

IRA P. ROBBINS

American University, Washington College of Law
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Professional Experience

American University:

- Barnard T. Welsh Scholar and Professor of Law and Justice, The American University, Washington, D.C., since 1979.

Teaching and Research Interests:

Criminal Law and Procedure; Post-Conviction Remedies; Prisoners' Rights; Criminology; Advanced Criminal Law Issues; Conflict of Laws; Choice-of-Law Process; Judicial Process and Administration.

Honors and Awards:

Barnard T. Welsh Scholar, since 1982 (first recipient).
Pauline Ruyle Moore Scholar in Public Law, 1980-1981 (first recipient), 1989-1990.
Washington College of Law Award for Outstanding Scholarship, Research, and Other Professional Contributions, 1981.
Washington College of Law Award for Outstanding Teaching, 1982, 1983, 1984, 1985, 1994, 1997.
American University Faculty Award for Outstanding Teaching, 1985.
American University Scholar/Teacher of the Year, 1988.
Emalee C. Godsey Scholar Award, 2002.
The American University Law Review endowed a student award "for outstanding contribution in the spirit of academic excellence and leadership exemplified by Professor Robbins." Awarded annually to a deserving *Law Review* student, since 1994.

- Professor of Justice and Public Affairs, American University, since 1980.
- Director, J.D./M.S. Joint Degree Program in Justice, Law and Society, since 1982.

Other Law School Teaching Experience:

- Georgetown University Law Center, Washington, D.C.
Visiting Professor of Law, 1982; Adjunct Professor, 1990.
- Associate Professor of Law and Director, Kansas Defender Project, University of Kansas School of Law, Lawrence, Kansas, 1975-1979.

Subjects:

Conflict of Laws; Prisoners' Rights; Post-Conviction Remedies; Defender Project (a clinical inmate counseling program that services the legal problems of inmates at the United States Penitentiary at Leavenworth, the Kansas State Maximum Security Penitentiary at Lansing, and the Kansas Correctional Institution for Women at Lansing).

Recipient of Ethel and Raymond F. Rice Prize for Faculty Scholarship, 1978.

Other Professional Experience:

- Member, American Bar Association Task Force on Post-Conviction Remedies, since 2008.
- Member, National Task Force on Prison Privatization, since 2002.
- Special Consultant to the Judicial Conference of the United States, Advisory Committee on Criminal Rules, Habeas Corpus Subcommittee, 2001-2003.
- Member, Board of Directors, District of Columbia Prisoners' Legal Services, Inc., 1997-2001.
- Advisor, National Council on Crime and Delinquency, Project on Emerging Issues in the Privatization of Correctional Services, 1997-1999.
- Member, Working Group supporting Romania's National Institute for Magistrates' Professional Training, 1992.
- Member, American Bar Association Steering Committee on the Use of Incarceration, 1990-1991.
- Reporter, American Bar Association Task Force on Death Penalty Habeas Corpus, 1988-1990. (Project Title: "Rationalizing Federal Habeas Corpus Review of State Court Criminal Convictions — Death Penalty and 'Ordinary' Cases"; Task Force co-chaired by Chief Justice Malcolm Lucas of the California Supreme Court and Circuit Judge Alvin Rubin of the United States Court of Appeals for the Fifth Circuit.)
- Reporter, American Bar Association Study on Privatization of Corrections, 1984-1988.
- Acting Director, Federal Judicial Center, Division of Continuing Education and Training, May-August 1986 (responsibilities included administering the education and training programs for all federal judges, magistrates, probation officials, public defenders, and other judicial personnel).
- Supreme Court Fellow, 1985-1986 (responsibilities included: training federal judges and magistrates in the law of habeas corpus; preparing a report for the Judicial Conference Committee on the Judicial Branch; drafting a small portion of Chief Justice Burger's 1985 Year-End Report on the Judiciary; and participating in the day-to-day operations of the Federal Judicial Center).
- Pro Se Law Clerk, United States Court of Appeals for the Second Circuit, 1973-1975.
- Law Clerk, Office of the Attorney General of Massachusetts, summer 1972.

Distinctions and Awards Not Previously Listed:

- Biographee in current editions of WHO'S WHO IN AMERICA; WHO'S WHO IN AMERICAN EDUCATION; WHO'S WHO IN AMERICAN LAW; WHO'S WHO IN THE WORLD; WHO'S WHO OF EMERGING LEADERS IN AMERICA; MEN OF ACHIEVEMENT; INTERNATIONAL WHO'S WHO OF INTELLECTUALS; DICTIONARY OF INTERNATIONAL BIOGRAPHY; DIRECTORY OF AMERICAN SCHOLARS.
- American Law Institute (since 1982; Life Member, since 2007).
- Resolution of the Federal Magistrate Judges Association honoring "Ira P. Robbins for his contributions as an editor of the *Federal Courts Law Review*," 2002.
- 1998 Chief Judge John R. Brown Award for Judicial Scholarship and Education (presented at the Federal Judicial Center, January 1999).
- Resolution of the Federal Magistrate Judges Association honoring "Ira P. Robbins for his efforts and service to the Federal Magistrate Judges Association in assisting by his ready advice the establishment of the *Federal Courts Law Review*. His assistance has materially enhanced the visibility of the Magistrate Judges of the United States," 1998.
- Elected to "Speakers' Hall of Fame," Council of Appellate Staff Attorneys, American Bar Association, Appellate Judges Conference, 1996.
- Honorary Member, Federal District Court Pro Se Law Clerks and Staff Attorneys Association.
- Honorary Member, Phi Delta Phi Legal Fraternity.
- Honorary Member, Alabama Judicial College Faculty Association.
- "Outstanding Young Man of America for 1982" award from United States Jaycees.

