

## EMPLOYMENT

**Professor of Law, University of Michigan.** Courses taught include Equal Protection; Prisons and the Law; Torts; Constitutional Law. Seminars include Substantive Due Process; Police and Surveillance Reform; Sexual Orientation, Gender Identity, and the Law; Civil Rights and Homeland Security. (2009–present; on leave 2010; 2011; Sept. 2022–Dec. 2023) (Wade H. and Dores M. McCree Collegiate Prof. of Law, 2017–present; Henry M. Butzel Professor of Law, 2014–2017; Professor of Law, 2009–2014; Visiting Professor of Law, Fall 2008).

**Founder and Director,** Civil Rights Litigation Clearinghouse, <http://clearinghouse.net>. The Clearinghouse is a leading source of information about civil rights litigation, nationwide. Staffed by dozens of law students and undergraduates under my supervision, it collects and presents documents, data, and summaries relating to thousands of cases in twenty categories, including prison and jail conditions, police reform, indigent defense, equal employment, child welfare, and juvenile justice. It is used by policymakers, advocates, and researchers. (2004–present)

**Faculty affiliate,** UM Center for Forensic Psychiatry Fellowship. (2017–2021)

**Co-director,** Empirical Legal Studies Center. (Fall 2020–present)

**Senior Advisor, U.S. Department of Agriculture.** Lead USDA’s implementation of the Inflation Reduction Act program providing \$2.2 billion in financial assistance for farmers and ranchers who experienced discrimination in USDA farm lending; oversee USDA equity action planning; serve as senior advisor on other equity issues across the Department. (Sept. 2022–present; part tie January 2024–present)

**Class Counsel (pro bono), Hamama v. Adducci,** No. 2:17-cv-11910 (E.D. Mich.) (nationwide class action challenging mass deportation and detention of Iraqi nationals). This class action successfully fended off the planned mass deportation of hundreds of Iraqi nationals with final orders of removal, and led to their release from immigration detention. (2017–August 2022).

**Litigating Expert, Fraihat v. U.S. Immigration and Customs Enforcement,** No. 5:19-cv-01546 (C.D. Cal.) (2019 to 2022) (detention oversight); **Novoa v. GEO Group,** No. 5:17-cv-02514 (C.D. Cal.) (2019 to 2021) (detention oversight); **Sabata v. Nebraska Dep’t of Correctional Services,** No. 4:17-cv-3107 (D. Neb.) (2018 to 2020) (disability and corrections). In all three of these civil rights class actions, I have been retained by the plaintiffs to share my expertise on incarceration/detention.

**Settlement Monitor, Adams v. Kentucky Department of Corrections,** No. 3:14-cv-00001 (E.D. Ky.). Court-appointed monitor in settlement of state-wide deaf prisoner case. (June 2015–Dec. 2020)

**Counsel to the Secretary, U.S. Department of Homeland Security.** Advised Secretary of Homeland Security on civil rights matters, including drafting of the Department’s Prison Rape Elimination Act regulation and improving oversight of detainee segregation in immigration detention. (Special Government Employee, part-time, 2012–2013)

**Officer for Civil Rights and Civil Liberties, U.S. Department of Homeland Security** (Presidential appointment, 2010 & 2011). Served as Department's senior civil rights and civil liberties official, with responsibility for dozens of issues including immigration detention conditions, detecting and avoiding racial bias in immigration enforcement and border screening, language access, etc. DHS's senior official for compliance with the Rehabilitation Act, equal employment matters, and international human rights obligations. Testified before Congress; chaired the Privacy, Civil Rights, and Civil Liberties Subcommittee of the federal Information Sharing Environment's Information Sharing and Access Interagency Policy Committee; chaired the Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities; served on the first U.S. Delegation to the U.N. Universal Periodic Review; and met with community leaders and groups across the country to ensure that their perspectives regarding civil rights and homeland security were considered in the Department's policy process. Managed a staff of over 100 federal employees and an annual budget of \$20 million.

**Visiting Professor of Law, University of California, Los Angeles** (Spring 2009).

**Professor of Law, Washington University in St. Louis** (2004-2009); Director, Civil Rights Litigation Clearinghouse. Elected 2008 "David M. Becker Professor of the Year" by law students.

**Faculty Fellow, Harvard University Center for Ethics and the Professions** (2001/02).

**Assistant Professor of Law, Harvard Law School** (1998-2004).

**Attorney, U.S. Dept. of Justice, Civil Rights Division, Special Litigation Section.** Division Special Achievement Awards, 1996 and 1997. (Senior Trial Attorney 1998; Trial Attorney 1995-1997)

**Law clerk, Justice Ruth Bader Ginsburg; Supreme Court of the United States** (1993-1995).

**Fact-checker, *The New Yorker*** (1989-1990).

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## OTHER APPOINTMENTS

Member, Michigan Advisory Comm. to the U.S. Commission on Civil Rights (May 2017-May 2021)

Member, Expert Group for Legislative Resource Guide on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (2020)

Member, Dep't Homeland Sec'y Residential Center Fed. Advisory Committee. (Nov. 2015-Oct. 2016)

Reporter, American Bar Association task force on Standards relating to the Treatment of Prisoners (2007-Jan. 2010). See [https://www.americanbar.org/groups/criminal\\_justice/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_treatmentprisoners/](https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_treatmentprisoners/).

Comm'r, Comm'n on Safety and Abuse in America's Prisons (2006-2008), <http://www.prisoncommission.org>.

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## EDUCATION

**Yale Law School, J.D.** 1993.

Book Reviews Editor, *Yale Law Journal* (Vol. 102); Vinson Prize for excellence in clinical casework.

**Yale College, B.A.** 1989.

Honors: *magna cum laude*, distinction in the History major, National Merit Scholar.

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## OTHER AWARDS/HONORS

2021 Fastcase 50, <https://www.fastcase.com/fastcase50/> ("Honoring the law's smartest, most courageous innovators, techies, visionaries, & leaders.").

As part of plaintiffs' team, *Hamama v. Adducci*: American Immigration Lawyers Association, Pro Bono Champion Award (2018).

As part of plaintiffs' team, *Hamama v. Adducci*: Criminal Defense Attorneys of Michigan, Extraordinary Achievement Award (2018).

