

STEVEN L. WINTER

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EXPERIENCE:

2017-present: Walter S. Gibbs Distinguished Professor of Constitutional Law, Wayne State University Law School

Courses include Constitutional Law, Property, The Regulatory State, Federal Courts, Civil Procedure, Advanced Appellate Advocacy and seminars on such topics as Ethics of the Lawyering Experience, Consumerism and Democracy, and Contemporary Problems in Legal Theory. Current research focuses on the relationship between consumerism, populism, and democratic self-governance.

2002-2017: Walter S. Gibbs Professor of Constitutional Law, Wayne State University Law School

2002-2006: Director, Center for Legal Studies, Wayne State University Law School

Directed the law school's former Center for Legal Studies, administering an annual grant competition supporting interdisciplinary scholarship and sponsoring a legal theory workshop bringing nationally and internationally known scholars to speak at the law school.

1997-2002: Professor, Brooklyn Law School

Courses included Constitutional Law, Legal Process, Civil Procedure, Federal Courts, and a variety of seminars on such topics as Theory of Property, Legal Reasoning, and Cognitive Science and Law. Principal research interests include constitutional law and federal courts; jurisprudence; and the implications for law of linguistic and cognitive theory.

Summer 2001: Consultant, Intellectual Property Creators and the Society of Amateur Scientists

Authored a brief *amici curiae* in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 535 U.S. 722 (2002), on the close theoretical relationship between patent law's doctrine of equivalents and developments in cognitive linguistics concerning the complex semantics of "literal" language—a complexity that would make reliance on the literal language of a patent as likely to undermine certainty as promote it.

1999: Consultant, Central Intelligence Agency, Strategic Assessments Group McClean, VA

Lecture on "The Importance of Culture in Economic Development" (Nov. 8, 1999) (see listing below under "Presentations")

1996-1997: Visiting Professor, Brooklyn Law School

1995-1996: Visiting Professor, The American University, Washington College of Law

1990-1997: Professor, University of Miami School of Law

Courses included Constitutional Law, Elements, Civil Procedure, Federal Courts, Criminal Procedure, Criminal Law, and a variety of seminars on such topics as Law and Linguistics; Sources of Authority-Sources of Self; and Racism, Cognitive Theory, and the Law.

1990-1991: Visiting Professor, Yale Law School

1986-1990: Associate Professor, University of Miami School of Law

1986-1991: Consultant, NAACP Legal Defense & Educational Fund Inc., 99 Hudson Street, NY, NY 10013

Death penalty litigation, congressional testimony, and Supreme Court amicus work on behalf of the Legal Defense Fund.

1978-1986: Assistant Counsel, NAACP Legal Defense & Educational Fund Inc.

Supreme Court practice in cases concerning police violence, prisoners' rights, capital punishment, habeas corpus jurisdiction, discrimination in the military, and attorneys' fees, including brief and argument in landmark case holding the common law fleeing felon rule unconstitutional. *Tennessee v. Garner*, 471 U.S. 1 (1985). General litigation and legislative work in these areas and other civil rights matters. (Partial list of cases below).

1984-1986: Lecturer-in-Law, Rutgers University School of Law, Newark

Fall 1985: Adjunct Assistant Professor, Cardozo Law School, Yeshiva University

1980, 1985: Consultant, Helsinki Watch Committee, 36 W. 44th Street, New York, NY 10036

Prepared reports on human rights compliance in the United States that were presented at the Ottawa (1985) and Madrid (1980) Review Conferences held pursuant to the Helsinki Accords.

1977-1978: Law Clerk, Hon. Paul R. Hays, Circuit Judge, U.S. Court of Appeals for the Second Circuit

Summer 1976: Summer Associate, Paul, Weiss, Rifkind, Wharton, & Garrison, New York, NY

1975-1977: Research Assistant, Professors Louis Henkin, Richard B. Stone, and William L. Cary, Columbia University School of Law

EDITORIAL BOARDS:

I am on the editorial board of *Democratic Theory: An Interdisciplinary Journal* published by Berghahn Journals (<http://journals.berghahnbooks.com/dt/>) and on the advisory boards the *Netherland Journal of Legal Philosophy* (<http://www.elevenjournals.com/tijdschrift/rechtsfilosofieentheorie/detail>) and *Explorations in Language and Law* published by Nova Logos (<http://www.novalogos.it/drive/File/Explorations1-2012.pdf>).

HONORS:

On June 22, 2012, the Vereniging voor Wijsbegeerte van het Recht (VWR), the Dutch Association of Legal Philosophy, and the Netherlands Journal of Legal Philosophy (formerly *Rechtsfilosofie & Rechtstheorie*), the Dutch journal of legal philosophy, held a conference celebrating my work as "an outstanding international scholar who has made significant contributions to legal and political theory." Previous honorees include: Glenn Patrick, Bonnie Honig, Philip Pettit, Neil Walker, and Gunther Teubner. The proceedings have been published in a special issue of the journal and are available online at <http://www.elevenjournals.com/tijdschrift/rechtsfilosofieentheorie/2012/3>

Member, Wayne State University Academy of Scholars, April 2021.

Recipient, Thurgood Marshall Award, Association of the Bar of the City of New York, April 1997.

Honorable Mention, Esquire Magazine 1985 Register, Men and Women Under 40 Who Are Changing America, p. 56 (Dec. 1985)

WORK IN PROGRESS:

Consumerism and Democracy

This book project focuses on the effects of consumer culture on democracy. Most work in democratic theory focuses on the legal and institutional preconditions for a well-ordered democracy. The existence of rational, self-directing citizens capable of deliberation is simply taken for granted. In the civic republican tradition, however, theorists such as Machiavelli and James Harrington were concerned with the social prerequisites of democratic self-governance, theorizing how a society might develop people's capacity for citizenship.

At a time of only mixed success in transporting Western institutions into diverse cultural and social contexts (e.g., Russia & Eastern Europe, Iraq) what is most needed is work on the psycho-social conditions that encourage or thwart democratic self-governance.

BOOKS:

A Clearing in the Forest: Law, Life, and Mind (University of Chicago Press: 2001).

This book examines recent developments in cognitive theory with respect to categorization and human reasoning, using them to reconsider questions in law and legal theory. The emerging picture is of a human rationality that is embodied rather than abstract, imaginative rather than propositional, flexible rather than definitional, and grounded in experience rather than involving deduction from abstract principles. These advances in cognitive theory transform conventional views of law and legal reasoning, as well as the traditional understanding of freedom and constraint upon which the conventional picture of law rests.

ARTICLES AND BOOK CHAPTERS:

Bridges of Law, Ideology, and Commitment, 37 *TOURO L. REV.* __ (forthcoming 2022).

'Who' or 'what' is the rule of law? 47 *PHILOSOPHY AND SOCIAL CRITICISM* __ (2021).

