

CURRICULUM VITAE

Malcolm M. Feeley

Claire Clements Sander's Dean's Professor

School of Law, (Boalt Hall)
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EDUCATION:

Ph.D., 1969 University of Minnesota (Political Science)
M.A., 1967 University of Minnesota (Political Science, Sociology of Law)
B.A., 1964 Austin College (Texas) (Political Science, English)

TEACHING APPOINTMENTS:

1996-present Claire Sanders Clements Dean's Chair in Law (Boalt Hall), University of California at Berkeley

1984-present Professor, School of Law (Boalt Hall), University of California at Berkeley

1977-1984 Assistant-Associate-Professor, Department of Political Science, University of Wisconsin

1972-1977 Russell Sage Foundation Fellow, Law and Social Science, Yale Law School; Research Associate and Lecturer, Institution for Social and Policy Studies, Yale University

1968-1972 Instructor/Assistant Professor, Department of Politics, New York University

VISITING APPOINTMENTS:

2014	Visiting Professor, Faculty of Law, University of Haifa, Israel
2013	Visiting Professor, Faculty of Law, Interdisciplinary Center, Israel
2012-13	Fulbright Distinguished Professor, Flinders University, Adelaide, S. A. AU
2010	Visiting Professor U of Central Chile (March) and National University of Argentina (Santa Fe (March)
2008-2010	Visiting Professor, Faculty of Law. Interdisciplinary Center, Israel Herzliya, Israel (Dec-Jan) (July-August)
2008-09	Martin and Kathleen Crane Fellow, Law & Public Affairs Program and Visiting Professor, Woodrow Wilson School, Princeton University
2007-08	Visiting Professor, Faculty of Law, Hebrew University (Dec-Jan)
2001-02	Fellow, Institute for Advanced Study in the Behavioral Sciences (Stanford, California)
2001	Fellow, Institute for Advanced Study, University of Bologna
1992-4;2000; 2007;2009	Visiting Professor, Faculty of Law, Hebrew University (Dec-Jan)
1999	Visiting Scholar, Faculty of Law, University of Helsinki
1999	Visiting Exchange Professor, School of Law, University of Milan
1997	Visiting Exchange Professor, School of Law, University of Cologne
1992-94	Visiting Professor of Law, Hebrew University, and Fellow, Institute of Advanced Study, Hebrew University, Jerusalem (1993-94)
1986-present	Visiting Lecturer, National Judicial College and University of Nevada (every summer), in the Judicial Studies Program (MA and PhD program for judges)
1982-83 Berkeley	Visiting Professor, School of Law (Boalt Hall), University of California at Berkeley
1970	Visiting Lecturer, Political Science, Brooklyn College

ADMINISTRATIVE APPOINTMENTS AND UNIVERSITY SERVICE:

1985-1992	Director, Center for the Study of Law and Society, University of California at Berkeley
1987	Director, Daniel and Florence Guggenheim Criminal Justice Program (a multiyear public policy research and teaching program at the Center for the Study of Law and Society)
1987-92	Board of Trustees, Robert Presley Institute of Corrections (University representative on the Board of Directors of this independent state research and training agency)
1987-89	Chair, UCB Committee on Research
1988-89	Chair, University-wide Committee on Research Policy (Chair Ex Officio member of the Administrative Committee, Academic Planning and Budget Review Board, and the University Planning and Budget Committee)
1984-90	Member, Attorney General's Research Advisory Council (California)
1990-92	Member, Advisory Committee on Private Judging, California Judicial Council
1992-93	UCB Committee on Courses
1992-94	Director, Study Center, UC Education Abroad Program, Hebrew University
1993	Chair, International and Area Studies, Concurrent MA Program Advisory Committee
1995-1997	UCB Committee on Committees
1994	Associate Dean (Jurisprudence and Social Policy), School of Law (Boalt Hall), UC Berkeley
1997	Vice Chancellor's Research Advisory Board
1999-2004	Committee on Academic Planning and Resource Allocation (CAPRA)
2000	Vice Chancellor's Expanded Enrollment Committee
2005-06	Acting Director, Center for the Study of Law & Society

2008 Dean's External Review Committee, Centre of Criminology, U. of Toronto
2015-16 UCB Committee on Courses

PUBLICATIONS:

Books

with Roscoe Hill (eds.), *Affirmative School Integration* (Beverly Hills: Sage Publications, Inc., 1968).

with Theodore L. Becker (eds.), *The Impact of Supreme Court Decisions* (2nd ed.) (New York: Oxford University Press, 1973).

The Process is the Punishment: Handling Cases in a Lower Court (New York: Russell Sage Foundation, 1979). (Winner of the 1980 Silver Gavel Award by the American Bar Association. Cited as one of six outstanding books in criminology published during the last five years by the American Sociological Association, 1985. Paperback edition with a foreword by Joseph Gusfield, 1992.) (Sections reprinted in numerous books and anthologies.) Chinese edition forthcoming in 2013-14.

with Austin Sarat, *The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration* (Minneapolis: University of Minnesota Press, 1980).

with Roman Tomasic (eds.), *Neighborhood Justice: Assessment of an Emerging Idea* (New York: Longman Publishing Co., 1982).

