

**CHRISTOPHER SLOBOGIN**

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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*: Milton Underwood Professor of Law, 10/09 - present; Professor of Law, 7/08-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; Prof., 3/87; Associate Prof., 3/85-3/87; Assistant Prof., 9/82-3/85; Affiliate Prof., Dep’t Psychiatry, 3/95-7/08.  
*University of South Florida*: Adjunct Professor, Department of Mental Health, 6/86 - present.

**Visitorships:**

*Oxford University, Centre for Criminology*, 5/17-7/17.  
*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:**

*Average Overall Evaluation Score, fall, 2003 through fall, 2017*: 4.6 (out of 5)  
*Teaching Improvement Program Award*, Univ. Florida, 1995-96 (awarded to 4 teachers for superior teaching).  
*Teacher of the Year*, Univ. Florida College of Law, 1986-87.

**PUBLICATIONS (most unpublished works may be accessed at <http://ssrn.com/author=55346>)**

**Books**

JUVENILES AT RISK: A PLEA FOR PREVENTIVE JUSTICE (w/ Mark Fondacaro) (Oxford Univ. Press, 2011).  
PROVING THE UNPROVABLE: THE ROLE OF LAW, SCIENCE, AND SPECULATION IN ADJUDICATING CULPABILITY AND DANGEROUSNESS (Oxford Univ. Press, 2007).  
PRIVACY AT RISK: THE NEW GOVERNMENT SURVEILLANCE AND THE FOURTH AMENDMENT (Univ. Chicago Press, 2007).  
MINDING JUSTICE: LAWS THAT DEPRIVE PEOPLE WITH MENTAL DISABILITY OF LIFE AND LIBERTY (Harvard Univ. 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**

PSYCHOLOGICAL EVALUATIONS FOR THE COURTS: A HANDBOOK FOR MENTAL HEALTH PROFESSIONALS AND LAWYERS (Guilford, 4<sup>th</sup> ed., 2018) (w/ G. Melton, J. Petrila, R. Otto, L. Condie and D. Mossman) (1st ed.--Winner, *Behavioral Science Book Award*, 1988).

MODERN SCIENTIFIC EVIDENCE (w/ David Faigman Edward Cheng, Jennifer Mnookin, Erin Murphy & Joseph Sander) (Thomson Reuters, 2017-18 ed., updated yearly). Responsible for five chapters: *Insanity, Diminished Capacity and Competency in Criminal Cases; Clinical and Actuarial Predictions of Violence Prediction; Rape Trauma Syndrome; Eyewitness Identifications; Hypnosis.*

CRIMINAL PROCEDURE: AN ANALYSIS OF CASES AND CONCEPTS (Foundation Press, 6th ed., 2015 & ann. supps) (w/ Charles Whitebread).

LAW AND THE MENTAL HEALTH SYSTEM: CIVIL AND CRIMINAL ASPECTS (Westgroup, 6th. ed., 2014 & supps.) (w/ Thomas Hafemeister & Douglas Mossman).

CRIMINAL PROCEDURE--REGULATION OF POLICE INVESTIGATION: LEGAL, HISTORICAL, EMPIRICAL AND COMPARATIVE MATERIALS (Reed-Elsevier/ Michie Co, 5th ed., 2012 & supps).

### **Law Review Articles**

*Algorithmic Risk Assessment and the Double-edged Sword of Youth* (with Megan Stevenson) (in preparation).

*Who Knows What, and When?: A Survey of Privacy Policies Proffered by U.S. Direct-to-Consumer Genetic Testing Companies* (with James Hazel), \_\_ CORNELL J. L. & PUB. POL'Y \_\_ (forthcoming, 2018).

*Principles of Risk Assessment: Sentencing and Policing*, 15 OHIO ST. J CRIM. L. 583-596 (symposium, 2018).

*Manipulation of Suspects and Unrecorded Questioning: After 50 Years of Miranda Jurisprudence, Still Two (or Maybe Three) Burning Questions*, 97 B. U. L. REV. 1157-96 (symposium, 2017) (featured in THE CHAMPION).

*Policing as Administration*, 165 U. PA. L. REV. 91-152 (2016).

*The American Bar Association's Criminal Justice Mental Health Standards: Revisions for the Twenty-First Century*, 44 HASTINGS CONST. L. Q. 1-35 (2016).

*The Science of Gatekeeping: Using the Structure of Scientific Inference to Draw the Line Between Admissibility and Weight in Expert Testimony*, 110 NW.U.L. REV. 859-904 (2016) (with David Faigman & John. Monahan).

*Teaching a Course on Regulation of Police Investigation—A Multi-Perspective, Problem-Oriented Course*, 60 ST. LOUIS UNIV. L. REV. 527-541 (2016) (symposium).

*Plea Bargaining and the Substantive and Procedural Goals of Criminal Justice: From Retribution and Adversarialism to Preventive Justice and Hybrid-Inquisitorialism*, 57 WM. & MARY. L. REV. 1505-47 (2016) (symp.).

*Defense of Privacy as the Central Value Protected by the Fourth Amendment*, 48 TEXAS TECH L. REV. 143-163 (2016) (symposium).

*How Changes in American Culture Triggered Hyper-Incarceration: Variations on the Tazian View*, 58 HOWARD L. J. 305-331 (2015) (symposium).

*Standing and Covert Surveillance*, 42 PEPPERDINE L. REV. 517-548 (2015) (symposium).

*Scientizing Culpability: The Implications of Florida v. Hall and the Possibility of a "Scientific" Stare Decisis*, 23 WM. & MARY BILL RTS. J. 415-430 (2014) (symposium).