Keeping Faith with Nomos, 35 *TOURO L. REV.* 345 (2020).

Does Justice Have a Syntax?, 69 *J. OF LEGAL EDUC.* 200 (2019).

What a Vote Is Worth, 19 *JOURNAL OF LAW IN SOCIETY* 264 (2019).

Cardozo's Freudian Slips, 34 *TOURO L. REV.* 359 (2018).

The Liturgy of Dissent, 16 *LAW, CULTURE AND HUMANITIES* 186 (2017), online at: <http://journals.sagepub.com/eprint/gSFWpEUVs3Fcv5DxIXbu/full>

An Artist Is Never Poor, 63 *WAYNE L. REV.* 142 (2017) (A Tribute to Erica Beecher-Monas).

Jack!, 117 *COLUM. L. REV.* 1069 (2017) (In Memoriam Jack Greenberg).

A Recurrent Prague Spring, 43 *PHILOSOPHY AND SOCIAL CRITICISM* 288 (2017).

When Things Went Terribly, Terribly Wrong Part II, <http://jotwell.com/wp-content/uploads/2014/07/Winter-Terribly-Wrong-II-final.pdf> (Jotwell 5th Anniversary Conference: Legal Scholarship We Like and Why It Matters) (Nov. 7, 2014).

Frame Semantics and the 'Internal Point of View,' *CURRENT LEGAL ISSUES COLLOQUIUM: LAW AND LANGUAGE* 115 (Michael Freeman & Fiona Smith eds. Oxford University Press, 2013).

"Down Freedom's Main Line," 41 *NETHERLANDS JOURNAL OF LEGAL PHILOSOPHY* 202 (2012) (special issue).

Freedom's History in the Making: A Reply, 41 *NETHERLANDS JOURNAL OF LEGAL PHILOSOPHY* 294 (2012).

Citizens Disunited, 27 *GA. STATE UNIV. L. REV.* 1133 (2011) (symposium on *Citizens United v. Federal Elect. Comm.*, 130 S. Ct. 876 (2010)).

Reimagining Democracy for Social Individuals, 46 ZYGON: JOURNAL OF RELIGION AND SCIENCE 224 (2011).

Law, Culture, and Humility in LAW AND HUMANITIES: AN INTRODUCTION 98 (Austin Sarat, Mathew D. Anderson, & Catherine O. Frank eds., Cambridge University Press: 2010).

John Roberts's Formalist Nightmare, 63 U. MIAMI L. REV. 549 (2009).

When Things Went Terribly, Terribly Wrong, in ON PHILOSOPHY IN AMERICAN LAW 35 (Francis J. Mootz, III, ed., Cambridge University Press: 2009).

What is the "Color" of Law? in CAMBRIDGE HANDBOOK OF METAPHOR AND THOUGHT 363 (Ray Gibbs ed., Cambridge University Press: 2008).

Re-Embodying Law, 58 MERCER L. REV. 869 (2007) (Symposium: Using Metaphor in Legal Analysis and Communication).

What Makes Modernity Late? 1 INTERNATIONAL JOURNAL OF LAW IN CONTEXT 61 (2005) (inaugural issue).

Melville, Slavery, and the Failure of the Judicial Process, 25 CARDOZO L. REV. 2471 (2004) (Symposium on the 20th Anniversary of Richard Weisberg's *Failure of the Word*).

Brown as Icon, 50 WAYNE L. REV. 849 (2004) (ABA Symposium to Celebrate the 50th Anniversary of *Brown v. Board of Education*).

When Self-Governance Is a Game, 67 BROOKLYN L. REV. 1171 (2002) (Cognitive Legal Studies: Categorization and Imagination in the Mind of the Law—A Symposium in Celebration of the Publication of *A Clearing in the Forest*).

Making the Familiar Conventional Again, 99 MICH. L. REV. 1607 (2001) (review essay).

What If Justice Scalia Took History and the Rule of Law Seriously?, 12 DUKE ENV'L LAW & POLICY FORUM 155 (2001) (Symposium on "Citizen Suits and the Future of Standing in the 21st Century: From *Lujan* to *Laidlaw* and Beyond").

The Next Century of Legal Thought?, 22 CARDOZO L. REV. 747 (2001) (Symposium on Duncan Kennedy's *A Critique of Adjudication*).

The "Power" Thing, 82 VA. L. REV. 721 (1996).

A Clearing in the Forest, Vol. 10, No. 3, METAPHOR & SYMBOLIC ACTIVITY 223 (1995).

Cursing the Darkness, 48 U. MIAMI L. REV. 1115 (1994) (comment symposium on the new poverty law scholarship).

The Constitution of Conscience, 72 TEXAS L. REV. 1805 (1994) (symposium on Philip Bobbitt's *Constitutional Interpretation*).

One Size Fits All, 72 TEXAS L. REV. 1857 (1994) (reply in same).

Human Values in a Postmodern World, 6 YALE J. L. & HUMANITIES 233 (1994) (colloquy with Martha Nussbaum).

Fast Food and False Friends in the Shopping Mall of Ideas, 64 U. COLO. L. REV. 965 (1993) (Rothgerber Conference).

Confident, But Still Not Positive, 25 CONN. L. REV. 893 (1993) (commentary on Frederick Schauer's "Constitutional Positivism").

For What It's Worth, 26 LAW & SOCIETY REV. 789 (1992) (comment on presidential address).

The Meaning of "Under Color of" Law, 91 MICH. L. REV. 323 (1992).

Death Is the Mother of Metaphor, 105 HARV. L. REV. 745 (1992) (review essay).

Foreword: On Building Houses, 69 TEXAS L. REV. 1595 (1991) (introduction to "Beyond Critique: Symposium on Law, Culture, and the Politics of Form").

An Upside/Down View of the Countermajoritarian Difficulty, 69 TEXAS L. REV. 1881 (1991) (contribution to same).

Contingency and Community in Normative Practice, 139 U. PA. L. REV. 963 (1991) (contribution to "Symposium: The Critique of Normativity").

Without Privilege, 139 U. PA. L. REV. 1063 (1991) (reply to Radin and Michelman in same).

Indeterminacy and Incommensurability in Constitutional Law, 78 CALIF. L. REV. 1441 (1990).

Bull Durham and the Uses of Theory, 42 STAN. L. REV. 635 (1990).

The Cognitive Dimension of the Agon Between Legal Power and Narrative Meaning, 87 MICH. L. REV. 2225 (1989) (contribution to "Symposium: Legal Storytelling").

Transcendental Nonsense, Metaphoric Reasoning, and the Cognitive Stakes for Law, 137 U. PA. L. REV. 1105 (1989).

The Metaphor of Standing and the Problem of Self-Governance, 40 STAN. L. REV. 1371 (1988).

