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LEGAL AND PRE-LEGAL EDUCATION

LL.M., *University of Virginia Law School*, 1979.

J.D., *University of Virginia Law School*, 1977.

A.B., *Princeton University*, 1973.

LEGAL TEACHING EXPERIENCE

Appointments:

Vanderbilt University: Professor of Law, 7/08-present; Milton Underwood Professor, 10/09 - present; Professor Department of Psychiatry (secondary appointment), 2/09 - present.

University of Florida: Stephen C. O'Connell Chair, 8/98-7/08; Alumni Research Scholar, 6/94-8/98; Professor of Law with tenure from 3/87; Associate Prof., 3/85-3/87; Assistant Prof., 9/82-3/85; Affiliate Professor, Department of Psychiatry, 3/95-7/08.

University of South Florida: Adjunct Professor, Department of Mental Health, 6/86 - present.

Visitorships:

Stanford Law School, Edwin A. Heafey Visiting Scholar, 9/06-5/07.

University of California, Hastings Law School, 1/05-5/05; 1/03-5/03.

University of Frankfurt Law School, Frankfurt, Germany, 4/01-7/01.

University of Southern California Law School, 1/00-5/00.

Monash University, Melbourne, Australia, 2/91-6/91.

University of Virginia Law School, 8/88-6/89.

University of Nebraska Law School, 6/88-8/88.

Kiev University Law School, Kiev, Ukraine, Fulbright Scholar, 10/87-12/87.

Courses Taught

Criminal Procedure I & II	Mental Health Law	Professional Responsibility
Comparative Criminal Procedure	Health Law	Evidence
Criminal Law	Law & Social Science	Civil Procedure
White Collar Crime	Forensic Practicum	Introduction to Law

Teaching Awards/Evaluations:

Teaching Improvement Program Award, 1995-96 (awarded to 4 teachers for superior teaching).

Teacher of the Year, Univ. Florida College of Law, 1986-87.

Average Teaching Evaluation Score, fall, 2003 through fall, 2010: 4.5 (out of 5).

PUBLICATIONS

Books

- JUVENILES AT RISK: A PLEA FOR PREVENTIVE JUSTICE (w/ Mark Fondacaro) (Oxford University Press, 2011).
- PRIVACY AT RISK: THE NEW GOVERNMENT SURVEILLANCE AND THE FOURTH AMENDMENT (University of Chicago Press, 2007).
- PROVING THE UNPROVABLE: THE ROLE OF LAW, SCIENCE, AND SPECULATION IN ADJUDICATING CULPABILITY AND DANGEROUSNESS (Oxford University Press, 2007).
- MINDING JUSTICE: LAWS THAT DEPRIVE PEOPLE WITH MENTAL DISABILITY OF LIFE AND LIBERTY (Harvard University Press, 2006).
- COMMUNITY MENTAL HEALTH CENTERS AND THE COURTS: AN EVALUATION OF COMMUNITY-BASED FORENSIC SERVICES (Univ.Neb.Press, 1985)(w/ Gary Melton & Lois Weithorn).

Texts

- LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS (Westgroup, 5th. ed., 2009 & biennial supps.)(w/ Ralph Reiser & Arti Rai).
- CRIMINAL PROCEDURE: AN ANALYSIS OF CASES AND CONCEPTS (Foundation Press, 5th ed., 2008 & ann. supps)(w/ Charles Whitebread).
- CRIMINAL PROCEDURE--REGULATION OF POLICE INVESTIGATION: LEGAL, HISTORICAL, EMPIRICAL AND COMPARATIVE MATERIALS (Reed-Elsevier/Michie Co, 4th ed., 2007 & annual supps).
- PSYCHOLOGICAL EVALUATIONS FOR THE COURTS: A HANDBOOK FOR MENTAL HEALTH PROFESSIONALS AND LAWYERS (Guilford, 3d ed., 2007) (w/ G. Melton, J. Petrila & N. Poythress) (1st ed.--Winner, *Behavioral Science Book Award, 1988*).

Law Review Articles (unpublished articles may be accessed at <http://ssrn.com/author=55346>)

- Prevention as the Primary Goal of Sentencing: The Modern Case for Indeterminate Dispositions in Criminal Cases*, ___ SAN DIEGO L. REV. ___ (forthcoming, 2011, symposium).
- Comparative Empiricism and Police Investigation*, ___ N.C. J. INT'L & COMM'L L. ___ (forthcoming, 2011, symposium).
- Some Hypotheses about Empirical Desert*, 42 ARIZ. ST. L. REV. 1189-1202 (2011) (symposium).
- Citizens United and Corporate and Human Crime*, 14 THE GREEN BAG 77-86 (2010).
- Government Dragnets*, 73 J. LAW & CONTEMP. PROBS. 107-143 (2010) (symposium).
- The Right to Voice Reprised*, 40 SETON HALL L. REV. 1647-62 (forthcoming, 2010) (symposium).
- Proportionality, Privacy, and Public Opinion: A Reply to Kerr and Swire*, 94 MINN. L. REV. 1588-1619 (2010).
- Justice Ginsburg's Gradualism in Criminal Procedure*, 70 OHIO STATE L.J. 867-887 (2009) (symposium).
- Distinguished Lecture: Surveillance and the Constitution*, 55 WAYNE STATE L. REV. 1105-1130 (2009). Republished in 37 SEARCH & SEIZURE L. REP. No. 8 (Sept., 2010).
- A Defense of the Integrationist Test as a Replacement for the Special Defense of Insanity*, 42 TEX. TECH. L. REV. 523-542 (2009) (symposium).