Court Reform on Trial: Why Simple Solutions Fail (New York: Basic Books, 1983). (Awarded a certificate of Merit for 1983 by the American Bar Association.) (Sections reprinted in several books.) (Second edition QuiPro Books, 2015.)

with Samuel Krislov (eds.), *Casebook in Constitutional Law* (Boston: Little Brown and Co., 1985; Second Edition, 1989; Annual Updates, 1986,87,88, 90, 91, 92).

with Harry Scheiber (eds.), *Power Divided: Studies in Federalism* (Berkeley: Institute of Governmental Studies, 1989).

with John Kaplan and Jerome Skolnick (eds.), 5th ed., *Criminal Justice* (Mineola, NY: Foundation Press, 1991).

with Edward Rubin, *Judicial Policy Making and the Modern State: How the Court's Reformed America's Prisons* (New York: Cambridge University Press, 1998).

with Setsuo Miyazawa (eds.), *The Japanese Adversary Process: Context and Controversies* (London: Palgrave-Macmillan, 2002).

with Jerome Skolnick and Candace McCoy (eds.), 6th ed., *Criminal Justice* (Mineola, NY: Foundation Press, 2005)

with Edward Rubin, *Federalism: Political Identity and Tragic Choice* (Ann Arbor: University of Michigan Press, 2008)

with Terry Halliday and Lucien Karpik, eds., *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Change* (Oxford: Hart Publishing, 2008)

with Terry Halliday and Lucien Karpik, eds., *Fates of Political Liberalism in the British Post-Colony: The Politics of the Legal Complex* (New York: Cambridge University Press, 2012)

Crime, Law, and Society: Selected Essays (London: Routledge, 2013)

Journal Articles and Chapters in Books:

with Roscoe Hill, "Comparative Analysis of the Eight Cities," in *Affirmative School Integration*.

"Coercion and Compliance: A New Look at an Old Problem," 4 *Law and Society Review* (Spring, 1970).

"Another Look at the Party Variable in Judicial Decision-Making," 4 *Polity* (Autumn, 1971).

"Legal Realism," in Harold Chase (ed.), *Dictionary of American Law* (St. Paul: West Publishing Co., 1982).

"Two Models of the Criminal Justice System: An Organizational Perspective," 7 *Law and Society Review* (Spring, 1973). (Reprinted in Richard Reasons (ed.), *Sociology of Law* (1980); Stan Stojkovic et al. (eds.) *The Administration and Management of Criminal Justice Organization*, eds. 1990, 1994, 1999; Kaihi Rokumoto, ed., *Sociology of Law* (Aldershot: Ashgate Publishers, 2001; Joachim Savelsberg, et al, *Criminal Courts* (Aldershot: Ashgate Publishers, 2007); reprinted in *The Adversarial and Inquisitorial Systems* (Beijing: Beijing University Press, forthcoming).

"A Solution to the 'Voting Dilemma' in Modern Democratic Theory," 84 *Ethics* (April, 1974).

"Power, Impact, and the Supreme Court," in *The Impact of Supreme Court Decisions*.

"Innovation and Implementation in the Criminal Justice System: The Case of the New Haven Redirection Center," in Richard Nelson and Douglas Yates (eds.), *Innovation and Implementation in Public Agencies* (Lexington, MA: Lexington Books, Inc., 1978).

"The Concept of Laws in Social Science: A Critique and Notes on an Expanded View," 10 *Law and Society Review* (Summer, 1976).

with Austin Sarat and Susan White, "Implementation of the Safe Streets Act: The Role of State Planning in the Development of Criminal Justice Federalism," in John Gardiner (ed.), *Public Law and Public Policy* (New York: Praeger, 1977).

- “The Effects of Heavy Caseloads,” in Sheldon Goldman and Austin Sarat (eds.), *The Legal System* (San Francisco: W.H. Freeman, 1978).
- “Perspectives on Plea Bargaining,” 13 *Law and Society Review* (Winter, 1979).
- “Law, Legitimacy and Symbols: An Expanded View of Law and Society in Transition,” 77 *Michigan Law Rev.* (1979).
- “Approaches to the Study of Court Impact,” *Schools and Courts* (Eugene, Oregon: ERIC Clearinghouse on Educational Management, 1979).
- “Foreword to Revised Edition,” Vera Institute of Justice, *Felony Arrests: Their Prosecution and Disposition in New York City’s Courts* (New York: Longman, 1980).
- “Plea Bargaining and the Structure of the Criminal Process,” 7 *Justice System Journal* (Winter 1982). (Reprinted in George Cole (ed.), *Criminal Justice: Law and Politics*, 1986, 89).
- with Mark Lazerson, “Police-Prosecutor Relationships: An Interorganizational Perspective,” in Lynn Mather and Keith Boyum, (eds.), *Empirical Theories of Courts* (New York: Longman, 1983).
- “Lower Criminal Courts” and “Crime and the Political Process,” in Sanford Kadish (ed.), *Encyclopedia of Crime and Justice* (New York: The Free Press, 1983).
- “Bench Trials, Adversariness and Plea Bargaining,” *N.Y.U. Review of Law and Social Change* (March 1985).
- “The Adversary System,” *Encyclopedia of the American Judicial System* (New York: Scribners, 1986).
- “Plea Bargaining and the Adversary Process,” *Nihon University Journal of Comparative Law*, Tokyo: 1987.
- “Alternative Dispute Resolution in the United States,” *Juristo* (Tokyo, 1988, in Japanese).
- with Edward Rubin, “Federal-State Relations and Prison Administration,” in Scheiber and Feeley (eds.) *Power Divide* (1989).
- with Roger A. Hanson, “The Impact of Jail and Prison conditions Litigation: A Review Essay,” in John DiIulio (ed.), *Courts, Corrections and the Constitution* (New York: Oxford University Press, 1990).
- “The Significance of Prison Conditions Cases,” 23 *Law and Society Review* (1989).
- “Comment: Law and the Political Process,” in Sholomo Slonim (ed.), *The Constitutional Bases of Political and Social Change in the United States* (New York: Praeger, 1990).
- “The History of Correctional Privatization,” *Criminal Justice Research Bulletin* (Sam Houston State University) 1991. (Reprinted in Belinda McCarthy, ed., *Corrections in Context* (1996).

“The Privatization of Punishment in Historical Perspective,” in William T. Gormley (ed.), *Privatization and its Alternatives* (Madison, Wisconsin: University of Wisconsin Press, 1991), 1199-225.

with Deborah Little, “The Vanishing Female: The Decline of Women in the Criminal Process,” 25 *Law and Society Review* (1991), 719-757. (Reprinted in Robert Weiss, ed., *Social History of Crime, Policing and Punishment* (1998, forthcoming.)

with Edward Rubin, “Prison, Litigation and Bureaucratic Development: A Review Essay,” *Law and Social Inquiry*, November 1992.

with Jonathan Simon, “The New Penology,” *Criminology* (November 1992).

