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Career Summary:

Vanderbilt University Law School:

Lee S. & Charles A. Speir Professor of Law (since Spring 2003)
Associate Dean of Research and Faculty Development (July 1999 to December 2001)
Professor of Law (since Fall 1996); Associate Professor (1994-96); Assistant Professor
(1991-94)

Courses taught: Criminal Law, Criminal Procedure: Adjudication, Criminal Procedure:
Investigation; White Collar Crime Seminar, Criminal Law Seminar, Civil Procedure,
Evidence

Awards and grants:

- 2010 - Alexander Heard Distinguished Service Professor Award - awarded each year to one full-time faculty member at Vanderbilt University whose research has made distinctive contributions to the understanding of problems of contemporary society
- 2006 - \$247,000 National Institute of Justice grant to lead study ~ Habeas Litigation in U.S. District Courts ~ completed August 2007 (with F. Cheesman & B. Ostrom of the National Center for State Courts), report available [here](#) at NCJRS
- 2005 - Chancellor's Award for Research at Vanderbilt, for research on jury sentencing with R. Noble
- 2003 - Distinguished Faculty Award, Vanderbilt University
- 2001 - FedEx Research Chair, Vanderbilt University Law School

Northwestern University Law School, Visiting Scholar, Chicago, IL, October, 2002

University of Michigan Law School, Visiting Professor of Law, Ann Arbor, MI, Fall 1998

Honorable Michael F. Cavanagh, Chief Justice of the Michigan Supreme Court, Judicial Clerk, Lansing, MI, 1988-90

Honorable Douglas W. Hillman, Chief Judge of the United States District Court for the Western District of Michigan, Judicial Clerk, Grand Rapids, MI, 1987-88

Varnum, Riddering, Schmidt & Howlett, Summer Associate, Grand Rapids, MI, 1987

Jenner & Block, Summer Associate, Chicago, IL, 1986

Delta County Prosecutor's Office, Assistant Prosecutor/Intern, Escanaba, MI, 1985

Education:

University of Michigan, J.D. magna cum laude, 1987

Henry M. Bates Memorial Scholarship, Order of the Coif, Managing Editor, Mich. L. Rev.
Oberlin College, B.A. Government, 1983

Publications - Books, Monographs, and Book Chapters:

KING & HOFFMANN, HABEAS FOR THE 21ST CENTURY: USES, ABUSES, AND THE FUTURE OF THE GREAT WRIT (U. Chicago Press 2011) (see www.habeasbook.com)

KING, CHEESMAN & OSTROM, HABEAS LITIGATION IN U.S. DISTRICT COURTS, FINAL REPORT (supported by Award No. 2006-IJ-CX-0020, National Institute of Justice, Office of Justice Programs, United States Department of Justice) (August 2007) available [here](#)

LFAVE, ISRAEL, KING, & KERR, CRIMINAL PROCEDURE (Thomson-West 3d ed. 2007 & annual supplements) (seven-volume treatise covering state and federal criminal procedure) (on WESTLAW as database CRIMPROC) (also coauthored prior edition)

LFAVE, ISRAEL, KING, & KERR, CRIMINAL PROCEDURE (Thomson-West 5th ed. 2009 & annual supplements) (hornbook) (also coauthored prior editions)

LFAVE, ISRAEL, KING, & KERR, CRIMINAL PROCEDURE: INVESTIGATION & CRIMINAL PROCEDURE: POST-INVESTIGATION (2d ed. Thomson-West 2009) (concise hornbooks) (also coauthored prior edition)

KAMISAR, LFAVE, ISRAEL, KING, & KERR, MODERN CRIMINAL PROCEDURE (Thomson-West 12th ed. 2008 & annual supplements) (this text also published annually in two paperback volumes: BASIC CRIMINAL PROCEDURE and ADVANCED CRIMINAL PROCEDURE) (also coauthored prior editions)

ISRAEL, KAMISAR, LFAVE & KING, CRIMINAL PROCEDURE AND THE CONSTITUTION: LEADING SUPREME COURT CASES AND INTRODUCTORY TEXT (Thomson-West 2011) (revised and published annually) (also coauthored prior editions)

WRIGHT, KING, & KLEIN, FEDERAL PRACTICE AND PROCEDURE, CRIMINAL (selected volumes) (West 3d ed. 2003 & supplements through 2004) (on WESTLAW as database FPP)

Sentencing Procedure, in THE OXFORD HANDBOOK ON SENTENCING AND CORRECTIONS (J. Petersilia & K. Reitz, eds., forthcoming 2011)