Juvenile Justice: The Fourth Option, 95 IOWA L. REV. 1-65 (2009) (with Mark Fondacaro).

The Death Penalty in Florida, 1 ELON L. REV. 17-64 (2009) (symposium).

Mental Illness and Self-Representation: Faretta, Godinez and Edwards, 7 OHIO ST. J. CRIM. L. 391-411 (2009).

Introduction to the Symposium on the Model Penal Code's Sentencing Revisions, 61 U. FLA. L. REV. 665-682 (2009).

Experts, Acts and Mental States, 38 SETON HALL L. REV. 1009-30 (2008) (symposium).

Government Data Mining and the Fourth Amendment, 75 UNIV. CHI. L. REV. 317-41 (2008).

Lying and Confessing, 39 TEXAS TECH L. REV. 1275-1292 (2007) (symposium).

The Liberal Assault on the Fourth Amendment, 4 OHIO ST. J. CRIM. L. 603-18 (2007).

Tarasoff as a Duty to Treat: Insights from Criminal Law, 75 CIN. L. REV. 645-51 (2006) (symposium).

Dangerousness and Expertise Redux, 56 EMORY L. J. 275-323 (2006).

Reconceptualizing Due Process in Juvenile Justice: Contributions from Law and Social Science, 57 HASTINGS L. J. 955-989 (2006) (with Mark Fondacaro & Tricia Cross).

Transaction Surveillance by the Government, 75 MISSISSIPPI L.J. 139-191 (2005) (symposium).

Mental Disorder as an Exemption from the Death Penalty: The ABA-IRR Task Force Recommendations, 54 CATH. U. L. REV. 1133-1152 (2005)(symposium).

The Civilization of the Criminal Law, 58 VANDERBILT L. REV. 121-168 (2005).

Prosecuting Martha: Federal Prosecutorial Power and the Need for a Law of Counts, 109 PENN STATE LAW REVIEW 1107-1131 (2005)(with Michael Seigel)(symposium).

Subpoenas and Privacy, 54 DEPAUL L. REV. 805-845 (2005)(symposium).

Is Atkins the Antithesis or the Apotheosis of Anti-Discrimination Principles?: Sorting Out the Groupwide Effects of Exempting People with Mental Retardation from the Death Penalty 55 ALABAMA L. REV. 1101-1107 (2004) (symposium on Disability Rights).

The Integrationist Alternative to the Insanity Defense: Reflections on the Exculpatory Scope of Mental Illness in the Wake of the Andrea Yates Case, 30 AM. J. CRIM. L. 315-341 (2004).

Teaching a Course on Regulation of the Police (with a Special Focus on the Sixth Amendment), 42 BRANDEIS LAW JOURNAL 389-404 (2003-04)(symposium).

Rethinking Legally Relevant Mental Illness, 29 OHIO NORTHERN L. REV. 497-530 (2003)(lead article in symposium).

A Jurisprudence of Dangerousness, 98 NW. U. L. REV. 1-62 (2003).

What Atkins Could Mean for People with Mental Illness, 33 NEW MEX. L. REV. 293-314 (2003)(symposium).

Toward Taping, 1 OHIO STATE J.CRIMINAL LAW 309-322 (2003)(essay in inaugural issue).

The Structure of Expertise in Criminal Cases, 34 SETON HALL L. REV. 105-126 (2003) (symposium). Also published in Chinese, in 6 CRIM. RESEARCH 27 (2004).

The Poverty Exception to the Fourth Amendment, 55 U.FLA.L.REV. 391-412 (2003)(symposium).

Public Privacy: Camera Surveillance of Public Places and the Right to Anonymity, 72 MISS. L.J. 213-315 (2002)(symposium).

Peeping Techno-Toms and the Fourth Amendment: Seeing Through Kyllo's Rules Governing Technological Surveillance, 86 MINN. L.REV. 1393-1437 (2002)(symposium).

The Hartman Hotz Lecture—Race-Based Defenses: The Insights of Traditional Analysis, 54 ARK. L. REV. 739-776 (2002).

An Empirically-Based Comparison of American and European Regulatory Approaches to Police Investigation, 22 MICH. J.INT'L L. 423-456 (2001).

Doubts About Daubert: Psychiatric Anecdotes as a Case Study, 57 WASH. & LEE L. REV. 919-948 (2000)(symposium).

An End to Insanity: Recasting the Role of Mental Disability in Criminal Cases, 86 VIRGINIA L. REV. 1199-1247 (2000).

Mental Illness and the Death Penalty, 1 CALIF. CRIM. L. REV. 3, www.boalt.org/CCLR (2000) (inaugural issue). *Republished in* 24 MENT. & PHYS. DIS. L. REP. 667-677 (2000).

The Criminal Defense Lawyer's Fiduciary Duty Toward Clients with Mental Disability, 68 FORDHAM L.REV.1581-1642 (2000)(w/ Amy Mashburn)(symposium).

Is Justice Just Us? Foreword to Symposium on Community Views and Criminal Justice, 28 HOFSTRA L. REV. 601-610 (2000).

Terms of Endearment and Articles of Impeachment, 51 U.FLA. L. REV. 615-640 (1999)(w/ Charles Collier)(symposium).

A Prevention Model of Juvenile Justice: The Promise of Kansas v. Hendricks for Children, 1999 WISC.L.REV. 185-226 (1999)(w/ Mark Fondacaro and Jennifer Woolard).

Treating Kids Right: Deconstructing and Reconstructing the Amenability to Treatment Concept, 10 J. CONTEMP. LEG. ISS. 299-333 (1999)(symposium).