Education

- Harvard University - J.D., 1973
Associate Editor, *Harvard Civil Rights-Civil Liberties Law Review*.
Seminar paper in Law and Social Research selected for deposit in the Harvard Law School Library as paper of "high excellence."
- University of Pennsylvania - A.B., 1970
Major: Political Science
Honors and Awards include:
Phi Beta Kappa; *Magna Cum Laude*; Highest Honors in Political Science; Phi Beta Kappa's Elmaleh Award for Best Thesis in the Social Sciences; John L. Haney Award for Best Thesis in Literature; Columbia Teachers College Book Award.

Selected Publications

Books, Book Supplements, Monographs, and Videotapes:

- HABEAS CORPUS CHECKLISTS (Thomson/West, 2010) (annual revised editions since 1993).
- PRISONERS AND THE LAW (Thomson/West, 2009) (six volumes, supplemented semi-annually).
- MANAGING PRISONER CIVIL RIGHTS CASES IN THE FEDERAL COURTS (prepared for the Federal Judicial Center, 1995).
- A STUDY OF THE PROCEDURES FOR PROCESSING PRO SE PRISONER APPEALS IN THE UNITED STATES COURTS OF APPEALS FOR THE SIXTH AND TENTH CIRCUITS (prepared for the Federal Judicial Center, 1993).
- TOWARD A MORE JUST AND EFFECTIVE SYSTEM OF REVIEW IN STATE DEATH PENALTY CASES: RECOMMENDATIONS AND REPORT OF THE AMERICAN BAR ASSOCIATION TASK FORCE ON DEATH PENALTY HABEAS CORPUS (American Bar Association, 1990) (supported by a grant from the State Justice Institute), *reprinted in full at 40 AMERICAN UNIVERSITY LAW REVIEW 1 (1990); reprinted in substantial part in HABEAS CORPUS LEGISLATION: HEARINGS BEFORE THE SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND THE ADMINISTRATION OF JUSTICE OF THE HOUSE COMMITTEE ON THE JUDICIARY, 101st Cong., 2d Sess. 823 (1990).*
- RATIONALIZING FEDERAL HABEAS CORPUS REVIEW OF STATE COURT CRIMINAL CONVICTIONS IN CAPITAL CASES (Background and Issues Paper, American Bar Association, 1989).
- THE LEGAL DIMENSIONS OF PRIVATE INCARCERATION (American Bar Association, 1988) (supported by grants from the John D. and Catherine T. MacArthur Foundation and the National Institute of Justice), *reprinted in full in 38 AMERICAN UNIVERSITY LAW REVIEW 531 (1989).*
- JUDICIAL SABBATICALS (Federal Judicial Center, 1987).
- THE THEORY AND PRACTICE OF FEDERAL HABEAS CORPUS FOR STATE PRISONERS (seven videotaped lectures with accompanying materials, prepared for the Federal Judicial Center, 1985).
- THE LAW AND PROCESSES OF POST-CONVICTION REMEDIES: CASES AND MATERIALS (West Publishing Company, 1982).
- PRISONERS' RIGHTS SOURCEBOOK: THEORY, LITIGATION, PRACTICE (Clark Boardman Company, Ltd., 1980).
- COMPARATIVE POSTCONVICTION REMEDIES (D.C. Heath/Lexington Books, 1980).

Articles, Chapters in Books, Book Reviews, and Selected Op-Eds:

- *Ghostwriting: Filling in the Gaps of Pro Se Prisoners' Access to the Courts*, 23 GEORGETOWN JOURNAL OF LEGAL ETHICS ____ (forthcoming 2010).
- *Best Practices on "Best Practices": Legal Education and Beyond*, 16 CLINICAL LAW REVIEW 269 (2009).
- *"Best Practices": What's the Point?*, 16 CLINICAL LAW REVIEW 321 (2009).
- *Lessons From Hurricane Katrina: Prison Emergency Preparedness as a Constitutional Imperative*, 42 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 1 (2008) (lead article).
- *Digitus Impudicus: The Middle Finger and the Law*, 41 U.C. DAVIS LAW REVIEW 1403 (2008), reprinted in full in THE FIRST AMENDMENT LAW HANDBOOK (R. Smolla. ed., 2008-09).
- *"No Writer nor Scholar Need Be Dull": Recollections of Paul J. Korshin*, in THE AGE OF JOHNSON: A SCHOLARLY ANNUAL, Volume 18 (J. Lynch, ed., AMS Press 2007).
- *The Importance of the Secret Ballot in Law Faculty Personnel Decisions: Promoting Candor and Collegiality in the Academy*, 57 JOURNAL OF LEGAL EDUCATION 266 (2007).
- *Prison Deaths: A National Shame*, BALTIMORE SUN, December 6, 2006 (Op-Ed).
- *The Deaths in Custody Reporting Act: Status and Recommendations*, in 1 PRISONERS AND THE LAW 7-163 (Ira P. Robbins ed. 2008).
- *Privatisation of Corrections: A Violation of U.S. Domestic Law, International Human Rights, and Good Sense*, in De Feyter, K. and Gomez, F. (eds.), *Privatisation and Human Rights in the Age of Globalisation*. Antwerp: Intersentia (2005).
- *Anthrax Hoaxes*, 54 AMERICAN UNIVERSITY LAW REVIEW 1 (2005).
- *Guilty Without Charge: Assessing the Due Process Rights of Unindicted Co-Conspirators*, 2004 FEDERAL COURTS LAW REVIEW 1 <<http://www.fclr.org/2004fedctslrev1.htm>>, reprinted in abridged form in TRIAL (April 2004).
- *Prosecute Tobacco Companies, Executives for Homicide*, 17 CORPORATE CRIME REPORTER 10 (March 24, 2003).
- *Justice by the Numbers: The Supreme Court and the Rule of Four—Or Is It Five?*, 36 SUFFOLK UNIVERSITY LAW REVIEW 1 (2002) (originally presented as the Frank J. Donahue Lecture, Suffolk University Law School, April 2002).
- *Magistrate Judges, Article III, and the Power to Preside Over Federal Prisoner Section 2255 Proceedings*, 2002 FEDERAL COURTS LAW REVIEW 2 <<http://www.fclr.org/2002fedctslrev2.htm>>, reprinted in NATIONAL LAWYERS ASSOCIATION REVIEW (Fall 2002).

