

**STEPHANOS BIBAS**

Professor, University of Pennsylvania Law School  
3501 Sansom Street, Philadelphia, PA 19104  
(215) 746-2297; stephanos.bibas@gmail.com

RESEARCH & TEACHING All criminal law, criminal procedure, and sentencing.

EXPERIENCE

- 2006-present **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**, Philadelphia, PA. Professor of Law. Researching and teaching in criminal procedure.
- 2009-present Professor of Criminology (secondary appointment).  
Director, Supreme Court Clinic: litigating a wide array of appellate and Supreme Court cases (<http://www.law.upenn.edu/clinic/scc/>).  
Robert A. Gorman Award for Excellence in Teaching, 2008
- Winter/Spring 2006 **UNIVERSITY OF CHICAGO LAW SCHOOL**, Chicago, IL. Visiting Associate Professor. Taught first-year criminal law course.
- Fall 2005 **UNIVERSITY OF PENNSYLVANIA LAW SCHOOL**, Philadelphia, PA. Visiting Associate Professor. Taught courses in criminal procedure.
- 2001-06 **UNIVERSITY OF IOWA COLLEGE OF LAW**, Iowa City, IA. Associate Professor. Researched and taught in criminal law and criminal procedure.
- 2000-01 **YALE LAW SCHOOL**, New Haven, CT. Research fellow.
- 1998-2000 **U.S. ATTORNEY'S OFFICE, SOUTHERN DISTRICT OF NEW YORK**, New York, NY. Assistant U.S. Attorney, Criminal Division. Prosecuted more than 100 narcotics, art, robbery, fraud, grave robbing, and other crimes. Interviewed witnesses and coordinated investigations. Argued countless motions in court. Tried three criminal cases to juries. Briefed and argued three appeals in the U.S. Court of Appeals, Second Circuit. FBI & New York Police Department awards for outstanding performance in high-profile grave-robbing case that became the subject of a Bravo/BBC documentary.
- 1997-98 **HON. ANTHONY KENNEDY, Supreme Court of the United States**, Washington, DC. Law clerk.
- 1995-97 **COVINGTON & BURLING**, Washington, DC. Litigation associate. Litigated white-collar criminal defense, appeals, First Amendment, employment discrimination, toxic torts, and insurance cases.

Personally tried a pro bono employment discrimination case before a federal jury. Briefed and argued a pro bono discrimination appeal to the U.S. Court of Appeals for the D.C. Circuit, winning a unanimous reversal.

1994-95 **HON. PATRICK E. HIGGINBOTHAM, U.S. Court of Appeals for the Fifth Circuit, Dallas, TX.** Law clerk.

## EDUCATION

- 1991-94 **YALE LAW SCHOOL**, New Haven, CT. J.D.  
*Yale Law Journal*, Symposium Editor.  
Moot Court: Thurman Arnold Prize (best oralist) & Stewart Prize (best team).
- 1989-91 **OXFORD UNIVERSITY (University College)**, England. B.A. and M.A., jurisprudence.  
Gibbs Book Prize in contracts, torts, and land law.  
Alan Urbach Memorial Prize in jurisprudence.  
*1st Place Speaker, 1991 World Debate Championships* (Toronto).
- 1985-89 **COLUMBIA UNIVERSITY**, New York, NY. B.A., political theory.  
GPA: 3.94.  
*Summa cum laude*.  
Phi Beta Kappa, early election (top 2% of the class).  
Polity (Student Budgeting Committee), Financial Chair.  
Parliamentary Debate: Winner of various public speaking awards.

## BOOKS

THE MACHINERY OF CRIMINAL JUSTICE (Oxford University Press, 2012)

## ARTICLES AND OTHER SCHOLARLY WORKS

*Notice-and-Comment Sentencing*, draft under submission (co-authored with Richard A. Bierschbach).

*Triaging Appointed-Counsel Funding and Pro Se Access to Justice*, 160 U. PENN. L. REV. 967 (2012).