Tennessee v. Garner and the Democratic Practice of Judicial Review, 14 N.Y.U. REV. OF LAW & SOC. CHANGE 679 (1986).

Domestic Compliance with the Helsinki Accords: United States Prison Conditions and Human Rights, 8 N.E.J. ON PRIS. LAW 65 (1982).

PAPERS AND PRESENTATIONS:

Presenter, Conference on the Life and Work of Robert M. Cover, Touro Law Center, Central Islip, NY (Oct. 4-5, 2021): I presented my paper entitled "Bridges of Law, Ideology, and Commitment."

Presenter, Conference on Philosophy and Social Sciences [virtual] (May 20, 2021): I presented a version of my paper "'Who' or 'What' Is the Rule of Law."

Presenter, Faculty Colloquium, Northeastern University School of Law (December 18, 2020): I presented the *Rule of Law* paper.

Presenter, Humanities Center, Wayne State University Brown Bag Series (Sept. 16, 2020): I presented my *Rule of Law* paper.

Presenter, Conference on Jewish Law in Comparative Context, Touro Law Center, Central Islip, NY (Sept. 14, 2020): I presented a paper entitled “Medieval Jewish Governance and the Meaning of Democracy.”

Organizer and Presenter, Panel on “Law and Governance on an Illusionary Sea” Annual Law, Culture & the Humanities Conference, Meeting of the Association, Quinnipiac School of Law, North Haven, CT (March 8, 2020): I organized a panel on the rhetoric of constitutional law and governance in the Trump Era and presented a paper entitled “The Empty Signifiers of Constitutional Law.”

Presenter, Conference on Philosophy and Social Sciences 2019 Villa Lana, Prague, Czech Republic (May 31, 2019): I presented a paper entitled “Exemplary Normativity and ‘The Most Photographed Barn in America.’”

Presenter, Conference on Gerrymandering and the Power of Boundaries Levin Center, Wayne State University Law School, Detroit, MI (March 22, 2019): I presented a paper entitled “What a Vote Is Worth.”

Presenter, Conference on Comparative American and Jewish Law, Touro Law Center, Central Islip, NY (April 1, 2019): I presented a paper entitled “Keeping Faith with *Nomos*.”

Presenter, 2018 Annual Meeting of Law and Society Association, Toronto, ON (June 3, 2018): I presented my “Peoples and Publics” paper.

Presenter, Conference on Philosophy and Social Sciences 2018 Villa Lana, Prague, Czech Republic (May 22, 2018): I presented a paper entitled “Peoples and Publics.”

Organizer and Presenter, Panel on “Populism, Reason, and Un-Reason,” 21st Annual Conference Law, Culture & the Humanities Conference, Georgetown University Law Center, Washington D.C. (March 16, 2018): I organized a panel on populist reason and presented my paper on “Neoliberal and Populist Reason.”

Presenter, Wayne State University Humanities Center Fall Symposium “Civility and Incivility” (Oct. 13, 2017): I presented a paper entitled “Civility, Citizenship, and Self-Government.”

Organizer and Presenter, Roundtable on “The Stormy Democratic Horizon,” Conference on Philosophy and Social Sciences 2017 Villa Lana, Prague, Czech Republic Prague (May 19, 2017): I organized a roundtable discussion on the rise of populism and presented a paper entitled “Neoliberal and Populist Reason.”

Presenter, Conference on “The Syntax of Justice: Law, Language, Access & Exclusion,” Northeastern University School of Law, Boston, MA (March 31, 2017): I presented a paper entitled “Does Justice Have a Syntax?”

Presenter, Conference on “Benjamin N. Cardozo: Judge, Justice, Scholar,” Touro Law Center, Central Islip, NY (March 24, 2017): I presented a paper entitled “Cardozo’s Freudian Slips.”

Presenter, Wayne State University Humanities Center Fall Symposium “Ideology” (Oct. 14, 2016): I presented a paper entitled “Understanding Ideology.”

Stream Organizer and Presenter, Critical Legal Conference, University of Kent, Faculty of Law, Canterbury, UK (September 1, 2016): I originated a stream, organized two panels, and presented a paper under the title “The Crisis of Democracy in an Antipolitical Age.”

Presenter, Conference on Philosophy and Social Sciences 2016 Villa Lana, Prague, Czech Republic Prague (May 20, 2016): I presented a paper entitled “Internalization and Imagination in the Languages of Reason.”

Presenter, Conference—Louis D. Brandeis: An Interdisciplinary Retrospective, Touro Law Center, Central Islip, NY (March 31, 2016): I presented a paper “Brandeis and the Administrative State.”

Commentator, Author Meets Readers: Marianne Constable’s *Our Word Is Our Bond: How Legal Speech Acts* (Stanford Univ. Press, 2014) 2015 Annual Meeting of Law and Society Association, Seattle, WA (May 23, 2015).

Presenter, 2015 Annual Meeting of Law and Society Association, Seattle, WA (May 23, 2015): I presented a paper entitled “*Isonomia* and Education.”

Presenter, Conference on Philosophy and Social Sciences 2015 Villa Lana, Prague, Czech Republic Prague (May 20, 2015): I presented a paper entitled “The Anguished Dance of Reason.”

Presenter, Jotwell 5th Anniversary Conference: Legal Scholarship We Like and Why It Matters, University of Miami School of Law (November 7, 2014) (<http://jotwell.com/legal-scholarship-we-like-and-why-it-matters-program>): I presented the opening paper of the conference “When Things Went Terribly, Terribly Wrong Part II” on the need for and costs of not having a canon of legal scholarship (including a list of over a hundred of the top articles and books on law). Available at: <http://jotwell.com/wp-content/uploads/2014/07/Winter-Terribly-Wrong-II-final.pdf>

Stream Organizer and Presenter, Critical Legal Conference, University of Sussex, Faculty of Law, Brighton, UK (September 6, 2014): I originated a stream and organized a panel on “Commodification, Global Capitalism, and Liberal Democracy” and presented a paper entitled “The Commodification of the Lifeworld” adapted from my work-in-progress on consumerism.

Presenter, Conference on Philosophy and Social Sciences 2014 Villa Lana, Prague, Czech Republic (May 22, 2014): I presented a paper entitled “The Paradoxical Liminality of Law.”

Presenter, Wayne State University Humanities Center Fall Symposium “Truth” (Sept. 27, 2013): I presented a paper entitled “Why Truth Is Stranger than Fiction.”

Presenter, Roundtable on “The Democracy Deficit and Democracy Enhancement at the Intersection of Crime Race and Poverty,” 2013 Annual Meeting of Law and Society Association, Boston, MA (May 31, 2013): I presented a paper entitled “What Is Democracy? *Isonomia*, *Dēmokratia* and Community Control.”