Duncan v. Louisiana: How Bigotry in the Bayou Led to the Federal Regulation of State Juries, in CRIMINAL PROCEDURE LAW STORIES (C. Steiker, ed. Foundation Press, 2006)

Ethics for the Ex-Juror: Guiding Jurors after the Trial, in JURY ETHICS (Kleinig & Levine, eds., Paradigm Press 2005)

Criminal Juries in the United States, in WORLD JURY SYSTEMS (N. Vidmar, ed., Oxford U. Press 2000, on line 2010), reprinted in THE JURY SYSTEM: CONTEMPORARY RESEARCH (V. Hans, ed., Ashgate Press 2006)

Lessons About Jurors in POSTMORTEM: THE O.J. SIMPSON CASE (J. Abramson, ed., Basic Books 1996)

Publications: Articles, Essays, and Symposia: (*designates peer-reviewed journal)

*Habeas Cases in the Courts of Appeals, ___ Fed. Sent. Rep. ____ (forthcoming 2012) (for issue noting the 15th anniversary of AEDPA)

*Post Padilla: Padilla's Puzzles for Review in State and Federal Courts, 23 Fed. Sent. Rep. 239 (2011) (with G. Proctor)

*Three Directions for Future Research into Sentencing Discretion, ___ Justice Quarterly ___ (forthcoming 2011) (selected for special issue symposium on sentencing research)

Right Problem; Wrong Solution, 1 Cal. L. Rev. Circuit (2010) (with J. Hoffmann) (essay), <http://www.californialawreview.org/articles/right-problem-wrong-solution>

Rethinking the Federal Role in State Criminal Justice, 84 N.Y.U. L. Rev. 791 (2009) (with J. Hoffmann)

Habeas Corpus and State Sentencing Reform: A Story of Unintended Consequences, 58 Duke L. J. 1 (2008) (with S. Sherry)

Regulating Settlement: What Is Left of the Rule of Law in the Criminal Process?, 56 DePaul L. Rev. 389 (2007) (annual Clifford symposium)

Reasonableness Review After Booker, 43 Houston L. Rev. 325 (2006) (sentencing symposium)

Appeal Waivers and the Future of Sentencing Policy, 55 Duke L. J. 209 (2005) (with M. O'Neill)

Judicial Oversight of Negotiated Sentences in a World of Bargained Punishment, 58 Stanford L. Rev. 293 (2005) (special sentencing issue)

*Jury Sentencing in Non-Capital Cases: Comparing Severity and Variance with Judicial Sentences in Two States, 2 J. Empirical Legal Studies 331 (2005) (with R. Noble)

When Process Affects Punishment: Differences in Sentences After Guilty Plea, Bench Trial, and Jury Trial in Five Guidelines States, 105 Colum. L. Rev. 959 (2005) (with D. Soulé, S. Steen, & R. Weidner) (state sentencing issue)

*Beyond *Blakely*, 16 Fed. Sent. Rep. 316 (2004) (with S. Klein)

How Different is Death? . . . Jury Sentencing in Capital and Non-Capital Cases Compared, 2 Ohio State J. Crim. L. 195 (2004) (sentencing issue)

Jury Sentencing in Practice—a Three-State Study, 57 Vand. L. Rev. 885 (2004) (with R. Noble)

The Origins of Felony Jury Sentencing in the United States, 78 Chi. Kent L. Rev. 937 (2003) (jury issue)

Apprendi and Plea Bargaining, 54 Stanford L. Rev. 295 (2001) (with S. Klein) (cited in *Blakely v. Washington*, 542 U.S. 296 (2004))

Essential Elements, 54 Vand. L. Rev. 1467 (2001) (with S. Klein) (cited in *Harris v. United States*, 536 U.S. 545 (2002))

*Après *Apprendi*, 12 Fed. Sent. Rep. 331 (2000) (with S. Klein)

Priceless Process: Non-Negotiable Features of Criminal Procedure, 47 UCLA L. Rev. 113 (1999)

The American Criminal Jury, 62 Law & Contemp. Probs. 41 (1999), reprinted in WORLD JURY SYSTEMS (Vidmar, ed., Oxford 2000, on line 2010), and in THE JURY SYSTEM: CONTEMPORARY SCHOLARSHIP (Hans, ed., Ashgate 2006, Int'l Library of Essays in Law and Society)

Silencing Nullification Advocacy Inside the Jury Room and Outside Courtroom, 65 U. Chi. L. Rev. 433 (1998)