- *Solicitation to Commit Crimes*, ENCYCLOPEDIA OF CRIME AND JUSTICE (J. Dressler *et al.* eds. 2002) (with Dan Kahan).
- *Concurring in Result Without Written Opinion: A Condemnable Practice*, 84 JUDICATURE 118 (2000).
- Editor, *Justice at the Juncture II: A Second Look at the Final Term of the Supreme Court in this Millennium* (October Term, 1999), 2000 FEDERAL COURTS LAW REVIEW 1 (2000).
- *Managed Health Care in Prisons as Cruel and Unusual Punishment*, 90 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 195 (1999).
- *Semiotics, Analogical Legal Reasoning, and the Cf. Citation: Getting Our Signals Uncrossed*, 48 DUKE LAW JOURNAL 1043 (1999).
- *Put Tobacco Executives on Death Row*, NATIONAL LAW JOURNAL, August 17, 1998, at A19 (Op-Ed).
- *Exploring the Concept of Post-Tenure Review in Law Schools*, 9 STANFORD LAW & POLICY REVIEW 387 (1998).
- *The Supreme Court and Inmate-on-Inmate Violence: Commentary on Luttrell v. Nickel*, 2:4 THE FORENSIC ECHO 17 (March 1998).
- *Disabled Prisoners and the Law*, 10 HEALTH LAW NEWS 5 (June 1997).
- *The Case Against the Prison-Industrial Complex*, 2 PUBLIC INTEREST LAW REPORTER 23 (1997).
- *George Bush's America Meets Dante's Inferno: The Americans with Disabilities Act in Prison*, 15 YALE LAW & POLICY REVIEW 49 (1996).
- *Symposium on "The Future of the Federal Courts": Opening Comments*, 46 AMERICAN UNIVERSITY LAW REVIEW 263 (1996).
- *Cutting Edge Issues in Habeas Corpus*, in NEW DEVELOPMENTS IN THE FEDERAL LAW OF HABEAS CORPUS 3 (ALI-ABA, 1996).
- *Opening Address: The Death Penalty in the Twenty-First Century: Questions and Directions*, 45 AMERICAN UNIVERSITY LAW REVIEW 243 (1995).
- *Sabbaticals for Judges: Necessary in the Pursuit of Judicial Excellence*, 8 STATE-FEDERAL JUDICIAL OBSERVER 2 (1994).
- *Professionalism and Pro-Activism: The Evolution of Inmate Rights in Federal Prisons*, in ESCAPING PRISON MYTHS: SELECTED TOPICS IN THE HISTORY OF FEDERAL CORRECTIONS (J. Roberts ed. 1994).

- *The Prisoners' Mail Box and the Evolution of Federal Inmate Rights*, 144 FEDERAL RULES DECISIONS 127 (1993).
- *The Revitalization of the Common-Law Civil Writ of Audita Querela as a Post-Conviction Remedy in Criminal Cases: The Immigration Context and Beyond*, 6 GEORGETOWN IMMIGRATION LAW JOURNAL 643 (1992) (lead article).
- *Interstate Certification of Questions of Law: A Valuable Process in Need of Reform*, 76 JUDICATURE 125 (1992).
- *The Uniform Certification of Questions of Law Act: A Proposal for Reform*, 18 JOURNAL OF LEGISLATION 127 (1992).
- *Toward a More Just and Effective System of Review in State Death Penalty Cases*, 40 AMERICAN UNIVERSITY LAW REVIEW 1 (1990) (reprint of report prepared for the American Bar Association).
- *The Ostrich Instruction: Deliberate Ignorance as a Criminal Mens Rea*, 81 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 191 (1990) (lead article).
- *Death Penalty Habeas Corpus: Defining the Issues*, 73 JUDICATURE 215 (1990).
- *'Dungeons for Dollars': Private Enterprise Sees Money in Jails*, LEGAL TIMES, November 27, 1989, reprinted in FULTON COUNTY DAILY REPORT (Atlanta), December 1, 1989, TEXAS LAWYER, December 4, 1989 (*'Dungeons for Dollars': Private Enterprise Sees Gold in Them Thar Jails*), and MANHATTAN LAWYER, December 5, 1989 (*Debate Over Private Prisons Begg Ethical Questions*).
- *Double Inchoate Crimes*, 26 HARVARD JOURNAL ON LEGISLATION 1 (1989), excerpted in J. DRESSLER, CASES AND MATERIALS ON CRIMINAL LAW (1995; 2d ed. 1999), reprinted in READINGS IN CRIMINAL LAW, Weaver, et al., eds., 1998); MODERN CRIMINAL LAW (W. LaFare, 3d ed. 2001).
- *The Legal Dimensions of Private Incarceration*, 38 AMERICAN UNIVERSITY LAW REVIEW 531 (1989) (reprint of report prepared for the American Bar Association).
- *The Impact of the Delegation Doctrine on Prison Privatization*, 35 UCLA LAW REVIEW 911 (1988).
- *Privatization of Prisons: An Analysis of the State Action Requirement of the Fourteenth Amendment and 42 U.S.C. § 1983*, 20 CONNECTICUT LAW REVIEW 835 (1988) (Prison Law Symposium).
- *Has the Time Come for Judicial Sabbaticals?*, 71 JUDICATURE 306 (1988), reprinted in OCCUPATIONAL STRESS AND THE JUDICIARY (L. Webb ed. 1991).
- *Interjurisdictional Certification and Choice of Law*, 41 VANDERBILT LAW REVIEW 411 (1988) (with John Corr).