*The Myth of the Fully Informed Rational Actor*, 31 ST. LOUIS U. PUB. L. REV. 79 (2011).

*Sacrificing Quantity for Quality: Better Focusing Prosecutors' Scarce Resources*, 106 NW. U. L. REV. COLLOQUY 138 (2011),  
<http://www.law.northwestern.edu/lawreview/colloquy/2011/25/LRColl2011n25Bibas.pdf>.

*Regulating the Plea-Bargaining Market: From Caveat Emptor to Consumer Protection*, 99 CAL. L. REV. 1117 (2011), *quoted with approval in Lafler v. Cooper* (U.S. 2012).

*The Pitfalls of Professionalized Prosecution: A Response to Josh Bowers's "Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,"* 111 COLUM. L. REV. SIDEBAR 14 (2011), [http://www.columbialawreview.org/assets/sidebar/volume/111/14\\_Bibas.pdf](http://www.columbialawreview.org/assets/sidebar/volume/111/14_Bibas.pdf).

*Two Cheers, Not Three, for Sixth Amendment Originalism,* 34 HARV. J.L. & PUB. POL'Y 45 (2011).

*Neuroprediction, Violence, and the Law: Setting the Stage,* 4 NEUROETHICS (2010) (coauthored with Thomas Nadelhoffer, Scott Grafton, Kent A. Kiehl, Andrew Mansfield, Walter Sinnott-Armstrong, and Michael Gazzaniga).

*New Perspectives on Brady and Other Disclosure Obligations: What Really Works?,* 31 CARDOZO L. REV. 1961 (2010) (reporter for Part III of symposium, on prosecutorial training and supervision).

*The Need for Prosecutorial Discretion,* 19 TEMP. POL. & CIV. RTS. L. REV. 369 (2010) (symposium essay).

*International Idealism Meets Domestic-Criminal-Procedure Realism,* 59 DUKE L.J. 637 (2010, coauthored with William W. Burke-White).

*Prosecutorial Regulation Versus Prosecutorial Accountability,* 157 U. PA. L. REV. 959 (2009).

*Restoration, But Also More Justice,* in CRIMINAL LAW CONVERSATIONS 595 (Paul H. Robinson, Kimberly Ferzan, & Stephen P. Garvey eds. 2009).

*Political versus Administrative Justice,* in CRIMINAL LAW CONVERSATIONS 677 (Paul H. Robinson, Kimberly Ferzan, & Stephen P. Garvey eds. 2009).

*Invasions of Conscience and Faked Apologies,* in CRIMINAL LAW CONVERSATIONS 196 (Paul H. Robinson, Kimberly Ferzan, & Stephen P. Garvey eds. 2009).

*The Heart Has Its Value: The Justifiable Persistence of the American Death Penalty,* in CRIMINAL LAW CONVERSATIONS 643 (Paul H. Robinson, Kimberly Ferzan, & Stephen P. Garvey eds. 2009) (coauthored with Douglas A. Berman).

*Rewarding Prosecutors for Performance,* 6 OHIO ST. J. CRIM. L. 441 (2009) (symposium essay).

*Policing Politics at Sentencing,* 103 NW. U. L. REV. 1371 (2009) (coauthored with Max M. Schanzenbach and Emerson H. Tiller).

*Exacerbating Injustice,* Response, 157 U. PA. L. REV. PENNUMBRA 53 (2008), <http://www.pennumbra.com/responses/11-2008/Bibas.pdf>.

*Engaging Capital Emotions,* 102 NW. U. L. REV. COLLOQUY 355 (2008), <http://www.law.northwestern.edu/lawreview/colloquy/2008/17/LRColl2008n17Berman&Bibas.pdf> (coauthored with Douglas A. Berman).

*Judicial Fact-Finding at Sentencing,* in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008).

*The Sixth Amendment and Criminal Sentencing,* 30 CARDOZO L. REV. 775 (2008) (symposium essay, coauthored with Susan R. Klein).

