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ACADEMIC EMPLOYMENT

BENJAMIN N. CARDOZO SCHOOL OF LAW, New York, NY.
Associate Professor, 2008-present (on leave of absence, 2008-10)
Assistant Professor, 2005-08
Visiting Assistant Professor, 2003-05.

Courses: Administrative Law; Corporations; Criminal Law.

Research: Criminal Law & Procedure; Administrative & Constitutional Law; Corporate, White-Collar & Regulatory Crime; Regulation; Restorative Justice.

Committee Service: Faculty Appointments (2011-12, 2006-07); Office of Career Services Dean Search (summer 2011); Clerkship and Placement (2010-11); Faculty Development (2010-11); Educational Policy (2005-06); Academic Standards (2005-06).

Other Service: Co-Director, Junior Faculty Workshop Series (2011-present); Director, Dean's Distinguished Scholars Program (2005-08); Faculty Advisor, Law Review (2007-08); Director, Japan Seminar Abroad (summer 2007); Law Review Board of Advisors (2005-07); Co-Director, Oxford Colloquium in Comparative Corporate Governance (summer 2005, 2007, 2012); Director, Young Scholars Summer Workshop Series (summer 2005); Faculty Affiliate, Samuel and Ronnie Heyman Center on Corporate Governance.

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, MI.
J.D., *Magna Cum Laude*, May 1997.

Journal: *Michigan Law Review*, Articles Editor, 1996-97; Associate Editor, 1995-96.

Honors: Henry M. Bates Memorial Scholarship Award (Law School's highest honor); Daniel H. Grady Prize (for graduating first in class); Class of 1908 Memorial Scholarship Award; Bodman-Longley Award; West Book Awards in Property, Criminal Law, Jurisdiction & Choice of Law, Administrative Law, and Legal Writing & Advocacy; Order of the Coif.

Activities: Teaching Assistant, first-year Criminal Law, Prof. Peter Westen; Contributor, *The Res Gestae*; Editor, *Dicta*

UNIVERSITY OF MICHIGAN, Ann Arbor, MI.

COLLEGE OF LITERATURE, SCIENCE & THE ARTS, 1992-1994.

B.A. (History), *Summa Cum Laude*, May 1994.

Honors: Phi Beta Kappa; James B. Angell Scholar.

COLLEGE OF ENGINEERING, 1990-92.

Honors: James B. Angell Scholar; Regents-Alumni Merit Scholar; Dean's List.

CLERKSHIPS

HONORABLE SANDRA DAY O’CONNOR, UNITED STATES SUPREME COURT, Washington, DC.
Law Clerk, 2000-01.

HONORABLE A. RAYMOND RANDOLPH, UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, Washington, DC.
Law Clerk, 1997-98.

PROFESSIONAL EXPERIENCE

ORRICK, HERRINGTON & SUTCLIFFE, New York, NY.
Of Counsel, 2010-present.
Periodic consultant for U.S. Supreme Court and appellate matters.

GIBSON, DUNN & CRUTCHER, New York, NY.
Of Counsel, 2008-10.
Focused on appellate litigation and legal and strategic counseling, with an emphasis on public law issues.

WILMER, CUTLER & PICKERING, New York, NY.
Associate, 2001-03.
Focused on administrative law, white-collar crime, and appellate litigation.

OFFICE OF LEGAL COUNSEL, UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC.
Attorney-Advisor, 1999-2000.
Provided written and oral advice to the White House, the Attorney General, and other Executive Branch offices on a broad range of legal issues.

OFFICE OF THE SOLICITOR GENERAL, UNITED STATES DEPARTMENT OF JUSTICE, Washington, DC.
Bristow Fellow, 1998-99.
Participated in U.S. Supreme Court litigation and oversaw appeals authorizations in cases involving the federal government.

PUBLICATIONS

ARTICLES AND ESSAYS

Notice-and-Comment Sentencing, 97 MINN. L. REV. ____ (forthcoming November 2012) (with Stephanos Bibas).

Proportionality and Parole, 160 U. PA. L. REV. 1745 (2012).