- *Let's Give Our Judges a Break*, LEGAL TIMES, February 8, 1988 (article on judicial sabbaticals), reprinted in CONNECTICUT LAW TRIBUNE, February 15, 1988, MANHATTAN LAWYER, February 22, 1988 (*Giving Sabbaticals to Judges Would Improve Courts*), NEW JERSEY LAW JOURNAL, March 3, 1988 (*Society Deserves Judicial Sabbaticals*), and 26:1 COURT REVIEW 4 (1989).
- *Should Prisons be Privately Run?: No Quick Fixes*, 73 AMERICAN BAR ASSOCIATION JOURNAL 38 (1987), reprinted in CURRENT MUNICIPAL PROBLEMS (1987).
- *Possible Bars to Private Prisons*, THE WALL STREET JOURNAL, February 23, 1987.
- *Whither (or Wither) Habeas Corpus?: Observations on the Supreme Court's 1985 Term*, 111 FEDERAL RULES DECISIONS 265 (1986).
- *Attempting the Impossible: The Emerging Consensus*, 23 HARVARD JOURNAL ON LEGISLATION 377 (1986).
- *Privatization of Corrections*, in HEARINGS BEFORE THE SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES AND THE ADMINISTRATION OF JUSTICE OF THE HOUSE COMMITTEE ON THE JUDICIARY, 99TH CONG., 1ST & 2D SESS. 69 (1986).
- *Privatization of Corrections: Defining the Issues*, 69 JUDICATURE 324 (1986), reprinted in 33 FEDERAL BAR NEWS & JOURNAL 194 (1986); CORRECTIONS DIGEST (May 1986); FEDERAL PROBATION (September 1986); LOS ANGELES DAILY JOURNAL (September 12, 1986); THE KEEPER'S VOICE (October 1986); 40 VANDERBILT LAW REVIEW 813 (1987) (*Privatization of Prisons Symposium*); LAW REVIEW DIGEST (1988); CORRECTIONAL SERVICE OF CANADA, ARTICLES IMPACTING ON CORRECTIONS (1988); THE DILEMMAS OF CORRECTIONS ch. 39 (K. Haas & G. Alpert, 3d ed., 1995).
- *Spending Time Judiciously*, in AMERICAN INQUIRY 3 (1986).
- *Derechos Humanos, Derecho Penal y Sistemas Penitenciarios en Los Estados Unidos*, in 5 DERECHOS HUMANOS EN LA ADMINISTRACION DE JUSTICIA PENAL 115 (J. Montero ed. 1985) (*Memoria del Primer Congreso Mundial de Derechos Humanos*).
- *Should Private Firms Run Prisons for Profit?*, NEWSDAY, March 31, 1985.
- *Corrections and the Private Sector: Legal Issues and Concerns*, in PRIVATE INCARCERATION (National Institute of Corrections, 1984).
- *The Continuing Diminished Availability of Federal Habeas Corpus Review to Challenge State Court Judgments: Lehman v. Lycoming County Children's Services Agency*, 33 AMERICAN UNIVERSITY LAW REVIEW 271 (1984) (with Susan Newell).
- *The American Gulag*, 7 INSTITUTIONS ETC. 20 (1984).

