

SUSAN N. HERMAN
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susan.herman@brooklaw.edu

Current Employment (1980 to present)

Centennial Professor of Law
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11201

Courses taught: Criminal Procedure, Constitutional Law, Criminal Law, Law and Literature, Terrorism and Civil Liberties Seminar, Prisoners' Rights, Historic Criminal Trials Seminar, Federal Litigation Clinic.

Visiting Professor of Law
Columbia University School of Law
Criminal Law (Spring 1994)

President, American Civil Liberties Union (2008-present)

Past Legal Employment

Associate Director, 1978-1980; staff attorney, 1976-78
Prisoners' Legal Services of New York
20 Vesey Street
New York, New York 10007

Pro Se Law Clerk, 1974-76
United States Court of Appeals for the Second Circuit
United States Courthouse
New York, New York 10007

Student Intern, summer 1973, 1974
American Civil Liberties Union, Sexual Privacy Project
132 West 43rd Street
New York, New York 10036

Research/Litigation Assistant, summer 1972; part-time 1972-73; 1973-74
Professor Lawrence G. Sager
New York University School of Law/New York Civil Liberties Union

Education

New York University School of Law, J.D. *cum laude*, June 1974
New York University Law Review, Note and Comment Editor
Order of the Coif
John Norton Pomeroy Prize for Scholarship, 1972-73; 1973-74
Founders' Day Award for Scholarship
Paul D. Kaufman Award for most meritorious law review note, 1973

Barnard College, B.A., June 1968
Major: Philosophy

Writings and Publications

Books

TAKING LIBERTIES: THE WAR ON TERROR AND THE EROSION OF AMERICAN DEMOCRACY (Oxford 2011), expanded paperback edition (2014), winner of the ITT Chicago-Kent/Roy C. Palmer Prize

TERRORISM, GOVERNMENT, AND LAW: NATIONAL AUTHORITY AND LOCAL AUTONOMY IN THE WAR ON TERROR, editor and co-author, with Paul Finkelman (Praeger Security International 2008)

THE SIXTH AMENDMENT RIGHT TO A SPEEDY AND PUBLIC TRIAL (Praeger Press 2006) (series on the Constitution)

Sections of Books and Encyclopedias

Embattled Paradigms: The "War on Terror" and the Criminal Justice System, in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA (John Parry & Song Richardson, eds.) (Cambridge 2012)

American Federalism and the American Civil Liberties Union, in WHY THE LOCAL MATTERS (written with Norman Dorsen), (Liman Public Interest Program at Yale Law School & National State Attorneys General Program at Columbia Law School, 2010)
http://www.law.yale.edu/documents/pdf/liman_whyTheLocalMatters.pdf

Foreword, HUMAN RIGHTS BEGIN AT HOME: CELEBRATING THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, (Dec. 2008),
https://www.aclu.org/files/pdfs/humanrights/udhr60_report_20090410.pdf

Reading between the Lines: Judicial Protection for Socioeconomic Rights Under the South African and United States Constitutions, in COMPARATIVE CONSTITUTIONALISM AND RIGHTS: GLOBAL PERSPECTIVES (Penny Andrews & Susan Bazilli, eds.) (Vandeplas 2008)

Philadelphia: Law in the City of Brotherly Love, in SCREENING JUSTICE—THE CINEMA OF LAW: SIGNIFICANT FILMS OF LAW, ORDER AND SOCIAL JUSTICE (R. Strickland, T.E. Foster and T. Lovell Banks, eds.) (W.S. Hein 2006)

Arthur Goldberg, in BIOGRAPHICAL ENCYCLOPEDIA OF THE SUPREME COURT (Melvin Urofsky, ed.) (Congressional Quarterly Press 2006)

The USA Patriot Act and the US Department of Justice: Losing Our Balances?, in Sara Constantakis, HISTORY OF ISSUES: CRIME (Gale 2006); also reprinted in; Dennis Okerstrom, PEACE, WAR, AND TERRORISM 103 (Pearson Longman 2004); James Jandrowitz & Jay L. Spaulding, 9-11 AND BEYOND 237 (Kendall/Hunt 2003)

Double Jeopardy Update; Speedy Trial Update, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION SUPP. II (Macmillan 2000)