Deterrence, Retributivism, and the Law of Evidence, 93 VA. L. REV. IN BRIEF 189 (2007) (with Alex Stein).

Mediating Rules in Criminal Law, 93 VA. L. REV. 1197 (2007) (with Alex Stein).

Allocution and the Purposes of Victim Participation under the CVRA, 19 FED. SENT. REP. 44 (2006).

Overenforcement, 93 GEO. L.J. 1743 (2005) (with Alex Stein).

Integrating Remorse and Apology into Criminal Procedure, 114 YALE L.J. 85 (2004) (with Stephanos Bibas).

COMMENTARIES AND OTHER WRITINGS

Commentary, *U.S. Supreme Court Extends Time to File Federal Securities Fraud Suits*, 24 INSIGHTS 28 (June 2010) (with Jonathan Li & Gregory Shill).

Commentary, *U.S. Supreme Court Upholds Settlement of Copyright Infringement Claims Involving Unregistered Works*, Mar. 3, 2010, available at <http://www.gibsondunn.com/publications/pages/USSupremeCourtUpholdsSettlementOfCopyrightInfringementClaimsInvolvingUnregisteredWorks.aspx>.

Commentary, *U.S. Supreme Court to Decide When a Plaintiff “Discovers” Securities Fraud for Purposes of Triggering Statute of Limitations in Actions Under Section 10(b) of Securities Exchange Act of 1934*, May 27, 2009, available at <http://www.gibsondunn.com/publications/pages/USSupCttoDecideWhenPlaintiffDiscoversSecuritiesFraud.aspx>.

Commentary, *Second Circuit Leaves Door Open For Foreign Plaintiffs’ Securities Actions Against Foreign Issuers*, 22 INSIGHTS 34 (December 2008) (with Alex Southwell & Joshua Wilkenfeld).

Exchange, “Will An Apology Save You From Jail?,” *Legal Affairs Debate Club*, Apr. 4-8, 2005, available at <http://www.legalaffairs.org>.

Note, *One Bite at the Apple: Reversals of Convictions Tainted by Prosecutorial Misconduct and the Ban on Double Jeopardy*, 94 MICH. L. REV. 1346 (1996).

SELECTED PRESENTATIONS, PANELS, AND CONFERENCES

Notice-and-Comment Sentencing, Faculty Workshop, Santa Clara University School of Law, Santa Clara, CA, Apr. 13, 2012.

Panelist, *The Machinery of Criminal Justice*, Mini Book Symposium, University of Pennsylvania Law School, Philadelphia, PA, Feb. 14, 2012.

Notice-and-Comment Sentencing, Faculty Ad Hoc Workshop, University of Pennsylvania Law School, Philadelphia, PA, Feb. 14, 2012.

Moderator, *Juveniles in the Innocence Project: Current Cases in Practice*, at “Stealing Innocence: Juvenile Legal Issues and the Innocence Project,” Cardozo Journal of Law and Gender Symposium, Benjamin N. Cardozo School of Law, New York, NY, Jan. 25, 2012.

Notice-and-Comment Sentencing, Criminal Law Theory Colloquium, New York University School of Law, New York, NY, Jan. 23, 2012.

Proportionality and Parole, at “The Future of Sentencing Law: Rhetoric and Reality,” University of Pennsylvania Law Review Symposium, University of Pennsylvania Law School, Philadelphia, PA, Oct. 28, 2011.

Panelist, *Inside the Supreme Court*, Columbia University, Columbia College, New York, NY, Nov. 8, 2010.

Moderator, *Courts and Agencies*, “Festschrift in Honor of Paul Verkuil,” jointly sponsored by the Floersheimer Center for Constitutional Democracy and the Cardozo Law Review, Benjamin N. Cardozo School of Law, New York, NY, Oct. 18, 2010.

Moderator, *The Court and the Political Culture*, “Twenty Years After *Employment Division v. Smith*,” Jacob Burns Institute for Advanced Legal Studies and Cardozo Law Review Symposium, Benjamin N. Cardozo School of Law, New York, NY, Oct. 7, 2010.

