

## **TY ALPER**

University of California, Berkeley, School of Law  
Berkeley, CA 94720-7200

(510) 643-7849 (voice)

[talper@law.berkeley.edu](mailto:talper@law.berkeley.edu)

### CURRENT EMPLOYMENT

University of California, Berkeley, School of Law

Clinical Professor of Law (July 1, 2012 – present); Co-Director, Death Penalty Clinic

Co-Director, Berkeley Law Clinical Program (July 1, 2022 – present)

Associate Dean for Experiential Education (July 1, 2015 – June 30, 2017)

Assistant Clinical Professor of Law (July 1, 2010 – June 30, 2012)

Visiting Assistant Professor of Clinical Law (October 1, 2004 – June 30, 2006)

### PREVIOUS EMPLOYMENT

2001 – 2004                      Southern Center for Human Rights, Atlanta, Georgia  
Staff Attorney

Represented indigent death row inmates in Georgia and Alabama in all stages of state and federal post-conviction litigation. Represented hundreds of Alabama prisoners in federal class action litigation regarding unconstitutional conditions of confinement. Directed Center's student internship program.

1999 – 2001                      Criminal Justice Clinic, Georgetown University Law Center  
E. Barrett Prettyman Fellow

Represented indigent clients charged with misdemeanors and felonies in D.C. Superior Court. Taught, trained, and supervised third-year law students in Georgetown's Criminal Justice Clinic.

### CLERKSHIP

1998 – 1999                      Chief Judge Harry T. Edwards  
United States Court of Appeals for the District of Columbia Circuit

## EDUCATION

L.L.M., Advocacy, May 2004, Georgetown University Law Center

J.D., 1998, *magna cum laude*, New York University School of Law  
Order of the Coif  
*Senior Articles Editor*, New York University *Law Review*

B.A., 1995, Brown University

## PUBLICATIONS

*Third-Party Sexual Harassment: The Challenge of Title IX Obligations for Law School Clinics*, 96 WASH. L. REV. 1 (2021).

*Criminal Defense Attorney Confidentiality in the Age of Social Media*, CRIMINAL JUSTICE, Fall 2016, *reprinted as Confidentiality in the Age of Social Media*, GPSOLO, Vol. 34, No. 2, March/Apr. 2017.

*The United States Execution Drug Shortage: A Consequence of Our Values*, XXI BROWN JOURNAL OF WORLD AFFAIRS 27 (Fall/Winter 2014).

*Toward a Right to Litigate Ineffective Assistance of Counsel*, 70 WASH. & LEE L. REV. 839 (2013).

*“So What?”: Using Reverse Investigation to Articulate Prejudice and Win Post-Conviction Claims*, THE CHAMPION, December 2011.

*Blind Dates: When Should the Statute of Limitations Begin to Run on a Method-of-Execution Challenge?*, 60 DUKE L.J. 865 (2011).

*‘Yes They Can’: Exposing the Myths About Doctors and Executions*, THE CHAMPION, June 2010.

*The Role of State Medical Boards in Regulating Physician Participation in Executions*, 95 J. MED. LICENSURE & DISCIPLINE 16 (2009) (peer-reviewed journal of the Federation of State Medical Boards), *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1544623](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1544623).

*The Truth about Physician Participation in Lethal Injection Executions*, 88 N.C. L. REV. 11 (2009).

*Anesthetizing the Public Conscience: Lethal Injection and Animal Euthanasia*, 35 FORDHAM URB. L. J. 817 (2008), *cited in Baze v. Rees*, 553 U.S. 35 (2008) (Stevens, J., concurring).

*What Do Lawyers Know about Lethal Injection?*, 1 HARV. L. & POL’Y REV. (Online) (March 3, 2008), <http://www.hlpronline.com/Alper.pdf>, *reprinted as* cover article in CACJ FORUM, Vol. 35, No. 2 (2008) (quarterly publication of California Attorneys for Criminal Justice).

*Lethal Incompetence: Lethal Injection is Exposing More Than Torturous Executions*, THE CHAMPION, Sept/Oct. 2006.

*Stories Told and Untold: Lawyering Theory Analyses of the First Rodney King Assault Trial*, 12 CLIN. L. REV. 1 (2005) (with Anthony G. Amsterdam, Todd Edelman, Randy Hertz, Rachel Shapiro Janger, Jennifer McAllister-Nevins, Sonya Rudenstine, and Robin Walker-Sterling).

Note, *The Danger of Winning: Contract Law Ramifications of Successful Bailey Challenges for Plea-Convicted Defendants*, 72 N.Y.U. L. REV. 841 (1997).