*Panvasive Surveillance, Political Process Theory and the Nondelegation Doctrine*, 102 GEO. L.J. 1721-1776 (2014).

*Cause to Believe What? The Importance of a Search's Object—Or How the ABA Would Analyze the NSA Metadata Surveillance Program*, 66 OKLA. L. REV. 725-746 (2014) (symposium).

*Group to Individual (G2i) Inference in Scientific Expert Testimony*, 81 U. CHI. L. REV. 417-480 (2014) (with David Faigman & John Monahan).

*Lessons from Inquisitorialism*, 87 S.CAL. L. REV. 699-731 (2014) (symposium).

*Empirical Desert and Preventive Justice: A Comment*, 17 NEW CRIM. L.REV. 376-403 (2014) (reply).

*Treating Juveniles Like Juveniles: Ending Transfer and Expanding Juvenile Court Jurisdiction*, 43 TEXAS TECH L. REV. 106-132 (2013) (symposium).

*The Exclusionary Rule: Is It on Its Way Out? Should It Be?* 10 OHIO ST. J. CRIM. L. 341-355 (2013) (introduction to symposium).

*Putting Desert in Its Place*, 65 STANFORD L. REV. 77-135 (2013) (with Lauren Brinkley-Rubinstein).

*Community Control over Camera Surveillance: A Reply to Professor Capers*, 40 FORD. URB. L. J. 993-998 (2013) (symposium).

*Rehnquist and Panvasive Searches*, 82 MISS. L. J. 307-328 (2012) (symposium).

*Making the Most Out of United States v. Jones in a Surveillance Society: A Statutory Implementation of Mosaic Theory*, 8 DUKE J. CONST. L. & PUB. POLICY 1-37 (2012).

*Sell's Conundrums: The Right of Incompetent Defendants to Refuse Anti-Psychotic Medication*, 89 WASH. UNIV. L. REV. 1523-1543 (2012).

*Comparative Empiricism and Police Investigation*, 37 N.C. J. INT'L & COMM'L L. 321-348 (2011) (symposium).

*Prevention as the Primary Goal of Sentencing: The Modern Case for Indeterminate Dispositions in Criminal Cases*, 48 SAN DIEGO L. REV. 1127-1172 (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) (a version of this article also appeared at 41 STETSON L. REV. 127-136 (2011) (symposium)).

*Government Dragnets*, 73 J. LAW & CONTEMP. PROBS. 107-143 (2010) (symposium).

*The Right to Voice Reprised*, 40 SETON HALL L. REV. 1647-62 (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 U. CHI. L. REV. 317-41 (2008) (symposium).

*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).

*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) (symposium).

*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 N. L. REV. 497-530 (2003) (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).

*An End to Insanity: Recasting the Role of Mental Disability in Criminal Cases*, 86 VA. 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)

*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 SEARCH & SEIZURE 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/ J. 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).  
 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 (peer-reviewed)**

*Principles of Risk Assessment for Researchers and Practitioners*, BEHAVIORAL SCIENCES & THE LAW (in prep)

*Preventive Justice: A Paradigm in Need of Testing*, BEHAVIORAL SCIENCES & THE LAW (in press).

*Introduction to the Special Issue on The Characteristics of Insanity and Insanity Evaluations*, BEHAVIORAL SCIENCES & THE LAW (in press)

*Neuroscience Nuance: Dissecting the Relevance of Neuroscience in Adjudicating Criminal Culpability*, JOURNAL OF LAW & THE BIOSCIENCES, <https://doi.org/10.1093/jlb/lxx033> 1-17 (Nov. 11, 2017).

*A Neuro-Legal Lingua Franca: Bridging Law and Neuroscience on the Issue of Self-Control*, 5 MENTAL HEALTH LAW & POLICY JOURNAL 1-30 (2016) (with Joshua Buckholtz & Valerie Reyna)

*Eliminating Mental Disability as a Legal Criterion in Deprivation of Liberty Cases: The Impact of the Convention on the Rights of Persons with Disabilities on the Insanity Defense, Civil Commitment, and Competency Law*, 40 INT'L J. L. & PSYCHIATRY 36-42 (2015). Also in 40 L. & PSYCHOL. REV. 297-320 (2016).

*Prevention of Sexual Violence by Those Who Have Been Sexually Violent*, 34 INT'L J. L. & PSYCH. 210-216 (2011).

*A Prevention Model of Juvenile Justice*, 25 SOC'Y RES. COUNCIL SOC. POL'Y REP. 22-23 (2011).

*Competency in the Criminal Context: An Analysis of Robert Schopp's Views*, 24 BEHAV. 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 BEHAV. 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 L. & HUM. BEH. 447-464 (1995) (w/ N. 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 L. & HUM. BEH. 305-320 (1982) (w/ G. Melton & R. Showalter). See also, *Commentary on "The Mental State at the Time of the Offense Measure"*, 28 J. AM. ACAD. PSYCH. & L. 29-32 (2000) (w/ N. Poythress, G. Melton & J. Petrila).

## **Chapters**

*A Defense of Modern Risk-Based Sentencing*, in RISK AND RETRIBUTION: THE ETHICS AND CONSEQUENCES OF PREDICTIVE SENTENCING (J. de Keijser et al., eds.) (Hart Publishing, in preparation)

*Constitutional and Evidentiary Issues Concerning Risk Assessment*, in HANDBOOK OF VIOLENCE RISK ASSESSMENT (Randy K. Otto & Kevin S. Douglas, eds.) (Taylor & Francis, in press).