Appeals, CLE Training, Gibson, Dunn & Crutcher, New York, NY, Mar. 24, 2010.

Panelist, *Inside the Supreme Court*, Columbia University, Columbia College, New York, NY, Nov. 4, 2009.

Commentator, *A More Perfect Union*, Epic Theater Ensemble Forum Series, New York, NY, June 4, 2009.

The New York City Term Limits Battle, Faculty Development Workshop, Benjamin N. Cardozo School of Law, New York, NY, Mar. 25, 2009.

The New York City Term Limits Battle, the First Amendment, and the Limits of Municipal Home Rule, Association of the Bar of the City of New York, New York, NY, Dec. 1, 2008 (presentation to Election Law Section).

Moderator, *Big Brother or Small Sacrifice? Privacy and Security in the Information Age*, Public Law Advocacy Week, Benjamin N. Cardozo School of Law, New York, NY, Jan. 30, 2008.

Panelist, *Inside the Supreme Court*, Columbia University, Columbia College, New York, NY, Oct. 31, 2007.

Organizer, *Continuing Legal Education in the United States*, Presentations and Roundtable Discussion with Tokyo Bar Association Delegation on the American CLE System, Benjamin N. Cardozo School of Law, New York, NY, Aug. 29, 2007.

Chair/Discussant, *Perceptions, Attitudes, and Representations: How People View Courts, Law, and Justice*, Annual Meeting of the Law & Society Association, Berlin, Germany, Jul. 28, 2007.

Mediating Rules in Criminal Law, Friday Faculty Colloquium, UCLA Law School, Los Angeles, CA, Apr. 20, 2007.

Mediating Rules in Criminal Law, Faculty Colloquium, Fordham University Law School, New York, NY, Mar. 30, 2007.

Moderator, *Restorative Justice and Community* and *An Institutional Application of Restorative Justice*, at “Restorative Justice: Choosing Restoration over Retribution,” Cardozo Journal of Conflict Resolution Symposium, Benjamin N. Cardozo School of Law, New York, NY, Nov. 10, 2006.

Moderator and Conference Co-Organizer, *Offenses and Defenses, Punishment, Morality and the State*, and *International and Comparative Criminal Law*, at “George Fletcher’s The Grammar of Criminal Law: American, European, International,” Jacob Burns Institute for Advanced Legal Studies and Cardozo Law Review Symposium, Benjamin N. Cardozo School of Law, New York, NY, Nov. 5-6, 2006.

Privatizing Punishment, Young Scholars Workshop, Washington & Lee University Law School, Lexington, VA, Oct. 20, 2006.

Commentator, *Reconciling Ring v. Arizona with the Current Structure of the Federal Capital Trial: The Case for Trifurcation*, Washington & Lee Law Review and Washington & Lee Law Alumni Association Annual Student Notes Awards, Washington & Lee University Law School, Lexington, VA, Oct. 19, 2006.

Panelist, *The Jurisprudence of Justice Sandra Day O’Connor*, Floersheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law, New York, NY, Apr. 26, 2006.

Moderator, *Fraud and Federalism*, Cardozo Law Review Symposium, jointly sponsored by the Cardozo Law Review, the Samuel and Ronnie Heyman Center on Corporate Governance, and the Securities Industry Association Compliance and Legal Division, Benjamin N. Cardozo School of Law, New York, NY, Mar. 27, 2006.

Panelist, *Inside the Supreme Court*, Rutgers University (Newark) School of Law, Newark, NJ, Mar. 9, 2006.

Panelist, *Bad to the Bone*, at “The Justice of Recovery,” jointly sponsored by New York University School of Law and New York University Center on Violence & Recovery, New York University School of Law, New York, NY, Feb. 16, 2006.

Panelist, *Constitutional Conversations: Inside the Supreme Court*, Floersheimer Center for Constitutional Democracy, Benjamin N. Cardozo School of Law, New York, NY, Sept. 28, 2005.

Panelist, *The Roberts Court*, jointly sponsored by the Federalist Society and the Cardozo Law Democrats, Benjamin N. Cardozo School of Law, New York, NY, Sept. 20, 2005.