Prison Inmates and the Free Exercise of Religion, in RELIGION AND AMERICAN LAW: AN ENCYCLOPEDIA (Paul Finkelman, ed.) (Garland 2000)

Rape, Microsoft ENCARTA ENCYCLOPEDIA (CD-ROM 1999)

Clarence Thomas, in JUSTICES OF THE UNITED STATES SUPREME COURT (Leon Friedman, ed.) (Facts on File 2012) (4th ed. pending publication)

Clarence Thomas, Arthur Goldberg, in BIOGRAPHICAL DICTIONARY OF U.S. SUPREME COURT JUSTICES (Melvin Urofsky, ed.) (Garland 1994)

Crime Control and Civil Liberties, in CRIMINOLOGY: A CONTEMPORARY HANDBOOK (Joseph Sheley, ed.) (Wadsworth 1994)

Prisoners and Due Process Litigation: An Invitation to the State Courts, in PRISONERS AND THE LAW (Ira P. Robbins, ed.) (Clark Boardman, 1985)

Prisoners' Rights and Habeas Corpus (Eastern District Civil Litigation Fund Training Materials) (1984)

Law Review Articles

Portrait of a Judge: Judith S. Kaye, Dichotomies, and State Constitutional Law, 75 ALBANY L.

REV. 1977 (2011/2012)

Prison Reform Litigation Acts, 24 FEDERAL SENTENCING REPORTER 263 (2012)

The Limits of Advocacy: Lawyers for Terrorists/Lawyers for Torturers, HARV. L. & POLICY REV. (2010), <https://journals.law.harvard.edu/hlpr/online-articles/the-limits-of-advocacy-lawyers-for-terroristlawyers-for-torturers/>

Federal Criminal Litigation in 20/20 Vision, 13 LEWIS & CLARK L. REV. 461 (2009) (Federal Judicial Center 40th anniversary symposium)

The USA Patriot Act and the Submajoritarian Fourth Amendment, 41 HARV. CIV. RTS.-CIV. LIBS. L. REV. 67 (2006)

Balancing the Five Hundred Hats: On Being a Legal Educator/Scholar/Activist, 41 TULSA L. REV. 637 (2006) (symposium issue)

Collapsing Spheres: Joint Terrorism Task Forces, Federalism, and the War on Terror, 41 WILLAMETTE L. REV. 941 (2005) (symposium issue)

Patriotic Dissent, 45 WASHBURN L. REV. 21 (2005) (response to Erwin Chemerinsky)

Our New Federalism? National Authority and Local Autonomy in the War on Terror, 69 BKLYN L. REV. 1201 (2004) (symposium issue)

Applying Apprendi to the Federal Sentencing Guidelines: You Say You Want a Revolution?, 87 IOWA L. REV. 615 (2002) (symposium on federal sentencing)

The Jury in the Twenty-First Century, An Introduction (with Lawrence M. Solan), 66 BKLYN L. REV. 971 (2001) (symposium issue)

Measuring Culpability by Measuring Drugs?: Three Reasons to Reevaluate the Rockefeller Drug Laws, 63 ALBANY L. REV. 777 (2000) (symposium issue)

Slashing and Burning Prisoners' Rights: Congress and the Supreme Court in Dialogue, 77 OR. L. REV. 1229 (1998)

Politicians on Judges: Fair Criticism or Intimidation?, Commentary, 72 N.Y.U.L. REV. 339 (1997)

Reconstructing the Bill of Rights: A Reply to Amar and Marcus's Triple Play on Double Jeopardy, 95 COLUM. L. REV. 1090 (1995)

Double Jeopardy All Over Again: Dual Sovereignty, Rodney King, and the ACLU, 41 UCLA L. REV. 609 (1994) (symposium)

Why the Court Loves Batson: Representation-Reinforcement, Colorblindness, and the Jury, 67 TULANE L. REV. 1807 (1993) (symposium on race and crime)

Thelma and Louise and Bonnie and Jean: Images of Women as Criminals, 2 S. CAL. REV. OF LAW & WOMEN'S STUDIES 53 (1992) (symposium on women and crime)

The Tail That Wagged the Dog: Bifurcated Factfinding under the Federal Sentencing Guidelines and the Limits of Due Process, 60 S. CAL. L. REV. 289 (1992) (symposium on the Guidelines)