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**SCHOLARLY PUBLICATIONS, forthcoming and published** (for links, see margoschlanger.net)

*Ending the Discriminatory Pretrial Incarceration of People with Disabilities: Liability under the Americans with Disabilities Act and the Rehabilitation Act*, 16 HARV. L. & POL'Y REV. 231 (Aug. 2022) (with Elizabeth Jordan & Roxanna Moussavian).

*Pandemic Rules: Covid-19 and the Prison Litigation Reform Act's Exhaustion Requirement*, 72 CASE WESTERN L. REV. 533 (2022) (2021 PLRA symposium) (with Betsy Ginsburg).

2022 Supplement, INCARCERATION AND THE LAW: CASES AND MATERIALS (June 2022) (with David Shapiro and Sheila Bedi).

*Effective Communication with Deaf, Hard of Hearing, Blind, and Low Vision Incarcerated People*, Civil Rights Litigation Clearinghouse White Paper Series: Learning from Civil Rights Lawsuits (June 2022) (with Tessa Bialek), at <https://clearinghouse.net/policy/1/1>, and forthcoming, 26 J. GENDER, RACE & JUST. (2022)

*Multi-LexSum: Real-world Summaries of Civil Rights Lawsuits at Multiple Granularities*, arXiv:2206.10883v3 (NeurIPS 2022 Datasets and Benchmarks) (June 2022) (with Zejiang Shen, Kyle Lo, Lauren Yu, Nathan Dahlberg, & Doug Downey).

*Prisoners with Disabilities: Law and Policy*, in PUBLIC HEALTH BEHIND BARS—FROM PRISONS TO COMMUNITIES (Springer 2021).

Slamming the Courthouse Door: 25 Years of Evidence for Repealing the Prison Litigation Reform Act, Prison Policy Initiative (Apr. 26, 2021) (with Andrea Fenster), and a technical appendix.

*Narrowing the Remedial Gap: Damages for Disability Discrimination in Outsourced Federal Programs*, 88 U. CHICAGO L. REV. ONLINE (March 2021).

*Memoriam: Justice Ruth Bader Ginsburg*, 134 HARV. L. REV. 894 (2021).

*Maximalist vs. Incrementalist Reform Strategies: Solitary Confinement Case Studies*, 115 NW. L. REV. 273 (2020).

*Mapping the Iceberg: The Impact of Data Sources on the Study of District Courts*, 17 J. EMP. LEGAL STUD. 466 (2020) (with Christina Boyd and Pauline Kim).

INCARCERATION AND THE LAW: CASES AND MATERIALS (West Academic Publishing 2020) (with David Shapiro and Sheila Bedi); also associated website, <http://incarcerationlaw.com>.

*The Civil Rights Litigation Clearinghouse: Origins and Goals*, KULA: KNOWLEDGE CREATION, DISSEMINATION, AND PRESERVATION STUDIES (2018).

*The Constitutional Law of Incarceration, Reconfigured*, 103 CORNELL L. REV. 357 (2018).

*Prisoners with Disabilities*, in 4 REFORMING CRIMINAL JUSTICE: PUNISHMENT, INCARCERATION AND RELEASE (Erik Luna ed., 2017).

*Anti-Incarcerative Remedies for Illegal Conditions of Confinement*, 6 U. MIAMI RACE & SOCIAL JUSTICE L. REV. 1 (2016).

*How the ADA Regulates and Restricts Solitary Confinement for People with Mental Disabilities*, ACS Issue Brief (May 19, 2016).

*The Just-Barely-Sustainable California Prisoners' Rights Ecosystem*, 64 ANNALS OF THE AM. ACAD. POL. & SOC. SCI. 62 (2016).

*No Reason To Blame Liberals (Or, The Unbearable Lightness of Perversity Arguments)*, THE NEW RAMBLER REVIEW (online, June 15, 2015) (reviewing NAOMI MURAKAWA, *THE FIRST CIVIL RIGHT: HOW LIBERALS BUILT PRISON AMERICA*).

*Against Solitary Confinement: Jonah's Redemption and Our Need for Mercy*, 16 RUTGERS J. LAW & RELIGION 345 (2015) (symposium: People of the Book).

*Stealth Advocacy Can (Sometimes) Change the World* (review of ALISON L. GASH, *BELOW THE RADAR: HOW SILENCE CAN SAVE CIVIL RIGHTS* (2015)), 113 U. MICH. L. REV. 897 (2015).

*Trends in Prisoner Litigation as the PLRA Enters Adulthood*, 5 U.C. IRVINE L. REV. 153 (2015) (updated and reprinted as *Trends in Prisoner Litigation, as the PLRA Approaches 20*, 28 CORR. LAW REP. 69 (2017)).

*Prisoners' Rights Lawyers' Strategies for Preserving the Role of the Courts*, 69 U. MIAMI L. REV. 519 (2015).

*Intelligence Legalism and the National Security Agency's Civil Liberties Gap*, 6 HARV. NAT. SEC. L.J. 112 (2015).

*Offices of Goodness: Influence Without Authority within Federal Agencies*, 36 CARDOZO L. REV. 53 (2014).

*The Equal Employment Opportunity Commission and Structural Reform of the American Workplace* (with Pauline Kim), 91 WASH. U. L. REV. 1519 (2014).

*Prison Segregation: Symposium Introduction and Preliminary Data on Racial Disparities*, 18 MICH. J. RACE & LAW 241 (2013).

*Plata v. Brown and Realignment: Jails, Prisons, Courts, and Politics*, 48 HARV. CIV. RIGHTS-CIV. LIB. L. REV. 165 (2013).

*Women Behind the Wheel: Gender and Transportation Law, 1860-1930*, in Tracy A. Thomas & Tracey Jean Boisseau, eds., *FEMINIST LEGAL HISTORY: ESSAYS ON WOMEN AND LAW* (2011).

*Regulating Segregation: The Contribution of the ABA Criminal Justice Standards on the Treatment of Prisoners*, 47 AM. CRIM. L. REV. 1421 (2010).

AMERICAN BAR ASSOCIATION, *CRIMINAL JUSTICE STANDARDS ON THE TREATMENT OF PRISONERS* (2011) (as Reporter, drafted the commentary).