Panelist, *Inside the Supreme Court*, Rutgers University (Newark) School of Law, Newark, NJ, Mar. 10, 2005.

Integrating Remorse and Apology into Criminal Procedure, Faculty Workshop Series, Northwestern University Law School, Chicago, IL, Dec. 15, 2004.

Integrating Remorse and Apology into Criminal Procedure, Faculty Workshop, University of Texas Law School, Austin, TX, Dec. 10, 2004.

Overenforcement, Faculty Colloquium, Fordham University Law School, New York, NY, Nov. 12, 2004.

Moderator and Organizer, *Can Corporations Commit Crimes? The Virtues and Vices of Corporate Criminal Liability*, Samuel and Ronnie Heyman Center on Corporate Governance, Benjamin N. Cardozo School of Law, New York, NY, Feb. 19, 2004.

Moderator, *The Patriot Act Debated*, American Constitution Society, Benjamin N. Cardozo School of Law, New York, NY, Nov. 12, 2003.

PROFESSIONAL ACTIVITIES AND AWARDS

AMERICAN BAR ASSOCIATION, CRIMINAL JUSTICE SECTION, AMICUS PRACTICE COMMITTEE.

Co-Chair, Aug. 2010-present.

Evaluate internal and external requests for ABA amicus participation on issues of criminal justice before U.S. Supreme Court and other appellate tribunals.

AMERICAN BAR ASSOCIATION, ADMINISTRATIVE LAW SECTION, CRIMINAL PROCESS COMMITTEE.

Vice Chair, Aug. 2011-present.

Recipient, Legal Aid Society *Pro Bono Publico* Award (2010) (for legal work on behalf of the Legal Aid Society's Juvenile Rights Division).

Recipient, Attorney General's Merit Award (2000) (for coordinating major inter-departmental initiative addressing the potential use of public information by terrorists to target chemical, nuclear, and biological facilities).

Peer Review, Cambridge University Press.

PROFESSIONAL MEMBERSHIPS

American Association of Law Schools
Law and Society Association
American Bar Association
New York State Bar Association

SELECTED MEDIA APPEARANCES

Television: CNN “Live Today,” “Live Saturday,” “American Morning,” and “Live From...”; ABC News “Good Morning America”; WABC-Channel 7 Evening News, New York City.

Radio: WFUV, 90.7 FM.

Print: *New York Times*, *Village Voice*, *Legal Times*, *New York Law Journal*, *International Herald Tribune*, *Procuratorial Daily* (China).

SELECTED PRO BONO REPRESENTATIONS

Demiraj v. Holder, No. 10-1545 (U.S. S. Ct. 2011) (petition for certiorari on behalf of wife and son of former cooperating witness on whether the asylum provisions of the Immigration and Nationality Act extend to the persecution of one family member in retaliation for the acts of another).

L.J., et al. v. Maul, No. 2010 NY Int. 82 (N.Y. Ct. App. 2010) (merits amicus brief on behalf of Legal Aid Society’s Juvenile Rights Division on availability of class-wide relief for mentally retarded and developmentally disabled children in New York City foster care system).

Carachuri-Rosendo v. Holder, No. 09-60 (U.S. S. Ct. 2010) (merits amicus brief on behalf of coalition of the National Association of Criminal Defense Lawyers, National Legal Aid and Defender Association, Immigrant Defense Project, Immigrant Legal Resource Center, and National Immigration Project of the National Lawyers Guild, on whether a second or subsequent state conviction for possession of a controlled substance is an “aggravated felony” within the meaning of the Immigration and Nationality Act).

Padilla v. Kentucky, No. 08-651 (U.S. S. Ct. 2010) (merits amicus brief on behalf of 37 legal ethics, criminal procedure, and criminal law professors on whether the Sixth Amendment’s guarantee of effective assistance of counsel requires attorneys to advise noncitizen defendants of the mandatory deportation consequences of certain guilty pleas).

BAR ADMISSIONS

New York
Maryland
U.S. Supreme Court
U.S. Court of Appeals for the Second Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. District Court for the Southern District of New York
U.S. Court of International Trade