criminal law & procedure]*
- Drug Détente*, 20 FEDERAL SENTENCING REPORTER 304 (2008) [essay for special election issue]*
- The Katz Jury*, 41 U.C. DAVIS LAW REVIEW 839 (2008) [article for symposium on 40th anniversary of *Katz*]
- Cycles of Juvenile Justice: An Introduction to the Utah Criminal Justice Center Distinguished Lecture*, 10 JOURNAL OF LAW & FAMILY STUDIES 1 (2008) [introduction to juvenile justice symposium]
- Traces of a Libertarian Theory of Punishment*, 91 MARQUETTE LAW REVIEW 263 (2007) [article for plea bargaining symposium]
- Restorative Justice in Federal Sentencing: An Unexpected Benefit of Booker?*, 37 MCGEORGE LAW REVIEW 787 (2006) [article for sentencing symposium, with Barton Poulson]
- Gridland: An Allegorical Critique of Federal Sentencing*, 96 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 25 (2005) [article]*
- System Failure*, 42 AMERICAN CRIMINAL LAW REVIEW 1201 (2005) [essay for wrongful conviction symposium]
- The Overcriminalization Phenomenon*, 54 AMERICAN UNIVERSITY LAW REVIEW 703 (2005) [article for symposium on overcriminalization]
- Cuban Criminal Justice and the Ideal of Good Governance*, 14 TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS 529 (2004) [article for symposium on Cuba's future]*
- Foreword: The New Face of Racial Profiling*, 2004 UTAH LAW REVIEW 905 (2004) [introduction to racial profiling symposium]
- "What Is Legal Is Not Necessarily Ethical": The Limits of Law and Drug Testing Programs*, 4 AMERICAN JOURNAL OF BIOETHICS 41 (2004) [solicited commentary]*
- A Place for Comparative Criminal Procedure*, 42 BRANDEIS LAW JOURNAL 277 (2003-04) [article for criminal procedure symposium]
- Punishment Theory, Holism, and the Procedural Conception of Restorative Justice*, 2003 UTAH LAW REVIEW 205 [article for restorative justice symposium]
- Introduction: The Utah Restorative Justice Conference*, 2003 UTAH LAW REVIEW 1 [introduction to restorative justice symposium]
- Race, Crime, and Institutional Design*, 66 LAW & CONTEMPORARY PROBLEMS 183 (2003) [article for race and crime symposium]*
- Drug Exceptionalism*, 47 VILLANOVA LAW REVIEW 753 (2002) [article for drug war symposium]
- The .22 Caliber Rorschach Test*, 39 HOUSTON LAW REVIEW 53 (2002) [solicited comment for Frankel Lecture]

- Constitutional Road Maps*, 90 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 1125 (2000) [article]*
- Principled Enforcement of Penal Codes*, 4 BUFFALO CRIMINAL LAW REVIEW 517 (2000) [article for M.P.C. symposium]*
- Transparent Policing*, 85 IOWA LAW REVIEW 1107 (2000) [article]
- Sovereignty and Suspicion*, 48 DUKE LAW JOURNAL 787 (1999) [article]
- The Models of Criminal Procedure*, 2 BUFFALO CRIMINAL LAW REVIEW 389 (1999) [article for criminal procedure symposium]*
- Beyond Breard*, 17 BERKELEY JOURNAL OF INTERNATIONAL LAW 147 (1999) [article with Douglas Sylvester]