*Against Secret Regulation: Why and How We Should End the Practical Obscurity of Injunctions and Consent Decrees*, 59 DEPAUL L. REV. 515 (2010).

*How to Study District Judge Decision-Making*, 29 WASH. U. J. LAW & POL'Y 83 (2009) (with Pauline Kim, Christina Boyd, Andrew D. Martin).

*Preserving the Rule of Law in America's Prisons: The Case for Amending the Prison Litigation Reform Act*, 11 U. PENN. J. CONST. LAW 139 (2008) (with Giovanna Shay).

*Jail Strip-Search Cases: Patterns and Participants*, 71 LAW & CONTEMP. PROB. 65 (2008).

*Operationalizing Deterrence: Claims Management (in Hospitals, a Large Retailer, and Jails and Prisons)*, 2 JOURNAL OF TORT LAW (Aug. 2008).

*Hedonic Damages, Hedonic Adaptation, and Disability*, 60 VAND. L. REV. 745 (2007) (with Samuel Bagenstos).

*The Washington University Civil Rights Litigation Clearinghouse: Using Court Records for Research, Teaching, and Policymaking*, 75 UMKC L. REV. 153 (2006) (Symposium: Federal Civil Court Records of the National Archives: Opportunities for Empirical, Historical and Legal Research and Curriculum Design) (with Denise Lieberman).

*What We Know and What We Should Know About American Trial Trends*, 2006 J. DISP. RES. 35 (2006) (Vanishing Trial Symposium).

*Civil Rights Injunctions Over Time: A Case Study of Jail and Prison Court Orders*, 81 N.Y.U. L. REV. 550 (2006). Reprinted in 23 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman, ed., 2007).

*Second Best Damage Action Deterrence*, 55 DEPAUL L. REV. 517 (2006) (Clifford Symposium on Tort Law and Social Policy).

*Determinants of Civil Rights Filings in Federal District Court by Jail and Prison Inmates*, 1 J. EMPIRICAL LEG. STUD. 79 (2004) (with Anne Piehl).

*The Reliability of the Administrative Office of the U.S. Courts Database: An Initial Empirical Analysis*, 78 NOTRE DAME L. REV. 1455 (2003) (with Theodore Eisenberg) (symposium issue)

*Inmate Litigation*, 116 HARV. L. REV. 1555 (2003).

*Gender Matters: Teaching a Reasonable Woman Standard in Personal Injury Law*, 45 ST. LOUIS U. L.J. 769 (2001).

*Beyond the Hero Judge: Institutional Reform Litigation as Litigation*, 76 MICH. L. REV. 1994 (1999).

*Injured Women Before Common Law Courts, 1860-1930*, 21 HARV. WOMEN'S L.J. 79 (1998).

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## NON-SCHOLARLY PUBLICATIONS

Measured Justice podcast series: *Mental Health and the Criminal Justice System* (May 31, 2022), <https://academyforjustice.asu.edu/project/measured-justice/> (with Stephen Morse).

The President and Immigration Law Series: *The Urgent Need to Shrink Immigration Detention*, JUST SECURITY (Oct. 13, 2020), <https://www.justsecurity.org/72821/the-president-and-immigration-law-series-the-urgent-need-to-shrink-immigration-detention/>.

*I Was One of Justice Ginsburg's First Law Clerks. The Experience Shaped My Career and My Marriage*, TIME (Sept. 19, 2020), <https://time.com/5890795/ruth-bader-ginsburg-law-clerk/>.

*The DOJ's COVID-19 Nursing Home Inquiry Is Nakedly Corrupt*, SLATE (Aug. 31, 2020) (with Sam Bagenstos), <https://slate.com/news-and-politics/2020/08/doj-covid-nursing-home-inquiry-trump-corruption.html>.

Commentary on *Lomax v. Ortiz-Marquez*, SCOTUSblog: *Opinion analysis: Strike out* (June 8, 2020); *Argument analysis: Does prejudice matter?* (Feb. 27, 2020); *Argument preview: Calling (PLRA) strikes* (Feb. 19, 2020), <https://www.scotusblog.com/case-files/cases/lomax-v-ortiz-marquez/>

*Let's Pause Iraqi Deportations*, THE HILL (July 24, 2019), <https://thehill.com/opinion/immigration/454376-lets-pause-iraqi-deportations>

*What You Need to Know About the Crisis at the Border*, SLATE (June 24, 2019) (with Dahlia Lithwick), <https://slate.com/news-and-politics/2019/06/trump-border-crisis-how-to-help.html>

*Where are the Jews*, THE FORWARD (Sh'ma Now), Sept. 28, 2018, <https://forward.com/shmanow/kavod-habrivot/410479/where-are-the-jews/>

*Restoring Objectivity to the Constitutional Law of Incarceration*, ACS ISSUE BRIEF, Sept. 2018, [https://www.acslaw.org/issue\\_brief/briefs-landing/restoring-objectivity-to-the-constitutional-law-of-incarceration/](https://www.acslaw.org/issue_brief/briefs-landing/restoring-objectivity-to-the-constitutional-law-of-incarceration/)

*Podcast: RBG, Beyond Notorious*, CNN, Aug. 20, 2018 (A Higher Court: 1990s), <https://itunes.apple.com/us/podcast/rbg-beyond-notorious/id1424366161?mt=2>

*Clerking for Ginsburg: The Equality Lessons*, LAW360, Aug. 1, 2018, <https://www.law360.com/aerospace/articles/1068210>

*You've heard the calls to #AbolishICE. Here's what that could mean*, WASH. POST: MONKEY CAGE, July 9, 2018 (with Seth Grossman), [https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/09/youve-heard-the-calls-to-abolishice-heres-what-that-could-mean/?utm\\_term=.48e3c8a1fa4c](https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/09/youve-heard-the-calls-to-abolishice-heres-what-that-could-mean/?utm_term=.48e3c8a1fa4c)

*Here's how you can help fight family separation at the border: Lawyers, translators, donations, protest*, SLATE, June 15, 2018 (with Dahlia Lithwick), <https://slate.com/news-and-politics/2018/06/how-you-can-fight-family-separation-at-the-border.html>

*Teachout: Civil Rights in the Trump Era*, University of Michigan, June 2018, <https://www.youtube.com/playlist?list=PL5-TkQAfAZFYIA5QRJUMbAaQvVWLuEoe>

*Why the Trump Administration is Treating Immigration Detainees Like Criminals (Q&A)*, Mother Jones, June 8, 2018, <https://www.motherjones.com/politics/2018/06/ice-detainees-federal-prison-interview/>

*This is what's really happening to kids at the border*, WASH. POST: MONKEY CAGE, May 30, 2018 (with Michelle Brané), <https://www.washingtonpost.com/news/monkey-cage/wp/2018/05/30/this-is-whats-really-happening-to-kids-at-the-border>

*Could this be the end of plenary power?* SCOTUSBlog, July 14, 2017, <http://www.scotusblog.com/2017/07/symposium-end-plenary-power/>.