- *Solicitation to Commit Crimes*, 4 ENCYCLOPEDIA OF CRIME AND JUSTICE 1502 (S. Kadish *et al.* eds. 1983).
- *The Habeas Corpus Certificate of Probable Cause*, 44 OHIO STATE LAW JOURNAL 307 (1983) (Habeas Corpus Symposium).
- *Legal Aspects of Prison Riots*, 16 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 735 (1982).
- Book Review, 94 HARVARD LAW REVIEW 918 (1981) [review of J. GORECKI, A THEORY OF CRIMINAL JUSTICE (1979)].
- *Solipsism and Criminal Liability*, 25 AMERICAN JOURNAL OF JURISPRUDENCE 75 (1981).
- *The Cry of Wolfish in the Federal Courts: The Future of Federal Judicial Intervention in Prison Administration*, 71 JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 211 (1980).
- *Beyond Freedom and Dignity: Aleksandr Solzhenitsyn and the American Gulag*, 78 MICHIGAN LAW REVIEW 763 (1980), *reprinted in* 4 CRIMINAL JUSTICE JOURNAL 141 (1980) and 7 NEW ENGLAND JOURNAL ON PRISON LAW 259 (1981).
- *Jurisprudence "Under-Mind": The Case of the Atheistic Solipsist*, 28 BUFFALO LAW REVIEW 143 (1979).
- *A Constitutional Analysis of the Prohibition Against Collateral Attack in the Mexican-American Prisoner Exchange Treaty*, 26 UCLA LAW REVIEW 1 (1978), *reprinted in* 5 NEW ENGLAND JOURNAL ON PRISON LAW 21 (1978).
- *Federal Courts and State Prison Reform*, in DISCRETION AND THE CRIMINAL JUSTICE SYSTEM 171 (M. Evans ed. 1978).
- *A Behavioral Analysis of Legal Intent*, 4 LAW AND PSYCHOLOGY REVIEW 19 (1978) (with Harvey Sepler).
- *Federalism, State Prison Reform, and Evolving Standards of Human Decency: On Guessing, Stressing, and Redressing Constitutional Rights*, 26 KANSAS LAW REVIEW 551 (1978).
- *Punitive Conditions of Prison Confinement: An Analysis of Pugh v. Locke and Federal Court Supervision of State Penal Administration Under the Eighth Amendment*, 29 STANFORD LAW REVIEW 893 (1977) (with Michael Buser).
- *Judicial Integrity, the Appearance of Justice, and the Great Writ of Habeas Corpus: How to Kill Two Thirds (or More) with One Stone*, 15 AMERICAN CRIMINAL LAW REVIEW 63 (1977) (with James Sanders).
- *Learning by Redoing*, 77 COLUMBIA LAW REVIEW 153 (1977) [review of A. VON HIRSCH, DOING JUSTICE: THE CHOICE OF PUNISHMENTS (1976)], *reprinted in* 4 NEW ENGLAND JOURNAL ON PRISON LAW 431 (1978).

- *Litigating Without Counsel: Faretta or for Worse*, 42 BROOKLYN LAW REVIEW 629 (1976) (with Susan Herman) (Second Circuit Symposium).
- *Brothers of Gulag*, 62 VIRGINIA LAW REVIEW 462 (1976) [review of A. SOLZHENITSYN, THE GULAG ARCHIPELAGO 1918-1956: AN EXPERIMENT IN LITERARY INVESTIGATION, Vol. II (1975)], *reprinted in* 3 NEW ENGLAND JOURNAL ON PRISON LAW 367 (1976).
- *The Admissibility of Social Science Evidence in Person-Oriented Legal Adjudication*, 50 INDIANA LAW JOURNAL 493 (1975), *excerpted in* L. FRIEDMAN & S. MACAULAY, LAW AND THE BEHAVIORAL SCIENCES (2d ed. 1977).
- *Teaching Perspectives on Prisoners' Rights*, 50 N.Y.U. LAW REVIEW 724 (1975) [review of M. HERMANN & M. HAFT, PRISONERS' RIGHTS SOURCEBOOK: THEORY, LITIGATION, PRACTICE (1973); S. KRANTZ, THE LAW OF CORRECTIONS AND PRISONERS' RIGHTS (1973); and L. ORLAND, JUSTICE, PUNISHMENT, TREATMENT: THE CORRECTIONAL PROCESS (1973)].
- *The Misunderstood Pro Se Litigant: More than a Pawn in the Game*, 41 BROOKLYN LAW REVIEW 769 (1975) (with John Flannery) (Second Circuit Symposium).

Selected Scholarly Presentations, Invited Lectures, and Seminars

More than 250 presentations and invited lectures in the areas of criminal law, habeas corpus, and prisoners' rights (as well as other topics). Representative presentations include:

- "Federal Habeas Corpus Relief for State and Federal Prisoners," presented at the Federal Judicial Center's Seminar for Newly Appointed District Judges, June 2009, Washington, D.C.
- "Habeas Corpus — The Interplay Between State and Federal Courts," presented at the 2007 Summit for Appellate Judges, Lawyers and Staff Attorneys, September 2007, Washington, D.C.
- "Law and Justice: The Case for Parliamentary Scrutiny," presented at a seminar for members of parliamentary human rights bodies organized jointly by the Association for the Prevention of Torture, the Inter-Parliamentary Union, and the International Commission of Jurists, September 2006, Geneva, Switzerland.
- "The Supreme Court's Habeas Corpus Cases of the 2005-2006 Term," presented at the Federal Judicial Center's National Workshop for Magistrate Judges, April 2006, San Francisco; July 2006, New York City.
- "Federal Habeas Corpus Relief for State and Federal Prisoners," presented at the Federal Judicial Center's Seminar for Newly Appointed District Judges, April 2005, Washington, D.C.
- "Selected Issues in the Law of Federal Habeas Corpus Relief for State and Federal Prisoners," presented at the Georgetown University Law Center's Continuing Legal Education Program on Prison Litigation, April 2004, Washington, D.C.