CHAPTERS & ENTRIES

- Material Support of Terrorism*, JUSTICE REPORT (Canadian Criminal Justice Association, 2017)
- Innocence at War*, in WRONGFUL CONVICTIONS AND THE DNA REVOLUTION: TWENTY-FIVE YEARS OF FREEING THE INNOCENT (Daniel Medwed ed., Cambridge University Press, 2017)
- Death and Discretion: The American Experiment in Capital Jurisprudence*, in DISCRETIONARY CRIMINAL JUSTICE IN A COMPARATIVE PERSPECTIVE (Michele Caianiello & Jacqueline S. Hodgson eds., Carolina Academic Press 2015)
- Sentencing*, in OXFORD HANDBOOK ON CRIMINAL LAW (Markus Dubber & Tatjana Hoernle eds., Oxford University Press 2014)
- Law of Police Use of Force*, in ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE (Gerben Bruinsma & David Weisburd eds., Springer 2014)
- Psychopathy and Sentencing*, in HANDBOOK ON PSYCHOPATHY AND LAW (Kent Kiehl & Walter Sinnott-Armstrong eds., Oxford University Press 2013)
- The Story of Robinson: From Revolutionary Constitutional Doctrine to Modest Ban on Status Crimes*, in CRIMINAL LAW STORIES (Donna Coker & Robert Weisberg eds., Foundation Press 2013)
- Hydraulic Pressures and Slight Deviations*, in CATO SUPREME COURT REVIEW (9th ed., Cato Institute 2009)
- In Support of Restorative Justice and Response to Commentators*, in CRIMINAL LAW CONVERSATIONS (Paul H. Robinson et al. eds., Oxford University Press 2009)
- War on Drugs, etc.*, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Paul Finkelman ed., Routledge Press 2006)
- La Justicia Restorativa: Un Modelo de Penas Alternativas*, in LA IMPLEMENTACIÓN DE PENAS ALTERNATIVAS (Union Nacional de Juristas de Cuba 2006)
- Overextending the Criminal Law* (Ch. 1) and *Misguided Guidelines* (Ch. 6), in GO DIRECTLY TO JAIL: THE CRIMINALIZATION OF ALMOST EVERYTHING (Gene Healy ed., Cato Institute 2004)

MEDIA PUBLICATIONS

- Op-Ed, *Evaluate corrections officials not just on the state of prisons, but on rate of recidivism*, USA TODAY, February 2, 2018 (with Frank Cullen)
- Op-Ed, *Is It Time for Criminologists to Step Outside the Ivory Tower?*, THE CRIME REPORTER, November 7, 2017
- Op-Ed, *Mercy in the Age of Mandatory Minimums*, U.S. NEWS & WORLD REPORT, August 5, 2016 (with Mark Osler)

Op-Ed, *A Case for Mercy*, THE WASHINGTON TIMES, December 26, 2013

Op-Ed, *States Shouldn't Shirk Responsibility to Indigent Defendants*, NATIONAL LAW JOURNAL, March 29, 2010

Op-Ed, *Mandatory Minimums Sound Good But Are Unjust*, THE DESERET NEWS, December 21, 2006 (with Troy Booher)

Guest Column, *The Polygamy Case That Isn't – and It's a Good Thing, Too: Why the Warren Jeffs Prosecution Is Really About Child Rape*, FINDLAW.COM, October 2, 2006

Op-Ed, *Let Judges Do Their Job*, THE PHILADELPHIA INQUIRER, August 9, 2004 (also Op-Ed, *Reprieve on Sentencing Guidelines?*, THE WASHINGTON TIMES, August 8, 2004; Op-Ed, *Good Riddance to Federal Sentencing 'Guidelines'*, THE SALT LAKE TRIBUNE, August 1, 2004)

Op-Ed, *All Evidence isn't in to Prove Racial Profiling*, THE HOUSTON CHRONICLE, February 17, 2004 (with Darren Bush)

Article, *When the Punishment Doesn't Fit the Crime*, USA TODAY MAGAZINE, November 2003

Op-Ed, *Sentencing Commission's Guidelines Pervert Justice*, THE DAILY JOURNAL, December 11, 2002 (also, published versions in CHICAGO DAILY LAW BULLETIN, VIRGINIA LAWYER'S WEEKLY, and THE WASHINGTON TIMES)

Article, *Cuba Libre: An American Law Professor on Castro's Forbidden Island*, RES GESTAE, Autumn 2002

Op-Ed, *Sentencing System a Petri Dish for Political Opportunists*, THE DESERET NEWS, August 4, 2002

Op-Ed, *A Criminal Red Herring in Corporate Reform*, THE SALT LAKE TRIBUNE, August 4, 2002

Article, *Healing the Mind to Kill the Body*, THE AMERICAN PROSPECT, May 15, 2001