*Policing and the Cloud*, NAT'L CONST. CTR., A 21<sup>ST</sup> CENTURY FRAMEWORK FOR ELECTRONIC PRIVACY, constitutioncenter.org/digital-privacy. See also *Policing, Databases and Surveillance: Five Regulatory Categories*, ACAD. FOR JUSTICE, A REPORT ON SCHOLARSHIP AND CRIMINAL JUSTICE REFORM 207-230 (Erik Luna, ed., 2017); 18 *Criminol., Crim. Just., L. & Society* 70-84 (2017).

*Legislative Regulation of Government Surveillance*, in CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW 597-622 (David Gray & Stephen Henderson, eds., 2017) (Cambridge Univ. Press).

*Domestic Surveillance of Public Activities and Transactions with Third Parties: Melding European and American Approaches*, in *Surveillance*, in PRIVACY AND TRANSATLANTIC RELATIONS 31-45 (Hart Publishing, David Cole, Stephen Schulhofer and Federico Fabbrini, eds., 2017).

*A Comparative Perspective on the Exclusionary Rule in Search and Seizure Cases*, RESEARCH HANDBOOKS IN COMPARATIVE LAW 280-307 (Elgar Press, Jacqueline Ross & Stephen Thaman, eds., 2016).

*Preventive Justice for Juveniles*, in APA HANDBOOK OF PSYCHOLOGY AND JUVENILE JUSTICE 45-65 (Kirk Heilbrun, David DeMatteo & Naomi Goldstein, eds.) (American Psychiatric Association, 2015).

*Mental Disability and the Death Penalty* in AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT 335-356 (James Acker, Charles Lanier & Robert Bohm eds.) (Carolina Academic Press, 2014).

*Preventive Detention in the United States and Europe and Preventive Detention and Tradeoffs: A More Optimistic View* in PREVENTING DANGER 137-166, 248-253 (Michele Caianello & Michael Corrado, eds.) (Carolina Academic Press, 2013). A similar version of the first chapter, entitled *Preventive Detention in Europe, the United States, and Australia*, is published in PREVENTIVE DETENTION: ASKING THE FUNDAMENTAL QUESTIONS 31-54 (Patrick Keyzer ed.) (Intersentia Press, 2013).

*Bioprediction in Criminal Cases*, BIOPREDICTION, BIOMARKERS AND BAD BEHAVIOR 76-90 (Ilina Singh, Warren Synott-Armstrong & Julian Savulecu, eds.) (Oxford Univ. Press, 2013).

*Risk Assessment*, in OXFORD HANDBOOK ON SENTENCING AND CORRECTIONS 196-214 (Kevin Reitz & Joan Petersilia, eds.) (Oxford Univ. Press, 2012).

*Legal Limitations on the Scope of Preventive Detention*, "DANGEROUS" PEOPLE: POLICY, PREDICTION AND PRACTICE 37-47 (B. McSherry & P. Keyser, eds.) (Routledge, 2011).

*Is the Fourth Amendment Relevant in a Technological Age?* in THE FUTURE OF THE CONSTITUTION 11-36 (Jeffrey Rosen & Benjamin Wittes, eds.) (Brookings Institute, 2012) (abbreviated version in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA (John Parry & Song Richardson, eds. 2012) (Cambridge Univ. Press) and 44 DIE VERWALTUNG 464-97 (2011) (German version)).

*Psychological Syndromes and Criminal Responsibility*, 6 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 109-127 (John Hagan, et al. eds.) (Annual Reviews, 2010).

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

*Defending Preventive Detention and Reply in CRIMINAL LAW CONVERSATIONS 67-86 and 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).

*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).

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

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

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

### **Commentaries (as a Reporter)**

*Commentary to Suspicionless Searches and Seizures*, ALI PRINCIPLES OF POLICING (Draft, 2018)

*Commentary to Databases (Retention of Information) and Access to Databases*, ALI PRINCIPLES OF POLICING (Draft 2018)

*ABA Resolution on Mental Disability and the Death Penalty* (August, 2007), available 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 (2012).