- "Habeas Corpus Theory and Practice Under the Antiterrorism and Effective Death Penalty Act of 1996," seminar presented to Judges and law clerks of the United States District Court for the District of New Jersey, May 2003, Trenton, New Jersey.
- "The Legal Dimensions of Private Incarceration," presented at the inaugural meeting of the National Task Force on Prison Privatization, July 2002, Alpine, Wyoming.
- "Federal Habeas Corpus Relief for State and Federal Prisoners Under the Antiterrorism and Effective Death Penalty Act of 1996," all-day seminar presented at the Fifth Circuit's Pro Se Law Clerk's Conference, June 2002, New Orleans, Louisiana.
- "Justice by the Numbers: The Supreme Court and the Rule of Four — Or Is It Five?," presented as the Frank J. Donahue Lecture, Suffolk University Law School, April 2002, Boston, Massachusetts.
- "The Death Penalty and Federal Habeas Corpus Relief for State and Federal Prisoners," presented at the Ninth Circuit's Death Penalty Law Clerk Conference, September 2000, Las Vegas, Nevada.
- "What's New in Sentencing and Post-Sentencing Law," presented at the National Sentencing Policy Institute, September 2000, Phoenix, Arizona.
- "Capital Case Issues," live television presentation on the Federal Judicial Television Network, June 2000, Washington, D.C.
- "Recent Developments in Sentencing: Habeas Law and Restitution," presented at the National Workshop for Federal District Judges, September 1999, Chicago, Illinois.
- "Federal Appellate Jurisdiction: Its Elements and Its Evolving Content," presented at the Federal Judicial Center's Seminar for United States Court of Appeals Judges, April 1999, Stanford University, Palo Alto, California.
- "Joint Federal-State Workshop on Habeas Corpus," presented to federal and state judges from Pennsylvania, March 1999, State College, Pennsylvania.
- "The Virtually Compleat Appellate Judge: John Marshall Greet the 21st Century," presented at the Appellate Judges Conference of the American Bar Association, March 1999, Arlington, Virginia.
- "Developments in Sentencing and Post-Sentencing Law: Restitution, Habeas Corpus, and Forfeiture," presented at the National Sentencing Policy Institute, March 1999, Long Beach, California.
- Congressional Briefing on Privatization of Prisons, sponsored by the National Center on Crime and Delinquency, June 1998, Washington, D.C.

- "The Case Against Prison Privatization," presented to the Corrections and Criminal Justice Coalition of the Law Enforcement Alliance of America, February 1998, Falls Church, Virginia.
- "Federal Habeas Corpus and the Role of the State Judge," presented at the American Bar Association Appellate Judges' Seminar, September 1997, Asheville, North Carolina.
- "Federal Habeas Corpus and the Antiterrorism Act," presented at the annual meeting of the American Bar Association's Council of Appellate Staff Attorneys (CASA), June 1997, Burlington, Vermont.
- "New Developments in the Federal Law of Habeas Corpus," presented as part of a Federal Judicial Center/ALI-ABA National Videoseminar, September 1996.
- Convener and Moderator, "The Future of the Federal Courts," plenary session at the Centennial Celebration of the Washington College of Law, April 1996, Washington, D.C. (Keynote address by Chief Justice William H. Rehnquist; panelists included Judge Edward Becker (U.S.C.A., 3d Cir.), Judge Stephen Reinhardt (U.S.C.A., 9th Cir.), Judge Sarah Evans Barker (S.D. Ind.), and Professor Charles Nihan.)
- "The History of Federal Inmate Rights," presented at the annual meeting of the Academy of Criminal Justice Sciences, March 1995, Boston, Massachusetts.
- "Current Issues in the Certification of Questions of Law," Keynote Address presented at the American Judicature Society's National Workshop on Certification of Questions of Law, December 1994, Denver, Colorado.
- "Litigating Death Penalty Cases," presented to Washington, D.C. Attorneys Providing Post-Conviction Death Penalty Representation, October 1994, Washington, D.C. (Sponsored by the American Bar Association Postconviction Death Penalty Representation Project.)
- "The Future of Privatization in Criminal Justice," presented as part of the University of Maryland Distinguished Lecturer Series, May 1994, College Park, Maryland.
- "Capital Case Management," Keynote Address at the Federal Judicial Center's Workshop for court personnel involved in death penalty cases, September 1991, Dallas, Texas.
- "The Bill of Rights, Incorporation, and Criminal Defendants' Rights," presented at the Judicial Conference of the Tenth Circuit, July 1991, Sedona, Arizona. (Shared panel on "The Great Themes of the Bill of Rights: How Will They Look in the 21st Century?" with Professor Martin Redish, Professor Rodney Smolla, and Solicitor General Kenneth Starr.)
- "Professionalism and Pro-Activism: The Evolution of Inmate Rights in Federal Prisons," presented at the Federal Bureau of Prisons, National Archives, and Smithsonian Institution Conference on "The History of Federal Corrections," March 1991, Washington, D.C. (commemorating the

centennial of the Three Prisons Act, ch. 529, 26 Stat. 839 (1891), which established the first federal prisons in the United States).