*Illegal Immigration and the Book of Ruth*, TABLET MAGAZINE, May 26, 2017, <http://www.tabletmag.com/jewish-life-and-religion/235265/illegal-immigration-book-of-ruth>.

*Obama should finish what he started and end NSEERS*, The Hill, Dec. 6, 2016, <http://thehill.com/blogs/congress-blog/homeland-security/308955-obama-should-finish-what-he-started-and-end-nseers>.

*Equality Matters in the National Security Context, Too*, American Constitution Society Blog, Sept. 14, 2016, Sept. 14, 2016, <http://www.acslaw.org/acsblog/equality-matters-in-the-national-security-context-too>.

*Where Scalia's Vote was Decisive*, Prospect.org, Feb. 15, 2016, <http://prospect.org/article/where-scalia-s-vote-was-decisive>.

*Class-Action Suit Brings Sweeping Changes to Solitary Confinement in New York*, Prospect.org, Dec. 23, 2015 (with Amy Fettig), <http://prospect.org/article/class-action-suit-brings-sweeping-changes-solitary-confinement-new-york>.

*Solitary Reform Milestones*, Solitary Watch (with Amy Fettig), <http://solitarywatch.com/milestones>.

*Eight Principles for Reforming Solitary Confinement*, American Prospect, Fall 2015 (with Amy Fettig), <http://prospect.org/article/eight-principles-reforming-solitary-confinement-0>.

*With one decision, Obama and Lynch could reshape the criminal justice system*, WashingtonPost.com, Aug. 3, 2015 (with Robert Ferguson & Judith Resnik), <https://www.washingtonpost.com/posteverything/wp/2015/08/03/with-one-decision-obama-could-totally-reform-the-criminal-justice-system/>.

*A Civil Rights Vision for Countering Violent Extremism*, The Hill (Congress Blog), July 14, 2015, <http://thehill.com/blogs/congress-blog/civil-rights/247769-a-civil-rights-vision-for-countering-violent-extremism>.

*The Declining Prisoner Docket*, Alliance for Justice Blog, Feb. 25, 2015, <http://www.afj.org/blog/the-declining-prison-litigation-docket>.

*U.S. Intelligence Reforms Still Allow Plenty of Suspicionless Spying on Americans*, JustSecurity.org, Feb. 13, 2015, <http://justsecurity.org/20033/guest-post-intelligence-reforms-plenty-suspicionless-surveillance-americans/>.

*When is it Ok to Racially Profile?* Politico Magazine, Dec. 18, 2014, <http://justsecurity.org/20033/guest-post-intelligence-reforms-plenty-suspicionless-surveillance-americans/>.

*Intelligence Legalism and the Torture Report*, JustSecurity.org, Dec. 17, 2014, <http://justsecurity.org/18510/intelligence-legalism-torture-report/>.

*Infiltrate the NSA*, Democracy (Issue #35, Winter 2015); Dec. 15, 2014 and TheAtlantic.com, Dec. 30, 2014, <http://www.democracyjournal.org/35/infiltrate-the-nsa.php>.

*A Civil Rights Lawyer Explains Why Obama's Immigration Order is an Even Bigger Deal than it Seems*, TheNewRepublic.com, Nov. 25, 2014, available at <http://justsecurity.org/17117/cult-rules-origins-intelligence-legalism/>.

*The Problem with Legalism in the Surveillance State*, JustSecurity.org, Nov. 7, 2014, available at <http://justsecurity.org/17163/problem-legalism-surveillance-state/>.

*A Cult of Rules: The Origins of Legalism in the Surveillance State*, JustSecurity.org, Nov. 5, 2014, available at <http://justsecurity.org/17117/cult-rules-origins-intelligence-legalism/>.

*Justice Alito Would Be Just Fine if Congress Undid Yesterday's Landmark Privacy Decision*, TheNewRepublic.com, June 26, 2014, available at <http://www.newrepublic.com/article/118403/justice-alito-privacy-reading-his-concurring-opinion-privacy>.

*The Bigger No Fly List Problem*, JustSecurity.org, June 25, 2014, available at <http://justsecurity.org/12215/guest-post-no-fly-list-problem/>.

*The Supreme Court Gives a Subtle Boost to Free Speech*, The New Republic, May 28, 2014, available at <http://www.newrepublic.com/article/117925/wood-v-moss-subtle-victory-free-speech>.

*Even Conservative Judges Can't Deny the Constitutional Logic of Same-Sex Marriage*, Daily Beast, May 18, 2014, available at <http://www.thedailybeast.com/articles/2014/05/18/even-conservative-judges-can-t-deny-the-constitutional-logic-of-same-sex-marriage.html>.

*In the Story of Jonah, an Urgent Lesson About the Dangers of Solitary Confinement*, TABLET MAGAZINE, Sept. 11, 2013, available at <http://www.tabletmag.com/jewish-life-and-religion/143081/jonah-solitary-confinement>.

*ABA Criminal Justice Standards on the Treatment of Prisoners*, CRIM. JUSTICE MAG., Summer 2010, at 14 (with Margaret Colgate Love & Carl Reynolds).

*Prison Litigation Reform Act Update*, in THE STATE OF CRIMINAL JUSTICE, 2007-2008 (American Bar Association, Criminal Justice Section, Apr. 2008).