#### SELECTED OPINION PIECES

*We Must Protect Attorney-Client Confidence*, SLATE.COM, April 18, 2018, <https://slate.com/news-and-politics/2018/04/we-shouldnt-be-celebrating-that-sean-hannitys-name-was-revealed-in-open-court.html>

*Public education funding in California is anything but progressive*, THE DAILY CALIFORNIAN, June 6, 2018 (with Judy Appel)

*The ignoble history of the 3-drug cocktail*, LOS ANGELES TIMES, April 20, 2017

*Why the execution drug shortage won't go away*, LOS ANGELES TIMES, April 13, 2015

*An Encouraging Bump in the Road to Death Penalty Abolition*, THE HUFFINGTON POST, Nov. 9, 2012, [http://www.huffingtonpost.com/ty-alper/death-penalty-abolition\\_b\\_2088929.html](http://www.huffingtonpost.com/ty-alper/death-penalty-abolition_b_2088929.html)

*Virginia kills dogs more gently than this*, RICHMOND (VA.) TIMES-DISPATCH, August 7, 2012

*Watching Gay Marriage Opponents Evolve*, THE HUFFINGTON POST, April 2, 2012, [http://www.huffingtonpost.com/ty-alper/gay-marriage\\_1\\_b\\_1267477.html](http://www.huffingtonpost.com/ty-alper/gay-marriage_1_b_1267477.html)

*Watching Physicians and Executions*, 42 Hastings Center Report 4 (2012) (solicited letter in peer-reviewed bioethics journal)

*Berkeley Chancellor's Disturbing Response to Police Beating*, THE HUFFINGTON POST, November 14, 2011, [http://www.huffingtonpost.com/ty-alper/berkeley-protests\\_b\\_1087429.html](http://www.huffingtonpost.com/ty-alper/berkeley-protests_b_1087429.html)

*Why the Execution of a White Supremacist Murderer Matters Too*, THE HUFFINGTON POST, Sept. 25, 2011, [http://www.huffingtonpost.com/ty-alper/why-the-execution-of-a-wh\\_b\\_980122.html](http://www.huffingtonpost.com/ty-alper/why-the-execution-of-a-wh_b_980122.html)

*Oklahoma's lethal injection process not fit for animals*, THE OKLAHOMAN, Dec. 4, 2010

*California's lethal injection plan is proven to be inhumane*, SAN JOSE MERCURY NEWS, June 27, 2009

## LEGISLATIVE TESTIMONY

Testimony before the Public Safety Committee, California State Senate, regarding the secret construction of a new death chamber at San Quentin State Prison, May 8, 2007

## SELECTED PRESENTATIONS

*Prison Abolition and Clinical Pedagogy: Teaching Students to Thrive in a System They Seek to Dismantle*, Law and Society Association Global Meeting on Law & Society, Lisbon, Portugal, July 2022 (panel presentation)

*Persuasive Legal Writing on Behalf of Indigent Clients*, Office of the Alternate Los Angeles Public Defender, March 2022 (zoom presentation)

*Capital Defense Field Investigation*, University of San Francisco School of Law, Keta Taylor Colby Death Penalty Project, April 2022, April 2021, April 2019, April 2018, April 2017, April 2016, April 2015, April 2014, April 2013, April 2012, April 2011, April 2010, April 2009, April 2008, April 2007, April 2006, April 2005 (guest speaker at training for law students)

*Working Through Ethical Hypotheticals in a Criminal Defense Context*, Fordham Law School, March 2021 (zoom presentation)

*Persuasive Storytelling in Legal Pleadings*, Georgetown University Law Center Criminal Justice Clinic and Criminal Defense & Prisoner Advocacy Clinic, Feb. 2021 (zoom presentation)

*Social Media Confidentiality for Public Defenders*, Gideon's Promise, Atlanta, GA, October 2020 (zoom presentation)

*Appellate Defense Attorney Confidentiality in the Age of Social Media*, Appellate Representation Training Seminar, San Francisco, CA, January 2020 (plenary presentation)

*Supervision and Feedback*, Clinical Legal Education Association (CLEA) New Clinicians Conference, San Francisco, CA, May 2019 (plenary panel)

*Friday Night Fights: Addressing Clinical Team Dynamics and Teaching Collaboration Skills in an Age of Polarization*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, San Francisco, CA, May 2019 (panel presentation)

*A Living Room Conversation: Freedom of Speech, Diversity, and Inclusion at Berkeley*, PEN America, Berkeley CA, October 2017 (roundtable discussion panelist)

*The Pedagogy of Intervention: Student Autonomy and Zealous Advocacy*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Denver, CO, May 2017 (panel presentation)

*Criminal Defense Clinics Within the Criminal Law Community: Carpetbaggers or Collaborative Colleagues?*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Baltimore, MD, May 2016 (panel presentation)

*Working with Clinical Millennials: Opportunities and Challenges*, Northern California Clinical Conference, U.C. Berkeley School of Law, February 2016 (panel presentation)