(Reprinted in : P. O’Malley, ed., *Crime and the Risk Society* (London, 1998); D. Malosi, ed., *The Sociology of Punishment* (London. 1998); Stuart Henry, ed., *Criminological Theories* (New York, 1997); Roger Matthews (ed.), *Imprisonment* (London, 1999); Yvonne Jewkes, *Prisons and Punishment* (London 2008); P. Priestley and M. Vanstone, eds., *Offenders or Citizens? Readings in Rehabilitation* (Bristol, Eng.: Willan Pub, 2010); U of T, Criminology Reader Kendel Hunt Publishing (1212); translated and published into Spanish (Argentina), as “La Nueva penologia: Nota acerca de las estrategias emergentes en el sistema penal y sus implicaciones” *Delito y Sociedad: Revista de Ciencias Sociales* 4 (6-7) 1995: 33-58; reprinted in Katja Franko Aas, ed. *Globalization of Crime* (Beverly Hills: Sage Pub. 2013).

Entries: “Compulsory Process,” “Klopper v. North Carolina,” “Painter v. Texas,” “Speedy Trial,” and “Witness, Confrontation of,” in Kermit Hall (ed.), *The Oxford Companion to the Supreme Court of the United States* (New York: Oxford University Press, 1992).

with Richard Berk and Alec Campbell, “Between Two Extremes: Community Service Sentence Orders in the Federal District Courts,” *University of Southern California Law Review* (November 1992). “Hollow Hopes, Flypaper, and Metaphors,” *Law and Social Inquiry*, fall 1992).

with Charles Lester, “Legal Complexity and the Transformation of the Criminal Process,” in Andre Gouron, Laurent Mayali, Antonio Padoa Schioppa and Dieter Simon, *Subiektivierung des iustiziellen Beweisverfahrens: Beitrage zum Zeugenbeweis in Europa und den USA* (18.-20. Jahrhundert) (Frankfurt: Vittorio Klostermann, 1994).

with Edward Rubin, “Federalism: Some Notes on a National Neurosis,” *UCLA Law Review* (April 1994). (Section reprinted in M. Tushnet and Vicki Jackson, *Comparative Constitutional Law* (New York: 2006; Section reprinted in A. Ailinkoff: Anthony Bellia, Jr., *Casebook on Federalism*, Aspen).

with Jonathan Simon, “Actuarial Justice: the Emerging New Criminal Law,” in David Nelken (ed.), *The Futures of Criminology* (London: Sage, 1994). [Reprinted in P. O’Malley, ed., *Crime and the Risk Society* (London, 1998; Anthony Bottoms, ed., *Crime and Justice* (London, 1998); and Martin Wasik, Thomas Gibbons and Mike Redmayne, *Criminal Justice: Text and Materials* (London 1999); John Muncie, ed., *Criminal Justice and Crime Control* (London: Sage Publications, 2007).

“The Decline of Women in the Criminal Process: A Comparative History,” in Louis Knafla (ed.), *Criminal Justice History* (Westport, CT: Greenwood, 1994).

“The Jury Trial in Historical Perspective: Social and Legal Factors Affecting its Decline,” *The Proceedings of the 1995 Annual Meeting of the Research Committee on the Sociology of Law*, (Tokyo: Japan Committee for the RCSL95).

with Jonathan Simon, “True Crime: The New Penology and Public Discourse on Crime,” in Thomas Blomberg and Stanley Cohen (eds.), *Law, Punishment and Social Control: Essays in Honor of Sheldon Messinger* (New York: Aldine de Gruyter, 1995).

“The Logic of Comparative Criminal Law Analysis,” David Nelken (ed.), *Comparative Legal Cultures* (London: Dartmouth Press, 1996).

with Sam Kamin, “Three Strikes and the Courts,” in David Shichor and Dale Seacrest, eds., *Three Strikes and You’re Out* (Beverly Hills, CA: Sage Publications, 1996).

“Federal Courts in the Political Process: Assessing the Consequences of Prison Conditions Litigation,” in Austin Ranney, ed., *Courts and the Political Process: Jack W. Peltason’s Contributions to Political Science* (Berkeley: Institute of Governmental Studies Press, 1996).

with Edward Rubin, “Creating Legal Doctrine,” *University of Southern California Law Review* (December 1996).

“Legal Complexity and the Transformation of the Criminal Process: The Origins of Plea Bargaining in the Criminal Process,” 31 *Israel Law Review* (1997). [Reprinted in Translation (Chinese) in *Criminal Justice Forum* (Beijing: Chinese University of Law and Political Science, 2012).

“Privatization and Punishment: Lessons from History of Punishment,” in Patricia Ewick, Robert A. Kagan, and Austin Sarat, *Social Science, Social Policy, and the Law* (New York, 1999).

“Risk and the Criminal Process,” in Hans Nijboer, *Proceedings of the Second World Congress on Evidence Law* (Den Haag, 1999).

“Sources of Judicial Independence,” in Malcolm M. Feeley and Setsuo Miyazawa (eds.), *The Japanese Adversary Process in Context*.

“Le Origini e le Conseguenze del Panico Morale” [The Origins and Consequences of a Moral Panic], *Rivista Italiana di Diritto e Procedura Penale*, Vol. 43 (2000).

with Carlo Guarnieri, “Courts and Adjudication,” Entry in the *Encyclopedia of the Social Sciences*, forthcoming, 2001. “Trials,” Entry in the *Encyclopedia-of the Social Sciences*, forthcoming, 2001.

with Kay Levine, “Prosecution,” Entry in the *Encyclopedia of the Social Sciences*, forthcoming, 2001.

with Kay Levine, “Assaults on the Adversarial Process: Rethinking American Criminal Justice,” *Punishment and Society*, 2001.

with Edward Rubin, “Judicial Policy Making, Responsive Law, and the Modern State,” in Robert Kagan, Martin Krieger, and Kenneth Winston, eds., *Legality and Morality* (Berkeley: IGS Press/Rowman & Littlefield, 2002).