Presenter, Roundtable on “Fear of a Hip-Hop Planet: Race, Space, and the New Racism,” 2013 Annual Meeting of Law and Society Association, Boston, MA (May 31, 2013): I presented a paper entitled “Hip-Hop and the Double Bind” commenting on the book “Fear of a Hip-Hop Planet” by D. Marvin Jones.

Presenter, Conference on Philosophy and Social Sciences 2013 Villa Lana, Prague, Czech Republic Prague (May 24, 2013): I presented a paper entitled “Three Mistakes About Power: Lessons from Václav Havel, George Orwell, and Robert Cover on Power, Violence, and Commitment.”

Presenter, Panel on “Race, Rights, and the Human,” 15th Annual Conference Law, Culture & the Humanities Conference, Birkbeck College, University of London, London, UK (March 22, 2013): I presented a paper entitled “*Isonomia* and Education.”

Chair and Panelist, “Roundtable: Václav Havel on Modernity, Humanity, and Post-Democracy,” ASLCH

Conference, London, UK (March 23, 2013): I organized and chaired a roundtable discussion exploring Havel's thought and its relevance at a time of ongoing economic crisis and political upheaval including, the Arab Spring, Occupy, and the ongoing crisis in the Euro zone.

Presenter, Conference on Philosophy and Social Sciences 2012 Villa Lana, Prague, Czech Republic Prague (May 13, 2012): I presented a paper entitled "For Václav Havel: On Democracy, Markets, and Consumer Society" as part of a panel entitled "The Challenges of Post-Democracy," honoring the memory of the late Czech President, dissident, and playwright.

Presenter, Current Legal Issues Colloquium 2011 – Law and Language, University College London, Faculty of Law, London UK (July 5, 2011): I participated in the "Final Thoughts" panel, presenting a paper entitled "Frame Semantics and the 'Internal Point of View'" which uses the frame semantics of Charles Fillmore and the more recent work of Gilles Fauconnier and Mark Turner on conceptual blending to critique the standard jurisprudential perspectives of H.L.A. Hart and Ronald Dworkin.

Presenter, Conference on Philosophy and Social Sciences 2011 Villa Lana, Prague, Czech Republic Prague (May 15, 2011): I presented a paper entitled "Democracy and Gender Equality in Liberation Square."

Chair and Discussant, Panel on "Murder Prosecutions in the 18th, 20th, and 21st Centuries," 14th Annual Law, Culture & the Humanities Conference, William S. Boyd School of Law, University of Las Vegas, Nevada, Las Vegas, NV (March 11, 2011).

Chair and Panelist, Roundtable on "State of Political Discourse," ASLCH Conference, Las Vegas, NV (March 12, 2011): I organized and participated in a roundtable discussion with Marianne Constable (UC Berkeley), Francis J. Mootz (UNLV), and James A. Gardner (SUNY Buffalo) on the state of contemporary political discourse and its social and epistemic causes.

Presenter, University of Memphis Law Review symposium on "Memphis in the Law," Cecil C. Humphreys School of Law, University of Memphis, Memphis TN (Feb. 11, 2011): This symposium highlighted My paper, entitled "Three Lessons of *Tennessee v. Garner*," discussed the ways in which social contingency, police professionalization, and lawyering techniques contributed both to the making of that new legal precedent and to the way in which that precedent has subsequently been received and applied.

Presenter, Georgia State University Law Review Symposium "An Intersection of Laws: *Citizens United v. FEC*," Atlanta, GA (November 12, 2010): I presented my paper "Citizens Disunited" evaluating the *Citizens United* decision from the perspective of democratic theory.

Chair and Discussant, Panel on "Challenges to Democracy," 2010 Annual Meeting of Law and Society Association, Chicago IL (May 29, 2010).

Presenter, Panel on "Conceptualizing Freedom," 2010 Annual Meeting of Law and Society Association, Chicago, IL (May 28, 2010): I organized the panel and presented a final version of my paper "Freedom's Social Aspect."

Chair and Discussant, Panel on "Separation of Powers, the Rule of Law, and Human Rights," 2010 Annual Meeting of Law and Society Association, Chicago IL (May 27, 2010).

Presenter, Conference on Philosophy and Social Sciences 2010, Villa Lana, Prague, Czech Republic Prague (May 12-16, 2010): I presented a rewritten version of my paper "Freedom's Social Aspect" and participated in a memorial panel for the late C. Edwin Baker, presenting remarks on Ed's theory of the First Amendment and its application to the *Citizens United* case.

Presenter, Panel on “Critical Theory and Law” 13th Annual Law, Culture & the Humanities Conference, Brown University, Providence RI (March 19, 2010): I presented an early version of my paper “Freedom’s Social Aspect.”

Lecturer, 55th Annual Conference, The Institute on Religion in an Age of Science, Chautauqua, NY (June 20-27, 2009): I presented a plenary lecture entitled “Reimagining Democracy for Social Individuals” examining issues of democracy, autonomy, sexuality and self-governance.

Participant, Roundtable on “Changing the Game: Barack Obama and the New Politics of Race,” 2009 Annual Meeting of Law and Society Association, Denver, CO (May 29, 2009): Participated in a roundtable on the politics and meanings of race and class after the Obama election.

Presenter, Conference on Philosophy and Social Sciences 2009 Villa Lana, Prague, Czech Republic (May 15, 2009): Presented a paper entitled “Faux Constitutionalism: Of Coase and Footnote 4” examining the theory behind the selling of constitutionalism, rule of law, and free market values in the post-communist countries of Eastern Europe.

Presenter, Panel on “Aesthetics, Democracy, and Law” 12th Annual Law, Culture & the Humanities Conference, Suffolk Law School, Boston, MA (April 4, 2009): Presented my “Law, Culture, and Humility” paper.

Chair and Discussant, Panel on “Law and Religion” 12th Annual Law, Culture & the Humanities Conference, Suffolk Law School, Boston, MA (April 4, 2009).

Presenter, Panel on “The Place of Law in Durable vs. Deficit Democracy,” 2008 Joint Annual Meetings of Law and Society Association and Canadian Law and Society Association, Montreal, Quebec, Canada (May 31, 2008): Presented an as yet untitled paper on the relationship between different strategies of social order, the conceptions of autonomy that each entail, and a non-reified notion of collective self-governance.

Presenter, Conference on Philosophy and Social Sciences 2008 Villa Lana, Prague, Czech Republic (May 15, 2008): Presented a paper entitled “Democracy, Autonomy, Self-Governance: Part III” which is the third installment of the larger project reconceptualizing the meaning of democracy after the critique of the autonomous subject upon which conventional notions of democracy depend.

Participant, Colloquium on Narrative and Human Rights, The Foundations of Humanitarianism Program and the Human Rights Institute, University of Connecticut, Storrs CT (April 11-12, 2008).

