



## The Legal Process and the Promise of Justice:

A Conference to Honor the Work of Malcolm M. Feeley

Thursday, October 22<sup>nd</sup> – Friday October 23<sup>rd</sup>

## A Conversation in Law and Society:

Malcolm Feeley interviewed by Jonathan Simon

Friday, October 23<sup>rd</sup>

## DAY ONE

### WELCOME

9:10 – 9:30     **JONATHAN SIMON**, DIRECTOR, CENTER FOR THE STUDY OF  
LAW AND SOCIETY  
**SUJIT CHOUDHRY**, DEAN, UC BERKELEY SCHOOL OF LAW  
**CALVIN MORRILL**, ASSOCIATE DEAN FOR JURISPRUDENCE AND SOCIAL POLICY

---

### SESSION I:     **The Process is the Punishment**

9:30 – 11:30     **ROSANN GREENSPAN**, UC BERKELEY (CHAIR)  
**MARTIN SHAPIRO**, UC BERKELEY (DISCUSSANT)  
**HADAR AVIRAM**, UC HASTINGS  
“Adversarial Bias and the Criminal Process: Infusing the Organizational Perspective on Criminal Courts with Insights from Behavioral Science”  
**ISSA KOHLER-HAUSMANN**, YALE UNIVERSITY  
“Malcolm Feeley’s Concept of Law”  
**KAY LEVINE**, EMORY UNIVERSITY  
“Process as Intergenerational Punishment: Are Children Casualties of Parental Court Experiences?”  
**SHAUHIN TALESH**, UC IRVINE  
“The Process is the Problem”

---

### LUNCH BREAK

11:30 – 12:45

---

### GREETINGS

12:45 - 1:00     **CARLA HESSE**, DEAN OF SOCIAL SCIENCES  
**REBECCA GOLBERT**, BERKELEY INSTITUTE FOR JEWISH LAW  
& ISRAEL STUDIES  
**CHARLES WEISSELBERG**, SHO SATO PROGRAM  
**HARRY SCHEIBER**, INSTITUTE FOR LEGAL RESEARCH

---

**SESSION II: Court Reform on Trial**

1:00 – 3:00 **JONATHAN SIMON**, UC BERKELEY (CHAIR/DISCUSSANT)

**ERIC FELDMAN**, UNIVERSITY OF PENNSYLVANIA  
“Vaping on Trial: E-Cigarettes, Law, and Society”

**LAWRENCE FRIEDMAN**, STANFORD UNIVERSITY  
“The Misbegotten: Infanticide in Victorian England”

**DAVID JOHNSON**, UNIVERSITY OF HAWAII &  
**SETSUO MIYAZAWA**, AOYAMA GAKUIN UNIVERSITY/UC HASTING  
“Japanese Court Reform on Trial”

**DAVID NELKEN**, KING’S COLLEGE, LONDON  
“Court Reform and Comparative Criminal Justice”

**ASHLEY RUBIN**, FLORIDA STATE UNIVERSITY  
“The Birth of the Penal Organization:  
Why Prisons Were Born to Fail”

---

**COFFEE BREAK**

3:00 – 3:30

---

**SESSION III: Judicial Policy Making and the Modern State**

3:30 – 5:30 **ROBERT A. KAGAN**, UC BERKELEY (CHAIR/DISCUSSANT)

**LAUREN EDELMAN**, UC BERKELEY  
“Judicial Deference in the Modern State”

**PAUL FRYMER**, PRINCETON UNIVERSITY  
“Judges, Labor, and Economic Inequality”

**CHRISTINE HARRINGTON**, NEW YORK UNIVERSITY  
“Swept Under the Law: Sex, Drugs & ...Prison Reform”

**CANDACE MCCOY**, CUNY, GRADUATE CENTER &  
JOHN JAY COLLEGE  
“After Ferguson: Anticipating the Pitfalls for Judicial Policymaking in Reforming America's Police”

**STEPHEN RUSHIN**, UNIVERSITY OF ALABAMA  
“Judicial Policymaking and Police Reform”

---

## DAY TWO

### SESSION IV: The Legal Complex and Political Liberalism

10:00 – 12:00 **GORDON SILVERSTEIN**, YALE UNIVERSITY (CHAIR/ DISCUSSANT)

**TERENCE HALLIDAY**, AMERICAN BAR FOUNDATION/  
NORTHWESTERN UNIVERSITY

“The International Legal Complex: Wang Yu and the Global Response to Repression of China's Political Lawyers”

**MENACHEM HOFNUNG**, HEBREW UNIVERSITY OF JERUSALEM

Policy Making by Out of Court Settlements: Palestinian Informers at the Israeli High Court of Justice

**MARK FATHI MASSOUD**, UC SANTA CRUZ/LAPA FELLOW,  
PRINCETON UNIVERSITY

“The Legal Profession’s Promise of Justice: Materialism and Idealism in Legal and Socio-Legal Work”

**EDWARD RUBIN**, VANDERBILT UNIVERSITY

“The Varieties of Judicial Independence and the Judiciary's Role in Political Reform”

**KIM SCHEPPELE**, PRINCETON UNIVERSITY

“The Legal Complex and Lawyers-in-Chief”

---

### LUNCH BREAK

12:00 – 2:00

---

### A CONVERSATION IN LAW & SOCIETY: MALCOLM FEELEY INTERVIEWED BY JONATHAN SIMON (IN RM 140, BOALT HALL)

2:00 – 3:30

---

### CLOSING RECEPTION (IN THE KADISH LIBRARY)

3:30 – 5:00

---

Conference is hosted and sponsored by the Center for the Study of Law and Society. Organizing Committee: Jonathan Simon, Rosann Greenspan and Hadar Aviram. We are grateful to our co-sponsors: Office of the Dean, Berkeley Law; Division of Social Sciences; Jurisprudence & Social Policy Program; Berkeley Institute for Jewish Law and Israel Studies; Sho Sato Program, and the Institute for Legal Research.