“Entrepreneurs of Punishment: The Legacy of Privatization,” *Punishment and Society* (Summer 2002)

“Political Process and Crime” (revised), *Encyclopedia of Crime and Justice*, revised edition (New York: Macmillan, 2001)

“The Culture of Control and the Rise of Neo-Conservative Politics: an Assessment of the Culture of Control,” *Theoretical Criminology* (2003)

“Three Voices of Sociolegal Studies,” *Israel Law Review* (forthcoming)

with Edward Rubin, “Judicial Making Policy and Litigation against Government,” *University of Pennsylvania Review of Constitutional Law* 2003 (2003) 617.

with Jonathan Simon, “The Form and Limits of the New Penology,” in Thomas Blomberg and Stanley Cohen, eds., *Law, Punishment, and Social Control*, (New York: Aldine, 2003)

“Complex Politics,” in Mark Tushnet and Peter Cane, eds., *Handbook of Legal Studies* (New and Sydney: Oxford University Press, 2003)

“Actuarial Justice and the Modern State,” in eds., Berben Bruinsma, Henk Elffers and Jan de Keijser, eds., *Punishment, Places and Perpetrators* (Devon, UK: Willan Publishing: 2004).

“Implementing Court Orders in the United States: Judges as Executives,” in Marc Hertogh and Simon Halliday, eds., *Judicial Review and Bureaucratic Impact: International and Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2004) (translated and reprinted with revisions in Spanish .in *Nova Criminis: Visonos Criminologicas de la Justicia Penal*, Santiago, Chile, 2010).

“Foreword,” to new edition of Stuart Scheingold, *The Politics of Rights* (Ann Arbor: University of Michigan Press, 2004).

with Van Swearingen, “The Prison Conditions Cases and the Bureaucratization of American Corrections: Influences, Impacts and Implications,” 24 *Pace Law Review* (2004) 433-475. Reprinted in Stuart Scheingold, *Legality and Democracy: Contested Affinities* (London: Ashgate, 2006).

“The Black Basis of Constitutional Development,” in Harry Scheiber, ed., *The Warren Court: A Fifty Year Retrospective* (New York: Rowman & Littlefield, 2006 forthcoming).

“Origins of Actuarial Justice,” in Sarah Armstrong and Lesley McAra,, eds., *Perspectives on Punishment: Contours of Control* (Oxford: Oxford University Press, 2006 forthcoming).

with Setsuo Miyazawa, “The State, Civil Society, and the Legal Complex in Modern Japan: Continuity and Change,” in Terry Halliday, Lucien Karpik, and Malcolm M. Feeley, eds., *Fighting for Political Freedom: Comparative Studies of the Legal Complex and Political Change* (Oxford: Hart Pub. Co., forthcoming 2007)

with Jonathan Simon, "An Appreciation of Folk Devils and Moral Panics: A North American Appreciation," in Christine Chinkin, David Downes, Conor Gearty, and Paul Rock, eds., *Crime, Social Control and Human Rights: From Moral Panics to States of Denial—Essays in Honor of Stanley Cohen* (London: Wilem Pub. Co., 2007).

Presidential Address: The Rule of Law and Institutional Review Boards," *Law & Society Review* 41 (2007),

Response to Comments: 41 *LAW & SOC'Y REV.* 757-76 (2007)

Malcolm Feeley, *The Syracuse Conference on a World Rule of Law: American Perspectives, An Introduction*, 33 *SYRACUSE J. INT'L L. & COM.* 1-6 (2005).

With Edward Rubin, "Federalism and Political Theory," *Publius: the Journal of Federalism* (2008)

"El Impacto Del Litigio En Las Reformas Carcelarias," *Derecho* 7 (August 2008) 5.

"Three Hypotheses about Penal Populism in Japan," in Koichi Hamai, ed., *Globalized Penal Populism and its Countermeasures* (Tokyo: Japan Association of Criminological Sociology, 2009) (in Japanese. English version published version in *Kyoto Municipal University Law Review* (2009).

Check Cite? Malcolm Feeley, "The Making of the Process is the Punishment," in Simon Halliday and eds., *Conversations with Social Scientists about their Research* (Cambridge: Cambridge University Press, 2009).

Malcolm Feeley, "The Contribution of Eliot Current to Public Criminology," 4 *Crime and Public Policy* (2010).

With Hadar Aviram, "Social Historial Studies of Women and Crime," in *Annual Review of Law and Social Science*, Vol. 6 (2010).

- "Cuatro Posiciones," *Nova Criminis: Visiones Criminologicas de la Justitia Penal* (October 2010)(a series of lectures delivered at the Universidad Central de Chile, March 2010) (translated into Spanish)

- "Foreword" to reprint of *The Politics of Law and Order* (Stuart Scheingold's classic study of the criminal process, reprinted 2010).

"The Personal and the Professional: Assessing the Ambivalent Commitment to Racial Justice in the United States," 44 *Law & Soc.Rev.* (2010) 503.

With Setsuo Miyazawa, "The State, Civil Society, and Legal Culture in Japan," in Robert Gordon, ed., *Legal Culture: Essays in Honor or Lawrence Friedman* (Cambridge University Press, 2010).

“Courts, Constitutionalism, and the Legal Complex,” in Terrence Halliday, Lucien Karpik, and Malcolm M. Feeley, eds., *The Legal Complex in Post-Colonial Settings: Studies of Former British Colonies* (Cambridge University Press, 2012).

“The Political Theory of Federalism,” 28 *The Flinders Journal of History and Politics*. 2012: 2.

“Stuart Scheingold’s *Fauleur*: His Finest Book,” Austin Sarat, ed., *The Legacies of Stuart Scheingold* (New York: Emerald Press, 2013).