*Professor Notes PLRA Flaws: Will Congress Act to Correct Them?*<sup>2</sup>, CORRECTIONAL LAW REP., Feb./Mar. 2008, at 65 (reprints testimony before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security: *Review of the Prison Litigation Reform Act: A Decade of Reform or an Increase in Prison Abuses* (Nov. 2007)).

*The Political Economy of Prison and Jail Litigation*, PRISON LEGAL NEWS, June 2007, at 1.

*Preserving the Rule of Law in America's Prisons: The Case for Amending the Prison Litigation Reform Act*, American Constitution Society Issue Brief, Mar. 28, 2007 (with Giovanna Shay).

*National Prison Commission Begins Work*, CORRECTIONAL LAW REP., June/July 2005, at 1, and PRISON LEGAL NEWS, July 2005, at 17.

*Inmate Litigation: Results of a National Survey*, NATIONAL INSTITUTE OF CORRECTIONS LARGE JAIL NETWORK EXCHANGE, July 2003, at 1.

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## WORKS IN PROGRESS

Due Process Rights of Pre-trial Detainees

Human-Computer Collaboration in Summarization of Litigation Documents

Rehabilitating the Rehabilitation Act: How Plaintiffs Can Enforce Disability Anti-Discrimination Law Against the Federal Government

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## GRANTS

SCALES-OKN (Systematic Content Analysis of Litigation EventS Open Knowledge Network) seed grant, "Pilot Study for Creation of a Large Knowledge Crosswalk for Civil Litigation Court Records" (Summer 2022), \$10,000 (with Ben Johnson & Jason Windett).

University of Michigan College of Literature, Science, and the Arts, Change the World Grant, "Confronting the Carceral State: Criminalization, Confinement, and Control" (2022-2026), \$40,000 (a small part of a much larger grant to the LSA Carceral State Project)

National Police Foundation, "Civil Rights Litigation Clearinghouse: Injunctive Policing Litigation: Data Acquisition" (2022-2024), \$112,448.

Arnold Ventures, "Improving Criminal Justice Reformers' Use of Litigation Information, Documents, and Insights" (2021-2023), \$400,000.

Vital Projects Fund, "Revamping the Civil Rights Litigation Clearinghouse" (2021), \$100,000.

Proteus Fund, "Revamping the Civil Rights Litigation Clearinghouse" (2021), \$50,000.

National Science Foundation SES-0718831 (co-PI, with Pauline Kim and Andrew Martin), "The Litigation Process in Government-Initiated Employment Discrimination Suits" (2007), \$213,999.

Harvard University William F. Milton Fund (with Anne Morrison Piehl), "Litigated Intervention in the Management of Correctional Facilities" (2002), \$33,607.



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## **SERVICE AND MEMBERSHIPS**

### **Professional**

Bar admissions: New York, District of Columbia (inactive), Missouri, Michigan; Supreme Court; 9th Cir.; 6th Cir.; Eastern District of Missouri; Eastern District of Michigan.

Co-President, Civil Rights Division Association (2020-present). Organizing committee member, Prisoners' Advocates COVID-19 Webinars (Spring/Summer 2020); Prisoners' Advocates Conference (Atlanta, Oct. 2024; Denver, Oct. 2018; Los Angeles, Sept. 2016; New Orleans, Feb. 2014). Chair, Practicing Law Institute Prison Law Program (NY 2019). Chair, Prison Litigation: A Workshop for Plaintiffs' Attorneys (DC, Mar. 2008).

Solitary confinement resources development project, with Vera Institute of Justice. See <https://www.safealternativestosegregation.org/promising-practices/>.

Counsel for amici curiae former corrections officials, *Prison Legal News v. Florida* (11th Cir. 2015).

Member, expert advisory committee on data collection and confidential reporting, Prison Rape Elimination Act Commission (2007).

Drafter, ABA Litigation Section Project, *The Rule of Law in Times of Calamity* (2006).

Counsel of record for amici curiae ACLU and other prison advocacy organizations, *Woodford v. Ngo*, 05-416 (U.S. Supreme Court, filed Feb. 2, 2006).

### **General Academic**

Member, Editorial Board, *Journal of National Security Law & Policy* (2015-Aug. 2021)

Co-editor (with Sharon Dolovich), SSRN abstracting "journal," *Corrections & Sentencing Law & Policy* (2006-2009, 2012-present). See <http://ssrn.com>.

Chair, American Association of Law Schools, Remedies Section (2014).

Chair, American Association of Law Schools, Section on Law & the Social Sciences (2007/08).

Member, Law & Society Association Dissertation Prize Committee (2007).

Member, Law & Society Association.

### **University of Michigan (Past Service)**

University Immigration Working Group (2022)

Member, Law School Internal Personnel Committee (2021/2022)

Member, Law School Advisory Board on Race and Racism (2020-2022)

Member, University Racial Justice Faculty Hiring Initiative Selection Committee (2020-2021)

Convenor, Prison Law & Scholarship Roundtable (2021, 2019, 2017, 2014, 2012)

Member, Law School Curriculum Committee (2020-2021, 2018-2019, 2014-2016)

Chair, Intellectual Community Committee (2019-2020)

Member, University Ad Hoc Working Group on Immigration (2017-2018)

Convenor, Social Movements cross-university faculty interest group (2014-2019), Prison and Reentry cross-university faculty interest group (2016-2019)

Chair, Law School Tenure Committee (2016/17, 2013/14), Member (2015/16, 2012/2013)

Member, Provost's Faculty Advisory Committee (2015-2017)

Chair, Senate Advisory Committee on University Affairs, Committee on Civil Rights and Liberties (2014-16), Member (2013/2014)

Faculty Advisor, *Journal of Race & Law* symposia: "Innocent until Proven Poor" (2016); solitary confinement (2013)

**Washington University in St. Louis**

Member, Law School Promotions Committee (2007/08)  
Advisory Board, Washington University Center for Empirical Research in the Law (2007/08)  
Standing participant: Workshop on Empirical Research in Law (2004–2009)  
Chair, Law School Lateral Appointments Committee (2006/07)  
Chair, Law School Dean’s Advisory Group on Improving Student Career Prospects (2005/06)  
Chair, Law School Rules and Petitions Committee (2005/06)  
Chair, Law School Ad Hoc Committee on Tenure Standards and Process (2004/5)  
Member, University Committee on Senate By-Laws (2004/5)  
Member, Law School Clerkship Committee (Fall 2004)

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**PRESENTATIONS (2004-present)**

*Disability Rights Behind Bars*, TedX Chappaqua Youth (Apr. 2024)

*Litigation and Amelioration of Prison Conditions*, Yale Law School Liman Colloquium (Apr. 2024)

*Disability, Health Services & Incarceration*, Solomon Center for Health Law and Policy, Yale Law School (Oct. 2023).