Why Parity Matters, 71 B.U. L. REV. 651 (1991)

Beyond Parity: Section 1983 and the State Courts, 54 BKLYN. L. REV. 1057 (1989); excerpts reprinted in A SECTION 1983 CIVIL RIGHTS ANTHOLOGY (Sheldon H. Nahmod, ed.) (Anderson Publishing Co. 1993)

The Insanity Defense in Fact and Fiction: A Review Essay of Norval Morris's MADNESS AND THE CRIMINAL LAW, 1985 AMERICAN BAR FOUNDATION RESEARCH JOURNAL 385 (1985)

The New Liberty: The Procedural Due Process Rights of Prisoners and Others under the Burger Court, 59 N.Y.U.L. REV. 482 (1984)

Institutional Litigation in the Post-Chapman World, 12 N.Y.U. REV. OF LAW AND SOCIAL CHANGE 299 (1983-84)

Pro Se Litigation, The Second Circuit Review, 42 BKLYN. L. REV. 629, 663-82 (1976) (written with Ira P. Robbins); reprinted in II PRISONERS' RIGHTS SOURCEBOOK (Ira P. Robbins, ed.) (Clark Boardman, 1980)

Note, *On Privacy: Constitutional Protection for Personal Liberty*, 48 N.Y.U.L. REV. 670-773 (1973) (written with Linda D. Simonson)

Periodicals

Ten Years of 9/11: The Patriot Act's Overreach Continues To Affect Lawyers, As Well As Ordinary Americans, AMERICAN LAWYER, Sept. 2011

Room for Debate, N.Y. TIMES, *Taking and Restoring the Rights of Felons, Restore the Right to Vote*, Nov. 16, 2011, <http://www.nytimes.com/roomfordebate/2011/11/14/taking-and-restoring-the-rights-of-felons/restore-the-right-to-vote>

Room for Debate, N.Y. TIMES, *Do We Still Need a Patriot Act? Too Many Needless Provisions*, Nov. 14, 2011, <http://www.nytimes.com/roomfordebate/2011/09/07/do-we-still-need-the-patriot-act/too-many-needless-provisions-in-the-patriot-act>

Os desafios do crime cibernético, O Núcleo de Estudos de Direitos Humanos e Política Criminal, Universidade Federal do Rio Grande do Sul, Brasil, (translated article on American approaches to cybercrime), <http://seer.ufrgs.br/index.php/redppc/article/view/46105>

Five Years Later: Law and the Fog of 9/11, THE JURIST, Sept. 11, 2006, <http://jurist.org/forum/2006/09/five-years-later-law-and-fog-of-911.php>

PATRIOT Games: Terrorism Law and Executive Power, THE JURIST, Jan. 26, 2006, <http://jurist.org/forum/2006/01/patriot-games-terrorism-law-and.php>

Checking Our Balances, AMERICAN LAWYER, July 2003

Yasser Hamdi and the Fourth Circuit's Legal No-Man's Land, THE JURIST, <http://www.jurist.org/forum/forumnew84.php>, Jan. 13, 2003

The USA Patriot Act and the USA Department of Justice: Losing Our Balances?, THE JURIST, Dec. 3, 2001, <http://www.jurist.org/forum/forumnew40.htm> ; reprinted in <http://www.counterpunch.org/2001/12/04/the-usa-patriot-act-and-ashcroft-s-justice-department/>, Dec. 4, 2001; Sara Constantakis, HISTORY OF ISSUES: CRIME (Gale 2006); Dennis Okerstrom, PEACE, WAR, AND TERRORISM 103 (Pearson Longman 2004); James Jandrowitz & Jay L. Spaulding, 9-11 AND BEYOND 237 (Kendall/Hunt 2003)

Autrefois Double Jeopardy, reviewing George C. Thomas III, DOUBLE JEOPARDY: THE HISTORY, THE LAW, in THE JURIST, June 1999

Teaching Law with Sacco, Vanzetti and the Rosenbergs, IX FOCUS ON LAW STUDIES at 6 (ABA Commission on College and University Legal Studies), Fall 1993

Procedural Due Process in Guidelines Sentencing, 4 FEDERAL SENTENCING REPORTER 295, March/April 1992