- "*Teague v. Lane* and Retroactivity in the Law of Habeas Corpus," presented to the D.C. Bar's Death Penalty Post-Conviction Representation Project, November 1990, Washington, D.C.
- "Death Penalty Review in State and Federal Courts," Keynote Address presented to the Pennsylvania Conference of State Trial Judges, February 1990, Philadelphia, Pennsylvania.
- "The Law of Prisoners' Rights and Corrections," presented to senior officials of the Federal Bureau of Prisons, December 1989, Alexandria, Virginia.
- "Guilt By Association? The Insanity Defense on Trial," University of Delaware Distinguished Lecturer Series, June 1989, Newark, Delaware.
- "Federal Statutory Authorization to Designate Privately Operated Places of Confinement," presented to the United States Department of Justice Research Committee, Subcommittee on Courts and Corrections, July 1988, Washington, D.C.
- "Prisoners and the Law," University of Delaware Distinguished Lecturer Series, June 1987, Newark, Delaware.
- "Federal Habeas Corpus Law and Procedure," presented at a Seminar on Federal Death Penalty Habeas Corpus Litigation, University of Pennsylvania School of Law, Philadelphia Pennsylvania, April 1987. (Sponsored by the Federal Court Division of the Federal Defender Association of Philadelphia.)
- "Legal Aspects of Prison Construction," presented at The Brookings Institution, Washington, D.C., January 1987.
- "Federal Habeas Corpus and the State Trial Judge: Problems, Pitfalls, and Prognoses," presented at the annual meeting of the Southwestern Judicial Conference.
- "Whither (or Wither) Habeas Corpus?," presented at the Judicial Conference of the Eleventh Circuit, May 1986, Atlanta, Georgia.
- "Prison Privatization: Panacea or Pandora's Box?," presented at the Annual Congress of the American Correctional Association, August 1985, New York, New York.
- "Prison Reform: Litigation and Other Alternatives," University of Delaware Distinguished Lecturer Series, June 1985, Newark, Delaware.
- "Roundtable Discussion on Prisoner Litigation," annual meeting of the American Political Science Association, September 1984, Washington, D.C.

- "Human Rights, Criminal Law, and Penitentiary Systems in the United States," presented at the First World Congress on Human Rights, December 1982, Alajuela, Costa Rica.
- "Prisoners' Rights and the Burden of Reform," presented at the annual meeting of the American Society of Criminology, November 1981, Washington, D.C.
- "The Law of Corrections: Past, Present, and Uncertain Future," presented at the American Correctional Association National Seminars for Attorneys Representing Correctional Agencies, September 1981, Baltimore, Maryland; October 1981, Denver, Colorado.
- "Correctional Policy Evaluation: Legal, Philosophical, and Social-Scientific Considerations," presented at the annual meeting of the Southwestern Social Science Association, April 1978, Houston, Texas.
- "Theoretical Foundations of Federal Judicial Intervention in State Penal Administration," presented at the annual meeting of the American Society of Criminology, November 1977, Atlanta, Georgia. (Chief paper.)

Testimony

- Testimony on Privatization of Corrections, before the Joint Senate-House Judiciary Committee of the Oregon Legislature, September 30, 1998.
- Written testimony prepared for the Maryland Governor's Commission on the Death Penalty, February 1993.
- Testimony on Privatization of Correctional Facilities, before the Finance Committee of the Virginia Senate, July 1990, Richmond, Virginia.
- Testimony on Death Penalty Review, before the Subcommittee on Courts, Intellectual Property and the Administration of Justice of the House Committee on the Judiciary, 101st Cong., 2d Sess., May 24, 1990.
- Testimony on Death Penalty Habeas Corpus, before the Judiciary Committee of the United States Senate, February 21, 1990, Washington, D.C.
- Testimony on Federal Habeas Corpus Relief for State Prisoners, before the Federal Courts Study Committee, February 1990, Washington, D.C.
- Testimony on Privatization of Jails Before the Alachua County, Florida Board of County Commissioners, December 1989, Gainesville, Florida.
- "Privatization of Corrections," testimony before the President's Commission on Privatization, December 1987, Washington, D.C. (Appeared on behalf of the American Bar Association.)

- “Privatization of Corrections,” testimony before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary, 99th Cong., 1st Sess., November 13, 1985.

Professional Organizations and Learned Societies

- Bars of New York, District of Columbia, and United States Court of Appeals for the Second Circuit.
- Member, American Law Institute, since 1982; Life Member, since 2007.
- Member, American Bar Association, since 1973.

Section of Criminal Justice, since 1974.

Committee on Defense Services, 1977-1978.

Committee on Jails, Incapacitation, and Prisons, 1982-1984.

(Subcommittee on Prison and Jail Overcrowding, 1983-1984.)

Committee on Prison and Jail Problems (renamed Corrections and Sentencing Committee in 1991), since 1984.

Reporter, ABA Study on Private Prisons, 1984-1988.

Author of Resolution and accompanying Report recommending that “jurisdictions that are considering the privatization of prisons and jails not proceed . . . until the complex constitutional, statutory, and contractual issues are satisfactorily developed and resolved.” Resolution was passed by ABA House of Delegates in February 1986. Follow-up Resolution and Recommendations were approved by the ABA House of Delegates in February 1990.

Reporter, ABA Task Force on Death Penalty Habeas Corpus, 1988-1990 (“Rationalizing Federal Habeas Corpus Review of State Court Criminal Convictions — Death Penalty and ‘Ordinary’ Cases”; regional public hearings held in Atlanta, Dallas, and San Francisco). Task Force Recommendations were approved by the ABA House of Delegates in February 1990, and presented to Congress.

Member, ABA Steering Committee on the Use of Incarceration, 1991.

ABA Delegate to National Conference on Correctional Policy, June 1986, Washington, D.C.

- Association of American Law Schools.

Elected member of Executive Committee of Criminal Justice Section, 1983-1986, reelected 1986-1989.