Why Liberals Should Chuck the Exclusionary Rule, 1999 U.ILL.L.REV. 363-446 (1999). *Republished in* 26-27 SEARCH & SEIZURE L. REP. (Dec. 1999-Jan. 2000).

Let's Not Bury Terry: A Call for Rejuvenation of the Proportionality Principle, 72 ST. JOHN'S L. REV. 1053-1095 (1998) (symposium). *Republished in* 26 S. & S. L. REP.125 (1999).

Psychiatric Evidence in Criminal Trials: To Junk or Not to Junk?, 40 WM.& M. L.REV. 1-56 (1998).

Deceit, Pretext, and Trickery: Investigative Lies by the Police, 76 OREGON L. REV. 755-800 (1997)(symposium, with responses by Robert Mosteller and Margie Paris).

Technologically-Assisted Physical Surveillance: The American Bar Association's Tentative Draft Standards, 10 HARV. J. L. & TECH. 383-463 (1997)(symposium).

Having It Both Ways: Proof that the Supreme Court is "Unfairly" Prosecution-Oriented, 48 U.FLA. L. REV. 743-59 (1996)(special Florida faculty issue).

Testifying: Police Perjury and What to Do About It, 67 COLO. L. REV. 1037-1060 (1996) (symposium). *Republished in* 24 SEARCH & SEIZURE L. REP. 101 (1997).

Prosecution Discovery in the U.S: A Balancing Perspective, 36 CRIM. L. Q. 423-447 (1994).

Reasonable Expectations of Privacy and Autonomy in Fourth Amendment Cases: An Empirical Look at "Understandings Recognized and Permitted by Society", 42 DUKE L. J. 727-775 (1993)(w/ Joseph Schumacher). Briefer version: 17 LAW & HUM. BEH. 183 (1993).

The World Without a Fourth Amendment, 39 U.C.L.A. L. REV. 1-107 (1991).

Treatment of the Mentally Disabled: Rethinking the Community First Idea, 69 NEB. L. REV. 413-433 (1990)(symposium). *Republished in* LAW AND PSYCHOLOGY: THE BROADENING OF THE DISCIPLINE, ch. 9 (Ogloff ed., 1992).

State Adoption of Federal Law: Exploring the Limits of Florida's "Forced Linkage" Amendment, 39 U. FLA. L. REV. 653-732 (1987).

The Guilty But Mentally Ill Verdict: An Idea Whose Time Should Not Have Come, 53 GEO.WASH. L. REV. 494-527 (1985)(symposium).

Dangerousness and Expertise, 133 U.PA. L. REV. 97-174 (1984).
Estelle v. Smith: Constitutional Contours of the Forensic Evaluation Process, 31 EMORY L. J. 71-138 (1982)(symposium). *Republished in* 1984 CRIMINAL L. REVIEW.
Capacity to Contest a Search and Seizure: The Passing of Old Rules and Some Suggestions for New Ones, 18 AM. CRIM. L. REV. 387-418 (1981). *Republished in* 1982 CRIMINAL LAW REPORTER and 1982 NATIONAL LAW REVIEW REPORTER.
The Role of Mental Health Professionals in the Criminal Process: The Case for Informed Speculation, 66 VA. L. REV. 427-522 (1980)(w/ Richard Bonnie).

Interdisciplinary Journal Articles

Prevention of Sexual Violence by Those Who Have Been Sexually Violent, INT’L J. L. & PSYCHIATRY (forthcoming, 2011).
A Prevention Model of Juvenile Justice, 25 SRCO SOC. POL’Y REP. 22-23 (2011).
Competency in the Criminal Context: An Analysis of Robert Schopp’s Views, 24 BEH.SCI. & L. 529-34 (2006).
Pragmatic Forensic Psychology: A Means of “Scientizing” Testimony from Mental Health Professionals?, 9 PSYCHOLOGY, PUB. POL. & L. 275-300 (2003)(symposium).
Directions for Future Research on the Juvenile Justice System, 25 L. & HUM. BEH. 13-23 (2001)(with J. Woolard & M. Fondacaro)(symposium).
Three Models of Liberty Deprivation: The Contributions of Therapeutic Jurisprudence and Ecological Jurisprudence, 18 BEH. SCI. & L. 499-516 (2000)(with M. Fondacaro).
The Admissibility of Behavioral Science Information in Criminal Trials: From Primitivism to Daubert to Voice, 5 PSYCHOL., PUB. POL. & L. 100-119 (2000)(symposium).
"Appreciation" as a Measure of Competency: Some Thoughts about the MacArthur Group's Approach, 2 PSYCHOL., PUB. POL. & L. 18-30 (1996)(symposium).
Insanity, Justification, and Culpability: Toward a Unifying Scheme, 19 LAW & HUM. BEH. 447-464 (1995)(w/ Norman Finkel)
Therapeutic Jurisprudence: Five Dilemmas to Ponder, 1 PSYCH., PUB. POL. & L. 193-219 (1995). *Republished in* LAW IN A THERAPEUTIC KEY (D. Wexler & B. Winick eds., 1996).
Involuntary Community Treatment of People Who Are Violent and Mentally Ill: A Legal Analysis, 45 HOSP. & COMM. PSYCHIATRY 685-689 (1994)(symposium). *Republished in* VIOLENT BEHAVIOR AND MENTAL ILLNESS (APA Press: 1997).
The "Ultimate Issue" Issue, 7 BEHAV. SCI. & L. 259-266 (1989).
The Feasibility of a Brief Evaluation of Mental State at the Time of the Offense, 8 LAW & HUM. BEH. 305-320 (1982)(w/ Gary Melton & Robert Showalter). See also, *Commentary on "The Mental State at the Time of the Offense Measure,"* 28 J. AM. ACAD. PSYCH. & LAW 29-32 (2000)(w/ Poythress, Melton & Petrila)(response to critique of protocol).