*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.**

- JOTWELL (JOURNAL OF THINGS WE LIKE LOTS), <http://crim.jotwell.com/>: *How and Why is the American Punishment System "Exceptional"?*: Review of Reitz, ed. *American Exceptionalism in Crime and Punishment: The Causes of Punitiveness* (May, 2018); Review of Forman, *Locking Up Our Own* (June, 2017); *The Definition of Suspicion in an Era of Modern Policing*: Review of Bambauer, *Hassle* (May, 2016); *Democracy as a Cause of and a Solution for Hyper-Incarceration*: Review of Taslitz, *The Criminal Republic* (May 2015); *What Comes After Mass Incarceration?*: Review of Clear & Frost, *The Punishment Imperative* (May, 2014); *How Much Information Can Government Collect to Protect National Security?* Review of Chesterman, *One Nation Under Surveillance* (April, 2013); *Toward Real Criminal Justice*, Review of Stuntz, *The Collapse of American Criminal Justice* (April, 2012); *Reducing Reductionism*, Review of Driggs, *The Substance-Procedure Relationship in Criminal Law* (April, 2011); *Government Dragnets*: Review of Worf, *The Case for Rational Basis Review of General Suspicionless Searches and Seizures* (May, 2010).
- The Admissibility of Neuroscience in Criminal Cases*, 11(2) THE SCITECH LAWYER 18-21 (Winter, 2015) (w/ Casey LaDuke & Emily Haney-Caron)
- Has the NSA Gone Rogue?*, CNN.net (October 30, 2013); *The U.S. Must Act Now in the Face of the NSA Scandal*, CNN.net (August 13, 2013).
- Risk Assessment and Risk Management in Juvenile Justice*, 27 ABA CRIM. JUST. MAG. 1-18 (Winter, 2012).
- The Future of Mass Dossiers*, JURIST (April 11, 2012).
- Why Crime Severity Analysis is Not Reasonable*, 97 IOWA L. REV. BULL. 1-16 (2012).
- An Original Approach to Originalism*, 125 HARV. L. REV. FORUM, Iss. 2 (2012).
- The Implications of Disentanglement*, 111 COLUM. L. REV. SIDEBAR 103-108 (2011)
- The Fourth Amendment in 2020*, BALKANIZATION (September, 2010).
- The Perils of the Fight Against Cognitive Illiberalism*, 121 HARV. L. REV. FORUM, Iss. 3 (2009).
- The Meaning of Intellectual Privacy*, SEE ALSO: ONLINE COMPANION TO TEX. L. REV. (2009).
- The Supreme Court's Recent Criminal Mental Health Cases: Rulings of Questionable Competence*, 22 ABA CRIM. JUST. MAG. 8-15 (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 CRIM. JUST. 5, 19 (2003) (w/ 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 the GBMI Verdict*, 12 NEWS. AM. ACAD. PSYCH. & L. 22-23 (Dec., 1987).
- ### **Book Reviews and Review Essays (other than on Jotwell blog)**
- Does Law Work?: A Review of Lawrence M. Friedman, How Law Affects Behavior*, in CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS, <http://clcjbooks.rutgers.edu/> (May, 2017).
- Collecting and Using Information to Protect National Security: A Review of Simon Chesterman, One Nation Under Surveillance*, 29 INTELLIGENCE & NAT'L SECURITY 136-141 (2014).
- What is the Essential Fourth Amendment?: Review of Stephen J. Schulhofer, More Essential Than Ever: The Fourth Amendment in the Twenty-First Century*, 91 TEX.L.REV. 403-417 (2012).
- American Criminal Justice Exposed: Review of William J. Stuntz, The Collapse of American Criminal Justice*, 31 CRIM. J. ETHICS 42-52 (2012).
- 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).

## **PRACTICE AND ADMINISTRATIVE EXPERIENCE**

**Significant committee work:** Vanderbilt: Univ. PTRC, 2010-14 (chair 2012-14); Law School Appointments, 2010-11 (chair), 2011-13; 2015-16 (chair); 2017-18; Trans-Institutional Grant Review Committee, 2014-17; co-chair, 2018; Chancellor's Comm. on the Humanities, 2015-16; Univ. Publication Comm., 2014-17 (chair, 2016-17); Florida: Appointments (chair twice, member 5 times); Faculty Development Comm. (sabbatical, salary & summer research grant policies) (chair 3 years); Self-Study Committee (3 times).

**Director, Criminal Justice Program**, Vanderbilt University Law School, 9/08-present.

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

**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:** *Carpenter v. United States* (amicus contributor, 2017); *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 Association of Law Schools**

**Chair**, Criminal Justice Section, 1999-00.

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

**Invited Speaker at AALS Conference:** 1989, 1996, 2000-2004, 2006-2009, 2012-2014, 2016-2018

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

**Planning Committee**, Criminal Justice Section Professional Development Conference, 2013.

### **American Bar Association**

**Chair**, Criminal Justice Mental Health Standards Task Force, 7/12 to 8/16.

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

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

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

**Member**, Criminal Justice Section Council, 6/10-6/13.

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

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

**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).

**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 Law Institute**

**Associate Reporter**, Principles on Policing Project, 1/15-present

**Member**, 6/86-present.

### **American Psychology-Law Society**

**Chair**, Legal Scholars' Committee, 8/13-present

**Lead Reviewer**, Mental Health Policy Papers, 8/13-8/15

**Member**, Book Award Committee, 8/14-present

### **Editorial Boards/Reviewer**

**Senior Editor**, BEHAVIORAL SCIENCES & THE LAW, since 1/17.

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

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

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

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

**Occasional Reviewer**, AMERICAN JOURNAL OF PSYCHIATRY, CNS SPECTRUMS, LAW & SOCIAL INQUIRY, JUDICATURE, JURIMETRICS, JOURNAL OF FORENSIC SCIENCE, LAWS, MENTAL HEALTH, LAW & POLICY, etc.

**Other Memberships/Significant Consulting/Grant Activities**

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

**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, 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 (Grant Funded), 6/97-10/97.

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

**Member**, American Law Institute, since 1/93.

**Member**, MacArthur Steering Committee (Grant-Funded), Reasoning from Group Scientific Data to Individual Legal Decisions, 6/12 – 6/14.

**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).

**Participant, and Chair** of Privacy Mechanisms subgroup, NIH Grant (\$4 million), Genetic Privacy and Identity in Community Settings, Vanderbilt University.

**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.*—Crim. Envt'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.

*Forensic Fellow Seminar*—Weekly, Univ. Florida, 9/99 - 7/08.

*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.

*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.), U. of Barcelona, 6/04.

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

**Among 5 Most Cited Criminal Law & Procedure Professors, 2010-2014 (No. 4)**, according to Brian Leiter, available at [http://www.leiterrankings.com/faculty/2014\\_scholarlyimpact.shtml](http://www.leiterrankings.com/faculty/2014_scholarlyimpact.shtml)

**Hein Online Top Law Scholars, 2016 (No. 36)** (based on number of times cited by articles in the past ten years, number of times cited by cases, and number of times accessed)

**Distinguished Contribution Award**, American Academy of Forensic Psychology, 2016 (given annually to a person who has made significant contributions to the field of law and psychology; second law professor to win the award).