Presenter, Panel on “Identifying the Self and the Social,” 11th Annual Law, Culture & the Humanities Conference, Univ. of California at Berkeley Law School (March 29, 2008): Presented a paper called “Sexuality and Self-Governance” from my ongoing project reconceptualizing democratic theory.

Panel Chair, “What Judges Do or The Work of Legal Interpretation,” 11th Annual Law, Culture & the Humanities Conference, Univ. of California at Berkeley Law School (March 29, 2008): Chaired and served as commentator on an interdisciplinary and international panel on modes of judging in the United States, India, and the EU.

Presenter, “The 21st Century Brain: Why It Matters for the Academic and Political Worlds.” University of Pittsburgh School of Law (February 8, 2008): I was the introductory speaker, providing the background and framework, for a panel examining the implications of second wave cognitive science for politics and law.

Presenter, Symposium, “The Future of Affirmative Action: Seattle School District #1, Race, Education, and the Constitution” University of Miami School of Law (February 2, 2008): Presented a paper entitled “Chief

Justice Roberts's Formalist Nightmare" which will be published as part of a symposium in the University of Miami Law Review.

Chair and Commentator, "Author Meets Readers – Theoretics of Race in the Post-Civil Rights Era: *Race, Sex, and Suspicion: The Myth of the Black Male*, by D. Marvin Jones," International Conference on Law and Society in the 21st Century: Joint Annual Meetings of LSA and the Research Committee on Sociology of Law, Humboldt University, Berlin, Germany (July 28, 2007): Commentary on Jones's meditation on the social construction of the Black male and its effects not just on the legal system, but on Black men themselves.

Commentator, "Author Meets Readers – *The Language of Law School: Learning to 'Think Like a Lawyer,'* by Elizabeth Mertz," International Conference on Law and Society in the 21st Century: Joint Annual Meetings of LSA and the Research Committee on Sociology of Law, Humboldt University, Berlin, Germany (July 26, 2007): Commentary on Mertz's extensive study of the linguistic construction of the legal mind in first year Contracts classes.

Presenter, Conference on Philosophy and Social Sciences 2007 Villa Lana, Prague, Czech Republic (May 12, 2007): Presented a paper entitled "Democracy, Autonomy, Self-Governance: Part II" which is the second part of a larger project reconceptualizing the meaning of democracy after the critique of the autonomous subject upon which conventional notions of democracy depend.

Presenter and organizer, Panel on "The Possibilities of Democracy in Late Modernity," 10th Annual Law, Culture & the Humanities Conference, Georgetown Law School, Washington D.C., (March 24, 2007): I presented a revised version of my paper "Democracy, Autonomy, Self-Governance."

Presenter, Symposium on Using Metaphor in Legal Analysis and Communication, Mercer Law School (November 10, 2006): I presented my paper "Re-Embodying Law" on the role of metaphor in legal analysis.

Presenter, Colloquium on Law and Cognition, Second European Conference on Forensic Linguistics: Language and the Law, International Association of Forensic Linguistics, The Institute of Applied Linguistics at Universitat Pompeu Fabra, Barcelona, Spain (September 14, 2006): I presented a paper entitled "Talking About Law (and Why It Matters)" explaining how the metaphorical ways in which we think about and understand law affect how we behave towards it.

Presenter, Conference on Philosophy and Social Sciences 2006 Villa Lana, Prague, Czech Republic (May 19, 2006): Presented a paper entitled "Democracy, Autonomy, Self-Governance" which is part of a larger project reconceptualizing the meaning of democracy after the critique of the autonomous subject upon which conventional notions of democracy depend.

Commentator, "Author Meets Readers: Roger Berkowitz's *The Gift of Science: Leibniz and the Modern Legal Tradition*," Law, Culture and the Humanities Conference, Syracuse, NY (March 18, 2006). Presented critical commentary on Berkowitz's study locating the source of modern legal positivism in Leibniz's attempt to systematize law in a scientific manner.

Chair and Presenter, Panel on "Consumerism and Collectivity: Democracy, Religion and Society," Law, Culture and the Humanities Conference, Syracuse, NY (March 17, 2006): Organized an interdisciplinary panel on the effects of consumerism on cultural understandings of identity including its impact on religious and democratic practices. Presented a paper adapted from my work-in-progress "Consuming Subjects."

Presenter, Critical Legal Conference, Kent Law School, Canterbury UK (September 2, 2005): I presented a paper entitled "The Impossibilities of Postmodern Politics" adapted from my work-in-progress on consumerism.

Commentator, Panel on “Information Technology and the Law” Law and Society Conference, Las Vegas, NV (June 3, 2005): I commented on five papers relating to information technology whose subjects ranged from open versus closed software licenses to applications of the commercial speech doctrine in the internet context.

Presenter, Conference on Philosophy and Social Sciences 2005, Villa Lana, Prague, Czech Republic (May 20, 2005): Presented a paper entitled “Consumerism as Ideology and Anti-Ideology.”

Chair and Presenter, Panel on “Psycho-Social Dimensions of Democratic Politics,” Law, Culture and the Humanities Conference, Austin, TX (March 11, 2005): Organized this panel of legal academics working in law and psychoanalytic theory. I presented an updated version of my paper “Consuming Subjects.”

Presenter, Panel on “Psycho-Social Dimensions of Democratic Politics,” The Association for the Psychoanalysis of Culture and Society, Conference on Psychoanalysis and Democracy, Union Theological Seminary, New York, NY (October 16, 2004).

Presenter, Conference on Philosophy and Social Sciences 2004, Villa Lana, Prague, Czech Republic (May 20, 2004): Presented a paper entitled “Consuming Subjects” excerpted from my current book project.

Presenter, Symposium on the 20th Anniversary of Richard Weisberg’s *Failure of the Word*, Cardozo Law School (April 18, 2004): I presented a paper entitled “Melville, Slavery, and the Failure of the Judicial Process” demonstrating how Melville structured his final novella, *Billy Budd*, as a veiled critique of the judicial immorality of his father-in-law, Chief Justice Lemuel Shaw of the Supreme Judicial Court of Massachusetts.

Presenter, ABA Symposium to Celebrate the 50th Anniversary of *Brown v. Board of Education*, Wayne State University Law School, March 25, 2004: I presented a paper entitled “*Brown* as Icon.”

Presenter, Panel on “Theorizing in the Late Modern Condition,” Law, Culture and the Humanities Conference, Hartford, CT (March 12, 2004): Presented a revised and much expanded version of my paper “What Makes Modernity Late?”

Scholar in Residence, Academy of Legal Studies in Business Annual Conference, Nashville, TN (August 16, 2003): I spoke at a luncheon and then made a presentation to the Ethics Section of the ALSB, “Why ‘Business Ethics’ Seems Like an Oxymoron,” discussing the implications of recent learning on categorization for rule-based approaches to ethics and considering various alternatives.