*The Supreme Court and the Future of Lethal Injection*, Association of American Law Schools (AALS) Annual Meeting, New York, NY, January 2016 (panel presentation)

*Plugged In or Tuned Out? Teaching a New Generation of Tech-Savvy Clinical Students*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Palm Springs, CA, May 2015 (panel presentation)

*Perspectives on Human Rights from Around the World*, La Universidad de Viña del Mar, Chile, November 2014 (panel presentation)

*Using Case Rounds to Teach Professional Identity*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Chicago, IL, April 2014 (panel presentation)

*Lethal Injection: What's Next in California*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2014 (panel presentation)

*50 Years of Gideon v. Wainwright*, U.C. Davis School of Law, April 2013 (guest lecturer)

*Post-conviction Workshop: Maples/Martinez: State Practice Implications*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2013 (panel presentation)

*Investigation as Advocacy*, "Loosening the Death Belt XVII," Alabama Criminal Defense Lawyers Association Training Conference, Birmingham, AL, January 2013 (guest speaker)

*Teaching Investigation/Investigating Teaching: Ideas on Developing Persuasive Fact Analysis Techniques for Law Students*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Los Angeles, CA, May 2012 (panel presentation)

*Reflecting on the Supervision of Teams with "Issues,"* Northern California Clinical Conference, U.C. Davis School of Law, February 2012 (panel presentation)

*Post-conviction Workshop: How to Present State Habeas Claims and Legal Development for Non-lawyers*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2012 (panel presentations)

*Criminal Clinics 2.0: Advantages and Drawbacks to Broadening the Traditional Model*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Seattle, WA, June 2011 (panel presentation)

*Diagnosing Supervision Challenges with Clinical Law Students*, Northern California Clinical Conference, Pacific McGeorge School of Law, February 2011 (panel presentation)

*Post-conviction Workshop: Prosecutorial Misconduct, Brady, and Snitches*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2011 (panel presentation)

*Criminal Justice Clinics Working Group*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, Baltimore, MD, May 2010 (workshop leader)

*Pleading and Perfecting State Habeas Corpus Claims*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2010 (panel presentation)

*The Death Penalty in Nebraska*, University of Nebraska College of Law, Lincoln, NE, November 2009 (guest speaker)

*Working with Students and Interns on Capital Cases*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2009 (panel presentation)

*The Truth about Physician Participation in Lethal Injection Executions*, Berkeley-Stanford Clinicians' Writing Workshop, Berkeley Law, January 2009 (paper presentation)

*U.S. Supreme Court Term Review*, Berkeley Law Alumni Weekend, Berkeley, CA, September 2008 (panelist)

*Developing, Establishing, and Proving Juror Misconduct Claims*, Making the Case for Life XI, National Coalition of Criminal Defense Lawyers and Southern Center for Human Rights Training Conference, Biloxi, MS, September 2008 (guest speaker)

*What Does the Current Administration of the Death Penalty Really Look Like?*, California Administrative Office of the Courts "Forum," San Francisco, CA, August 2008 (guest speaker)

*The Problem with Curare: Animal Euthanasia and Lethal Injection*, The Lethal Injection Debate: Law and Science, Fordham Law School, New York, NY, March 2008 (paper presentation)

*Developing Prosecutorial Misconduct Claims*, California Attorneys for Criminal Justice (CACJ) Capital Case Defense Seminar, Monterey, CA, February 2008 (panel presentation)

*Lethal Injection: How to Maximize the Debate*, National Coalition to Abolish the Death Penalty Annual Conference, San Jose, CA, January 2008 (panel presentation)

*The Future of the Death Penalty*, Shaking the Foundations Conference, Stanford Law School, Stanford, CA, October 2007 (panel presentation)

*Lethal Injection Challenges: What's Going On and Why it Matters*, Colorado Public Defender Annual Training Conference, Snowmass, CO, September 2007 (plenary presentation)

*The Latest in Lethal Injection Litigation*, Twelfth Annual National Habeas Corpus Seminar, Nashville, TN, August 2007 (plenary presentation)

*Experiencing the Death Penalty: Personal Stories and Reflections*, St. Mary's College, Moraga, CA, February 2007 (guest speaker)

*Current Topics in Clinical Teaching*, Northern California Clinical Conference, Berkeley Law, Berkeley, CA, February 2007 (panel discussion)

*Persuasive Writing Workshop*, Protection and Advocacy, Inc., Advocacy Staff Training, Fremont, CA, November 2006 (workshop presentation)

*Inter-Clinic Collaboration: Incorporating International Human Rights Norms into Domestic Death Penalty Litigation*, Association of American Law Schools (AALS) Conference on Clinical Legal Education, New York, NY, April 2006 (poster presentation)