Prized Possessions, N.Y.L.J., Apr. 16, 1991 (Book Review)

How to Argue, Defend and Decide State Constitutional Law Claims, 14 SEARCH & SEIZURE L. REP. No. 11, Dec. 1987

Columns for Newsday/New York Newsday:

Roberts' Pitch More Like a Curveball, NEWSDAY, Sept. 16, 2005, A57 (on Senate confirmation

hearings of Supreme Court Justices)

Prisons Aren't for Young Offenders, NEWSDAY, July 8, 1997, A29 (on juvenile justice reform)

Double Trials Mean Double Jeopardy, NEWSDAY, Feb. 13, 1997, at 59 (on O.J. Simpson, and state/federal dual prosecutions)

Clinton Takes Liberties with the Constitution, NEWSDAY, Aug. 4, 1996, at 46;

No, the Courts Are Not Out of Control, NEWSDAY, Feb. 9, 1996, at 43 (on Harold Baer and the Fourth Amendment)

Come Out with Your Rights Up!, N.Y. NEWSDAY, Apr. 20, 1994, at 36 (on suspicionless "sweeps" in public housing)

Justice Sees through a Glass, Darkly, N.Y. NEWSDAY, May 4, 1992, at 37 (on Rodney King)

The Fight for Control of Rape's Meaning, N.Y. NEWSDAY, Feb. 16, 1992, at 50

Let 12 Angry People Decide, N.Y. NEWSDAY, Nov. 22, 1991, at 50 (on jury selection)

Defense on the Cheap, N.Y. NEWSDAY, July 31, 1990, at 46 (on the cost of criminal defense)

The Facts and the Jury's Nose, N.Y. NEWSDAY, May 22, 1990, at 50 (on the Bensonhurst case)

Do Women Hold the Scales?, N.Y. NEWSDAY, Jan. 31, 1990, at 58 (on difference feminism and the law)

Should Culture Be a Defense?, N.Y. NEWSDAY, Apr. 20, 1989, at 80 (on the cultural defense)

New Sentencing Law Handcuffs U.S. Judges, N.Y. NEWSDAY, Feb. 13, 1989, at 51 (on the federal sentencing guidelines)

Let's Go to the Videotape, N.Y. NEWSDAY, Nov. 14, 1988, at 51 (on the use of videotape evidence)

As Guilty As He Says He Is, N.Y. NEWSDAY, Mar. 29, 1988, at 56 (on the Robert Chambers plea bargain)

Stark Images in Black and White, N.Y. NEWSDAY, Oct. 27, 1987, at 70 (on race and the criminal justice system)

Safeguards Against Illegal Searches Are Eroding, N.Y. NEWSDAY, June 11, 1987, at 87 (on the Fourth Amendment)

Frayed Justice: Buy Cheap, Get Cheap, N.Y. NEWSDAY, Aug. 12, 1986, at 53 (on the economics of the criminal justice system)

Professional Activities

President, American Civil Liberties Union (2008-present); Member, National Board of Directors (1988-present); Member, Executive Committee (1992-present); General Counsel (1998-2008)

Keynote Speaker, "The ACLU and Times of War," Princeton University Woodrow Wilson School of Public & International Affairs Civil Liberties in Times of War Conference (Sept. 19, 2014), <http://www.princeton.edu/news-and-events/archives/videos/item/susan-n-herman-aclu-and-times-war>

Speaker, "Three Decades After 1984: Why Does Privacy Matter?," 2014 Appellate Judges Education Institute Summit, Dallas, TX (Nov. 2014)

TV Interview, OPEN MIND, WNET, recorded July 29, 2014 (aired Sept. 13, 2014), <http://www.thirteen.org/openmind/uncategorized/freedom-from-religion/4638/>

Debate on the balance between individual rights and the common good as applied to the war on terror, (with Amitai Etzioni), George Washington University Communitarian Policy Studies (Nov. 2014), <http://youtu.be/-u5p7bpReRU>

Keynote Speaker, U.S. Army War College National Security Seminar (June 2009, 2010, 2011, 2013)

Keynote Speaker, "Gideon's Muted Trumpet: The Supreme Court, the Criminal Justice System, and the Quest for Equality," Florida Criminal Defense Attorneys Seminar, Fiftieth Anniversary of *Gideon v. Wainwright* Program (Mar. 2013)

