

AALS Criminal Law Section Newsletter

Winter 2023

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Chair's Message

Maybell Romero (Tulane Law School)

I think we might all be able to agree that this past year has been a difficult and often tumultuous one. Something that I think is wonderful about the Annual Meeting at the start of the new calendar year is how it gives us all as a Section a chance to come together, regroup, and learn from each other. No matter how you're finishing out your year, I hope that you're looking forward to the fantastic programming we have lined up for you in Washington.

We'll be kicking off our week of with our **Works-in-Progress** roundtable, featuring discussion from junior scholars in the Section (**Wednesday, January 3, 3:00 pm – 4:40 pm**). Many thanks to Valena Beety for organizing this year's roundtable.

We have two panels on January 4. The first is on **Unraveling the Threads of Failure: The Anatomy of Unsuccessful Criminal Law Reforms** (**Thursday, January 4, 8:00 am – 9:40 am**). The Section's business

meeting will be held at the conclusion of this morning panel. Later that afternoon, we'll have another great panel, **Unshackled: Stories of Redemption and Hope in Post-Conviction Work in Parole and Clemency Cases** (**Thursday, January 4, 12:00 pm – 1:40 pm**).

On Friday we have panels that we've co-sponsored with other sections. The first is **Defending Direct Action: Breaking the Law to Protect Animals and the Environment** (**Friday, January 5, 2:00 pm – 3:40 pm**). This panel is co-sponsored with the Agriculture and Food Law Section and the Environmental Law Section. Our second panel of the day, **Prison Abolition From the Inside**, is co-sponsored with the Law and Anthropology Section and the Criminal Procedure Section. It will be running at the same time as the other panel of the day, **Friday, January 5, 2:00 pm – 3:40 pm**. It's going to be hard to make a choice!

Closing out the official programming for the week is the panel **Surveillance and Policing in Racialized Spaces**. This panel will be meeting on **Saturday, January 6, 10:00 am – 11:40 am**. I hope to see you at some—or hopefully all!—of the panels this year.

There was a great turnout of papers for this year's Junior Scholars Paper competition. I want to say thank you to chair-elect Cortney Lollar for organizing this year's competition, which is never an easy feat. I am also grateful to our many volunteer paper readers, without whom this annual competition would be impossible to

administer. This year's winner is **Anna VanCleave (UConn)** with her paper *Prison Banking*. The runners-up are **Daniel Harawa (NYU)** with *Coloring in the Fourth Amendment*, and **Renagh O'Leary (Wisconsin)** with *Supervising Sentencing*. Come and toast these three amazing scholars at our Section Happy Hour on **Thursday, January 4, 5:15 pm at Death & Co**, located at 124 Blagden Alley NW. I'm thrilled for each of these three and so excited about the amazing work our junior colleagues are doing. Thank you all for your wonderful submissions. The future of our section is bright and I'm looking forward to seeing these papers in their final, published forms.

I am so grateful to have had the past year to work with an incredible Section Executive Board who have supported me during my year as Chair unceasingly, especially Immediate Past Chair **Cynthia Godsoe (Brooklyn)**, Chair-Elect **Cortney Lollar (Georgia State)**, and Secretary **Ben Levin (WashU)**. We are looking for new members at-large members to add to the Board. Please note that **all faculty are welcome and eligible to apply**. You do not have to be on the tenure-track. If you're interested, please send a short letter explaining why you'd like to join the Board and what you'd like to accomplish to cjsectionaals@gmail.com no later than **Wednesday, January 3**.

It's been such an honor to serve as Chair this year. Even as I cycle out of this position please know that I'm here for each of you if you need to bounce around ideas, someone to read a draft, or are just looking for a supportive

word. I'm excited to see you all very soon!

Warmly,

Maybell

Announcements

The *Northern Kentucky Law Review* is hosting a symposium on Friday, March 22, 2024, at **Northern Kentucky University** focusing on Restorative Justice: Examining Community, Criminal and Environmental Themes.