Participant, Roundtable “Lakoff Meets Lacan,” Law and Society Conference, Pittsburgh, PA (June 8, 2003): Organized and participated in a roundtable discussion using the work of George Lakoff and Jacques Lacan as vantage points from which to consider the difficulties of a genuinely self-reflective discourse of mind that does justice to the complexity of human creativity and its relation to critical visions of law.

Presenter, Conference on Philosophy and Social Sciences 2003, Villa Lana, Prague, Czech Republic (May 20, 2003): I presented an updated version of my paper “What Makes Modernity Late?”

Legal Theory Workshop, Univ. of Oregon School of Law, Eugene, OR, April 24, 2003: I presented a paper entitled “Rules and Standards and *Bush v. Gore*.”

Presenter, Humanities Center, Wayne State University, September 16, 2003: I presented an early version of my paper “What Makes Modernity Late?”

Plenary Lecture, Conference on the Philosophy of Creativity, University of Southern Illinois, Carbondale, IL, (Sept. 27, 2002): I presented, together with Mark Johnson, a plenary lecture entitled “Innovation and Constraint” drawing on material from my book, *A Clearing in the Forest*.

Participant, Author Meets Readers Panel on *A Clearing in the Forest: Law, Life, and Mind*, Law and Society Conference, Vancouver, BC (May 30, 2002): Responded to readers’ papers commenting on my book.

Presenter, Conference on Philosophy and Social Sciences 2002, Villa Lana, Prague, Czech Republic (May 12, 2002): I presented one of the plenary sessions of the conference, giving a paper entitled “And All the Men and Women Merely Players” on the role of games and play in shaping American’s understanding of democracy in the wake of the 2000 presidential election.

Participant, Panel on “What Difference Does Theory Make?” Law, Culture and the Humanities Conference, Philadelphia, PA (March 8, 2002): I presented a paper, “Was Machiavelli a Humanist?”

Speaker and Commentator, Cognitive Legal Studies: Categorization and Imagination in the Mind of the Law—A Conference at the Brooklyn Law School in Celebration of the Publication of *A Clearing in the Forest: Law, Life, & Mind* (October 26-27, 2001): Conference participants included Frank Michelman, George Lakoff, Gary Minda, Jonathan Simon, Jeremy Paul, Dan Simon, and Lawrence Joseph. I presented a paper entitled “When Self-Governance is a Game” and commented on the other papers.

Commentator, Conference on Philosophy and Social Sciences 2001, Villa Lana, Prague, Czech Republic (May 23-26, 2001): I commented on two papers entitled “Constitutionalism and the New Sovereignty” by Professor Jean Cohen of the New School and “Philosophical Foundations of a Libertarian Socialism” by Professor Edward Baker of U. Penn.

Moderator and Presenter, Panel on “Law and Metaphor,” Law, Culture and the Humanities Conference, Austin, TX (March 9, 2001): Presented a paper entitled “Meaning and Making” excerpted from my book, *A Clearing in the Forest*.

Participant, Panel on “How the Study of the Mind Changes Our Understanding of Life and Law,” Section on Law and Interpretation, Association of American Law Schools Annual Meeting, San Francisco, CA (January 4, 2001): Participated on a panel discussing my then forthcoming book, *A Clearing in the Forest*.

Presenter, Panel on “Transplanting Law and Changing Legal Culture” Law and Society Conference, Miami, FL (May 26-30, 2000): I presented a paper entitled “Markets, Rules, and Culture (Or, My Afternoon at the CIA)” on the problems with the conventional wisdom advocating the export of rule-of-law values as the key to establishing of viable market economies in the former communist and other developing countries.

Presenter, Conference on Philosophy and Social Sciences 2000, Villa Lana, Prague, Czech Republic (May 10-14, 2000): I presented a paper entitled “The Tasks of a Proper Social Philosophy.”

Speaker, University of Calgary, Faculty of Law (March 23, 2000): Public address to the law school on “Rationalism’s Harsh Light,” examining the distortions of conventional legal analyses and contrasting the advantages to law and legal theory of approaches to law based on recent developments in cognitive theory.

Presenter, Duke Environmental Law and Policy Forum conference on “Citizen Suits and the Future of Standing in the 21st Century: From *Lujan* to *Laidlaw* and Beyond,” Duke University, Durham, NC (March 2-3, 2000): Presented paper entitled “What If Justice Scalia Took History and the Rule of Law Seriously?” on the historical and conceptual relationship between citizen suits, democracy, and the rule of law.

Participant, Symposium on Duncan Kennedy’s *Critique of Adjudication*, University of Miami School of

Law, (February 25-27, 2000): Presented my paper “The Next Century of Legal Thought?” criticizing and offering an alternative to Kennedy’s account of law in his *A Critique of Adjudication*.

Speaker, Strategic Assessments Group Seminar on “The Importance of Culture in Economic Development,” Central Intelligence Agency, McClean, VA (November 8, 1999): Participated in seminar with economists on the role of culture in market formation in developing (and former communist) countries; remarks focussed on the fundamental theoretical flaws of the conventional view advocating rule-of-law strategies for fostering development of Western-style market economies.

Panel Chair and Presenter, Panel on “Judging in Good/Bad Faith,” Law and Society Conference, Chicago, IL (May 26-30, 1999): Presented paper entitled “Duncan Kennedy and the ‘Peculiar’ Constraints of Law” adapted from my book *A Clearing in the Forest*.

Presenter, Panel on “Why Is It Difficult To Write Good Statutes?” Law and Society Conference, Chicago, IL (May 26-30, 1999): Presented comments entitled “‘Salted Nuts’ and the Problem of Concept Formation” criticizing current approaches in explaining the process of categorization.

Presenter, Panel on “Law, Language, and Cognition,” International Association of Law and Mental Health Conference, Paris, France (July 1998): Presented paper on “Reasoning by Analogy” adapted from my book, *A Clearing in the Forest*.

Presenter, Panel on “Law, Language, and Cognition,” Law and Society Conference, Aspen, CO (May 29 - June 1, 1998): Presented my paper on “Reasoning by Analogy.”

Presenter, Panel on “Language and Law: Is There Such a Thing as Legal Language,” Law and Society Conference, St. Louis, MO (May 29-June 1, 1997): Presented paper entitled “The Language of Rules” excerpted from my book *A Clearing in the Forest*.

Presenter, Critical Legal Theory Conference, University of East London, School of Law, London U.K. (September 10, 1996): I presented a paper entitled “Foucault, Orwell, and Cover on ‘Power’” excerpted from “The ‘Power’ Thing.”

Commentator, Conference on Innovation and the Information Environment, The Law and Entrepreneurship Program, Univ. of Oregon School of Law, Eugene, OR, (November 3-4, 1995).

Panel Chair, “Current Trends in Legal Theory,” Law and Society Conference, Toronto, Canada (June 1, 1995): I organized the panel and presented a version of the introductory chapter of my forthcoming book *A Clearing in the Forest*.