Speaker, Yale Political Union Debate, "Resolved: America is not at War with Terror," New Haven, CT (Mar. 2013)

Keynote Speaker, University of Texas School of Law, "Ab(ju)dication: The War on Terror, Civil Liberties, and the Courts, Civil Rights Conference on Barriers and Innovations in Civil Rights Litigation Since 9/11: Practical and Theoretical Perspectives," Austin, TX (Feb. 2012)

Wallenberg Lecture, McGill Law School, "Taking Liberties: The War on Terror, Civil Liberties,

and the American Courts,” Montreal, QUE (Mar. 22, 2012),
<http://bcooltv.mcgill.ca/Viewer1/?rid=3694692c-a2fa-4f62-a61f-743ea84a8f65>

“Debating the Patriot Act a Decade Later” (debate with Steven Bradbury), Appellate Judges Education Institute Summit 2012, New Orleans, LA (Nov. 2012)

University of Utah S.J. Quinney School of Law, 26th Fordham Debate, “Constitutional Rights and National Security: Do We Need to Compromise?” (with Professor Amos Guiora) (2010), http://www.ulaw.tv/videos/2010-fordham-debate-constitutional-rights-and-national-security-do-we-have-to-compromise/0_ozdycdfw

Speaker, Albany, Brigham Young, Brooklyn, Cardozo, Chicago, Cleveland-Marshall, Columbia, Cornell, Fordham, George Washington, IIT-Chicago-Kent, Florida State, Maine, Miami, Nebraska, Seattle, Toledo, University of California at Irvine, University of Nevada at Las Vegas, University of Washington Law Schools, “Civil Liberties in the Age of Obama” and other topics (2009-2015); Cal Tech, Clark University, College of Charleston, University of California at Santa Barbara, etc., various topics.

ACLU affiliate speeches: Maine, Massachusetts, Mississippi, New Mexico, North Carolina, Ohio, Oregon, Rhode Island, Texas, Utah, Virginia; Roger Baldwin Medal of Liberty presentations to Regina Kelly, Edie Windsor and Constance McMillen, United We Dream (2009-13).

Panelist, “What Are We Saying? Violence, Vulgarly, Lies ... and the Importance of 21st Century Free Speech,” Albany Law School, NY (Sept. 2012), www.albanylaw.edu/webstream

Speaker, “Portrait of a Judge,” Unveiling of Judith Kaye portrait at New York State Court Of Appeals, Albany, NY, Oct. 2011

Speaker, “Obama and the War on Terror,” University of Chicago Law School, American Constitution Society, Chicago, IL (Oct. 2011)

“Taking Liberties: Gender, Race, and Rights in Post 9/11 America (and why you should care),” Harvard Law School, Cambridge, MA (Nov. 2, 2011)

Keynote Speaker, Harvard University, Public Interest and Law Conference (2009)

Speaker, Cornell Institute for Public Affairs Colloquium Series, “Civil Liberties in the Age of Obama” (Oct. 2009), <http://www.cornell.edu/video/civil-liberties-in-the-age-of-obama>

Keynote Speaker, “Women and Terrorism,” Rutgers Law School, Rutgers Women’s Rights Law Reporter 40th Anniversary Symposium, (Mar. 2009)

Speaker, Federal Judicial Center Training Programs and Videoseminars for Appellate and District Judges, Magistrate Judges, Federal Defenders, *Pro Se* Law Clerks, and Staff Attorneys (1990-present)

Practising Law Institute, Annual Supreme Court in Review Panel (1999-2009) (speeches reprinted in the *Touro Law Review*, 2007-2009)

Speaker, New York State Bar Association, Committee on Attorneys in Public Service Annual Program (2001-09); Civil Rights and Criminal Law Committees (2009)

Speaker, "Constitutionalism and the Redress of Poverty," Comparative Constitutional Law Conference, University of KwaZulu Natal, Durban, South Africa (Dec. 13, 2005)

Speaker, American Constitution Society Panel on the Roberts Confirmation (Sept. 14, 2005)

Speaker, "Terrorism, Global Security, and the Law," Rand Corporation, Los Angeles Terrorism Early Warning Group, (2005, 2006, 2008)

Speaker, Annual Council of Appellate Staff Attorneys Seminar, ABA (1994-2008)