**Distinguished Contribution to Psychology and Law Award**, American Psychology-Law Society, 2016 (given to “one who has made distinguished theoretical, empirical, and/or applied contributions to the field of psychology and law”). This award has about 20 recipients in its 35-year existence; other than Justice Harry Blackmun and Virginia law professor Laurens Walker no other lawyer has received this award.

**Network Scholar of the MacArthur Neuroscience Network**, Steering Committee, Reasoning from Group Scientific Data to Individual to Individual Decisions, 2013-2016

**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 (during 1998 to 2001, awarded annually to from two to four law professors at UF Law School for excellence in scholarship and teaching).

**Citations (as of Jan., 2016)**: in over 5000 articles, treatises and manuals and over 100 cases.

**Media (since 1990)**: over 500 contacts, including ABA Journal (6 times); Al Jazeera (3); Atlanta Constitution (3); Chicago Tribune (4); Christian Science Monitor (3); CBS Radio (2); CourtTV Radio (1), Good Morning America (1); L.A. Times (9); Miami Herald (29); Mother Jones (2); National Law Journal (3); National Public Radio (6); Newsday (3); N.Y. Times (16); Nightline (2); St. Pete Times (47); Tennessean (15); Today Show (2); USA Today (4); Wall St. Journal (9); Washington Post (7).

## **SPEECHES, WORKSHOPS, ETC. (2013 - 2018 only)**

### **2013**

- Jan. 5: Panelist, “Technology and High Crime Areas: The Future of the Fourth Amendment in Public,” *AALS Meeting*, New Orleans
- Jan. 17: “Preventive Detention Defended,” *FSU Law School* workshop
- Feb. 4: Commentator on Tracey Maclin’s book, *THE SUPREME COURT AND THE FOURTH AMENDMENT EXCLUSIONARY RULE*, *Boston University Law School*
- Feb. 25: “Technology and the Fourth Amendment,” Hoffinger Lecture, *NYU Law School*
- Mar. 7: “Writing for Law Reviews,” *APLS* Conference, Portland
- Mar. 8: “Expert Testimony and Confessions,” *APLS* Conference
- Mar. 12: “Implications of U.S. v. Jones,” Criminal Justice Workshop, *Harvard Law School*
- Mar. 14: “The Abolition of Transfer in Juvenile Cases,” Forensic Interest Group, *Vanderbilt*
- Mar. 22: Commentator on Mary Anne Franks, Self-Defense and Domestic Violence, *University of Florida* Junior Scholars’ Conference
- Mar. 29-30: Moderator, *Vanderbilt Law School* Roundtable on Punishment Policy
- Apr. 5: “The Abolition of Transfer in Juvenile Cases,” *Texas Tech Law School*
- Apr. 27: Moderator, “Neuroscience and Criminal Justice,” *MacArthur Conference*, Chicago
- May 5: “Hyper-Incarceration: A Comparison of the United States and Europe” at Conference on Rethinking Prisons, *Vanderbilt University*
- June 6: “Making the Most of United States v. Jones,” *Privacy Law Scholars’ Conference*, Berkeley
- June 7: “Lessons of Inquisitorialism,” at Criminal Law at the Crossroads Conference, *USC Law School*
- June 11: Moderator, “The End of Criminal Justice as We Know It?: The Impact of Science,” *AALS Criminal Justice Section Conference*, San Diego
- June 11: Commentator on Mary Leary, “The Role of Technology in Sex Trafficking Cases”, *AALS Criminal Justice Section Conference*
- Sept. 12: Keynote Address, “Proving the Unprovable: Adjudicating Culpability and Dangerousness,” *Canadian Association of Provincial Court Judges Annual Conference: The Impact of Science and the Judicial Process*, Newfoundland, Can.
- Oct. 2-5: *Florida State Forensic Evaluator Training*
- Oct. 8: “Surveillance and the Fourth Amendment,” *Inns of the Court, Nashville, Tn.*
- Oct. 10: “Drones and Phones,” Panel discussion at *Roger Williams Law School, Prov., R.I.*
- Oct. 26: *Testimony to Tennessee Senate Judiciary Committee*, re “Employment Restoration Certificates for Ex-Offenders”

- Nov. 1: Commentator, on Erik Luna, "Digital Innocence," *Vanderbilt Criminal Justice Roundtable*  
 Nov. 8: Keynote, "Panvasive Surveillance, Political Process Theory and the Non-Delegation Doctrine," *Georgetown Law School*  
 Nov. 15: "Cause to Believe What?: Defining a Search's Object," Conference on the ABA's Standards on Government Access to Third Party Records, *Oklahoma Law School*, Okla. City, Okla.  
 Nov. 22: Commentary on Barry Feld's book, *Kids, Cops and Confessions: Inside the Interrogation Room*, *American Society of Criminology*, Atlanta, Ga.  
 Dec. 4-6: *MacArthur Working Group*, "Group to Individual Inference," Half Moon Bay