*Rita v. United States Leaves More Open Than It Answers,* 20 FED. SENTENCING REP. 28 (2007).

*Forgiveness in Criminal Procedure*, 4 OHIO ST. J. CRIM. L. 329 (2007).

*Making Sentencing Sensible*, 4 OHIO ST. J. CRIM. L. 37 (2006) (co-authored with Douglas A. Berman), *cited with approval in Cunningham v. California*, 127 S. Ct. 856, 873 (2007) (Kennedy, J., dissenting).

*Transparency and Participation in Criminal Procedure*, 81 NYU L. REV. 911 (2006), *cited with approval in Kansas v. Marsh*, 126 S. Ct. 2516, 2532 n.3 (2006) (Scalia, J., dissenting).

*The Rehnquist Court's Fifth Amendment Incrementalism*, 74 GEO. WASH. L. REV. 1078 (2006).

*Brady v. Maryland: From Adversarial Gamesmanship Toward the Search for Innocence?*, in CRIMINAL PROCEDURE STORIES 129 (Carol Steiker ed. 2005).

*White-Collar Plea Bargaining and Sentencing After Booker*, 47 WM. & MARY L. REV. 721 (2005).

*Originalism and Formalism in Criminal Procedure: The Triumph of Justice Scalia, the Unlikely Friend of Criminal Defendants?*, 94 GEO. L.J. 183 (2005).

*Regulating Local Variations in Federal Sentencing*, 58 STAN. L. REV. 137 (2005).

*The Blakely Earthquake Exposes the Procedure/Substance Fault Line*, 17 FED. SENTENCING REP. 258 (2005).

*Integrating Remorse and Apology into Criminal Procedure*, 114 YALE L.J. 85 (2004) (co-authored with Richard A. Bierschbach).

*Blakely's Federal Aftermath*, 16 FED. SENTENCING REP. 333 (2004).

*Plea Bargaining Outside the Shadow of Trial*, 117 HARV. L. REV. 2463 (2004). (Professor William J. Stuntz published a response to this article at 117 HARV. L. REV. 2548 (2004).)

*Pleas' Progress*, 102 MICH. L. REV. 1024 (2004) (book review, reviewing GEORGE FISHER, PLEA BARGAINING'S TRIUMPH (2003)).

*The Feeney Amendment and the Continuing Rise of Prosecutorial Power to Plea Bargain*, 94 J. CRIM. L. & CRIMINOLOGY 295 (2004).

*The Psychology of Hindsight and After-the-Fact Review of Ineffective Assistance of Counsel*, 2004 UTAH L. REV. 1 (2004).

*Apprendi in the States: The Virtues of Federalism as a Structural Limit on Errors*, 94 J. CRIM. L. & CRIMINOLOGY 1 (2003).

*Bringing Moral Values into a Flawed Plea Bargaining System*, 88 CORNELL L. REV. 1425 (2003).

*Harmonizing Substantive-Criminal-Law Values and Criminal Procedure: The Case of Alford and Nolo Contendere Pleas*, 88 CORNELL L. REV. 1361 (2003). (Professor Albert W. Alschuler published a response to this article at 88 CORNELL L. REV. 1412 (2003), and I published a reply (listed immediately above).)

*Using Plea Procedures to Combat Denial and Minimization, in* JUDGING IN A THERAPEUTIC KEY: THERAPEUTIC JURISPRUDENCE AND THE COURTS 169 (Bruce J. Winick & David B. Wexler eds., 2003).

*The Real-World Shift in Criminal Procedure*, 93 J. CRIM. L. & CRIMINOLOGY 789 (2003) (book review, reviewing RONALD J. ALLEN ET AL., COMPREHENSIVE CRIMINAL PROCEDURE (2001) and MARC L. MILLER & RONALD F. WRIGHT, CRIMINAL PROCEDURES (1999)).