*Kirby Civil Rights Centennial Celebration Lecture*, Lafayette College (March 2023).

*Using the ADA for More Muscular Challenges to Exclusionary Practices in Jails and Prisons*, 2022 Prison Law & Advocacy Conference, Northwestern University (July 2022).

*The Common Good of Scholarship*, Assoc. of American Law Schools (Jan. 2022).

*Pandemic Rules: COVID-19 and the Prison Litigation Reform Act’s Exhaustion Requirement*, Case Western Reserve Law Review PLRA/AEDPA Symposium (Nov. 2021).

*Inmate Litigation: Current Trends and Challenges*, Lexis/Nexis Webinar, sponsored by the American Jail Association (June 2021).

*Narrowing the Remedial Gap: Damages for Disability Discrimination in Outsourced Federal Programs*

- Faculty workshop, American University, Washington College of Law (March 2021)

*Criminal Justice and Civil Rights Pedagogy: Teaching about the Rights of Incarcerated People*, Assoc. of American Law Schools, Jan. 2021.

U. Mich. Panels/Presentations, 2020/21:

- *Korematsu Day: Korematsu and the Trump Travel Ban* (Jan. 2021)
- *Election 2020 in Context: Where are We Now? Georgia, Recounts, and Run-off Elections* (Nov. 2020)
- *Criminal justice reform* (Nov. 2020)
- *5 years after Obergefell: Queer Rights and Gender Freedom* (Oct. 2020)
- *Implications of the Charging Decision in the Breonna Taylor Case* (Sept. 2020)

*Maximalist vs. Incrementalist Reform Strategies: Solitary Confinement Case Studies*,

- Law & Society Association Annual Conference (May 2020)
- Northwestern Law School (Nov. 2019)

*Mapping the Iceberg: The Impact of Data Sources on the Study of District Courts*

- Law & Economics workshop, University of Michigan (April 2020)

Panelist/Discussant, 2019/20:

- Pandemic Justice and Beyond—Prisoners' Rights (Tea Time with the Jackson Center, June 2020)
- COVID-19 Prisoners' Advocates Webinars (many, spring/summer 2020)
- *Discovery in Prison Cases*, and *Immigration Detention*, Practicing Law Institute, Prison Law 2019 (Nov. 2019)
- *Teaching Civil Rights*, Michigan Civil Rights Academy (Oct. 2019)

U. Mich. Student Organizations presentations, 2019/20:

- Careers in civil rights law (Mar. 2020)
- Criminal justice reform opportunities (Feb. 2020)
- Prison litigation in Mississippi (with Judge Carlton Reeve) (Feb. 2020)

U. Mich. Student Organizations presentations, 2018/19:

- Lawyers and mental health collaborations to improve prison conditions (Apr. 2019)
- Gender issues in law school classrooms (April 2019)
- Women and the legal profession (March 2019)
- Children and immigration enforcement (March 2019)
- *Hamama v. Adducci* (Feb. 2019, March 2019)
- Transgender advocacy in Japan and the U.S. (March 2019)
- The Dilley Project (Feb. 2019)
- Challenging incarceration related to fines and fees (Feb. 2019)
- Family detention (Feb. 2019)
- *Korematsu* and current immigration detention policies (Jan. 2019)
- Law reform and Jewish ethics (Oct. 2018)
- The Trump Administration's policy on transgender discrimination (Oct. 2018)
- The Kavanaugh hearings (Sept. 2018)
- What would it mean to "abolish ICE" (Sept. 2018)

Panelist/Discussant, 2018/19:

- *The Constitution at the Border*, Osher Lifelong Learning Institute (June 2019)
- *What Do Federal Agency Civil Rights Offices Need?* U.S. Commission on Civil Rights (Nov. 2018)
- *Mental Health and Corrections: Legal Issues*, Michigan Dep't of Health and Human Services Conference (June 2018)

U. Mich. Student Organizations presentations, 2018/19:

- Lawyers and mental health collaborations to improve prison conditions (Apr. 2019)
- Gender issues in law school classrooms (April 2019)
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- The Trump Administration's policy on transgender discrimination (Oct. 2018)
- The Kavanaugh hearings (Sept. 2018)
- What would it mean to "abolish ICE" (Sept. 2018)

*Mental Health and Corrections: Legal Issues*

- Michigan Dep't of Health and Human Services Conference (June 2018)
- Midwest American Academy of Psychiatry and the Law (March 2018)

*Civil Rights in the Trump Era*, a "teachout" available via [Youtube](#) (May 2018)

*Gender Discrimination Law in the Age of #MeToo*, Michigan Society of Active Retirees (April 2018)

Panelist/Discussant, 2017/18:

- *Solitary Confinement and Prisoners with Disabilities*, John Jay Center for Media, Crime, and Justice (April 2018)
- *Multi-forum Litigation Challenging Iraqi Deportations*, Levin Center at Wayne State University Law School (Nov. 2017)
- Vanderbilt Criminal Law/Procedure Roundtable (Nov. 2017)
- *The Shrinking Plenary Power Doctrine*, Yale Law School Reunion Panel (Oct. 2017)

U. Mich. Student Organizations presentations, 2017/18:

- Federalist Society, Fighting Domestic Terrorism (March 2018)
- Reproductive Rights and Justice, *NIFLA v. Becerra* (abortion rights and speech) (March 2018)
- ACLU, Bail Reform (March 2018)
- Attica (Jan. 2018)
- *Hamama v. Adducci* (Jan. 2018)
- National Security Law Society, The Abdulmutallab Case (Nov. 2017)
- Federalist Society, Right on Crime (Can the Right and Left Agree?) (Oct. 2017)
- Reproductive Rights and Justice, *Garza v. Hargan* (abortion access for immigrant minors in federal custody) (Oct. 2017)
- Michigan Immigration & Labor Law Ass'n, DACA and the Law (Sept. 2017)