Chapters

Bioprediction in Criminal Cases, BIOPREDICTION (Oxford Press, Walter Synott-Armstrong, ed., forthcoming, 2011).
Legal Limitations on the Scope of Preventive Detention, “DANGEROUS” PEOPLE: POLICY, PREDICTION AND PRACTICE (Routledge Press, Bernadette McSherry & Patrick Keyser, eds., forthcoming, 2011).

Risk Assessment, OXFORD HANDBOOK ON SENTENCING AND CORRECTIONS (Oxford University Press, Kevin Reitz & Joan Petersilia, eds., forthcoming, 2011).

Is the Fourth Amendment Relevant in a Technological Age? THE FUTURE OF THE CONSTITUTION (Jeffrey Rosen & Benjamin Wittes, eds., forthcoming, 2011).

Psychological Syndromes and Criminal Responsibility, 6 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 109-127 (2010)

Defending Preventive Detention and Reply in CRIMINAL LAW CONVERSATIONS 67-86 (Paul Robinson et al. eds., Oxford University Press, 2009).

Abolition of the Insanity Defense and Reply in CRIMINAL LAW CONVERSATIONS 473-491 (Paul Robinson et al. eds., Oxford University Press, 2009).

Different Visions of Juvenile Justice, in CHILDREN AS VICTIMS, WITNESSES AND OFFENDERS: PSYCHOLOGICAL SCIENCE AND LAW 385-401 (B. Bottoms, C. J. Najdowski & G. Goodman, eds., Guilford Press, 2009).

Capital Punishment and Dangerousness, in MENTAL DISORDER AND CRIMINAL LAW: RESPONSIBILITY, PUNISHMENT AND COMPETENCE 119-133 (Robert Schopp, ed., Springer Press, 2009).

Legal and Ethical Issues in Accessing and Utilizing Third Party Information, in FORENSIC PSYCHOLOGY: EMERGING TOPICS AND EXPANDING ROLES 190-205 (Alan Goldstein, ed., Wiley Press, 2006) (with Randy Otto & Stuart Greenberg).

The Story of Rule 410 and United States v. Mezzanatto: Using Plea Statements at Trial, in EVIDENCE STORIES 103-126 (Richard Lempert, ed., Foundation Press, 2006).

An Empirically Based Comparison of American and European Police Investigative Techniques, in ADVERSARIAL V. INQUISITORIAL TECHNIQUES: PSYCHOLOGICAL PERSPECTIVES ON CRIMINAL JUSTICE SYSTEMS 27-54 (Peter J. Koppel & Stephen D. Penrod, eds., Kluwer Press, 2003)(similar to Mich. J. Int'l Law article).

Psychiatric Evidence in Criminal Trials: A 25-Year Retrospective, in THE EVOLUTION OF MENTAL HEALTH LAW 245-276 (APA Press, 2001)(L. Frost & R. Bonnie, eds.).

Insanity and Diminished Capacity, in SCIENTIFIC EVIDENCE MANUAL 237-286 (Westgroup, 2d ed. 2001)(D.Faigman et al., eds.)(w/ N. Poythress & Kirk Heilbrun).

Dangerousness as a Legal Criterion in the Criminal Process, in LAW, MENTAL HEALTH, AND MENTAL DISORDER 360-383 (Brooks, Cole, 1996)(B. Sales & D. Shuman eds.).

Commentaries

Commentary to ABA Resolution on Mental Disability and the Death Penalty (August, 2007), at <http://www.ndrn.org/issues/cj/ABA%20Resolution-%20feature%20article305.pdf>.

Commentary to Standards Relating to Technologically-Assisted Physical Surveillance, ABA CRIMINAL JUSTICE STANDARDS 1-96 (ABA Publications, 1999).

Commentary to Part VI, Nonresponsibility for Crime, ABA CRIMINAL JUSTICE MENTAL HEALTH STANDARDS 321-394 (ABA Publications, 1987).

Encyclopedia Entries

Miranda Rights, in OXFORD COMPANION TO AMERICAN POLITICS (forthcoming, 2011).

Searches; Seizures; Warrants; Insanity Defense and several mental health law cases, in ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (ACLU, 2007).

Insanity Defense, in OXFORD COMPANION TO AMERICAN LAW (2d. ed., 2005).
Police Procedures, in OXFORD COMPANION TO AMERICAN LAW 614-8 (2002).
Eyewitness Identification, in ENCYCLOPEDIA OF CRIME AND JUSTICE 661-64 (2002).

Professional and Popular Press, Blogs, Online Commentaries, Etc.

The Implications of Disentanglement, ___ COLUMBIA L. REV. SIDEBAR ___ available at www.columbialawreview.org/ (forthcoming, 2011) (response to Eve Brensike Primus, *Disentangling Administrative Searches*, __ COLUM. L. REV. __ (2011)).

The Fourth Amendment in 2020, BALKANIZATION (September, 2010), available at: http://balkin.blogspot.com/2010/09/fourth-amendment-in-2020_22.html.

The Perils of the Fight Against Cognitive Illiberalism, 121 HARV. L. REV. FORUM, Iss. 3 (2009), www.harvardlawreview.org/forum/issues/122/jan09/slobogin.shtml (response to Dan Kahan, et al., *The Perils of Cognitive Illiberalism*, 122 HARV. L. REV. 837 (2009)).