*The Right to Remain Silent Helps Only the Guilty*, 88 IOWA L. REV. 421 (2003).

*Back from the Brink*, 15 FED. SENTENCING REP. 79 (2002), *excerpted in* “Back from the Brink” (op-ed essay), LEGAL TIMES, Aug. 5, 2002, at 59, *and* “The High Court Finds a Balance Between Judges and Juries,” FULTON COUNTY DAILY REP., Aug. 13, 2002.

*How Apprendi Affects Institutional Allocations of Power*, 87 IOWA L. REV. 465 (2002).

*Apprendi and the Dynamics of Guilty Pleas*, 54 STAN. L. REV. 311 (2001).

*Judicial Fact-Finding and Sentence Enhancements in a World of Guilty Pleas*, 110 YALE L.J. 1097 (2001), *cited and discussed extensively in* *Blakely v. Washington*, 542 U.S. 296 (2004). (Professors Nancy J. King and Susan R. Klein published a response to this article at 54 STAN. L. REV. 295 (2001), and I published a reply (listed immediately above).)

*Apprendi’s Perverse Effects on Guilty Pleas Under the Sentencing Guidelines*, 13 FED. SENTENCING REP. 333 (Mar./Apr. 2001).

Note, *The Case Against Statutes of Limitations for Stolen Art*, 103 YALE L.J. 2437 (1994), *reprinted in* 5 INT’L J. CULTURAL PROPERTY 73 (1996).

*A Contractual Approach to Data Privacy*, 17 HARV. J.L. & PUB. POL’Y 591 (1994).

## SHORTER WORKS

*The Blakely Revolution*, IOWA ADVOCATE 4 (Fall/Winter 2005).

*The Future of American Sentencing: A National Roundtable on Blakely* (remarks on a panel at a Stanford Law School Symposium, Oct. 9, 2004), *excerpted in* 17 FED. SENTENCING REP. 128 (2004) *and* 2 OHIO ST. J. CRIM. L. 619, 636-37 (2005).

*Can the Supreme Court Clean Up Its Blakely Mess?* (on-line debate with Douglas A. Berman), *Legal Affairs*, Sept. 27-Oct. 1, 2004 (available on-line at [http://www.legalaffairs.org/webexclusive/debateclub\\_blakely1004.html](http://www.legalaffairs.org/webexclusive/debateclub_blakely1004.html))

*How Long? A Close Supreme Court Decision Trades Decades of Sentencing Reform for a Confusing Future*, LEGAL TIMES, July 6, 2004, at 52.

*Above the Fray: Supreme Court Should Let Judges Keep a Hand in Who Gets Executed* (op-ed essay), LEGAL TIMES, Feb. 4, 2002, at 43, *reprinted in* *Should There Be Apprehension over Apprendi?*, TEXAS LAWYER, Feb. 11, 2002, at 55, *and* *Should Jurors or Judges Decide Capital Sentences?*, FULTON COUNTY DAILY REP. Feb. 6, 2002.

*Phones that Aid and Abet* (letter to the editor), N.Y. TIMES, Aug. 16, 2001, at D5.

## GOVERNMENT TESTIMONY

Testimony before the United States Sentencing Commission, *The Future of the Federal Sentencing Guidelines after Blakely v. Washington*, November 16, 2004 (available on-line at [http://www.ussc.gov/hearings/11\\_16\\_04/Bibas.pdf](http://www.ussc.gov/hearings/11_16_04/Bibas.pdf))

## PRESENTATIONS (selected)

- “Notice-and-Comment Sentencing,” workshop presentation
- Loyola University-Los Angeles faculty workshop, Feb. 16, 2012
- University of Pennsylvania Law School faculty workshop, Feb. 14, 2012
  
- “Book Symposium: *The Machinery of Criminal Justice*,” author / commentator, University of Pennsylvania Law School, Feb. 14, 2012
  
- “A Debate About Original Intent,” panelist, Federalist Society, Philadelphia Lawyers’ Chapter, Jan. 19, 2012
  