Scholar in Residence, Hanover College (with Paul Rosenzweig and John Yoo) (Mar. 13-15, 2005)

Panelist, "Laboratories of Democracy: Federal and State Independency," Willamette Law School, (Mar. 10, 2005)

Patriot Act Debate (with Paul Rosenzweig), Loyola Society for Civic Engagement, Loyola University New Orleans, (Oct. 27, 2004)

Talk Back after performance of *The Chicago Conspiracy Trial* (with Leonard Weinglass), The Culture Project, (Oct. 25, 2004)

Speaker, Rio Grande do Sul Public Prosecutors Forum, Porto Alegre, Brazil, American and Comparative Approaches to Cybercrime (Oct. 4, 2004)

Panelist, Rutgers Center for the Study of Public Security, Conference on Economic and Legal Consequences of Heightened Security (with Michael Chertoff, et al.) (June 4, 2004)

Talk Back after performance of Orwell's *Animal Farm*, Synapse Productions, (Mar. 2004)

Convener and Speaker, David G. Trager Public Policy Symposium: "Our New Federalism? National Authority and Local Autonomy in the War on Terror" (Nov. 21, 2003)

Panelist, William & Mary Institute of Bill of Rights Law Supreme Court Preview (1999, 2000, 2003) (including appellant's moot court argument in *Ferguson v. City of Charleston*) (programs broadcast on C-SPAN)

Panelist, Program of Committees on the Military and Civil Rights (with Larry Thompson, Col. Will Gunn, et al.), National Bar Association (Aug. 2003)

"The Rule of Law in Times of Terrorism" (debate with Ruth Wedgwood), Association of the Bar of the City of New York, (Mar. 10, 2003)

Panelist, 92nd Street Y, A Critique of the Supreme Court (with Martin Garbus, John McGinnis, and Kenneth Starr) (Sept. 22, 2002)

Panelist, Canadian Responses to Terrorism, Association of Canadian Studies, (Sept. 14, 2002)

Speaker, "The USA Patriot Act," Texas Bar Association, (Apr. 2002)

Moderator, Interview with Justice Sandra Day O'Connor and New York Chief Judge Judith Kaye, National Association of Women Judges dinner (Oct. 2001) (broadcast on C-SPAN Nov. 12, 2001)

Speaker, New York Unified Court System, Annual Education Program (July 2001)

Speaker, 2001 Legal Conference, "The Supreme Court's New Federalism – A Threat to Federal Power and Civil Rights Protections?", Anti-Defamation League New York Lawyers' Division (Mar. 27, 2001)

Speaker, "200 Years after *Marbury v. Madison*: A Symposium on the Legacy of Chief Justice Marshall," St. John's University School of Law (Mar. 23, 2001)

Panel Moderator, Conference, "DNA: Lessons from the Past; Problems for the Future," Brooklyn Law School (Mar. 9, 2001)

Co-Convener and Participant, "The Jury in the Twenty-First Century: An Interdisciplinary Conference," Brooklyn Law School (Oct. 6, 2000)

Speaker, "Threats to Dissent in the Twenty-First Century," University of Hawai'i (May 10, 2000) (co-sponsored by ACLU of Hawai'i and League of Women's Voters)

Speaker, Maui Bar Association (May 8, 2000)

Speaker, ABA Council of Chief Judges Seminar, Supreme Court Update (1994, 2000)

Speaker, Symposium, "Drug Crimes: Penal Jurisprudence in Punishment and Treatment," Albany Law School (Nov. 12, 1999)

Panelist, Eighth Circuit Judicial Conference (July 9, 1999)

Panelist, Symposium, "*Gideon*: A Generation Later," Univ. of Maryland School of Law (Mar. 12, 1999) (on the effectiveness of *Gideon v. Wainwright* in the appellate courts)

Panelist, Symposium on Hate Crime Legislation, N.Y.U. Law School (Mar. 9, 1999)

Panelist, "Physician-Assisted Suicide and the Right to Die," Barnard College (Oct. 30, 1997)

Chair, American Civil Liberties Union, Due Process Committee (1985-1997); member (1982-1997)