The Meaning of Intellectual Privacy, in See Also: Online Companion to Texas Law Review, www.texasrev.com/seealso/volume-87/richards/the-meaning-of-intellectual-privacy.html response to Neil Richards, *Intellectual Privacy*, 87 TEXAS L. REV. 387 (2008).

The Supreme Court's Recent Criminal Mental Health Cases: Rulings of Questionable Competence, ABA CRIMINAL JUSTICE MAGAZINE (Oct., 2007).

Transnational Law and Regulation of the Police, 56 J. LEGAL EDUCATION 451-58 (2007).

Florida's Death Penalty System: Is It Fair and Reliable?, ST. PETERSBURG TIMES, Sept. 17, 2006.

The ABA's Standards Governing Technological Surveillance, 18 ABA CRIMINAL JUSTICE MAGAZINE 5-19 (2003)(with Martin Marcus).

Don't Target Mental Illness in Gun Checks, NEWSDAY, April 11, 2002 (op ed piece).

Who Chooses Insanity? Case Comment on Vermont v. Bean, FORENSIC ECHO (Nov. 2001).

You Can Recover, But You Can't Hide: Mass. v. Plumley, FORENSIC ECHO (June, 1998).

Some Random Observations on the Soviet Union, FLORIDA LAWYER 27-29 (Summer, 1988).

Harris v. State: The Death Penalty and Guilty But Mentally Ill, 12 NEWSLETTER OF AMER. ACAD. PSYCHIATRY & L. 22-23 (Dec., 1987).

Book Reviews and Review Essays

JOTWELL (JOURNAL OF THINGS WE LIKE LOTS), <http://crim.jotwell.com/>: *Reducing Reductionism*, Review of Donald Dripps, *The Substance-Procedure Relationship in Criminal Law* (April, 2011); *Government Dragnets*: Review of Richard Worf, *The Case for Rational Basis Review of General Suspicionless Searches and Seizures* (May, 2010).

New Wisdom About Old Crimes: Review of D. Shuman & A. Smith, *JUSTICE AND THE PROSECUTION OF OLD CRIMES*, JURIST, <http://jurist.law.pitt.edu> (March, 2001).

Can Mental Patients Afford Rights?, Review of Bruce Winick, *THE RIGHT TO REFUSE MENTAL HEALTH TREATMENT*, JURIST, <http://jurist.law.pitt.edu> (April, 1998).

Is Justice Just Us? A Review of JUSTICE, LIABILITY AND BLAME, by Paul Robinson & John Darley, 87 J. CRIM. L. & CRIMINOL. 315-33 (1996).

A New and Improved Version of a Hard to Improve Product: A Review of John Monahan & Laurens Walker, *SOCIAL SCIENCE IN LAW*, 15 LAW & HUM. BEH. 95-98 (1991).

A Rational Approach to Responsibility: A Review of Michael Moore, *LAW AND PSYCHIATRY: RETHINKING THE RELATIONSHIP*, 83 MICH. L. REV. 820-848 (1985)(book review).

PRACTICE AND ADMINISTRATIVE EXPERIENCE

Director, Criminal Justice Program, Vanderbilt University Law School, 9/08-present
(coordinator of scholarly activities and upper-class curricular development)

Associate Dean for Faculty Development, U. Fla. College of Law, 6/96-8/99 and 1/01-1/03.

Significant committee work: Vanderbilt—member, Univ. Promotion & Tenure Committee, 10/10-present; chair, Lateral Appointments Committee, 5/09-5/10; member, 5/10-present; Florida—chaired Appointment Committee twice, member 5 times; chaired Faculty Development Committee 8 different years (ran workshop program, developed sabbatical, salary and summer research grant policies); member, Self-Study Committee 3 times.

Director, Virginia Forensic Evaluation Training & Research Center, 9/80-8/82 (trained forensic evaluators; helped create Virginia's outpatient forensic evaluation system).

Legal Director, Forensic Psychiatry Clinic, 9/79-8/80 (coordinated evaluations).

Director, Western State Hosp. Legal Aid Society, 9/77-8/78 (represented mental patients).

Briefs: *Roper v. Simmons* (amicus co-author, 2004); *Lionel Tate v. Florida* (co-author, 2003); *Trodglen v. Martino* (1998); *Welker v. University of South Florida* (1995).

OTHER LAW-RELATED ACTIVITIES AND HONORS

American Bar Association Activities

Member, Criminal Justice Section Council, 6/10-present

Member, Task Force on Transaction Surveillance, 5/07-1/10.

Member, Criminal Justice Section Standards Committee, 8/04-8/07.

Chair, Death Penalty Moratorium Implementation Project (Florida), 8/04-9/06.

Member/Chair, Section on Individual Rights and Responsibilities Task Force on Mental Illness and the Death Penalty, 1/04-8/06 (drafted commentary and chaired ad hoc committee).

Chair, Criminal Justice Section Ad Hoc Law School Outreach Committee, 5/99-8/04.

Expert Panel, Benchbook for Judges on Psychiatric Evidence, 3/97-1/99.

Reporter, CJS Task Force on Law Enforcement and Technology, 3/95-10/99.

Reporter, CJS Task Force on Non-Responsibility for Crime, 8/83-10/85.

American Association of Law Schools Activities

Chair, Criminal Justice Section, 1999-00.

Chair, Section on Law and Mental Disability, 1988-1990.

Member, Committee on Bar Admission and Lawyer Performance, 6/97-1/01.

