



The Legal Process and the Promise of Justice:

A Conference to Honor the Work of Malcolm M. Feeley

Thursday, October 22nd – Friday October 23rd

A Conversation in Law and Society:

Malcolm Feeley interviewed by Jonathan Simon

Friday, October 23rd

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.