- “Rights in the Bargain: Developments in Plea Bargaining,” panelist, Criminal Justice Theory & Practice Workshop, Yale Law School, December 7, 2011
  
- “Civil *Gideon*: Why the Government Shouldn’t Have to Provide Free Lawyers for the Poor,” presentation / debate
- George Washington University Law School, Federalist Society chapter, Mar. 13, 2012
- University of Georgia Law School, Federalist Society chapter, Feb. 7, 2012
- Wayne State University Law School, Federalist Society chapter, Nov. 30, 2011
- University of Michigan Law School, Federalist Society chapter, Nov. 10, 2011
- University of Detroit-Mercy, Federalist Society chapter, Nov. 9, 2011
- Lewis & Clark Law School, Federalist Society chapter, Oct. 24, 2011
- Penn State Law School, Federalist Society chapter, Sept. 22, 2011
- Rutgers University–Camden Law School, Federalist Society chapter, Sept. 20, 2011
  
- “Prosecuting ‘Smart on Crime,’” panelist, Criminal Justice Theory & Practice Workshop, Yale Law School, Apr. 12, 2011
  
- Comparative Study of Prosecution Systems, invited participant, University of Minnesota Law School, Apr. 7-9, 2011
  
- “Improving Guilty Pleas Post-*Padilla*,” symposium on *The Aftermath of Padilla v. Kentucky: A New Era for Plea Bargaining and Sentencing?*, St. Louis University Law School, Feb. 25, 2011
  
- “Returning Power to Laymen in a Lawyer-Driven System,” presentation
- Loyola University Chicago workshop, Feb. 24, 2011
- One Day University, Jan. 22, 2011
  
- “Profiling and Consent: Regulation and Institutional Reform in Policing,” moderator, University of Pennsylvania department of criminology, Feb. 11, 2011
  
- “Fourth Amendment Limits on Mandatory DNA Testing: North Carolina House Bill 1403,” panelist, Campbell University Federalist Society, Oct. 22, 2010

- “Popular Moral Discourse Versus Assembly-Line Efficiency,” presentation Rutgers University–Camden Law School, faculty workshop, Mar. 1, 2010
  - University of Minnesota, public law workshop, Feb. 4, 2010
  - University of Houston Law Center, distinguished criminal law lecture, Feb. 3, 2010
  - University of Pennsylvania Law School, ad hoc workshop, Jan. 20, 2010
- “Originalism in Criminal Procedure: Ancient Checks or Newfangled Rights?,” panelist, Originalism 2.0 Federalist Society National Student Symposium, University of Pennsylvania Law School, Feb. 27, 2010.
- “Race, Wrongs, and Remedies,” commentator, University of Pennsylvania Law School, Jan. 19, 2010
- “The Dangers of Excessive Originalism,” presentation, symposium on originalism and the jury, The Moritz College of Law at the Ohio State University, Nov. 17, 2009
- Breakout section on prosecutorial training and supervision, reporter, conference on “New Perspectives on *Brady* and Other Disclosure Obligations: What Really Works?,” Cardozo School of Law, Yeshiva University, Nov. 15-16, 2009
- “Whose Voices Belong in Criminal Justice?,” presentation
- Florida State University Law School, faculty workshop, Oct. 23, 2009
  - University of Pennsylvania Law School, faculty retreat, Sept. 21, 2009
  - American University Washington College of Law, faculty speaker series, Sept. 4, 2009
- “The Emotional Value of Capital Punishment,” presentation
- University of Miami Law School, Federalist Society chapter debate, Mar. 7, 2012
  - Stetson University Law School, Federalist Society chapter, Mar. 6, 2012
  - University of Houston Law Center, Federalist Society chapter, Feb. 3, 2010
  - Florida State University Law School, Federalist Society chapter, Oct. 22, 2009
  - University of Florida Law School, Federalist Society chapter, Oct. 21, 2009
- “The Need for Prosecutorial Discretion,” presentation, symposium on modern approaches to prosecutorial discretion, Temple University James E. Beasley School of Law, Oct. 17, 2009
- Retribution and Justice: Federalist Society Faculty Colloquium, moderator and discussant, Aspen, CO Aug. 11-12, 2009
- “Does the Punishment Fit the Crime? A Debate on Sentencing Practices,” moderator, Sparer Symposium, University of Pennsylvania Law School, Mar. 20, 2009.
- “Opaque, Unresponsive Criminal Justice,” presentation
- Arizona State University Sandra Day O’Connor College of Law, presentation, Nov. 5, 2008
  - University of Arizona James E. Rogers College of Law, presentation, Nov. 3, 2008
  - One Day University, presentation, Jan. 17, 2009
  - One Day University, presentation, July 19, 2008
- “International Idealism Meets Domestic-Criminal-Procedure Realism,” faculty workshop (with William W. Burke-White), University of Pennsylvania Law School, Nov. 12, 2008
- “The Long Drift from Morality Play to Assembly Line,” faculty workshop at Notre Dame Law School, Oct. 31, 2008