The **University of Nebraska College of Law** is putting on a Fall Symposium, "Advancing Justice for the Federally Incarcerated," at the University of Nebraska College of Law (Oct. 11-12, 2023), *Nebraska Law Review Symposium issue forthcoming 2024*.

Member News

Awards, Appointments, Moves, Promotions, Publications, & Other Notable Achievements.

Andrea Armstrong (Loyola New Orleans) has published the following this past year: *Carceral Secrecy and (In)Security* in RACE & NATIONAL SECURITY (Matiangai Sirleaf, ed., 2023); *Access Denied: Public Records and Incarcerated People*, 19 U. St. Thomas L.J. 220 (2023)(symposium on prison conditions); Andrea Armstrong, *Public Health and Prisons: Priorities in the Age of Mass Incarceration*, 44 Ann. Rev. of Pub. Health 407 (April 2023)(with David Cloud, Ilana Garcia-Grossman & Brie Williams); and *Louisiana Deaths Behind Bars 2015-2021*, Incarceration Transparency Project (June 2023). Last but not least, Andrea was also named a [2023 MacArthur Fellow](#) for her work on incarceration law and policy. Congratulations, Andrea!

William Berry (Mississippi) has published or has forthcoming the

following articles: [Unconstitutional Punishment Categories](#), 84 Ohio St. L.J. 1 (2023); [The Problem with Capital Pleas](#), 19 Ohio St. J. Crim. L. (2023); and [Mandatory Sentences as Strict Liability](#), 81 Wash. & Lee L. Rev. (2024).

Deborah Denno (Fordham) published the following in 2023: *Professor Samuel H. Pillsbury's Science of Mind: A Tribute*, 56 Loy. L.A. L. Rev. 167-72 (2023), and *Vulnerable Defendants and Neuroscience in Courtrooms Throughout the World*, in NEUROLAW IN THE COURTROOM: COMPARATIVE PERSPECTIVES ON VULNERABLE DEFENDANTS (series in CONTEMPORARY ISSUES IN CRIMINAL JUSTICE AND PROCEDURE). New York: Routledge 3-20 (Hannah Wishart & Colleen M. Berryessa, eds. 2023). She was also the Recipient of the Larry H. Strasburger, MD Award from the Program in Psychiatry and the Law ("PIPATL") at the Massachusetts Mental Health Center and the Beth Israel-Deaconess Medical Center at Harvard Medical School (September 13, 2023).

Joshua Dressler (Ohio State) had two publications this past year: *Seeking a Deeper Understanding of Ourselves and Our Conception of the World*, in IN COMMEMORATION; HERBERT MORRIS, UCLA PROFESSOR OF LAW AND PHILOSOPHY (G. Fletcher ed. 2023) at pp 243-248; and CRIMINAL PROCEDURE: PRINCIPLES, POLICIES, AND PERSPECTIVES (co-authors, George C. Thomas III & Dan Medwed) (8th ed. 2023).

Mailyn Fidler (New Hampshire) published [Warranted Exclusion: A Case for a Fourth Amendment Built on the Right to Exclude](#), 76 SMU L. REV. 315 (2023).

Shawn Fields (California Western) has two forthcoming publications for 2024: A book, RIGHTS WITHOUT COPS: PUBLIC SAFETY AND CIVIL LIBERTIES IN A POST-POLICE WORLD (UC Press 2024), and an article, *The Procedural Justice Industrial*

Complex, 99 IND. L.J. (2024). His article, *The Fourth Amendment Without Police*, 90 U. CHI. L. REV. 1023 (2023), was also published.

Jordan Gross (Idaho) published *Pretrial Justice in Out-of-the-Way Places – Including Rural Communities in the Bail Reform Conversation*, 84 Mont. L. Rev. 2 (2023). She lateraled from Montana to Idaho as a full tenured professor in August of 2023 and remains affiliated with the University of Montana as the Director of the Rural Justice Initiative at the Blewett School of Law and as Affiliated Professor with the American Indian Governance and Policy Institute at the University of Montana.