Speaker at AALS Conference: 1989, 1996, 2000, 2001, 2003, 2004, 2006, 2007, 2008, 2009

Editorial Boards/Reviewer

Associate Editor, LAW & HUMAN BEHAVIOR, since 9/87.

Board of Advisors, OHIO STATE JOURNAL OF CRIMINAL LAW, since 7/02.

Editorial Board, BEHAVIORAL SCIENCE & LAW, since 2/99.

Editorial Board, PSYCHOLOGY, PUBLIC POLICY & LAW, since 3/95.

Editorial Board, INTERNATIONAL JOURNAL OF INTELLIGENCE ETHICS, since 5/08.

Reviewer, AMERICAN JOURNAL OF PSYCHIATRY, since 4/94.

Other Memberships/Significant Consulting

Advisory Board, Saks Institute for Mental Health Law, Policy and Ethics, 9/10

Advisory Board, SSRN Law & Psychology Journal, 10/06-present

Advisory Board, Encyclopedia of Psychology and Law, 10/06

Associate Director, University of Florida Center for Children & Law, 9/02-9/08.

Consultant/contributor, Key Legal Cases in Forensic Mental Health, published 6/07 by the American Academy of Forensic Psychology

Consultant, Law & Order, Special Victim's Unit, 5/07-present

Consultant, Hawai'i Department of Mental Health, 10/02-04/03.

Consultant, CEELI, re Draft Law of the Police for the Republic of Montenegro, 3/02.

Consultant, MacArthur Research Network on Juvenile Law, 6/97-10/97.

Member, Florida Bar Committee on Professionalism, 6/02-6/05

Member, American Law Institute, since 1/93.

Member, Task Force on Curriculum Revision, National Judicial College, 9/88-2/90.

Member, Virginia Task Force on the Insanity Defense Plea, 8/81-8/82. Drafted VA. CODE §§ 19.2-169.1 et. seq. (1982).

Special Faculty (multi-week, multi-day or multi-hour courses)

American Academy of Forensic Psychology—Advanced courses on criminal mental health law (7 hrs.): annually at various locations since 2001.

American Academy of Judicial Education—Law & Psychiatry (1 wk.): Miami, annually 1978-81.

Center for Governmental Responsibility, U.F. College of Law—Crim. Env't'l Law (1 wk.): Parana Judicial College, Brazil, 7/97; Introduction to Law (2 wks.): Warsaw Law School, Poland, 10/01.

Florida Bar Association—CLE: Criminal Procedure/Evidence (3 hrs.): Tampa, 5/93; 5/95; 5/97; Mental Disability Law (5 hrs.): Pensacola, 2/04.

Florida Mental Health Institute, University of South Florida—Forensic training programs for Florida mental health professionals (3 days): various cities in Florida, 1-2 times annually.

Forensic Fellow Seminar—Weekly year-round, for Forensic Psychiatry Fellows, Univ. Florida, 9/99 - 7/08.

Hawaii Dep't of Mental Health—Forensic training (2 days): Honolulu, 11/02; 4/03.

National Judicial College—American Law for Russian Judges (1 wk.): Reno, 4/90; 5/93; 9/93; 3/95; Moscow and Irkutsk, 5/96; Scientific Evidence (1 wk.): Reno, 6/99.

State Department Speaker's Series—Teaching American Criminal Law (3 hrs.): Talca University and U.S. Embassy, Santiago, Chile, 5/00.

Tennessee Forensic Evaluator Renewal Training, 5/09

University of Florida Summer Program—White Collar Crime or Comparative Criminal Procedure (5 weeks): Univ. of Montpellier, France, 7/04; 7/06; 6/08; Comparative Criminal Procedure (9 weeks): Univ. of Frankfurt, Ger., 4/01-6/01.

University of San Diego Institute Int'l & Comp. Law—Comparative Crim. Procedure (5 wks.), Trinity College, Dublin, 7/99; Magdalen College, Oxford, 7/00; Comparative Health Law (5 wks.), Univ. of Barcelona, 6/04.

Awards/Recognitions (see also p. 1 and distinguished lectures described in Speeches)

Among 10 Most Cited Criminal Law & Procedure Professors (No. 6), according to Brian Leiter, available at www.leiterrankings.com/new/2010_scholarlyimpact.shtml

Distinguished Visitor, USC Law School, Feb. 11-15, 2008

Honorary Distinguished Member, American Psychology-Law Society, 2007 (inaugural group)

Provost's Faculty Achievement Recognition Program, 2007 (awarded to 51 Univ. Florida professors for "milestone achievements in the past two years")

Merck Visiting Scholar, Seton Hall Law School, October 14-18, 2006

STEP Award, 2000-01 (awarded to ten UF law faculty for superior performance).

Professorial Excellence Award, 1998-99 (annually awarded, for three years, to from two to four law professors at UF Law School for excellence in scholarship and teaching).

Citations (as of Jan., 2011): over 2000 articles, treatises and manuals and over 100 cases.

Media (since 1990): over 500 contacts, including ABA Journal (5 times); Atlanta Constitution (3); Chicago Tribune (3); CourtTV Radio (1), Good Morning America (1); L.A. Times (9); Miami Herald (29); National Law Journal (3) National Public Radio (3); Newsday (3); N.Y. Times (9); Nightline (2); St. Petersburg Times (47); Tennessean (2); Today Show (2); USA Today (4); Wall St. Journal (2); Washington Post (2).