“Paying Prosecutors for Performance,” presentation, Ohio State Journal of Criminal Law roundtable discussion, Moritz College of Law at the Ohio State University, July 2, 2008

“The Sixth Amendment and Criminal Sentencing” (with Susan R. Klein), presentation, *Cardozo Law Review* symposium on the future of self-incrimination: the Fifth Amendment, confessions, and guilty pleas, Cardozo Law School, Mar. 3, 2008.

Debate on the United States military’s “Don’t Ask, Don’t Tell” policy, moderator, University of Pennsylvania Law School, Federalist Society chapter, Oct. 3, 2007

“Restoring Values and Relationships to Criminal Procedure,” presenter, Willamette University College of Law, Sept. 28, 2007

“The Gulf Between Insiders and Outsiders in Criminal Justice,” lecture, Willamette Center for Law and Government, Willamette University College of Law, Sept. 27, 2007

“Sentencing After *Rita*,” presenter, Eighth and Tenth Circuit Judges’ Conference, Vail, CO July 12, 2007

“Forgiveness in Criminal Procedure,” presenter, colloquium on justice and mercy in Jewish and Christian tradition and American criminal law, Harvard Law School and Harvard Divinity School, May 3, 2007

“The Effects of Cognitive Biases on Plea Negotiations,” panel commentator, conference on understanding and improving dispute resolution in criminal law, Marquette Law School, Apr. 14, 2007

“Originalism and Formalism in Criminal Procedure: The Triumph of Justice Scalia, the Unlikely Friend of Criminal Defendants?,” lecture to Federalist Society student chapters

- Duke Law School, Oct. 21, 2010
- NYU Law School, Sept. 8, 2010
- University of Minnesota Law School, Feb. 4, 2010
- Vanderbilt University Law School, Sept. 10, 2009
- Georgetown University Law Center, Sept. 3, 2009
- American University Washington College of Law, Nov. 11, 2008
- Arizona State University Law School, Nov. 5, 2008
- University of Arizona James E. Rogers College of Law, Nov. 4, 2008
- Notre Dame Law School, Oct. 9, 2008
- Western New England College of Law, Sept. 24, 2008
- St. Louis University Law School, Apr. 1, 2008
- University of Missouri at Columbia, Mar. 31, 2008
- Penn State / Dickinson School of Law, Mar. 20, 2008
- Widener Law School (Harrisburg), Mar. 20, 2008
- University of Delaware Legal Studies Program, Nov. 30, 2007
- New England School of Law, Nov. 5, 2007
- Northeastern Law School, Nov. 5, 2007
- Philadelphia Lawyers’ Chapter, Federalist Society, Nov. 1, 2007
- Quinnipiac University Law School, Oct. 24, 2007
- University of Connecticut Law School, Oct. 24, 2007
- University of Cincinnati Law School, Oct. 10, 2007
- Villanova University Law School, Oct. 8, 2007
- Willamette University Law School, Sept. 28, 2007
- Temple University Law School, Sept. 18, 2007
- Rutgers University Law School–Camden, Sept. 6, 2007