## **2014:**

- Jan. 7: Panelist, "Harnessing Psychological Research in Reform of the Criminal Justice Process," *AALS Meeting*, New York, N.Y.  
 Jan. 31: "Preventive Detention Defended," Social and Political Theory Workshop, *Vanderbilt University*  
 Feb. 7: "Neuroscience and Syndromes," MacArthur Network Conference, *Vanderbilt*  
 Feb. 20: "Implications of DSM-5 for the Legal System," *Vanderbilt Forensic Group*  
 Mar. 8: Discussant, "Psychological Issues in Recent Cases," *APLS Conference*, New Orleans  
 Mar. 13-14: "The Relevance of Mental Illness in Capital Cases," at Ten Years after *Atkins v. Virginia*, *William & Mary Law School*  
 Apr. 4: "Standing in National Security Cases," at National Security Symposium, *Pepperdine Law School*  
 Apr. 9: "Panvasive Surveillance, Political Process Theory and the Non-Delegation Doctrine," *Tulane Law School*  
 Apr. 10: Comment on Janet Hoeffel, "Policing the Courts" & Pam Metzger, "Collective *Gideon*," *Tulane*  
 May 9: "Criminal Competencies," *American Board of Forensic Psychology*, San Diego  
 May 16: "Plea Bargaining in a Preventive Justice Regime," conference on "Prosecutorial Discretion: Ethics, Practice and Study," *Stanford Law School*  
 Sept. 15-16: *Testimony to Tennessee Legislature* concerning alternatives to prison and criminal justice reform.  
 June 3: "Brain Science and Criminal Law: Application of the Rules of Evidence," *APLS Webinar Series*  
 June 24: *Vanderbilt Brown Bag*, "Standing and Covert Surveillance"  
 July 11: "Sex Offenders: Commitment, Notification and Residency Laws," *National Association of Appellate Courts Attorneys*, Savannah, Ga.  
 July 17: Roundtable on the Future of Privacy, *Brennan Center for Justice*, Wash., D.C.  
 Sept. 4-6: Florida Forensic Training Program, *USF*, Tampa  
 Sept. 19: "Hyper-Incarceration and Culture: A Tazian View," *Howard Law School*  
 Oct. 23: Panelist, Neuroscience and Genetics in Court, *Am. Acad. Psychiatry & Law*, Chicago  
 Nov. 6: "Scientizing Culpability: The Implications of *Hall v. Florida* and the Possibility of a "Scientific Stare Decisis," *Vanderbilt Forensic Interest Group*  
 Dec. 10: Participant, roundtable on Transnational Privacy, sponsored by NYU Information Law Institute and Center on Law and Security, *NYU Law School*

## **2015:**

- Jan. 23: "Snowden, Panvasive Surveillance, and Mosaic Theory," Symposium on Cybersurveillance: The Implications of Edward Snowden's Revelations, *Washington & Lee Law School*  
 Feb. 13: "Big Data and Big Brother," presentation to *Vanderbilt Board of Trust*  
 Feb. 20: "Plea Bargaining Where It Makes Sense: Why Bargaining Corrupts a Retributive-Adversarial System and Works in a Preventive-Inquisitorial One," *Wm. & Mary Law School*  
 Feb. 21: "How Mosaic Theory Can Be Made to Work," *Michigan Law School*  
 Feb. 25: Moderator, A Conversation with Andre Davis, Fourth Circuit Court of Appeals, *Vanderbilt*  
 Mar. 11: "Surveillance in the U.S. and Europe: Proportionality and Political Process," International Symposium on Freedom of Information and Governmental Transparency in the Open Government Era, *Sorbonne*, Paris, France  
 Mar. 13: "Surveillance in the U.S. and Europe: Proportionality and Political Process," *Int'l Association of Constitutional Law*, Workshop on Surveillance, Privacy, and Transnational Relations in the Digital Age, *Free University of Brussels*, Belgium  
 Mar. 19: "Making Neuroscience Relevant to the Law," *American Psychology Society*, San Diego, Cal.  
 Mar. 20: "The ABA's Mental Health Criminal Justice Standards," *APLS Conference*

- Mar. 20: “How to Implement the Convention on the Rights of Persons with Disabilities,” *APLS Conference*  
 Mar. 21: Discussant, “Social Science Findings Relevant to the Fourth Amendment,” *APLS Conference*  
 Mar. 26: “Mental Disability and the Convention on the Rights of Persons with Disabilities,” *2015 Jacobus tenBroek Disability Law Symposium*, Baltimore, Md.
- Apr. 8: “Privacy in a Digital Age,” Osher Lecture, *Vanderbilt*  
 Apr. 17: Keynote Luncheon Speech, “A Defense of the Reasonable Expectation of Privacy Test,” *Texas Tech Law School*  
 Apr. 23: Podcast: The Fourth Amendment and Police Dog Searches, [blog.constitution-center.org/2015/04/podcast-the-fourth-amendment-and-police-dog-searches/](http://blog.constitution-center.org/2015/04/podcast-the-fourth-amendment-and-police-dog-searches/) (w/ Jeffrey Rosen & Orin Kerr)  
 May 3-4: Commentator on Ouziel, The Law Enforcement (Finding)-Jury, Criminal Justice Roundtable, *Yale Law School*  
 May 26-27: Commentator on papers by Brennan-Marquez & Bryan Choi, at “Surveillance in the Cloud” symposium, *NYU Law School*  
 June 9: Programmatic Searches and Seizures, Brown Bag, *Vanderbilt Law School*  
 July 26-28: “Threat Assessment/Active Shooter Symposium,” *FBI Workshop*, Charlottesville, Va.  
 Aug. 6-8: Faculty, State of Florida Training Program for Forensic Mental Health Professionals, *USF*, Tampa  
 Sept. 10: Invited Speech, “Privacy in a Digital Age,” Dialogue Series, *Chapman Law School*  
 Oct. 14: Workshop, “Plea Bargaining in a Prevention-Oriented Inquisitorial Criminal Justice System,” *U. Chicago Law School*  
 Oct. 19: Reforming Tennessee’s Sentencing Regime, *Testimony to Tennessee Senate Judiciary Committee*  
 Oct. 21: Exempting People with Mental Illness from the Death Penalty, *Written Testimony to the Ohio Senate Judiciary Committee*, Columbus Ohio  
 Oct. 23: “Big Data and Big Brother,” *Vanderbilt Alumni Meeting*  
 Oct. 24-25: First Reading, Criminal Justice Mental Health Standards, *ABA Criminal Justice Section Council*, Wash., D.C. (presented standards)  
 Oct. 30: Criminal Competencies, *American Board of Forensic Psychology*, St. Petersburg, Fl.  
 Nov. 6-7: Convenor of conference, and commentator on Jeffrey Bellin, The Silence Penalty, *Vanderbilt Criminal Justice Roundtable*  
 Nov. 12: Surveillance in a Digital Age, *Vanderbilt Women’s Club*  
 Nov. 19: “What’s Wrong with the Criminal Justice System,” Forensic Interest Group, *Vanderbilt*