*Selected Aspects of the Clinical Method*, Clinical Legal Education in Japan and the United States, Berkeley Law, Berkeley, CA, March 2006 (panel discussion)

*Lawyering Theory Analyses of First Rodney King Trial*, New York Law School Clinical Theory Workshop, New York, NY, February 2006 (paper presentation)

#### SERVICE TO THE U.C. SYSTEM

University (U.C. Systemwide) Committee on Academic Freedom, U.C. Berkeley representative, 2017-18, 2018-19, 2019-20, 2020-21, 2021-22 (chair)

#### SERVICE TO U.C. BERKELEY

U.C. Berkeley Committee on Academic Freedom, 2015 – 2021 (chair, 2017 – 2021)

U.C. Berkeley Student Conduct Panel Committee, 2017 – 2021

Faculty Fellow to the Cal Football Team, 2017-18, 2018-19, 2019-20

Ad-Hoc Committee on Undergraduate Scholarships, Honors, and Financial Aid, 2014 - 2017 (served as Faculty Mentor to Regents' and Chancellor's and Cal Opportunity Scholars)

Ad-Hoc Committee on Undergraduate Scholarships, Honors, and Financial Aid, 2013-14, 2014-15 (conducted scholarship interviews)

#### SERVICE TO BERKELEY LAW

Public Interest Placement Committee, Berkeley Law, 2021-22 (chair)

Disqualification Appeals Committee, Berkeley Law, 2018-19 (chair)

Brian M. Sax Prize Committee, Berkeley Law, 2018-19 (chair)

Criminal Procedure Reading Group, Berkeley Law, Fall 2018 (chair)

University Program Review Committee, Berkeley Law, 2017-18

Curriculum Committee, Berkeley Law, 2017-18

Task Force on Experiential Education, Berkeley Law, 2015 – 2017 (co-chair)

Student Affairs Committee, Berkeley Law, 2013-15 (chair, 2013-14, co-chair, 2014-15)

Financial Aid Committee, Berkeley Law, 2008–13 (chair, 2011-12, 2012-13)

Building Committee, Berkeley Law, 2010 – 2014

Brian M. Sax Prize Committee, Berkeley Law, 2010-11(chair)

Bridge Fellowship Selection Committee, Berkeley Law, 2010-13

Faculty Advisory Committee, Berkeley Journal of Criminal Law, Berkeley Law, 2007-13

#### SERVICE TO THE PROFESSION AND COMMUNITY

Planning Committee, Association of American Law Schools (AALS) Conference on Clinical Legal Education, San Francisco, CA, May 2023

Elected Member of the Board of Education for the Berkeley Unified School District, 2014 – present (currently Board President)

Planning Committee, Northern California Clinical Conference, U.C. Berkeley School of Law, February 2016

Convener, Biannual Berkeley-Stanford Clinicians' Writing Workshop, 2008-13

Planning Committee, Northern California Clinical Conference, U.C. Davis School of Law, February 2012

Planning Committee, Northern California Clinical Conference, Pacific McGeorge School of Law, February 2011

Planning Committee, Northern California Clinical Conference, UC Hastings College of Law, February 2010

Planning Committee, Northern California Clinical Conference, Stanford Law, February 2009

Planning Committee, Northern California Clinical Conference, Santa Clara School of Law, February 2008

Planning Committee, Northern California Clinical Conference, Berkeley Law, February 2007



Planning Committee, Conference on Advancing Social Justice through the Law, Brown University, October 2006

### HONORS AND AWARDS

*Best of ABA Sections*, inclusion of article entitled “Criminal Defense Confidentiality in the Age of Social Media” in special edition of GPSolo, the magazine of the ABA’s General Practice, Solo and Small Firm Division, comprising a compilation of the best articles published by the ABA’s sections, forums, and divisions in the previous year, March/April 2017

*Ray L. Casterline Award for Excellence in Writing*, awarded to the author of the most outstanding article published in the *Journal of Medical Licensure and Discipline* during the past year, November 2010

*California Lawyer “Angel Award,”* recognizing “outstanding pro bono work,” *California Lawyer Magazine*, December 2007

*Recent Graduate Award*, for “significant professional achievement of an alumnus/a of NYU Law School who graduated within the last 10 years,” NYU Law School, April 2003

*Maurice Goodman Memorial Prize for Outstanding Scholarship and Character*, NYU Law School, May 1998

*Paul D. Kaufman Memorial Award for Most Outstanding Law Review Note*, NYU Law School, May 1998

*Judge Abraham Lieberman Award for Outstanding Scholarship in the Area of Criminal Law*, NYU Law School, May 1998

### BAR MEMBERSHIP

California, District of Columbia, Georgia, and Alabama.

Also admitted to practice before the Supreme Court of the United States, the Eleventh and District of Columbia Circuits, and a number of federal district courts.

7/2022