*Civil Rights at the Border: National Security, Border Screening, and the Muslim Ban*, Robert H. Jackson Center (June 2017)

*The Constitutional Law of Incarceration, Reconfigured*

- Prison Scholarship roundtable, University of Michigan (Mar. 2017)
- Vanderbilt Law faculty workshop (Jan. 2017)

*Teaching Civil Rights: The Constitution on the Ground*

- James Madison Legacy Project, Michigan Center for Civic Education Professional Learning Conference (July 2017)
- Institute for Innovation in Education (June 2017)
- Oakland County, day-long workshop for high school teachers (Oct. 2016)

*Disabled Prisoners and Reform*, Conference presentation at Arizona State University, Bridging the Gap Between Scholars and Criminal Justice Reform (Feb. 2017)

*The Supreme Court and Prisoner Treatment Standards & Trends in Solitary Confinement Litigation and Policy*, Michigan Department of Health and Human Services (Feb. 2017)

U. Mich. Student Organizations presentations, 2016/17:

- Young Scholars Conference (Apr. 2017)
- American Constitution Society, Private Prisons (Mar. 2017)
- Women Law Students Ass'n, Women Who Lead: Cross-School Viewpoint (Feb. 2017)
- American Constitution Society, The President and the courts (Feb. 2017)
- Women's rights and the presidential election (Nov. 2016)
- U. Mich. Women Law Students Association, Incarcerated women (Oct. 2015)
- OUTLAWS, LGBT issues facing the next president (Sept. 2016)

Panelist/Discussant, 2016/17:

- Practicing Law Institute, Prison Litigation 2017: Practical Strategies (June 2017)
- Arizona State University, Bridging the Gap Between Scholars and Criminal Justice Reform (Feb. 2017)
- Police reform and Black Lives Matter (Oct. 2016)
- Security and privacy in an age of terrorism, UM cybersecurity conference (Oct. 2016)
- Prison Litigation Reform Act 101, Prisoners' Advocates conference (Sept. 2016)
- Decarceration and disability, Prisoners' Advocates conference (Sept. 2016)
- Landmark cases in prisoner civil rights, UM forensic psychiatry fellows seminar (Aug. 2016)

*A New Generation of Noncarcerative Remedies for Unconstitutional Conditions of Confinement*, University of Miami Race & Social Justice Law Review symposium (Mar. 2016)

*Detention of Immigrant Families*, invited lecture, Albion College (Mar. 2016)

U. Mich. Student Organizations presentations, 2015/16:

- Reforming Police Use of Force (Mar. 2016)
- The Prospects of Bail Reform (Mar. 2016)
- Black Law Students Association, Racial Disparities in Drug-Related Policing and Treatment (Feb. 2016)
- U. Mich. American Constitution Society, Is This When Mass Incarceration Ends (Nov. 2015)
- U. Mich. Women Law Students Association, Incarcerated Women (Oct. 2015)

Panelist/Discussant, 2015/16:

- Reimagining Prison, Vera Institute of Justice (June 2016)
- Recent Reforms in the Law of Solitary Confinement, ABA Webinar (May 2016)
- Bazelon Center workshop on decarcerating people with mental illness (Mar. 2016)
- ACLU workshop on solitary confinement litigation (Mar. 2016)
- Innocent until Proven Poor (Feb. 2016)
- 9th Circuit Corrections Summit, Grievances & Grips: A Problem Solving Approach (Nov. 2015)
- U. Mich. Institute for Research on Women and Gender, Incarcerated Women: A Conversation about Realities (Oct. 2015)
- Society for Empirical Legal Studies annual conference. Discussant for Aziz Huq, The Predicates of Military Detention at Guantanamo; Chang, Chen & Lin, Attorney and Judge Experience in Torts Litigation: An Empirical Study (Oct. 2015)

*Studying Injunctions Quantitatively*, Center for Political Studies, Interdisciplinary Workshop on Politics and Policy (Mar. 2015)

*Intelligence Legalism and the NSA's Civil Liberties Gap*

- Ass'n of Am. Law Schools, Annual Conference, Nat'l Security Section (chosen in call for papers) (Jan. 2015)
- University of Iowa Law School Faculty Workshop (Nov. 2014)
- University of Michigan Law School Legal Theory Workshop (Sept. 2014)
- 7th Annual National Security Law Workshop (May 2014)

*Offices of Goodness: Influence without Authority in Federal Agencies*

- Emory Law School (Mar. 2014)
- Cardozo Law School (Feb. 2014)
- Law & Society Ass'n (May 2013)

Panelist/Discussant (2014/15)

- Brennan Center: Strengthening Intelligence Oversight--Executive Branch Oversight (May 2015)
- Michigan Department of Education, Teaching the Movement in Michigan: Civil Rights Education Forum (May 2015)
- Clifford Symposium (DePaul Law): The Supreme Court, Business and Civil Justice--Civil Procedure (Apr. 2015)
- Columbia University, Deliberate Resistance: LGBT Prisoner Rights 20 Years After Farmer v. Brennan (Nov. 2014)
- 9th Circuit Court of Appeals Pro Se Conference--the Prison Rape Elimination Act (Sept. 2014)

*The Equal Employment Opportunity Commission and Structural Reform of the American Workplace*

- EEOC Datanet Conference (May 2014)
- Labor Law Research Network (June 2013)
- Stanford Law Faculty Workshop (Oct. 2009)
- Brooklyn Law School Faculty Workshop (Sept. 2009)
- Building Theory Through Empirical Legal Studies, Berkeley Ctr for Study of Law & Society (Apr. 2009)
- UCLA Law Faculty Workshop (Feb. 2009)
- University of Arizona Law Faculty Workshop (Feb. 2009)

*The Prison Litigation Reform Act and Litigation Dynamics*

- Loyola University New Orleans College of Law, Prisoners' Advocates Conference (Feb. 2014)

*The Present and Future of Institutional Reform Litigation: Current Trends in Prisoner Cases*