Panelist, “Conflicting Accounts of Interpretation: Linguistics, Cognitive Theory, and the Legal Text,” Law and Society Conference, Toronto, Canada (June 4, 1995): I discussed the implications of advances in cognitive theory and how they bear on law and theories of interpretation.

Reviewer, Duke University Press, Durham, NC (June 1995): I was asked to review for publication Roberto Unger’s latest manuscript, entitled “What Should Legal Reasoning Become?”

Panelist, Critical Legal Studies Conference, Washington, D.C. (March 1995): I gave the “mini-school” lecture on postmodernism and participated in a panel discussion on postmodernism and law.

Presenter, Critical Legal Theory Conference, University of Warwick, Warwick U.K. (September 10, 1994): Presented the portion of my paper, “The ‘Power’ Thing,” discussing and critiquing the “three-dimensional” theory of power developed by Steven Lukes.

Panel Chair, "Can't We All Get Along: Race in the King and Denny Trials," Law and Society Conference, Pheonix, AZ (June 16, 1994).

Program Chair, Section on Law and Humanities, Association of American Law Schools Annual Meeting, Orlando, FL (January 8, 1994): Organized and moderated a panel on "Narrative and Legal Scholarship" examining the recent debate over the role of storytelling in legal scholarship.

Legal Theory Workshop, University of Florida School of Law, Gainesville, FL (October 22, 1993): Presented an updated version of my paper "The 'Power' Thing."

Panelist, Law and Society Conference, Chicago, IL (May 30, 1993): Presented a shorter version of my paper "The 'Power' Thing" as part of a panel entitled "The Subject of Power."

Commentator, Law and Society Conference, Chicago, IL (May 28, 1993): I took part in a panel discussion on "Poverty Law Scholarship and the Uses of Theory," commenting on papers addressing the implications of antifoundationalist theory for clinical practice.

Commentator, Ira C. Rothgerber Conference on Constitutional Law, Univ. of Colorado School of Law, Boulder, CO (March 19, 1993): Presented my paper "Fast Food and False Friends in the Shopping Mall of Ideas," commenting on a main paper by Frederick Schauer.

Legal Theory Workshop, Columbia University School of Law, New York, NY (February 22, 1993): Presented my paper "The Meaning of 'Under Color of' Law."

Program Chair, Section on Law and Humanities, Association of American Law Schools Annual Meeting, San Francisco, CA (January 1993): Organized a panel entitled "Human Values in the Postmodern World." Martha Nussbaum, Pierre Schlag, and I each presented papers.

Legal Theory Workshop, University of Colorado School of Law, Boulder, CO (October 26, 1992): Presented my paper "The Meaning of 'Under Color of' Law."

Panelist, Law and Society Conference, Philadelphia, PA (May 27-31, 1992): Participated in a panel discussion on the significance of deconstruction, semiotics, and cognitive theory to law and legal theory.

Legal Theory Workshop, University of Cincinnati School of Law, Cincinnati, OH (May 6, 1992): Presented my paper "The Meaning of 'Under Color of' Law."

Panelist, Critical Legal Networks Conference, Cambridge, MA (April 10, 1992): I presented my paper "Refractions of the Way Subjects Used to Be" at a panel entitled "The Problem of the Subject."

Commentator, Panel on "Metaphor and Legal Identity," Section on Law and Humanities, AALS, San Antonio, TX (January 5, 1992).

Symposium on Postmodernism and Constitutional Law, Georgetown University School of Law, Washington, D.C. (November 1991).

Semiotic Society of America, Annual Conference, University of Maryland, College Park, MD (October 25, 1991): Participated on a panel on "Developments in Cognitive Theory" presenting a paper entitled "Talking About Law."

National Conference on Systems Theory and the Law, Washington, D.C. (June 6-9, 1991): Interdisciplinary

workshop of economists, biologists, philosophers, archeologists and legal academics examining government contracting from the perspective of systems theory.

American Literature Association, Annual Conference, Washington, D.C. (May 24-26, 1991): Participated on a panel on “Wallace Stevens and the Law,” presenting part of my paper entitled “Death Is the Mother of Metaphor.”

Legal Theory Workshop, State University of New York at Buffalo, School of Law (March 25, 1991): Presented my paper “An Upside/Down View of the Countermajoritarian Difficulty.”

Legal Theory Workshop, Duke University, School of Law (February 14, 1991): Presented my paper “Contingency and Community in Normative Practice.”

Legal Theory Workshop, University of Toronto, Faculty of Law (November 30, 1990): Presented my paper “Contingency and Community in Normative Practice.”

Reviewer, Princeton University Press, Princeton, NJ (August 1990): I was asked to review for publication a manuscript on the impact of cognitive theory on literary theory; it has since appeared under the title “Reading Minds: The Study of English in the Age of Cognitive Science.”

National Conference on Systems Theory and the Law, San Diego, Calif. (June 13-15, 1990): Interdisciplinary workshop of sociologists, biologists, philosophers and legal academics examining the contributions of systems theory to an understanding of law and society.

Symposium on Constitutional Law and Theory in a Conservative Era, Georgetown University School of Law, Washington, D.C. (December 8-10, 1989).

Reviewer, Temple University Press, Philadelphia, Pennsylvania (August 1989): I was asked to evaluate for publication a manuscript entitled “The Burden of Ignorance: The Risk of Non-Persuasion in Public Discourse,” on rhetoric, philosophy, and law.

Panel Participant, Conference of the Florida Chapter of the American Civil Liberties Union, Key West, FL (July 22, 1989): Participant on panel discussing legal issues and litigation strategy in cases against local police departments involving illegal use of force.

Commentator, Fourteenth Annual Meeting of the International Association of Philosophy and Literature, Atlanta, Georgia (May 6, 1989): I participated on a panel called “Legal Stories and Social Discourse” in which I presented and made a critique of a paper entitled “The Narrativity of Coherence Between Norms and Facts” by Professor van Roermund of Tilburg University, The Netherlands.

Participant, Symposium: Legal Storytelling, Ann Arbor, Michigan (March 31-April 1, 1989), Symposium sponsored by the Michigan Law Review: Presentation of article on law and narrative; commentator on other submissions.

Panel Participant, Conference on Critical Legal Studies, Washington D.C. (October 9, 1988): Presented talk entitled “Critical Legal Studies as the Prisoner—and Victim—of the Subject/Object Dichotomy,” which examined and criticized the underpinnings of the radical indeterminacy thesis.

Speaker, Lawyer Training Conference, Alaska Legal Services Corp., Anchorage, AS (March 2, 1987): In-service training for legal services lawyers in areas of federal practice including the eleventh amendment and the law of standing.