Op-Ed, *Time for New Tactics in the War on Drugs in America*, THE DESERET NEWS, May 13, 2001

Op-Ed, *Intellectual Tolerance on College Campus*, THE SALT LAKE TRIBUNE, April 15, 2001

Legal Column, *Lex Americana*, THE LOS ANGELES DAILY JOURNAL, 1997-98

Op-Ed, *Dead Men Tell No Tales-But Do Their Attorneys?*, THE SAN DIEGO UNION-TRIBUNE, June 11, 1998

Op-Ed, *Cutting Fraud and Saving the Safety Net*, THE SAN DIEGO UNION-TRIBUNE, July 20, 1997

BAR MEMBERSHIPS

State of California
U.S. District Court for the District of Arizona and the Southern District of California
U.S. Court of Appeals for the Ninth, Tenth, and Eleventh Circuits
U.S. Supreme Court

PROFESSIONAL ACTIVITIES

Author, Letter to President Barack Obama in Support of Clemency Petition of Weldon Angelos, Signed by 114 former U.S. Circuit Court Judges, U.S. District Court Judges, U.S. Attorneys, State Governors, State Supreme Court Justices, State Attorneys General et al., November 13, 2013, *available at* http://www.constitutionproject.org/wp-content/uploads/2013/11/Angelos-commutation-support-letter_FINAL2.pdf

Advisory Council Member, Our America Initiative, 2014-

Board of Directors, Sixth Amendment Center, 2012-

Member, American Law Institute, 2011-

Litigation Advisory Committee, Families Against Mandatory Minimums, 2010-12

U.S. Chamber of Commerce's Working Group on Corporate Criminal Law Issues, 2008-09
Federal Public Defender Selection Committee (Dist. Utah), U.S. Court of Appeals for the 10th Circuit, 2007
Member, Advisory Committee on Criminal Jury Instructions, Utah Supreme Court, 2003-2006 (Drafting Sub-Committee, 2004-2006)
Consultant, Sociedad Cubana de Ciencias Penales (Cuban Society of Penal Sciences), 2003 (Honorary Member, conferred June 25, 2003)
Board of Directors, Salt Lake Legal Defenders' Association, 2002-09
Board of Directors, Rocky Mountain Innocence Center, Salt Lake City, Utah, 2002-09
Member, Advisory Committee on the Rules of Criminal Procedure, Utah Supreme Court, 2001-09

ACADEMIC ACTIVITIES

University Fellowships

Fellow, Center for the Future of War, Arizona State University and New America (Foundation), 2015-
Fellow, Center for Law and Global Affairs, Arizona State University, 2015-
Fellow, Center for Law, Science & Innovation, Arizona State University, 2015-

Selected Awards

Grant, Academy for Justice Project, Charles Koch Foundation, 2016-
Lewis Prize for Excellence in Legal Scholarship, Washington & Lee University, 2013
Law Alumni Association Faculty Fellow, Washington & Lee University, 2010-11
University Professorship, University of Utah, 2007-08

Major Events

Workshop Co-Director, Criminal Justice Reform in Comparative Perspective, Institute for Judicial Administration, University of Birmingham, 2017
Conference Director, Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform, Arizona State University, 2017
Workshop Co-Director, Multi-level Criminal Justice Systems, University of Göttingen Faculty of Law, 2013
Symposium Director, Prosecutorial Power: A Transnational Workshop, Washington & Lee University, 2010
Symposium Director, Drugs: Addiction, Therapy, and Crime, University of Utah, 2008
Symposium Director, Cycles of Juvenile Justice, University of Utah, 2007
Symposium Director, Color of Justice: The New Face of Racial Profiling, University of Utah, 2003
Symposium Director, The Utah Restorative Justice Conference, University of Utah, 2001-2002

Referee

Crime and Justice: A Review of Research (University of Chicago Press), 2011, 2015
Oxford University Press, 2011, 2007
The Monist: An International Quarterly Journal of General Philosophical Inquiry, 2007
New Criminal Law Review: An International and Interdisciplinary Journal, 2007
New York University Press, 2006
Victoria University of Wellington Law Review, 2001