“Foreword” to reprint of Stuart Scheingold, *European Integration through Law* (reprint of Scheingold’s classic study of the European Court of Justice) Quid Pro Press 2013.

“The Unconvincing Case against Private prisons: The Jerome Hall Lecture,” 89 *Indiana Law Journal* 1401 (2014) (excerpts reprinted in Michel Rosenfeld, *Comparative Constitutionalism: Cases and Materials*. 3rd ed. West Academic Publishing, 2016.)

With Van Swearingen, “Developing Standards: California’s Structural Failures in Response to Prisoner Conditions,” in Tom Burke and John Barnes, eds., *The Politics of Legalism* (New York: Routledge, 2016 forthcoming)

“Entrepreneurs of Punishment: “The Paul Tappen Lecture: How Private Contractors Made and are Remaking the Modern Criminal Justice System: An Account of Convict Transportation and Electronic Monitoring,” *Journal of Law, Society and Criminology* (2016, forthcoming).

With Aniket Kisari, “Disentangling Federalism from Decentralization: An Essay on Comparative Analysis in Political Economy, Political Science, and Comparative Law,” in Denis Barringer, *Jus Politicum*, Paris, forthcoming 2017.

“Juries and Democracy: the American Experience,” in Setsuo Miyazawa and Mari Hiriyama, eds., *The Japanese Jury System in Perspective*, Kyoto, Japan, forthcoming

Book Reviews:

Review of Guido Calabresi, *The Costs of Accidents* (New Haven: Yale University Press, 1970), in 67 *American Political Science Review* (1973).

Review of Richard Posner, *Economic Analysis of Law* (Boston: Little Brown, 1973), in 64 *American Political Science Review* (1975).

Review of Martin Levin, *Urban Politics and the Criminal Courts* (Chicago: University of Chicago Press, 1977), in 93 *Political Science Quarterly* (1978).

“Law, Legitimacy and Symbols: An Expanded View of Law and Society in Transition.” Review of Philippe Nonet and Philip Selznick, *Law and Society in Transition* (New York: Harper and Row, 1977), in 77 *University of Michigan Law Review* (1979).

Review of Doreen McBarnet, *Conviction: The Construction of Justice* (London: Macmillan, 1981), in 7 *International Journal of the Sociology of Law* (1982).

Review of Thomas Cronin, Tania Z. Cronin and Michael E. Milakovich, *U.S. v. Crime in the Streets* (Bloomington: Indiana University Press, 1981), in 98 *Political Science Quarterly* (1982).

Review of James Eisenstein, Roy B. Flemming and Peter F. Nardulli, *The Contours-of Justice: Communities and Their Courts* (Glenview, IL: Scott Foresman, 1988) in 72 *Judicature* (1989).

Review of David McDonald (ed.), *Alternative to Incarceration: Community Service and Fines*, (New Brunswick: Rutgers University Press, 1990) *Contemporary Sociology*, 1991.

Review of David Weisburd et al., *Crimes of the Middle Class* (New Haven: Yale University Press, 1991), *Contemporary Sociology*, 1992.

Review of Jon'a Meyer and Paul Jesilow, "Doing Justice" in the People's Court (Albany: SUNY Press, 1997), *Contemporary Sociology*, 1998.

Review of Terrance Halliday and Lucien Karpik, eds., *Lawyers and the Rise of Western Political Liberalism* (Oxford: Clarendon Press, 1997), *Contemporary Sociology* 30 (Jan 2001)

Review of Ann Chih Lin, "Reform in the Making: The Implementation of Social Policy in Prison (Princeton: Princeton U. Press, 2000), *Law and Courts Electronic Book Review* (2001)

Review of David Shichor and Michael J. Gilbert, eds., *Privatization in Criminal Justice: Past, Present, and Future* (Cincinnati: Anderson Publishing, 2001), *Punishment and Society* (summer 2002).

Review of Gerald Baier, *Courts and Federalism: Judicial Doctrine in the United States, Australia, and Canada* (Vancouver, BC: UCB Press, 2006), *Publius* 2007.

Review of Keith Whittington, Daniel Keleman, and Gregory Caldeira, *Handbook of Law and Politics* (New York: Oxford University Press, 2008), *Electronic Book Review* (2008)

Review of Michael Musheno, *Deployed: the Experiences of Returning Iraq War Veterans* (Ann Arbor: University of Michigan press, 2007). *Electronic Book Review* (2008)

Review of Vicki Lens, *How the Poor Fare in Court* (New York: Oxford University Press, 2016) in *British Journal of Criminology* (forthcoming 2016)

Numerous short reviews for *Choice: The Review of the American Library Association*. (1997 - present)

Technical Reports, Monographs:

The Effects of Increased Gate Money: Final Report on the Parole Reintegration Project (Hartford, CT: Department of Corrections, 1974).

with Daniel J. Freed and Diane Pike. *Report on the Wider City Parish Bonding Program* (New Haven: New Haven Foundation, 1976).

“The Impact of Innovation: Assessing the Evaluation of Courts,” to be included in Don Gottfredson (ed.), *Review of Criminal Justice Evaluation* (Washington, D.C.: National Criminal Justice Reference Service, 1978).

Criminal Justice Policy: A View from the States (Washington, D.C.: Center for Policy Research, National Governors’ Association, 1980).

Report on National Center on Institutions and Alternatives’ Client Specific Planning (for the Edna McConnell Clark Foundation, August 1982).

with Roger Hanson, *The Impact of Conditions Litigation on Prisons and Jails*, (for the Committee on Research on Crime, National Research Council, 1991).

with Rosann Greenspan, Richard Berk and Jerome Skolnick, *Courts, Probation, and Street Drug Crime: Report on the Targeted Urban Crime Narcotics Task Force* (report prepared by the Center for the Study of Law and Society for the Office of Criminal Justice Planning, State of California, Sacramento, CA 1988).

with Franklin Zimring and Sheldon Messinger (conference co-organizers), *Growth and Its Alternatives* (Proceedings of a Conference Co-sponsored by the Center for the Study of Law and Society, 1989).

with Richard Berk, *An Evaluation of the Community Service Order Program in the U.S. District Court for the Northern District of California* (Center for the Study of Law and Society, University of California, Berkeley, 1991).