SPEECHES, WORKSHOPS, ETC. (2008 - 2011 only)

2008

- Jan. 5: "Mental States, Acts, and Experts," AALS panel sponsored by Evidence Section, New York, N.Y.
- Jan. 10: "Capital Punishment and Dangerousness," Vanderbilt Law School
- Jan. 17: "Capital Punishment and Dangerousness," Northwestern Law School
- Jan. 22: "Capital Punishment and Dangerousness," Texas Law School
- Jan. 31: Participant, Roundtable on Judging Genes, sponsored by Maryland Law School
- Feb. 7: "Competency in the Criminal Process," Am. Bd. Forensic Psychology seminar
- Feb. 12: "Data mining by the Government," USC Law School
- Feb. 15: "Capital Punishment and Dangerousness," USC Law School
- Mar. 5: "Psychological Issues in Criminal Cases," American Psychology-Law Society day-long seminar
- Mar. 6: "Therapeutic Justice and Criminal Justice," Florida Coastal Law School
- Mar. 13: Speaker at "Altered Identities: Human Genetic and Engineering and Internet Avatars," 12th Annual Symposium, Harvard J. Law & Tech., Harvard Law School
- Mar. 21: Speaker at "The Faces of Forensics: Identification and Behavior," Hastings Law School
- May 1-2: Response to paper by Dan Kahan, Criminal Justice Roundtable (18 invitees), Harvard Law School
- June 12-13: Response to paper by Orin Kerr, Privacy Law Scholars Conference, George Washington Law School
- July 6: Convocation of scholars sponsored by U.S. Chamber of Commerce on criminalization of corporate behavior, Washington, D.C.

- July 24: “The Impact of Government Data Mining on Privacy,” panel sponsored by Department of Homeland Security
- Sept. 23: “Visions of Juvenile Justice,” Vanderbilt Law School brown bag
- Sept. 29: “Criminal Competencies,” Nashville Public Defender Lunch & Learn
- Oct. 15: “A Preventive Approach to Juvenile Justice,” Washington University Law School
- Oct. 30: Panel discussant of David Faigman’s book, “Constitutional Fictions: A Unified Theory of Constitutional Facts,” Hastings College of Law
- Nov. 12: “The New Government Surveillance and the Fourth Amendment,” Fordham L.S.
- Nov. 21: “Florida’s Death Penalty Process,” Elon Law School
- Dec. 9-10: “Mental Illness and Self-Representation: Faretta, Godinez and Edwards,” paper presented at Criminal Procedure Roundtable, Emory Law School

2009

- Jan. 5: Moderator and discussant, The Model Penal Code’s Sentencing Revisions, panel at AALS, San Diego, Calif.
- Jan. 29: “The ABA’s Draft Standards on Transaction Surveillance,” Wharton School of Business, U. Penn.
- Feb. 12: “Juvenile Justice: The Fourth Option,” Brooklyn Law School Workshop
- Feb. 26: The Cohn Lecture, “Surveillance and the Constitution,” Wayne State Law School
- Feb. 27: “Juvenile Justice: The Fourth Option,” Wayne State workshop
- Mar. 5: “Can Faretta, Godinez and Edwards be Reconciled?” American Psychology-Law Society Annual Conference, San Antonio, Tex.
- Apr. 3: “A Defense of the Integrationist Approach to Insanity,” Texas Tech Law School, Conference on “The Law of Excuses.”
- Apr. 10: “Justice Ginsburg’s Gradualism in Criminal Procedure,” Ohio State conference commemorating Justice Ginsburg’s fifteenth anniversary on the U.S. Supreme Court
- Apr. 23: “Edwards v. Indiana,” Vanderbilt Forensic Group
- May 7: Criminal Competencies, Tennessee Mental Health Association, Montgomery Bell State Park, Tn.
- June 5: Response to Professor Stephen Henderson’s paper on “Government Access to Records,” Privacy Scholars Conference, Berkeley
- June 6: “Models of Juvenile Intervention,” at Juvenile Justice Research Symposium, John Jay College of Criminal Justice
- June 9: “Defending Integrationism,” Vanderbilt Law School brown bag
- July 30: “Defending Preventive Detention,” International Association of Law & Mental Health Annual Meeting, New York, N.Y.
- Aug. 12: “Retribution and Justice,” Invited Participant, Federalist Society Roundtable, Avon, Colorado
- Sept. 2: “The Right to Self-Representation for People with Mental Illness,” Hofstra Law School
- Sept. 10: Commentary on Professor Bibas, Originalism and Formalism in Criminal Procedure, Vanderbilt Federalist Society

- Sept. 11-12: Organizer and discussant, Vanderbilt University Law School Criminal Justice Roundtable
- Sept. 29: Panel discussant about “The Soloist”, Vanderbilt Medical School
- Oct. 15: “Proportionality, Privacy, and Public Opinion,” DePaul Law School Symposium on Information Technology
- Oct. 16: “Proportionality, Privacy, and Public Opinion,” Minnesota Law School Symposium on Cyberspace and Law
- Oct. 30: “Edwards v. Indiana,” Panel at American Association of Psychiatry & Law, Baltimore, Md.
- Nov. 5: Grand Rounds, Vanderbilt Dep’t of Psychiatry, “The Insanity Defense”
- Nov. 9: Moderator, Debate on the Death Penalty, Hyatt Fund Debate
- Nov. 13: “Searches in a Technological Age”, Colloquium sponsored by the Brookings Institute, Wash., D.C.
- Dec. 2: “Hospitalization,” presentation to Tennessee chapter of NAMI, Nashville