Committees

Faculty Appointments Committee, Arizona State University (co-chair 2017-18), 2015-
Faculty Advisory Committee, Arizona State University, 2017-18

Colloquium Committee, Arizona State University, 2015-16
Faculty Appointments Committee (co-chair, 2012-13), Washington and Lee University, 2012-15
Support and Evaluation (of Untenured Faculty) Committee (chair, 2014-15), 2013-15
Faculty Review Committee (elected, university-wide position), Washington and Lee University, 2011-14
Educational Planning & Curriculum Committee, Washington and Lee University School of Law, 2010-13
Promotion and Tenure Committee (chair), Washington and Lee University School of Law, 2010-13
Law Center Committee (elected position), Washington and Lee University School of Law, 2010-11
Clinical Programs Committee, Washington and Lee University School of Law, 2009-13
Faculty Advisor, Southwest Virginia Innocence Project, 2009-13
Special Committee to Review Scholarly Papers, American Association of Law Schools, 2008-09
Curriculum Committee, University of Utah College of Law, 2005-2007 (Chair, 2006-2007)
Retention, Promotion, and Tenure Committee, University of Utah College of Law, 2005-200
Consolidated Hearing Committee (elected position), Academic Senate, University of Utah, 2004-200
Advisory Committee to General Counsel (elected position), University of Utah, 2004-200
Nominations Committee, University of Utah College of Law, 2004-2007 (Chair, 2005-2006)
Member, Drugs and Justice Working Group, University of Utah, 2003-2009
Programs Committee, University of Utah College of Law, 2002-2003
Excellence in Teaching Committee, University of Utah College of Law, 2002-2003
Consortium on Criminal and Juvenile Justice, Office of the Governor of Utah, 2001-2006
Faculty Recruitment Committee, University of Utah College of Law, 2001-2004
Faculty Development Committee (elected), University of Utah College of Law, 2001-2003
Admissions Committee, University of Utah College of Law, 2000-2001, 2004-2005
Faculty Advisor, Utah Criminal Justice Society, University of Utah College of Law, 2000-2009
Judicial Clerkship Committee, University of Utah College of Law, 2000-2001

SELECTED LECTURES, PRESENTATIONS & RELATED EVENTS (2009-Present)

Panelist, *Leave Us Alone: Ending Asset Forfeiture and the Overcriminalization of Everything*, FreedomFest, Las Vegas, NV, July 14, 2018
Presentation, *Reforming Criminal Justice*, State Capitol Building, Tallahassee, FL, January 15, 2018
Presentation, *The Challenge of Crime in a Free Society: 50 Years Later*, George Washington University Law School, October 27, 2017
Presentation, *Advancing Justice: An Agenda for Human Dignity & Public Safety*, Charles Koch Institute, Washington, D.C., October 26, 2017
Moderator, Criminal Justice Reform in Comparative Perspective, Institute for Judicial Administration, University of Birmingham, September 24-25, 2017
Plenary Address, One-Year Anniversary Conference, Centre for Crime, Justice and Policing, University of Birmingham, June 26, 2017
Fulbright Distinguished Lecture, University of Birmingham, May 31, 2017
Lecture, Suspect Communities in Anglo-American Law, Gresham College, March 29, 2017
Moderator, Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform, Arizona State University, February 10-11, 2017