SELECTED LIST OF MAJOR LECTURES AND INVITED PRESENTATIONS:

(1985) The Fortunoff Lecture, New York University

(1987) The Distinguished Alumni Lecture, University of Minnesota

(1987) The Distinguished Alumni Lecture (Austin College)

(1987) American Bicentennial Lecture on Constitutional Principles, Carroll College

(1987) Keynote Speaker, Japanese Society of Criminology, Tokyo

(1988) Keynote Speaker, Federation of Japan Bar Associations, Kobe

(1987) Japanese Society for the Promotion of Science, Kobe

(1989) Keynote Address: Western Canada Law and Society Association Meetings, Vancouver

- (1990) with Jonathan Simon, The New Penology Conference on Growth and the Influence on Correctional Policy, Berkeley
- (1990) The George Beto Lecture, Sam Houston State University
- (1993) The Drapkin Lecture, School of Law, Hebrew University
- (1997) Tenth Annual Law and Society Lecture, Institute for Law and Society, New York University
- (1997) Claire Sanders Clements Dean's Chair Inaugural Lecture, UC Berkeley
- (1999) "Federalism: Form in Search of a Function" (paper prepared for Constitutional Law Workshop, Georgetown Law Center, December 3-5, 1999).
- (2000) "The Future of the Courts," Address to the California Judicial Council, San Francisco (April)
- (2000) "The Historical Sources of Prison Privatization in the United States," Paper presented at the annual meeting of the Social Science History Conference (June)
- (2001) "Law and Social Science: The Drapkin Lecture," Hebrew University (March)
- (2001) "Two (More) Models of Courts: The Leslie Wilkins Memorial Lecture," School of Criminal Justice, SUNY at Albany
- (2001) "Law and Social Science" (three lectures, Faculty of Law, University of Bologna) (April)
- (2001) "Actuarial Justice: Risk and Crime," Lecture, Faculty of the Sociology of Law, University of Padua (Italy) May 10, 2001)
- (2001) "Judge William Wayne Justice and Ruiz v. Estelle," Symposium in Honor of Judge Justice, School of Law, Southern Methodist University, Dallas Texas, May 16, 2001
- (2002) with Edward Rubin, "Making Policy," Feather Symposium, University of Pennsylvania School of Law, March 2002.
- (2002) Special Tenth Anniversary Lecture: The Forms and Limits of the New Penology," The Netherlands Association of Criminology (Leiden, September 2002).
- (2002) "Implementing Court Orders: Judges as Executives," International Workshop on the Impact of Courts, University of Tilburg, November 2002.
- (2002) "Women and Crime in Historical Perspective," Centre of Criminology, University of Toronto (November, 2002)
- (2002) "Judicial Policy Making," Department of Political Science, U. of Toronto, November 2002.
- (2003) "Courts and Court-Orders," Presentation on Risk-Management Seminar in Corrections, California Department of Corrections, Sacramento, April 15, 2003

- (2003) “Annual Haim Cohen Memorial Lecture, Faculty of Law, Hebrew University, “How the Courts Reformed the Prisons in the United States,” May 23, 2003
- (2003) How the Courts Succeeded,” Plenary Address Prison Reform Revisited: The Unfinished Agenda (Pace University School of Law, October 17, 2003).
- (2004) “The Black Basis of Constitutional Development,” (Paper Presented at the conference, Earl Warren and the Warren Court: A Fifty Year Retrospective,” Boalt Hall School of Law, UC Berkeley, February 27, 2004).
- (2004) “Judicial Independence and Judicial Elections,” Plenary Presentation, Annual Convention of the American Judges Association, San Francisco (October 26, 2004).
- (2005) With Setsuo Miyazawa, “State, Civil Society and the Legal Complex in Modern Japan: Continuity and Change,” (Presentation at the Conference on the Legal Complex, Onati, Spain, March 2005).
- (2005) “The Mission of Corrections,” Presentation to Working Group on Sentencing and Correctional Reform, National Council on Crime and Delinquency, Stanford University, January 18, 2004
- (2005) “Institutionalizing Remedial Orders in Prisons,” paper presented at National Conference on Court-Ordered Changes of Police and Correctional Practices, (Washington, D.C.: February 11, 2005)
- (2005) With Setsuo Miyazawa, “Legal Culture and the State in Modern Japan,” (Paper presented at Stanford Law School, at a Symposium in Honor of Lawrence Friedman, October 1, 2005).
- (2006) “A Theory of Federalism,” paper presented at the conference honoring the scholarship of Harry Scheiber (University of California at Berkeley, September 2006).
- (2006) Presidential Address: The Rule of Law and Institutional Review Boards,” presented at the annual meeting of the Law & Society Association, Baltimore, MD (July 2006).
- (2007) “Three Hypotheses about Crime in Japan,” Key note address presented at conference on Crime and Victim’s Rights, R. University, Kyoto. (March 2007)
- (2007) Opening address, “Trial Courts,” (presentation at conference on recent research on trial courts) (Tel Aviv, May 2007)
- (2007). With Edward Rubin, “Author meets critic session on, Federalism book, annual meeting of the American Political Science Association, Chicago (September 2007).
- (2007) “Federalism: Political Identity and Tragic Choice” (presentation to the Department of Political Science, Hebrew University) (Jerusalem, December 2007)
- (2008) “Privatization of Prisons: History, Theory, Implications,” (presentation at the Institute of Criminology, Hebrew University) (Jerusalem, January 2008)

(2008) “The Vanishing Female Offender: Where Have all the Women Gone—a Comparative Historical Study of the Decline of Women in the Criminal Process in the Eighteenth and Nineteenth Centuries,” (presentation at the American Bar Foundation, February 13, 2008).

(2008) “Federalism as a Tragic Choice,” (presentation at the Legal Reader Series, Stanford Law School, March 2008).