- U.C. Irvine Law School, Prisoners Access to Justice Symposium (Feb. 2014)
- University of Miami Law School, Leading from Below Symposium (Feb. 2014)

*Marriage Equality and the Constitution*, Alma College Constitution Day Speaker (Sept. 2013)

*Plata v. Brown and Realignment: Jails, Prisons, Courts, and Politics*,

- Law & Society Ass'n (May 2013) (as discussant in panel on *Plata v. Brown*)
- University of Illinois faculty workshop (Mar. 2013)

*Race and civil rights injunctions*, Ass'n of American Law Schools, Remedies Section (Jan. 2013)

Chair/discussant, panel on Immigration, Law & Society Association Conference (June 2012)

*Operationalizing Deterrence: Claims Management (in Hospitals, a Large Retailer, and Jails and Prisons)*

- University of Michigan Law Faculty Workshop (Sept. 2008)
- Insurance & Society Seminar, Boston (May 2008)
- Southern Methodist University Law Faculty Workshop (Jan. 2008)
- Law & Society Ass'n, Berlin (July 2007)
- University of North Carolina Law Faculty Workshop (Nov. 2006)
- Law & Society Ass'n, Baltimore (July 2006)

*Seminar teaching*

- Ass'n of American Law Schools, Workshop for New Law Teachers (June 2008)
- Ass'n of American Law Schools, Workshop for New Law Teachers (June 2007)

*Hedonic Damages, Hedonic Adaptation, and Disability*

- University of Illinois Law School, Seminar on Law, Psychology & Economics (Apr. 2008)
- Washington University Law Faculty Workshop (Aug. 2006)

*Civil Rights Injunctions Over Time: A Case Study of Jail and Prison Court Orders*

- University Management Team, Washington University in St. Louis (Apr. 2008)
- Prison Litigation: A Workshop for Plaintiffs' Attorneys (Washington, D.C., Mar. 2008)
- Law and Society Ass'n (Las Vegas, NV, June 2005)
- Junior Scholars Empirical Legal Studies conference, Cornell Law School (Oct. 2004)

The Prison Litigation Reform Act

- *Preserving the Rule of Law in America's Prisons: The Case for Amending the PLRA*, Symposium, Penn. J. of Constitutional Law, Litigating the Eighth Amendment (Feb. 2008)
- Witness, National Prison Rape Elimination Comm'n, *The Role of Courts and Litigation in Regulating Prison and Jail Prevention of Sexual Violence and Misconduct* (Dec. 2007)
- Witness, House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, hearing: *Review of the Prison Litigation Reform Act: A Decade of Reform or an Increase in Prison Abuses* (Nov. 2007)
- Congressional staff briefing, proposed amendments to the PLRA (Sept. 2007)
- *Preserving the Rule of Law in America's Prisons: The Case for Amending the PLRA* American Constitution Society issue brief presentation, Washington DC (Apr. 2007)
- *The Past and Future of the PLRA*, National Association of Attorneys General, Baltimore, MD (Feb. 2007)
- Witness, ABA Criminal Justice Section Council, on proposed ABA policy to amend the Prison Litigation Reform Act (Nov. 2006).

*The Civil Rights Litigation Clearinghouse: Using Court Records for Research, Teaching, and Policymaking*

- Association of American Law Schools annual conference, Wash. U. Law breakfast (Jan. 2008)
- Presentation to social studies coordinators, Missouri Cooperating School Districts (Feb. 2007)
- Conference presentation ("Federal Civil Court Records of the National Archives: Opportunities for Empirical, Historical and Legal Research and Curriculum Design"), U. Missouri at Kansas City & National Archives and Records Administration (Oct. 2005)

Moderator/discussant, panel on Race, Empirical Legal Studies Conference (Nov. 2007).

*Fault and the Constitutional Law of Equality.* Invited response to David Strauss, Childress Lecture (Little Rock and the Legacy of *Brown*), Saint Louis University (Oct. 2007)

*Teaching the Equal Protection Clause.* Presentation to high school teachers, Street Law (Oct. 2007)

*The Plaintiffs' Bar and the Conceptualization of Litigation*

- Law & Society Ass'n, Berlin (July 2007)
- Washington University Law Faculty Workshop (May 2007)
- Conference presentation (The Plaintiff's Bar), New York Law School (Mar. 2006)

*The Litigation Process in Government-Initiated Employment Discrimination Suits* (hypotheses and preliminary evidence). Duke Law School Faculty Workshop (Apr. 2007)

Discussant, Katherine Barnes et al., *Life and Death Decisions: Prosecutorial Discretion and Capital Punishment in Missouri*, St. Louis U. conference (Mar. 2007).

Discussant, J.J. Prescott, *Empirical Evidence of Prosecutorial Charging Manipulation: And What it Tells Us About What Prosecutors are Trying to Do*, Empirical Legal Studies Conference, Austin Texas (Oct. 2006).

Moderator, panel on *Empirical Inquiries in Criminal Justice*, Law and Society Ass'n (July 2006).

*Women and the New Supreme Court:* University of Missouri–St. Louis, Sue Shear Institute for Women in Public Life (Jan. 2006).

Moderator, panel discussion of *Problems and Solutions in American Criminal Justice*, in conjunction with hearing held at Washington University in St. Louis by the Commission on Safety and Abuse in America's (Oct. 2005).

*What We Know and What We Could Know About the Vanishing Trial:* Featured Comment on Marc Galanter, "A World Without Trials," University of Missouri at Columbia, Distinguished Lecture on Alternative Dispute Resolution (Sept. 2005).

*Incarceration, Reform, and Politics:* presentation to undergraduate student groups (Apr. 2005).

*Second Best Damage Action Deterrence*

- University of Missouri at Columbia (Apr. 2005).
- Clifford Conference on Torts and Social Policy, DePaul University College of Law (Apr. 2005).
- UCLA faculty workshop (Mar. 2005)

*Collateral Consequences of Incarceration: Background on the Scope of the Carceral System:* Symposium on Poverty, Wealth & the Working Poor (Apr. 2005).

Respondent to James B. Jacobs, *The Future of Imprisonment: Leadership, and Prison Reform*, St. Louis University Ass'n of Criminal Justice and Sociology (Oct. 2004).