Tonja Jacobi (Emory) published the following or has the following forthcoming: *Pyrrhic Victories: The Mirage of Winning at the Supreme Court*, 109 Iowa L. Rev. ____ (forthcoming 2024)(with Clare Gaynor Willis); *The Law of Disposable Children: Interrogations in Schools*, 75 Ala. L. Rev. 291 (2023)(with Riley Clifton); *Alternative Facts: An Empirical Study of Fact Manipulation in Criminal Procedure Cases*, 73 Emory L. J. 363 (2023)(with Eryn Mascia); *The Law of Disposable Children: Discipline in Schools*, 2023 U. Ill. L. Rev. 1123 (2023)(with Riley Clifton); and *Searches Without Suspicion: Avoiding a Four Million Person Underclass*, 48 B.Y.U. L. Rev. 1769 (2023)(with Addie Maguire).

Danielle Jefferis (Nebraska) published *Carceral Deference: Courts and Their Pro-Prison Propensities*, 92 Fordham L. Rev. 938 (2023).

Lea Johnston (Florida) was named a Clarence Teselle Professor of Law. She published *Diminished Criminal Responsibility: A Multinational Comparative Review*, 91 INT'L J. L. & PSYCHIATRY 101919 (2023) (with Kendall D. Runyan, Fernando José Silva, and Francisco Maldonado Fuentes), and has *Imperfect Insanity and Diminished Responsibility*, 76 FLA. L. R. ____

(2024) forthcoming.

Elizabeth Katz (Florida) has the following article forthcoming: [Fostering Faith: Religion in the History of Family Policing](#), 92 Fordham L. Rev. ___ (forthcoming 2024).

Zachary Kaufman (Florida) published [Police Policing Police](#), 91 Geo. Wash. L. Rev. 353 (2023).

Cynthia Lee (George Washington) has published the following or has the following forthcoming: Cynthia Lee, Criminal Procedure: Cases and Materials (with L. Song Richardson) (West Academic Publishing, 3rd ed. 2023); Cynthia Lee, *Firearms and the Homeowner: Defending the Castle, the Curtilage, and Beyond*, 108 Minn. L. Rev. (forthcoming 2024); Cynthia Lee, *Strengthening the Law of Self-Defense After Bruen*, 98 NYU L. Rev. 1905 (2023).

Grace Li (Ohio State) has published *Associations in Prison*, 13 U.C. Irvine L. Rev. 1119 (2023), and has the following forthcoming: *What Is A Prison?*, ___ MICH. L. REV. ___ (forthcoming 2024).

Michael Mannheimer (Northern Kentucky) published the following: THE FOURTH AMENDMENT: ORIGINAL UNDERSTANDINGS AND MODERN POLICING (2023) (University of Michigan Press); *Fugitives From Slavery and the Lost History of the Fourth Amendment*, 25 U. PA. J. CONST. L. 527 (2023); and *Police Violence and the Original Meaning of "Due Process of Law,"* 50 N. KY. L. REV. 137 (2023) (invited symposium submission).

Rachel Moran (St. Thomas (MN)) published two articles in 2023: *Police Go to Court: Police Officers As Witnesses and Defendants*, 19 ANN. REV. LAW SOC. SCI. 93 (2023), and *Scofflaw Law Enforcement*, 69 WAYNE L. REV. 31 (2023). She was also the recipient of the 2023 Dean's Award for Outstanding Teaching.

Justin Murray (New York Law School) has either published the

following or has the following work forthcoming: *The Procedural Architecture of Mass Incarceration, in Mass Incarceration in the 21st Century* 17 (Routledge, eds. Addrain Conyers et al. 2023); Miriam Aroni Krinsky, Justin Murray & Maybell Romero, *Preface: New Directions in Prosecutorial Reform*, 60 Am. Crim. L. Rev. 1369 (2023) (symposium preface); Justin Murray, *Redress for Wrongful Convictions: A Response to Professor Medwed*, 59 New. Eng. L. Rev. ___ (forthcoming 2024) (symposium essay). He also served as Chair-Elect of the newly formed AALS Criminal Procedure Section during 2023 and next year will become the Section's Chair.