(2008) “Federalism: Political Identity and Tragic Choice” (presentation at symposium on law and judicial power, Austin College, Texas, April 7, 2008).

(series of invited lectures in Buenos Aires, August 2008)

(2008) “The Sources of Federalism,” (presentation at the Federalist Society Conference on the Future of Federalism, American Enterprise Institute, Washington, D.C., Sept 12, 2008)

(2008) with Hadar Aviram. “Where Have all the Women Gone: The Decline of Women in the Criminal Process (paper presented at the Empirical Legal Studies Conference, Cornell University, Sept 11-12, 2008).

(2008) “Women and Crime in Historical Perspective,” (presentation at the Law & Public Affairs Program, Woodrow Wilson School, Princeton University, Oct. 6, 2008).

(2008) Women and Crime in Historical Perspective, Israel Law & Society Association (Jerusalem, Hebrew University, Dec 24-25, 2008)

(2009) “Crisis, Complexity and Problem-Solving Courts: The Expanding Role of Courts in the Administrative State, (Symposium at the Radzner School of Law, Interdisciplinary Center, January 1, 2009).

(2009) “Federalism: Political Identity and Tragic Compromise,” Faculty Colloquium and Follow-up Workshop, Emory School of Law, April 1, 2009).

(2009) Review presentation, Science in the Courts, Hastings School of Law, San Francisco, October 1, 2009.

(2010) Key Note Address, Inaugural Meeting of the South Asian Law & Society Collaborative Research Network (School of Law, Hong Kong University, February 7, 2010).

(2010) with Edward Rubin. Federalism and Sub-state Intervention (presentation at Roundtable on Federalism, Vanderbilt Law School, February 26, 2010)

(2010). The Coleman and Plata Prison Crowding Cases in Comparative Perspective. School of Law, University of Palermo, Buenos Aires, Argentina (May 11, 2010).

(2011) “The Guilty Plea and Appellate Review in Criminal Cases in the United States,” (presentation at the Conference on Secondary Review of Criminal Cases, Chinese University of Law and Political Science, Beijing, March 2011).

- (2012) “Privatization as a Source of Innovation in the Criminal Justice System,” (paper presented at the School of Law, Florida State University, February 29, 2012).
- (2012) “Prison Conditions Suits after Plata,” (Caleb Foote Symposium, UC Berkeley School of Law. March 16, 2012)
- (2012) Fulbright Distinguished Chair Lecture Series. fall 2012: Australian National University, Flinders University, University of Western Australia, Griffiths University (Brisbane), University of Melbourne, University of Sydney, University of New South Wales, University of Tasmania,
- The Political Theory of Federalism*
-Entrepreneurs of Punishment: Privatization and Innovation in Criminal Justice
-The Bar, the Bench and the State: the Role of the Legal Complex in Pursuing Political Freedom
- (2013) “Theory and Practice of Private Prisons.” Minerva Center , Faculty of Law, Hebrew University
- (2012) “Are Private Prisons Unconstitutional?”, Faculty of Law, University of Haifa
- (2014) “Private Prisons in the US, Australia, and Israel,” Faculty of Law, Vanderbilt University
- (2015) The Paul Tappan Lecture: Entrepreneurs of Justice: Private Contractors and Corrections (Plenary Lecture, Western Society of Criminology) February
- (2015) Key Note Presentation, Annual Meeting of Asian Law and Society Association, “Juries and Democracy,”Tokyo, August 2-5, 2015
- (2016) “Federalism in Comparative Perspective,” International Conference on Federalism, Yale Law School, October 30-31.

[NOTE: Scholarly papers and presentations prepared for annual meetings of professional associations and occasional papers presented in the US and abroad are not included here.]

WORK-IN-PROGRESS:

The Transformation of the Criminal Process. Long term study of the shift from a trial-based to a guilty plea-based criminal process in the U.S. and England. (This is a study on which I have worked on and off for years. To date I have produced three published papers and several conference papers. During academic year 2008-09, I expect to devote near full time to it. The core of the study is based upon a sample of 3000 cases drawn from the Old Bailey, London’s Central Criminal Court, between 1687 and 1912. These cases trace the transformation of adjudication from a jury trial-based process to a guilty plea-based process, although a closer examination reveals a high degree of continuity across time despite the differences in modes of adjudication. As the trial became more complex an

alternative form of disposition emerged. I supplement this core data with materials from magistrates court and King's Bench in England, and colonial courts and then state courts in North America.)

Privatization of Prisons. (This is another of my historical studies, which seeks to understand current developments in privatization in corrections as part of a long-term practice.)

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES:

Law and Society Association (Board of Trustees, 1975-79; 1990-93; Executive Committee, 1990- 93); Program Committee 1981; Kalven Prize Committee, 1988; Chair, Nominations Committee, 1990; Secretary to Board of Trustees, 2003-04 ; President 2005-07)

American Political Science Association (Judicial Process Prize Committee, 1989-90)

Co-organizer of the conference on Plea Bargaining, June 1978 13 *Law and Society Review* (1979).

Editorial Advisory Board, *Law and Sound Inquiry*, 1983-1987.

Editorial Advisor for Law and Public Policy Book Series, Longman Publishing Company, 1979-85.

Director of Evaluation Study of project evaluating implementation initiatives of the National Center for State Courts (Adoption of Standards for Establishment of Intermediate Appellate Courts initiative, public defender initiative), 1979-81.

Director of Evaluation Studies, Alternatives of Incarceration Projects, Edna McConnell Clark Foundation, 1975-85.

Program Committee, Annual Meetings of the American Society of Criminology (Reno, NV 1989).

Conference Organizer (with Frank Zimring and Sheldon Messinger, Growth and its Alternatives, co- sponsored by the California Department of Corrections, the California Attorney General's Office and the Center for the Study of Law and Society, UC Berkeley, 1990).

Editorial Board, Crime and Criminal Justice Book Series, Westview Press, 1991 -present.