Miscellaneous

Editorial Advisory Boards:

- CORRECTIONAL LAW REPORTER, since 1994.
- FEDERAL COURTS LAW REVIEW, since 1997.

Consulting:

- Special Consultant to the Judicial Conference of the United States, Advisory Committee on Criminal Rules, Habeas Corpus Subcommittee, 2001-2003.
- Consultant to American Judicature Society, on certification of questions of law, 1993-1994.
- Consultant to Federal Judicial Center, since 1983.
- Consultant to State of Florida Department of Corrections, on privatization of correctional facilities, 1989-1990.
- Advisor to Office of Technology Assessment, United States Congress, on forensic uses of DNA testing, July 1989.
- Consultant to American Bar Association, on privatization of corrections, 1984-1988; on death penalty habeas corpus, 1988-1990.
- Consultant to United States Court of Appeals for the Fourth Circuit, on the handling of prisoner civil rights and habeas corpus cases, February-March 1986.
- Report prepared for the Committee on the Judicial Branch of the Judicial Conference of the United States on the Feasibility and Acceptability of Sabbatical Leaves for Federal Judges, January 1986.
- Reporter on Legal Issues, "Corrections and the Private Sector: A National Forum," sponsored by National Institute of Justice, February 1985.
- Task Force on Consent Decree Implementation, *Lewis v. Freeman*, No. 82-1006 (D.D.C. Dec. 9, 1983) (ordering substantial modification of law library at maximum-security facility of Lorton Reformatory) (performed as consultant to National Institute of Corrections), January-May 1984.
- Consultant to the Honorable David L. Bazelon, Judge of the United States Court of Appeals for the District of Columbia Circuit, on the accreditation of correctional facilities, summer 1982.

Litigation:

- Participated as *amicus curiae* in the Supreme Court of Israel, in *Ramat Gan Law School et al. v. Minister of Finance et al.* (dealing with privatization of prisons), 2006.

In a historic opinion, on November 19, 2009 the Israeli Supreme Court—relying in part on my *amicus* and two of my articles—ruled that privately run prisons are unconstitutional. High Court President Dorit Beinisch wrote on behalf of the 8-1 majority that the transfer of the authorities to operate and manage prison contradicts the right of personal liberty, and that the operation and management of prison by a corporation that is profit-motivated contradicts the right of human dignity.

- Expert witness on habeas corpus, *John Allen Muhammad v. Loretta K. Kelly*, United States District Court, Eastern District of Virginia, January 2008.
- Participated in an *amicus curiae* briefs in the United States Court of Appeals for the District of Columbia Circuit, in *Boumediene v. Bush* and *Al Odah v. United States* (dealing with Guantanamo Bay detainees, the Military Commissions Act of 2006, and the right to habeas corpus review).
- Participated in an *amicus curiae* brief in the United States Supreme Court, in *Wilcher v. Epps* (dealing with the question whether a federal court should ordinarily allow a capital habeas corpus petitioner one chance to reinstate a withdrawn first habeas petition), 2006.
- Participated in an *amicus curiae* brief in the United States Supreme Court, in *Day v. Crosby* (dealing with the state’s waiver of the statute of limitations defense to the filing of a habeas corpus petition), 2006.
- Participated in an *amicus curiae* brief in the United States Court of Appeals for the District of Columbia Circuit, in *Al Odah v. United States* (dealing with habeas corpus relief for detainees at Guantánamo Bay, Cuba), 2006.
- Participated in an *amicus curiae* brief in the United States Supreme Court, in *Mayle v. Felix* (dealing with the Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA] and the “relation back” doctrine regarding amendments to civil pleadings), 2005.
- Expert witness on prison privatization, *Interest Arbitration Between the State of Rhode Island and the Rhode Island Brotherhood of Correctional Officers*, Providence, Rhode Island, September 1999.
- *United States v. Curtis*, United States Court of Military Appeals, 1990 (appeared and argued as *amicus curiae* on issues of death penalty review in the military and quality of appellate defense counsel; this case was the Court’s first substantive review of the 1984 Manual for Courts-Martial’s death-penalty sentencing scheme).

- *Chavez v. United States*, 641 F.2d 1253 (9th Cir. 1981) (issue of defendant's mental competence to plead guilty).

Media:

More than 1,000 local, national, and foreign media interviews, including: ABC News, the BBC, BBC World, CBS Evening News, CNN, C-SPAN, Fox News, MS-NBC, National Public Radio, NBC Nightly News (including live interview with Tom Brokaw), NBC Today Show, Nightline, *ABA Journal*, *American Lawyer*, *Atlanta Journal & Constitution*, *Barron's*, *Bloomberg Financial News*, *Boston Globe*, *Chicago Tribune*, *Cleveland Plain Dealer*, *Dallas Morning News*, *Detroit News*, *Investors' Business Daily*, *L.A. Times*, *Legal Times*, *London Times*, *Miami Herald*, *National Law Journal*, *New York Times*, *New York Magazine*, *New Yorker Magazine*, *Newsweek*, *Philadelphia Inquirer*, *San Francisco Chronicle*, *Time Magazine*, *USA Today*, *U.S. News & World Report*, *Wall Street Journal*, *Washington Post*, *Washington Times*, and many others. Topics include: criminal law and procedure, prisoners' rights, habeas corpus, death penalty, terrorism, privatization of corrections, judicial process, and many others.