- Independent Expert, *Regulation and Taxation of Marijuana Act*, Citizens' Initiative Review or CIR, August 11-14, 2016
- Organizer/Participant, *Criminal Justice Roundtable*, Charles Koch Foundation, Arlington, VA, June 16-17, 2016
- Lecture, *Perverse Incentives in Law Enforcement*, Center for Ethics and Public Policy, University of Minnesota, April 29, 2016
- Participant, *The Impact of Prosecutorial Discretion*, Morrison Institute for Public Policy, February 25, 2016
- Presentation, *Disjointed Regulation: State Efforts to Legalize Marijuana*, UC-Davis School of Law, January 29, 2016
- Moderator, *State of Our State Conference*, Morrison Institute for Public Policy, November 20, 2015
- Panelist, *Advancing Justice: An Agenda for Human Dignity & Public Safety*, Charles Koch Institute, New Orleans, November 4-6, 2015
- Presentation, *Wrongful Convictions and the DNA Revolution: Twenty-Five Years of Freeing the Innocent*, Northeastern University School of Law, September 25-26, 2015
- Participant, *Law and Academia Roundtable*, Charles Koch Foundation, Arlington, VA, March 4, 2015
- Moderator, *Land of the Not-So-Free: Why America is the World's Leading Jailer ... and What We Can Do About It*, Young Americans for Liberty, February 16, 2015
- Moderator, *Cybersurveillance in the Post-Snowden Age*, Washington and Lee Law Review Symposium, January 23-24, 2015
- Presentation, *Transatlantic Dialogue on Surveillance Methods*, Max Planck Institute for Foreign and International Criminal Law, Freiburg, DE, December 18-19, 2014
- Moderator, *PATRIOT Games & Whistleblowers? NSA Cybersurveillance, WikiLeaks, & the National Security State*, Southeastern Association of Law Schools (SEALS) Annual Conference, August 12, 2014
- Presentation, *Prosecutorial Discretion: Ethics, Practice and Policy*, Stanford Law School, May 16, 2014
- Presentation, *The Adversarial-Inquisitorial Divide in Transnational Criminal Justice*, SMU Criminal Justice Colloquium, Dallas, January 23-24, 2014
- Presentation, *Getting Multi-level Criminal Justice Right*, University of Göttingen Faculty of Law, December 16-17, 2013
- Commentator, *Polygraph and the War on Terror*, The Federalist Society, November 21, 2013
- Commentator, *Sentencing Fragments: Building Just and Effective Sentencing Systems*, Robina Institute of Criminal Law and Criminal Justice, University of Minnesota Law School, Minneapolis, November 15-16, 2013
- Presentation, *Digital Innocence*, Criminal Justice Colloquium, Vanderbilt University Law School, November 9-10, 2013
- Presentation, *Festschrift in Honor of Dr. Ramon de la Cruz Ochoa*, Ninth International Summer School on Contemporary Penal Themes, University of Havana, Havana, Cuba, July 9-13, 2013
- Commentator, *Criminal Justice Roundtable*, University of Virginia Law School, June 3-4, 2013
- Presentation, *The Future of Adversarial and Inquisitorial Systems: Criminal Justice and Discretionary Justice*, sponsored by University of Bologna et al., Ravenna, Italy, May 17-18, 2013
- Presentation, *Criminal Justice Reform: A New Era of Bipartisanship?*, Catholic University Law Review Symposium, February 15, 2013
- Moderator, *Gideon at 50: Reassessing the Right to Counsel*, Washington & Lee Law Review Symposium, Nov. 8-9, 2012