- Marquette University Law School, Apr. 13, 2007
- University of Wisconsin Law School, Apr. 12, 2007
- University of Chicago Law School, Apr. 11, 2007
- Northwestern University Law School, Apr. 11, 2007
- University of Illinois Law School, Apr. 10, 2007

“Roundtable discussion on the future of *Miranda v. Arizona*,” discussant, conference on cautions and confessions: *Miranda v. Arizona* After 40 Years, University of Colorado Law School, Oct. 21, 2006

“The Rehnquist Court’s Fifth Amendment Incrementalism,” discussant, panel on criminal justice, *George Washington Law Review* symposium on the legacy of the Rehnquist Court, George Washington University Law School, Oct. 28, 2005

- “Transparency and Participation in Criminal Procedure,” presenter, faculty workshops
- University of Chicago Law School, Feb. 9, 2006
- Temple University Law School, Oct. 26, 2005
- University of Pennsylvania Law School, fall 2005
- University of Iowa College of Law, summer 2005

“*Roper v. Simmons*, *Booker v. United States*, and the Divergence of Capital and Non-Capital Sentencing Law,” Seasongood Foundation College Visitor Series Speech, University of Cincinnati Law School, Apr. 20, 2005

“White-Collar Plea Bargaining and Sentencing After *Booker*,” Symposium, Institute of Bill of Rights Law, William & Mary Law School, Mar. 25, 2005

- “Will Originalism and Formalism Save Criminal Procedure or Destroy It?,”
- Duke Law School, debate with Professor Sara Sun Beale, Jan. 27, 2005
- Federalist Society Faculty Conference, panelist, San Francisco, CA, Jan. 7, 2005.

“*Blakely v. Washington* and the Crumbling Divide Between Criminal Procedure and Substantive Law,” at *The Future of American Sentencing: A National Roundtable on Blakely*, Stanford Law School, Oct. 9, 2004.

“*Blakely*’s Federal Aftermath,” Eighth Circuit Judicial Conference, Rapid City, SD, July 14, 2004.

“*Apprendi* Updates” Panel, Federal Bar Association & U.S. Sentencing Commission National Seminar on the Federal Sentencing Guidelines, Miami, FL, May 30, 2004.

“Integrating Remorse and Apology into Criminal Procedure,” faculty workshop, University of Iowa College of Law, Feb. 20, 2004.

- “Plea Bargaining Outside the Shadow of Trial,” faculty workshops
- University of Nebraska Law School, Jan. 31, 2005
- University of Chicago Law School Colloquium on Crime and Punishment, Jan. 14, 2005
- University of Pennsylvania Law School, Dec. 13, 2004
- University of Iowa College of Law, Sept. 12, 2003

“*Apprendi* in the States: The Virtues of Federalism as a Structural Limit on Errors,” Council of Appellate Staff Attorneys, Columbia, SC, July 19, 2003.

Panel, "Plea Bargaining Under the Federal Sentencing Guidelines," Federal Bar Association & U.S. Sentencing Commission National Seminar on the Federal Sentencing Guidelines, Miami Beach, FL, May 30, 2003.

Roundtable discussion, "Ineffective Assistance of Counsel," Lexis/Nexis Criminal Procedure Discussion Forum, Washington & Lee University Law School, May 17, 2003.

"Harmonizing Substantive Criminal Law Values and Criminal Procedure: The Case of *Alford* and Nolo Contendere Pleas," faculty workshops

- Northwestern University Law School, Oct. 31, 2002
- University of Kansas Law School, Oct. 3, 2002
- University of St. Thomas (MN) Law School, Sept. 20, 2002
- University of Iowa College of Law, Sept. 5, 2002

"Judicial Restrictions on Judicial Sentencing," Loyola University Chicago Law School, Feb. 14, 2002 (two presentations).