Program Review Committee, National Science Foundation, 1991

Program Committee, Annual Meetings of the Law and Society Association, Madison, WI 198 1; Berkeley 1991.

Ph.D. Program, External Review Committee, Department of Criminal Justice, Indiana University, 1992.

Ph.D. Program, External Review Committee, Department of Political Science, Washington State University, 1995.

Organizing Committee, Research Committee on the Sociology of Law, International Sociological Association, Kobe, Japan, August 1994.

Program Committee, Annual Meeting of the American Society of Criminology, Miami, Fla., January, 1994.

Chair, Nominations Committee, Courts and Law Section, American Political Science Association, 1997.

Crime Panel Advisory Board, National Institute for Social Science Information, 1995-.

Conference Organizer, The Sho Sato Fund Conference on Advisory System in the U.S. and Japan, Berkeley, April 1998.

Editorial Board, *Western Criminological Quarterly*, 1996-

Editorial Board, *Israel Law Review*, 1997-Member, Lifetime Achievement Award Committee, Law and Courts Section, American Political Science Association

Chair, Law and Society-Law and Courts Coordinating Committee, American Political Science Association, 2001-02; 2002-03

Editorial Advisory Board, *Punishment & Society*, 2002-

Editorial Board, *Reforma Judicial*

Executive Board, Law and Courts Section, American Political Science Association, 2002-

Secretary, Law and Society Association, 2003-

Editorial board, *International Journal of Criminal Law Education (IJCLE)*, Senate Hall Pub., 2003 -

Editorial Board, *Justice System Journal*, 2003 -

Co-editor, *Punishment and Society*, 2004 –

Editorial Advisory Board, *Ancilla Iuris*, 2006 –

Editorial Advisory Board, *Studi sulla questione criminale: nuova serie di Dei delitti e delle pene*

MAJOR PROFESSIONAL AWARDS:

Hubert Humphrey Fellow, 1967-68

Russell Sage Foundation Fellow, 1972-74

Silver Gavel Award, American Bar Association (best book in law for 1980)

Outstanding Book Award, Criminal Process Section, American Sociological Association (“one of the best books in five years”)

Certificate of Merit, American Bar Association (outstanding book in law for 1983)

Fellow, Institute for Advanced Studies, Hebrew University (1993-94; 1998)

Distinguished Alumni Award, Austin College, 1994

Fellow, Institute of Advanced Studies, University of Bologna (April-May 2001)

Fellow, Center for Advanced Study in the Behavioral Sciences (2001-02)

President, Law and Society Association (2004; for term 2005-07)

Fulbright Distinguished Chair, Flinders University, Australia 2012

Paul Tappan Award for Distinguished Scholarship, Western Society of
Criminology, 2014-15

The Harry Kalven Life time Achievement Award in Law and Social Science, Law & Society
Association, 2015

Honored by a “Conference on the Work of Malcolm Feeley,” Center for the Study of Law and
Society, UC Berkeley, October 22-23.

Fellow, Japan Society for the Promotion of Science, Tokyo, July 15-August 15, 2015

RELATED ACTIVITIES:

Member, National Academy of Science Committee on Research on Law Enforcement and Criminal
Justice (1975-1980) and its Panel on Assessment of Research on Law Enforcement and Criminal
Justice, and the Legislative Impact on Courts. (The work of these panels resulted in publication of
two monographs, Understanding Crime [NAS: 1977] and Forecasting the Impact of Legislation on
Courts [NAS: 1980].)

Prepared Testimony for the Subcommittee on Crime of the House Judiciary Committee, 1977 and
1983.

Occasional consultancies or service for New Haven Foundation, Vera Institute of Justice, National
Center for State Courts, National Governors' Association, Victim Witness Agency (New York),
Georgetown Law Center, National Institute of Justice, Edna McConnell Clark Foundation, Institute
for Court Management, National Science Foundation, Advisory Commission on Intergovernmental
Relations, Attorney General's Advisory Committee on Bureau of Crime Statistics (California),
Governor's Blue Ribbon Commission on Prison Crowding and Management.; Ontario Council on
Graduate Studies.

MAJOR RESEARCH GRANTS/FELLOWSHIPS:

Russell Sage Foundation Residency, 1972-74.
Guggenheim Foundation, 1974-76.
Florence Burden Foundation, 1975-78.
Twentieth Century Fund, 1977-82.
National Institute of Justice, Grant (with Herbert Jacob, Marc Galanter and Lawrence Friedman) on Empirical Theories of Courts, 1979-80.
National Institute of Justice, Grant on History of the Adversary Process, 1980-82.
University of Wisconsin, Graduate School Research Award, 1982-83, 83-84.
American Bar Foundation, 1982-84.
National Endowment for the Humanities, Fellowship, 1987-88.
Visiting Scholar, Institute of Criminology, Hebrew University.
Daniel and Florence Guggenheim Foundation, 1987-95.
Japan Society for the Promotion of Science, 1987-88.
Japan Federation of Bar Associations.
Committee on Research Awards, University of California at Berkeley, 1986-91.
Northern District Court Research Program (gifts to the Ctr. for the Study of Law and Society), 1989-present.
Chancellor's Institute Research Grant, UC Berkeley, 1997-98.
Sho Sato Fund (funding for conference), 1998.
Harry Frank Guggenheim Foundation, 1998-99.
Portugal-US Studies Research Grant, 1998.
UCEAP-Visiting Professor Award, U. of Bologna (Spring 2001)
American Bar Foundation, Grant to support work on democracy and the legal complex (with Terrance Halliday and Lucien Karpik)
National Science Foundation Resarch Grant (with Halliday and Karpik), research on the legal complex and political freedom, 2006-08
Sawyer Seminar for the Andrew Melon Foundation (with Robert Kagan, Martin Shapiro, and Gordon Silverstein), research and teaching on constitutional courts, 2007-08
J. William Fulbright Fellowship, 2012 (Australia)
Japan Association for the Promotion of Science, Tokyo, July-August 2015, research on the jury system.