Batson for the Bench? The Peremptory Challenge of Judges, 73 Chi. Kent L. Rev. 509 (1998), shorter version published in 82 *Judicature* 74 (1998)*

Juror Delinquency in America 1796-1996, 94 Mich. L. Rev. 2673 (1996)

*Stratified Juror Selection: Cross Section by Design, 79 *Judicature* 273 (1996) (with G. Thomas Munsterman)

Nameless Justice: The Case for the Routine Use of Anonymous Juries in Criminal Trials, 49 Vand. L. Rev. 123 (1996)

Portioning Punishment: Constitutional Limits on Successive and Excessive Penalties, 144 U. Pa. L. Rev. 101 (1995)

The Effects of Race-Conscious Jury Selection on Public Confidence in the Fairness of Jury Proceedings, 31 Am. Crim. L. Rev. 1177 (1994)

Racial Jurymandering: Cancer or Cure? A Contemporary Review of Affirmative Action in Jury Selection, 68 N.Y.U. L. Rev. 707 (1993)

Post-Conviction Review of Jury Discrimination: Measuring the Effects of Juror Race on Verdicts, 92 Mich. L. Rev. 63 (1993)

Publications: Book Reviews and Other:

Viewpoint, Improving Criminal Justice: How can we make the American criminal justice system more just?, ___ Judicature ___ (forthcoming 2011) (with J. Hoffmann)

Introduction: *Skilling v. United States*, 63 Vand. L. Rev. En Banc 1 (2010)

Inspiring Generations, 102 Mich. L. Rev. 1728 (2004) (tribute to Professor Yale Kamisar)

Book Review, The Dearest Birth Right of the People of England: The Jury in the History of the Common Law (Oxford, 2002) (John W. Cairns & Grant McLeod, eds.), 18 No. 2 Canadian J.L. & Soc'y 143 (2003)

The Federal Rules of Criminal Procedure, in Oxford Companion to American Law (K. Hall, D. Clark, J. Ely, J. Grossman, N. Hull, ed., Oxford U. Press, 2002)

Should Juries Nullify Laws They Consider Unjust or Excessively Punitive?, Insight on the News, May 24, 1999, pp. 25-27

Why Should We Care How Judges View Civil Juries?, 48 DePaul L. Rev. 419 (1998)

Juror Delinquency, 27 Vanderbilt Lawyer 23 (1997) (condensed from 94 Mich. L. Rev. 2673 (1996))

Affirmative Action in Jury Selection, 26 Vanderbilt Lawyer 17 (1996)

Issue editor, "The Jury: Research and Reform," Vol. 79 No. 5 Judicature (March-April, 1996)

Jurymandering is Asking for Trouble, New York Newsday, Sept. 22, 1994

Selected Scholarly Presentations:

Paper Presentations at Law Faculty Workshops, Roundtables, Conferences, Symposia:

Columbia (2011, 2005); Harvard (2008); Conference on Empirical Legal Studies, NYU (2007); Fordham (2007); DePaul (2006); Cornell (2005); Brooklyn (2005, 2000); Houston (2005); Stanford (2003); Duke (2003); Florida State (2003); John Jay College (2003); Northwestern (2002, 2000); Illinois (2002); Colorado (2001); Texas (2000, 1998); Ohio State (2000); Michigan (1998); Virginia (1997); Georgetown (1994); Kentucky (1993); Annual Meetings of the Law & Society Association 2008, 2006, 2002, 1999, 1993-96.

Speeches and Lectures:

James Otis Lecture, University of Mississippi Law School, Oxford, MS, April 2008
Hoffinger Lecture, NYU Hoffinger Criminal Justice Series, NYU Law School, NY, April 2007
Brainerd Curry Memorial Lecture, Duke University Law School, Durham, NC, November 2004
Keynote Speech, Constitutional Law Conference, Oberlin College, OH, November 2003
Public Lecture, Princeton University, Princeton, NJ, April 1995

Presentations for the Federal Judiciary:

Sixth Circuit Judicial Conferences: 2007, 2006, 2005, 2001
FJC Sentencing Institute, 2006
FJC Workshops for Judges of the Fifth, Eighth, and Tenth Circuits, 2005
FJC Workshops or Seminars for District Judges 2004, 2002, 2001 (2), 1996 (2)

Testimony and other Presentations to Judicial or Government Groups:

Testimony before U.S. Sentencing Commission, Washington, D.C., 2004
Presenter, Virginia Judicial Conference, Richmond, VA, 2005
Presenter, ALI-ABA Live Webcast, Washington D.C., 2005
Panelist, Jury Summit, Augusta, GA, 2002
Speaker, Jury Summit 2001, New York, NY, 2001
Speaker, Nat'l Assn. of Women Judges Annual Conference, Memphis, TN, 1996
Presentation, Office of the State Attorney General, Nashville, TN, 1995
Presentation, Comm'n on the Future of the Tenn. Judicial System, Nashville, 1994
Presentation, Annual Att'ys General Criminal Justice Colloquium, Nashville, 1994, 1993
Presentation and consultation, Jury Project of New York State, Buffalo, NY, 1993

Discussant, Commenter, or Panelist:

Panelist, Conference of the Robina Institute on Criminal Law and Criminal Justice, University of Minnesota Law School, 2011
Criminal Justice Roundtables, Vanderbilt Law School (multiple)
Discussant, Symposium on Empirical Sentencing Research, Albany Law School, 2010
Booker Roundtable, University of Illinois Law School, 2005
ABA Jury Standards Conference, Washington & Lee Law School, 2004
Roundtable on *Blakely*, Stanford Law School, 2004 (comments published in Fed. Sent. Rep.)

Conference on the Report of the Massachusetts Governor's Council on the Death Penalty,
Indiana University School of Law, 2004 (comments published in Indiana L. J.)
Panelist, Criminal Justice Section, AALS Meetings, 2004, 2000
Clifford Symposium on Tort Law and Public Policy, DePaul, 1998
Conference on the Jury, Annenberg/Woodrow Wilson School, Princeton, 1994

Presentations to Bar Groups and CLE:

AJS Midyear or Annual Meetings, 2005, 1998
ABA Midyear Meeting, 2002
Conference on the Jury, AJS & McCormick Foundation, Chicago, IL, June 1999
Harry Phillipps American Inn of Court, Nashville, TN, 2010; 1996-98
Tennessee Bar Association, Nashville, TN, 1995-97, 1993
Vanderbilt University Law School Alumni CLE, Nashville, TN, October 1995

Selected Professional Service Activities:

Professional:

United States Courts: Advisory Committee for the Federal Rules of Criminal Procedure
(Assistant Reporter, October 2007- present; Member, 2001- 07); Sixth Circuit Advisory
Committee on Rules (Member 1996-99)
American Law Institute: Elected Member 2009- present; Ad Hoc Review Committee, Capital
Punishment, 2008-09
American Bar Association: Member, Criminal Justice Standards Committee, 2008 - present;
Advisory Committee, American Jury Project, 2004
American Association Law Schools- Member, Section on Criminal Justice
American Judicature Society, National Advisory Council, 2005-09, Board Member, 2001-05
Governor's *Blakely* Sentencing Task Force for the State of Tennessee, 2004-2005
Tennessee Judicial Evaluations Guidelines Commission, 1994-95
FBI Citizens Academy, Nashville, TN, Fall 2007
Harry Phillipps American Inn of Court, Nashville, TN, 1997-2000
State Bar of Michigan (admitted 1987, presently on inactive status)

Manuscript and proposal reviews:

Aspen Publishers; Judicature; Journal of Empirical Legal Studies; Journal of Politics; Law and
Society Review; National Institute of Justice, U.S. Department of Justice; University of
Chicago Press; Oxford University Press; Yale University Press

Vanderbilt University:

Search Committees: University Librarian, 2007-08; Public Policy Institute Director, 2006-07;
Law School Dean, 2004-05, 1996-97; Chief of Security, 1998-2000
NCAA Self-Study Committee, 2010-11; Committee on Athletics, 2004-08
Committee on Vanderbilt Institute for Public Policy Studies, 2003-04
Faculty Senate, Law School Representative, 1999-2001
University Committee on Humanistic Research, 1999-2000

Vanderbilt University Law School:

Faculty Appointments Committee - entry level: Chair: 2009-10, 2011-12; member: 2010-11

Faculty Appointments Committee - lateral: Chair: 2006-07

Faculty Appointments Committee - combined lateral, entry level: Chair: 2003-04; member: 1992-93, 1993-94, 1999-2000, 2000-01, 2001-02, 2005-06

Ad Hoc Curriculum Committee, 2008-09 (Chair)

Building Committee, 1999-2002

Admissions Committee, 1994-95, 1996-97 (Scholars Committee), 2002-03 (Chair)

Technology Committee, 1996-97

Ad Hoc Promotion Committees, 1995-96, 2010-11

Workshop Committee 1994-95

Research Committee, 1994-95

Clerkship Committee 1993-94, 1995-96 (Chair)