Keynote Speaker, Police Foundation, Police Litigation Prevention Seminars, Use of Force, Washington, D.C. (February 12, 1987): I spoke on "Police Liability, Police Responsibility" at the inaugural program sponsored by the Police Foundation for police department policy-makers and counsel.

Speaker, National Legal Aid & Defender Association, Annual Conference, Atlanta, GA (October 21, 1986): Workshop on litigation strategies in cases brought against state defendants.

Speaker, Legal Services of New Jersey, Lawyer Training Seminar, Newark, NJ (March 1986): In-service training for legal services lawyers on current legal issues in litigation under the Civil Rights Act, 42 U.S.C. § 1983.

Panel Participant, American Public Health Association, Annual Meeting, Washington, D.C. (November 18, 1985): Panel on the proper role of health professionals in the administration of the death penalty. Issues included the use of lethal injection and determinations of competence to be executed.

Speaker, Cumberland Publications Inc., Conference on New Developments in Criminal Law, Fort Lauderdale, FL (July 19, 1985): Address to Florida law enforcement personnel on the implications of *Tennessee v. Garner*.

Participant, Edna McConnell Clark Foundation Conference on Prison Litigation, Princeton, NJ (May 3-5, 1984): Moderator and participant on panels with federal judges, court-appointed special masters, and correctional experts on prison litigation and reform.

Faculty, Practicing Law Institute, Conference on Jails and Prisons, New York, NY (July 9-10, 1981).

Faculty, NAACP Legal Defense & Educational Fund Inc., New York, NY (November 1980); Warrenton, VA (Sept. 1985, April 1983, & April 1979): Moderator and participant on panels on police practices and prisoners rights litigation; organizer trial practice seminar for annual LDF training program for practicing attorneys.

Panelist, Death Penalty Litigation Conference, Warrenton, VA (July 1984): Review of United States Supreme Court 1983 Term decisions on capital punishment.

OTHER PUBLISHED WORK:

Police Misconduct Litigation (NAACP Legal Defense Fund, Spring 1988) (with C. Murphy & J. Zayas).

Judging Ginsburg, MIAMI REVIEW 13 (November 9, 1987) (with R. Rosen).

The Supreme Court and Nixon's Legacy, The Miami Herald C1 (July 5, 1987).

Expediting Death Cases, ABA Litigation Magazine 3 (Summer 1986).

A Drastic Proposal on Civil Rights, The New York Times A27 (August 21, 1985) (with M. Rucker).

A Setback for Deadly Force, The New York Times A27 (April 11, 1985).

CONGRESSIONAL TESTIMONY:

Hearings before the Subcommittee on Criminal Justice, Committee on the Judiciary, House of Representatives, on Racial Discrimination in the Administration of the Death Penalty (July 16, 1987).

Hearings before the Subcommittee on Criminal Justice, Committee on the Judiciary, House of

Representatives, on H.R. 1171 and H.R. 775 (“The Hate Crimes Statistics Act”), Serial No. 137, pp. 36-45 (March 21, 1985).

Hearings before the Subcommittee on Criminal Justice, Committee on the Judiciary, House of Representatives, on Racially Motivated Violence, Serial No. 135, pp. 153-86 (June 3, 1981).

OTHER PROFESSIONAL ACTIVITIES:

1992-95 – Scholar-in-Residence, University of Miami School of Law

1992-93 – Chair, AALS Section on Law and Humanities

BAR ADMISSIONS:

Admitted, New York Supreme Court, Appellate Division, First Department (May 15, 1978).

Also am member of the Bar of the Supreme Court of the United States; the United States Courts of Appeal for the Second, Fifth, Sixth, and Eleventh Circuits; and the United States District Courts for the Southern and Eastern Districts of New York.

CASES:

Supreme Court

Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 535 U.S. 722 (2002) (brief for Intellectual Property Creators and the Society of Amateur Scientists as amici curiae).

Champion Int’l Corp. v. International Woodworkers of America, 107 S.Ct. 2494 (1987) (brief for the Legal Defense Fund, ACLU, Lawyers’ Committee for Civil Rights, and MALDEF as amici curiae).

Griffith v. Kentucky, 107 S.Ct. 708 (1987) (brief for the Legal Defense Fund and the American Jewish Congress as amici curiae).

Vasquez v. Hillery, 106 S.Ct. 617 (1986) (brief for the Legal Defense Fund as amicus curiae).

Evans v. Jeff D., 106 S.Ct. 1531 (1986) (brief for the Committee on Legal Assistance of the Association of the Bar of the City of New York as amicus curiae, *reprinted at* 14 N.Y.U. REV. OF LAW & SOC. CHANGE 655 (1986)).

Tennessee v. Garner, 471 U.S. 1 (1985) (brief and oral argument for respondent).

Chappell v. Wallace, 462 U.S. 296 (1983) (brief for the Legal Defense Fund as amicus curiae).

Hensley v. Eckerhart, 461 U.S. 424 (1983) (brief for the Legal Defense Fund, the ACLU, and the Lawyers’ Comm. as amici curiae).

Bell v. Wolfish, 441 U.S. 520, 531 n. 12 (1979) (brief for the Legal Defense Fund as amicus curiae).

Courts of Appeals

Zeigler v. Wainwright, 805 F.2d 1422 (11th Cir. 1986) (pending in state courts on remand from federal habeas).

Reddix v. Thigpen, 728 F.2d 705 (5th Cir.), *on rehearing*, 732 F.2d 494, *cert. denied*, 469 U.S. 990 (1984), *on remand*, 547 So.2d 792 (Miss. 1989) (sentence commuted to life on rehearing).

Gibbs v. Town of Frisco City, 626 F.2d 1218 (5th Cir. 1980).

Ruiz v. Estelle, 679 F.2d 1115 (5th Cir. 1982), cert. denied, 460 U.S. 1042 (1983); *see also Ruiz v. McKaskle*, 724 F.2d 1149 (5th Cir. 1984).

District Courts

Guthrie v. Evans, 93 F.R.D. 390 (S.D.Ga. 1981).

Russell v. American Tobacco Co., 26 E.P.D. ¶ 32,006 (M.D.N.C. 1981).

State Courts

O'Callaghan v. State, 461 So.2d 1354 (Fla. 1984).

Carter v. City of Birmingham, 444 So.2d 373 (Ala. 1983), cert. denied, 467 U.S. 1211 (1984) (Brennan, J., dissenting).

EDUCATION:

Columbia University School of Law – J.D. 1977; James Kent Scholar (top 10/290); Board of Editors, Columbia Law Review

Yeshiva University – B.A. 1974; Graduated cum laude; Dean's List; Editor-in-Chief, Tempo Magazine

PERSONAL:

Born: April 13, 1953.

Married to M. Lynn Winter, M.S.W., three children—Charles Ezra, born July 11, 1991; Elizabeth Anne, born January 10, 1994; and Emily Malcah, born December 16, 1996.

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