2010

- Jan. 14: “Criminal Competencies,” American Board of Forensic Psychology, Irvine, Calif.
- Jan. 21: “Mental Illness and the Death Penalty”, Vanderbilt Forensic Group
- Jan 22: “Is the Fourth Amendment Irrelevant in a Technological Age?” Installation as Milton Underwood Chair, Vanderbilt University Law School
- Jan. 27: Panelist on “Profiling, Police, and Police Conduct,” sponsored by BLSA, Vanderbilt Law School
- Jan. 29-30: Organizer, Young Scholars Criminal Justice Roundtable, Vanderbilt
- Feb. 11: Panelist, “Is the Exclusionary Rule Broken and, If So, How Do We Fix It?” Fordham Law School
- Feb. 19: Panelist, “Juvenile Justice: Passages, Prevention and Intervention,” University of Florida Law School
- Mar. 9: Two presentations: “Miranda Waivers” and “Coerced and False Confessions,” National Legal Aid and Defense Attorney Association, Nashville, Tn.
- Mar. 26: Discussant, Panel on Agency and Responsibility, Law & Bioscience Conference, Vanderbilt Law School
- April 2: “Expert Testimony and Competence,” UC Davis & Napa State Hospital
- May 8-9: Panelist, “Bioprediction Conference,” The Wellcome Centre for Neuroethics, Washington, D.C.
- May 17-20: Paper, “The Legal Scope of Preventive Detention,” at conference on “Managing High Risk Offenders: Policy and Practice,” sponsored by Monash University, Melbourne, in Prato, Italy
- May 27: Author at Author Meets Audience program, defending Juveniles at Risk: A Plea for Preventive Justice, Law & Society Meeting, Chicago
- June 15: “The Future of the Fourth Amendment,” Brookings Institute Convocation with Federal and State Judges, Montpelier, Virginia
- July 9: “Constitutional Regulation of Surveillance in the United States,” Freiberg Center for Security and Privacy, Freiburg, Germany

- July 31: Panelist, "Revaluating Corporate Criminal Liability," SEALS Conference, Palm Beach, FL.
- Aug. 3: Panelist, "The Future of the Exclusionary Rule," SEALS Conference, Palm Beach, FL.
- Aug. 14: Panelist, "Life Without Parole and Juveniles," Annual Meeting of American Psychological Association, San Diego, Calif.
- Sept. 24-25: Consultant, Juvenile Justice and the Brain, MacArthur Law and Neuroscience Project, Chicago
- Sept. 30: Distinguished Scholar in Law & Public Policy workshop, "A Technologically-Sensitive Fourth Amendment," Louisville Brandeis School of Law
- Oct. 8: Panelist, "The Fourth Amendment in 2020," The Constitution in 2020 Criminal Justice Conference, Florida State University Law School
- Oct. 22: Moderator and Interlocutor, A Conversation About the Death Penalty?, John Seigenthaler First Amendment Center, Nashville, Tn.
- Oct. 28-30: Florida Forensic Evaluator Training, Orlando, FL.
- Nov. 4: "Criminal Competencies," American Board of Forensic Psychology, Miami, FL.
- Nov. 17: Taped interview on the guilty but mentally ill verdict and mental illness and the death penalty, for submission to Governor Sanford, S.C., in clemency proceedings regarding James Wilson
- Dec. 11-12: Criminal Justice Roundtable, Moderator and Discussant, Criminal Justice Program, Vanderbilt University Law School

2011

- Feb. 3: Panelist, "Short-Term Preventive Detention: Stops, Checkpoints and Post-Arrest/Pre-Adjudication Detention," Unsettled Foundations, Uncertain Results: 9/11 and the Law, 10 Years After, Rutgers Law School
- March 3: Moderator and Panelist, "Empirical Desert: An Empirical Investigation," American Psychology-Law Society, Miami, FL.
- March 4: Panel on Slobogin & Fondacaro, *Juveniles at Risk: A Plea for Preventive Justice*, APLS, Miami, FL.
- March 29: "Neuroscience & Criminal Law," Vanderbilt Neurolaw Society
- April 1: "Comparative Empiricism and Police Investigation," Conference on Comparative Criminal Procedure, University of North Carolina Law School
- April 7: "Neuroscience & Criminal Law," Professor Owen Jones' class, Vanderbilt
- April 21: Moderator, Celebration of Professor Nancy King's book, *Habeas for the Twenty-First Century*, Vanderbilt
- April 29: "Indeterminate Sentencing," Morality of Preventive Restrictions on Liberty Conference, San Diego Law School
- April 30: Comment on Gideon Yaffe, *Prevention and Imminence, Pre-Punishment and Actuality*, San Diego Law School
- May 2: Judge, Mock Malpractice Trial, Vanderbilt Dep't Psychiatry
- May 12: "Juveniles and Neuroscience: Determinism, Compatibilism or Causal Excuse Theory?" Arizona State University Law School

- May 20: “Juvenile Confessions,” conference on Professor Barry Feld’s book, Minnesota Law School
- June 3: “Is the Fourth Amendment Irrelevant in a Technological Age?,” Privacy Scholars Conference, Berkeley, Calif.
- June 5: “Empirical Desert: An Empirical Investigation,” Law and Society, San Francisco, Calif.
- June 7: Brown Bag, “Empirical Desert: An Empirical Investigation,” Vanderbilt
- July 7: “Criminal Competencies,” American Board of Forensic Psychology, Portland, Ore.
- July 25: Panel discussion, “The Definition of Search in Fourth Amendment Case,” SEALS Conference, Hilton Head
- Oct. “Prevention as the Primary Goal of Sentencing: Ten Objections and Ten Rebuttals,” Brigham Young Law School
- Oct. 28: “Alternatives to Incarceration,” Moderator, Plenary Session, ABA Criminal Justice Section Meeting, Washington, D.C.