## **2016**

- Jan. 8: “Prediction and Sentencing,” panel on Prediction in the Criminal Justice System, *AALS*, N.Y.  
 Jan. 28: Endowed Lecture, “Privacy in a Digital Age: Can the Fourth Amendment Survive?,” *St. Thomas Law School*  
 Feb. 5: “Ethical Quandaries in Representing Criminal Defendants with Mental Illness,” *G.W. Law School*  
 Feb. 9: “Neuroscience and Criminal Law,” Biological Sciences Course, *Vanderbilt*  
 Feb. 12: “Why Is There Hyper-Incarceration in the United States?” *Osher Lecture, Vanderbilt*  
 Feb. 18: “Policing as Administration,” *Miami Law School* workshop  
 Feb. 26: “Mental Disability and the Convention on the Rights of Persons with Disabilities,” *Trinity College*, Dublin, Ireland  
 Mar. 4: Keynote Speech, “Privacy in a Digital Age: Can the Fourth Amendment Survive?,” *Elon Law School*  
 Mar. 11: AAFP Distinguished Contribution Award Lecture, “Preventive Justice: An Agenda for Research Psychologists,” at *American-Law Psychology Annual Meeting*, Atlanta  
 Mar. 12: APLS Distinguished Contribution Award Lecture, “The ABA’s Criminal Justice Mental Health Standards: Implications for Professionals,” *APLS*  
 Mar. 12: Discussant, Social Framework Evidence in Court: Contributions and Controversies from Five Areas of Psycholegal Research, *APLS*  
 Mar. 17: Keynote Address, “Ethical Quandaries in Representing Criminal Defendants with Mental Illness: The ABA Criminal Justice Mental Health Standards,” *Hastings Law School*  
 Apr. 1: *American Law Institute Principles of Policing Project*, Meeting with Advisory Group and Members’ Consultative Group, Philadelphia  
 Apr. 6: Big Data, Surveillance and the Constitution, *Vanderbilt Alumni*, Chicago  
 Apr. 13: Big Data, Surveillance and the Constitution, *8<sup>th</sup> Judicial Circuit*, Nashville

- Apr. 30: Second Reading, Criminal Justice Mental Health Standards, *ABA Criminal Justice Section Council*, Albuquerque, N.M. (presented standards)
- June 3: A Defense of Privacy as the Basis of Fourth Amendment Protection, selected paper, *Privacy Law Scholars Conference*, Wash., D.C.
- June 9: Is Empathy Ethical During a Forensic Evaluation or an Interrogation?, Forensic Interest Group, *Vanderbilt*, with Kimberly Brown
- June 10: Podcast on *Excited Utterance*, discussing The Science of Gatekeeping: Using the Structure of Scientific Inference to Draw the Line Between Admissibility and Weight in Expert Testimony. Florida Forensic Training Program, *Univ. South Florida*, Tampa
- Aug. 18-20: Florida Forensic Training Program, *Univ. South Florida*, Tampa
- Sept. 6: “Policing as Administration,” *Indiana University Law School* workshop, Bloomington
- Sept. 29-30: “Still Two (or Maybe Three) Burning Issues,” at *Miranda Fifty Years Later*, *B.U. Law School*
- Oct. 7: Neuroscience and Criminal Law, Grand Rounds, *Vanderbilt Medical School*
- Oct. 13: Criminal Competencies, *American Board of Forensic Psychology*, Atlanta
- Oct. 24: Policing and Surveillance, *Delta Tau, Vanderbilt*
- Nov. 3: Neuroscience and Criminal Law, *Vanderbilt Neuroscience Society*
- Nov. 11-12: Convenor and Commentator, Criminal Justice Roundtable, *Vanderbilt Law School*
- Dec. 6: “Legal Arguments for a Mental Illness Exemption to the Death Penalty,” *ABA Summit on Severe Mental Illness and the Death Penalty*, Wash., D.C.
- Dec. 7-8: *American Law Institute*, Advisory Committee Comments on Principles of Policing, Philadelphia