Tracy Pearl (Oklahoma) has *On Warrants & Waiting: Electronic Warrants & The Fourth Amendment*, 99 IND. L.J. ___, forthcoming in 2024. She was also recently named the William J. Alley Professor of Law.

Ira Robbins (American) published two books in 2023 and has an article forthcoming in 2024: IRA P. ROBBINS, PRISONERS AND THE LAW (Thomson/Reuters, six vols., 2023); IRA P. ROBBINS, HABEAS CORPUS CHECKLISTS (Thomson/Reuters, two vols., 2023); and Ira P. Robbins, *Deconstructing Burglary*, 57 UC DAVIS LAW REVIEW ___ (forthcoming, 2024).

Anna Roberts (Brooklyn) published three articles in 2023: [Models and Limits of Federal Rule of Evidence 609 Reform](#), 76 Vand. L. Rev. 1879 (2023); [Criminal Terms](#), 107 Minn. L. Rev. 1495 (2023); and [Reforming Prior Conviction Impeachment](#), 50 Fordham Urb. L. J. 377 (2023) (with Julia Simon-Kerr). She also cofounded with Julia Simon-Kerr the Coalition for Prior Conviction Impeachment Reform, and on the same issue co-wrote an Oregon Supreme Court [amicus brief](#) and co-authored a [report](#) for the National Association of Criminal Defense Lawyers.

Maybell Romero (Tulane) published the following in 2023: *Preface: New Directions in Prosecutorial Reform*, 60 Am. Crim. L. Rev. 1369 (2023) (symposium preface) (with Miriam Aroni Krinsky & Justin Murray); and *Prosecutorial Mutiny*, 60 Am. Crim. L. Rev. 1403 (2023) (with Cynthia Godsoe). She was also awarded tenure this year and named the McGlinchey Stafford Associate Professor of Law.

Ric Simmons (Ohio State) published the following two books and an article: *Developing Professional Skills: Evidence* (West Publishing 2023); *Private Criminal Justice* (Cambridge University Press 2023); and *Constitutional Double Standards: The Unintended Consequences of Reducing Police Presence*, 91 George Washington Law Review 817 (2023). He was also promoted to Associate Dean for Faculty.

Michael Smith (St. Mary's) was appointed as an assistant professor of law at St. Mary's University School of Law starting in August 2023. He has the following articles either forthcoming or recently published: Michael L. Smith, *State Constitutional Prohibitions of Slavery and Involuntary Servitude*, 99 WASH. L. REV. ___ (Forthcoming 2024); Michael L. Smith, *Library Crime*, 71 DRAKE L. REV. ___ (Forthcoming 2024); Michael L. Smith, *Constitutional Crimes*, 99 N.D. L. REV. ___ (Forthcoming 2024); Michael L. Smith, *Countermajoritarian Criminal Law*, 43 PACE L. REV. 54 (2023).

Neil Sobol (Texas A&M) published [Defeating De Facto Disenfranchisement of Criminal Law Defendants](#), 75 FLA. L. REV. 287 (2023).

Ji Seon Song (UC Irvine) has the following forthcoming or already published: *Patient or Prisoner*, 92 George Washington Law Review 1 (forthcoming 2024); Kate M. Gallen, Erin C. Hall, Ji Seon Song et al., *Law Enforcement and Patient Privacy Among Survivors of Violence: A Nationwide Mixed-Methods Study of Current Practices*, 283 J. Surg. Research 283 (2023); Kate Gallen, MJ

Smith, Ji Seon Song et al., *Addressing Legal Needs as Violence Prevention: A National Survey of Legal Services Offered Through Hospital-Based Violence Intervention Programs*, 34 J. Health Care Poor & Underserved 1427 (2023); Ji Seon Song, *Care and Carceralism*, Inquest (April 18, 2023). She was also selected as UCI Law's Faculty Commencement Speaker by the Class of 2023.

Disclaimer:

This newsletter is a forum for the exchange of information and points of view. Any opinions expressed herein are not necessarily the opinions of the Criminal Justice Section, its members or officers, or of the AALS.

This newsletter was compiled by Maybell Romero, AALS Criminal Law Section Chair, Tulane Law School.