Speaker, "Politicians on Judges: Fair Criticism or Intimidation," (with Mario Cuomo, Jeanine Pirro, Bob Herbert, and Stephen Bright), Ass'n of the Bar of the City of N.Y. (Oct. 7, 1996)

Legal Consultant, NBC *Today in New York* show (1995) (O.J. Simpson trial commentary)

Speaker, New Jersey Judicial College (1995)

Speaker, Alaska Judicial Conference (1995)

Member, United States District Court for the Eastern District of New York Criminal Procedure Committee (1985-present)

Reporter, Eastern District of New York Jury Task Force (1994-95)

Consultant, Eastern District Advisory Group (1991-95)

Speaker, Fifth Circuit Judicial Conference (1994)

Speaker, Regional Training Conferences for Criminal Justice Act Attorneys, Administrative Office, Defender Services Division (1993-94)

Presenter, "A Jury of One's Peers?: Race, Gender, and the Jury," Twenty-Third Annual Samuel J. Konefsky Memorial Lecture, Brooklyn College (May 12, 1994)

Speaker, "Literature, History, Culture, and the Courtroom: Intersections," American Bar Association Commission on College and University Nonprofessional Legal Studies Annual Conference (Feb. 1993)

Speaker, New York City Police Academy (1992, 1993)

Speaker, Symposium on the Federal Sentencing Guidelines, University of Southern California Law School (Feb. 1992)

Speaker, "Lessons of the Clarence Thomas Confirmation Process," Brooklyn Law School (October 1991; Feb. 1992)

Speaker, American Association of Law Schools, Federal Courts Section Panel (Jan. 1991)

Witness, New York State Senate Joint Legislative Hearing on Proposals to Amend Provisions of the N.Y. State Constitution and the N.Y. Criminal Procedure Law concerning Right to Indictment by Grand Jury (Mar. 1990)

Participant, Colloquium: "Effective Assistance of Counsel for the Indigent Defendant," New York University School of Law (Mar. 1985)

Speaker, Civil Rights Actions in State Court, American Judges Association (Nov. 1984)

Coordinator, Eastern District Civil Litigation Fund Training Program on Prisoners' Rights and Habeas Corpus, (Apr.-May 1984)

Speaker, Symposium on Psychiatric and Psychological Services for the Mentally Ill Offender, sponsored by Bellevue Forensic Psychiatry Unit (Nov. 1983)

Speaker, Southern District of New York Student Intern Program; Second Circuit *Pro Se* Law Clerk Training Program (Oct. 1983-present)

Witness, House Judiciary Committee, Criminal Justice Subcommittee (on proposed insanity defense legislation) (May 1983)

Speaker, Colloquium on Prison Overcrowding, New York University School of Law (Mar. 1983)

Member, American Bar Association, Criminal Justice Section, Committee on Corrections (1982-1984)

Member, Association of the Bar of the City of New York; American Bar Association, Brooklyn Bar Association

Board of Directors, Riverside Choral Society

Sample Amicus Curiae Briefs

Riley v. California, 134 S. Ct. 2473 (2014) (on warrantless searches of cell phones incident to arrest)

Virginia v. Moore, 128 S. Ct. 1598 (on the applicability of the search incident to arrest doctrine to arrests illegal under state law)

Atwater v. City of Lago Vista, 121 S. Ct. 1536 (2001) (on constitutional limits on custodial arrests)

Knowles v. Iowa, 119 S. Ct. 484 (1998) (co-author) (on search incident to arrest in automobiles)

Ricci v. Village of Arlington Heights, 116 F.3d 288 (7th Cir. 1997), *cert. dismissed as improvidently granted*, 118 S. Ct. 1404 (1998) (on constitutional limitations on custodial arrest)

United States v. Ursery, 116 S. Ct. 2135 (1996) (co-author) (double jeopardy and forfeiture)

Whren v. United States, 116 S. Ct. 1769 (1996) (co-author) (pretext stops)

Nichols v. United States, 114 S. Ct. 1921 (1994) (sentence enhancement for uncounseled misdemeanor conviction)

Godinez v. Moran, 113 S. Ct. 2680 (1993) (co-author) (competency to plead guilty)

State v. Rhoades, Nos. 17521 & 18285 (Idaho Sup. Ct. 1991) (constitutionality of abolition of insanity defense)

Admitted to practice, New York 1975 (First Department)