"*Apprendi*'s Perverse Effects on Guilty Pleas Under the Federal Sentencing Guidelines," National Symposium on the Federal Sentencing Guidelines, University of Iowa, June 2, 2001.

## PROFESSIONAL ACTIVITIES AND SERVICE

### **Awards:**

Wasserman Award for Excellence in Litigation, American Immigration Lawyers Association, 2011 (as part of the team that won *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010))

### **Supreme Court Oral Arguments:**

*Vartelas v. Holder*, No. 10-1211, Jan. 18, 2012  
*Tapia v. United States*, No. 10-5400, Apr. 18, 2011  
*Turner v. Rogers*, No. 10-10, Mar. 23, 2011

### **Supreme Court Briefs:**

Brief of Petitioner and Reply Brief (merits), *Vartelas v. Holder*, No. 10-1211  
Brief *Amicus Curiae* by Invitation of the Court, *Tapia v. United States*, No. 10-5400  
Brief of *Amici Curiae* Legal Historians and Criminal Procedure Law Professors, *Ashcroft v. Al-Kidd*, No. 10-98  
Brief in Opposition to Certiorari and merits Brief of Respondents, *Turner v. Rogers*, No. 10-10  
Certiorari Petition, Reply Brief, and Supplemental Brief, *City of Reno v. Conn*, No. 09-1361  
Brief in Opposition to Certiorari, *Yuma Anesthesia Medical Services v. Fleming*, No. 09-1146  
Certiorari Reply Brief, *Robinson v. Lehman*, No. 09-697  
Brief *Amicus Curiae* Families Against Mandatory Minimums in support of petitioners, *Abbott v. United States*, No. 09-479, and *Gould v. United States*, No. 09-7073  
Brief in Opposition to Certiorari, *United States v. Williams*, No. 09-466  
Certiorari Petition, *Svete v. United States*, No. 09-7576  
Brief of Petitioner and Reply Brief (of counsel), *Padilla v. Kentucky*, No. 08-651

Brief Amici Curiae Criminal and Immigration Law Professors et al. in support of certiorari petition in *Padilla v. Kentucky*, No. 08-651  
Brief Amici Curiae Sentencing Scholars in support of petitioners, *Oregon v. Ice*, 07-901  
Brief Amicus Curiae National District Attorneys Association in support of petitioner, *Iowa v. Tovar*, 02-1541

**Other Service:**

External Reviewer, *Law and Society Review*, 2010-present  
External Reviewer, *Journal of Empirical Legal Studies*, 2011-present  
Member, Philadelphia Mayor's Advisory Task Force on Ethics and Campaign Finance Reform, 2008-09  
Admissions Committee, 2007-09  
Academic Freedom and Responsibility Committee, 2007-11  
Ad Hoc Internal Workshops Co-Convenor, 2008-09  
Academic Standing Committee, 2007-08  
Career Services Committee (renamed Student Services Committee), 2003-05  
Academic Rules and Externships Committee, 2001-02 and 2004-05  
Curriculum Policy Committee, 2004-05  
Judicial Clerkship Coordinator, 2002-05  
Member, Supreme Court Forecasting Project, 2002-03

**BAR MEMBERSHIPS**

Pennsylvania, Pennsylvania Supreme Court  
Virginia, Virginia Supreme Court  
District of Columbia, District of Columbia Court of Appeals  
Supreme Court of the United States  
U.S. Courts of Appeals for the Second, Fourth, Ninth, Tenth, and D.C. Circuits  
U.S. District Courts for the Southern District of New York, Eastern District of Virginia, District of Columbia, and Central District of Illinois

**PERSONAL**

Brown belt in Tae Kwon Do  
Ethnic cuisine, cooking, and baking  
Extensive solo travel in Europe, the Middle East, and the Far East