## **2017**

- Jan. 17: “Laws Regarding Genomic Privacy,” with James Hazel, GetPrecise Mini-Retreat, *Vanderbilt*
- Jan. 30: “Your Rights and the Police,” Organization of Black Graduate and Professional Students, *Vanderbilt*
- Feb. 11: “Police Use of Surveillance Technology,” Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform, *Arizona State Law School*, Phoenix (also commented on 3 papers)
- Mar. 8: Testimony in front of *Tennessee Senate Judiciary Committee* on Senate Bill 378, exempting offenders with severe mental illness from the death penalty
- Mar. 15: “The American Bar Association’s Criminal Justice Mental Health Standards: Improving the System,” 4-hour workshop, *American Psychology-Law Society Annual Meeting*, Seattle
- Mar. 17: Discussant, “Intelligence Gathering: Implications of Subject and Public Perceptions,” *APLS*
- Mar. 31: “The Trump Administration and Criminal Justice,” *Vanderbilt Law School Board of Governors*
- April 11: “When the Police Can (and Can’t) Get Your DNA, GetPrecise Retreat, *Vanderbilt*
- Apr. 21: “What Criminal Justice Needs from Neuroscience and Why It Is (Usually) Unlikely to Get It,” Law and the Biosciences Conference, *Stanford Law School*
- May 4: Panel, “Violence Prevention and Mental Illness,” *Vanderbilt Dep’t Psychiatry Conte Center*
- May 10: “Policing and the Cloud,” podcast, *National Constitution Center*, Philadelphia
- May 17: Keynote Address, “Policing and the Cloud,” *European Privacy Law Scholars’ Conference*, Tilburg, Netherlands
- May 24: “Policing, Databases and Surveillance: Five Regulatory Categories,” *Oxford University Criminal Law Discussion Group*
- May 30: Keynote Address, “Using Big Data for Predictive Policing and Sentencing,” Annual Conference, *European Association of Psychology & Law*, Mechelen, Belgium
- May 31: Workshop, “Policing, Databases and Surveillance: Five Regulatory Categories,” *University of Vienna*
- June 8: Workshop, “Using Big Data for Predictive Policing and Sentencing,” Centre for Criminology, *Oxford University*
- July 11: “Big Data and Big Surveillance: The Carpenter Case,” Convocation of Fourth Amendment Scholars, *Stanford Law School*
- Aug. 3: “Policing as Administration,” *SEALS Conference*, Boca Raton
- Aug. 8: “Policing and the Cloud: Five Regulatory Categories,” *Vanderbilt Law School* brown bag
- Aug. 17-19: Florida Forensic Training Program, *USF*, Tampa
- Aug. 24: “Policing and the Cloud: Five Regulatory Categories,” *U. Birmingham Law School*, U.K.
- Sept. 11: Testimony to *Tennessee Senate Judiciary Committee*, Senate Bill 378 (exempting people with serious mental illness from the death penalty)

- Sept. 14: Commentator on Megan Stevenson’s paper, Assessing Risk Assessment, and four other papers, *George Mason Law School*
- Sept. 29: “Risk Assessment Principles in Sentencing and Policing,” *Ohio State Law School* symposium
- Oct. 18: “Risk Assessment Principles in Sentencing,” *Utah Law School* workshop
- Nov. 2: “Criminal Competencies,” *AAFP workshop*, Las Vegas
- Nov. 8-9: Defense of “Suspicionless Searches & Seizures” and “Databases” chapters in *ALI’s Policing Project*, at Advisory Committee and Members’ Consultative Group meeting, Philadelphia
- Nov. 16: “Criminal Mental Health Law in a Nutshell,” *CLE* for Nashville attorneys, *Vanderbilt*
- Nov. 17: Criminal Justice Roundtable, convenor and commentator on Morgan Cloud, Property is Privacy: Locke and Brandeis in the Twenty-First Century, and five other papers, *Vanderbilt*

## **2018**

- Jan. 6: “Problems with the Kids-are-Different Framing of the Court’s Juvenile Cases,” on “Juveniles, Incarceration and the Constitution: A Conversation” panel, *AALS Annual Meeting*, San Diego
- Feb. 3: “Principles of Risk Assessment,” *University of Virginia Law School*, Shaping Justice conference
- Feb. 9: “Medication and Incompetence to Proceed,” *Texas A & M Law School*
- Feb. 15: Faculty Insights Panel, Demystifying the PTRC and the Tenure Process, *Vanderbilt*
- Feb. 15: “Principles of Risk Assessment,” Forensic Interest Group, *Vanderbilt*
- Feb. 22: “A Defense of Risk-Based Sentencing,” *University of Washington Law School* workshop, Seattle
- March 6: Testimony in front of *Tennessee Senate Judiciary Committee* re SB 278
- March 10: Moderator and Organizer, Legal Scholars Panel, *American Psychology-Law Society*, Memphis
- March 10: Discussant, “Special Session on Statistics and Law,” *APLS*
- March 30: “Big Data and Criminal Justice,” Data Science Visions Symposium, *Vanderbilt*
- April 4: Criminal Competencies, *American Board of Forensic Psychology*, New Orleans
- April 6: Moderator and Organizer, Big Data and Criminal Justice: Equity and Fairness, Plenary Panel, *Vanderbilt*
- April 13-14: “A Defense of Risk-Based Sentencing,” Conference on Risk-Based Sentencing, *Oxford University*
- April 20: “Big Data, Algorithms and Artificial Intelligence,” AI Conference, Law & Innovation Program, *Vanderbilt*
- April 23: “Social Science and the Fourth Amendment,” *University of Virginia Law School*
- May 14: “People with Mental Disability and the Criminal Justice System,” address to Philadelphia criminal justice system actors, *Drexel University*, Philadelphia
- May 30: “Policing and the Cloud: Five Regulatory Categories,” *Privacy Law Scholars’ Conference*, Wash., D.C.
- July 10: “A Defense of Risk-Based Sentencing,” *Vanderbilt Law School* brown bag
- July 16: “A Defense of Risk-Based Sentencing,” Crimfest, *Cardozo Law School*
- Aug. 16-18: Florida Forensic Training Program, *USF*, Tampa
- Oct. 18-19: American Law Institute Council, Principles of Policing: Suspicionless Searches and Seizures, New York City
- Oct. 26-27: Criminal Justice Roundtable, convenor and commentator, *Vanderbilt*