- Presentation, *Smashing the Machine: The Troubled Legacy of Kantorozicz's Kampf*, German Law Journal Symposium, Sept. 9-10, 2012
- Presentation, *The Case of Robinson v. California (Criminal Law Stories Panel)*, Law and Society Annual Conference, Honolulu, June 7, 2012
- Presentation, *2012 Symposium: Overcriminalization*, Journal of Criminal Law and Criminology, Northwestern University School of Law, Chicago, January 27, 2012
- Presentation, *Sentencing Law: Rhetoric and Reality*, University of Pennsylvania Law School, Philadelphia, October 28-29, 2011
- Presentation, *Gabriel García Márquez's "Story of a Death Foretold,"* Annual Alumni College Seminar on Law & Literature, Washington and Lee University, October 14-15, 2011
- Presentation, *Supreme Court Preview: U.S. v. Jones*, American Constitution Society, September 14, 2011
- Commentator, *Conference on Comparative Study of Prosecution Systems*, University of Minnesota Law School, Minneapolis, April 7-9, 2011
- Presentation, *Traffic and the War on Drugs*, Journal of Civil Rights and Social Justice, March 17, 2011
- Presentation, *Rotten Social Background in the 21st Century: Reconsidering the Role of Socio-Economic Deprivation in Criminal Justice*, University of Alabama Law School, Tuscaloosa, February 11, 2011
- Participant, *Draft Revisions to the Standards on the Prosecution and Defense Function*, American Bar Association Roundtable, November 19, 2010
- Testimony, *Crimes Against America's Homeless: Is the Violence Growing?*, Subcommittee on Crime and Drugs (Committee on the Judiciary), United States Senate, September 29, 2010
- Panelist, *The Federal Role in Improving Indigent Criminal Defense*, American Constitution Society National Convention, Washington, D.C., June 17-19, 2010
- Testimony, *Federal Mandatory Minimum Sentences*, United States Sentencing Commission, May 27, 2010
- Moderator, *Prosecutorial Power: A Transnational Workshop*, co-sponsored by the Alexander von Humboldt Foundation, the Frances Lewis Law Center, the Max Planck Institute for Foreign and International Criminal Law, and the Transnational Law Institute, Lexington, VA, April 1-2, 2010
- Commentator, *Law and Economics of Criminal Law*, University of Virginia Law School, March 26-27, 2010
- Presentation, *Judicial Discretion: A Look Back and a Look Forward Five Years After Booker*, Federal Judicial Center, Washington, D.C., February 18, 2010
- Participant, *Working Group Dinner on Prison Reform*, American Enterprise Institute, Washington, D.C., January 14, 2010
- Workshop Presentation, *Criminal Justice and the Public Imagination*, Arizona State University Sandra Day O'Connor College of Law, Phoenix, Arizona, November 30, 2009
- Panelist, *Drugs: Science, Reality, and Legality*, American Constitution Society, October 23, 2009
- Participant, *Colloquium: Punishment Futures*, The Netherlands Institute for the Study of Crime and Law Enforcement, Oud Poelgeest, Leiden, October 15-17, 2009
- Respondent, *The National Security Court System: The Natural Evolution of Justice in an Age of Terror*, Federalist Society, September 29, 2009
- Participant, *Retribution and Justice: A Federalist Society Faculty Colloquium*, Bachelor Gulch (Colorado), August 11-12, 2009
- Presentation, *Criminal Justice, Overlapping Consensus, and the Art of the Possible*, Fifth International Summer School on Contemporary Penal Themes, University of Havana, Havana, Cuba, July 6-10, 2009
- Testimony, *Indigent Representation: A Growing National Crisis*, Subcommittee on Crime, Terrorism, and Homeland Security (Committee on the Judiciary), United States House of Representatives, June 4, 2009

Presentation, *Corporate Criminal Liability*, American Criminal Law Review Symposium, Georgetown University and the U.S. Chamber of Commerce, Washington, D.C., April 21, 2009

Presentation, *Conference on Psychopathy and the Law*, MacArthur Foundation Law and Neuroscience Project, New Orleans, April 15-16, 2009

Testimony, *Representation of Indigent Defendants in Criminal Cases: A Constitutional Crisis in Michigan and Other States?*, Subcommittee on Crime, Terrorism, and Homeland Security (Committee on the Judiciary), United States House of Representatives, March 26, 2009

Panel Moderator, *Climate Policy for the Obama Administration*, Journal of Energy, Climate, and the Environment, February 20, 2009

Panel Moderator, *Environmental Criminal Prosecution: Essential Tool or Government Overreaching?*, Wallace Stegner Center, January 22, 2009

MEDIA COMMENTARY

Print (newspapers and magazines) appearances in media publications (*New York Times*, *USA Today*, *Arizona Republic*, *Boston Globe*, *Chicago Tribune*, *Los Angeles Times*, *ABA Journal*, *The Atlantic*, *The Economist*, *Businessweek*, *National Law Journal*) and wire services (*Associated Press*, *United Press International*, *Reuters*, *Scripps-Howard News Service*); television appearances in national/regional broadcasts (e.g., *CBS News*, *NBC News*, *MSNBC*, *Fox News Channel*, local affiliates); and radio appearances in national/regional broadcasts (e.g., *National Public Radio*, *Voice of America*, *Australian Broadcasting Corporation*, *Canadian Broadcasting Corporation*, local stations).

PERSONAL

Born June 3, 1971

Father of two children (Madeline and Elliott)

Enrolled, Choctaw Nation of Oklahoma