No. 18-854

IN THE

Supreme Court of the United States

GEORGE ALVAREZ,

Petitioner,

v.

THE CITY OF BROWNSVILLE,

Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

Motion for Leave to File and Brief for *Amici Curiae* Law Professors in Support of Petitioner

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Pursuant to Rule 37.2(b), *amici curiae* respectfully move for permission to file the attached brief. Counsel for Petitioner George Alvarez has consented to the filing of this brief. Counsel for Respondent the City of Brownsville has not responded to movants' requests for consent, necessitating the filing of this motion.

This case presents the question whether *Brady* v. *Maryland*, 373 U.S. 83 (1963) establishes a pre-plea right to substantive evidence of innocence. *Amici* are scholars and lecturers who specialize in legal

instruction and writing about Evidence and/or Criminal Procedure, and they have an interest in informing the Court about the history of the *Brady* doctrine.[1] *Amici* request leave to submit their brief in order to elucidate the doctrine's scope and to ensure its proper application, including clarifying that this Court's opinion in *Wilde* v. *Wyoming*, 362 U.S. 607 (1960)—holding the pre-plea suppression of favorable substantive evidence can violate the Due Process Clause—remains good law.

Accordingly, *amici* respectfully request that the Court grant this motion for leave to file their brief.

Respectfully submitted,

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January 22, 2019

[1] A full list of *amici* appears in the appendix accompanying their brief.

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INTEREST OF *AMICI CURIAE*[1]

This brief is submitted on behalf of 44 law professors, who recommend that the Court grant George Alvarez's petition for certiorari.[2]

Amici have dedicated their careers to legal instruction and writing about Evidence and/or Criminal Procedure. *Amici* have an interest in informing the Court about the history of the *Brady* v. *Maryland*, 373 U.S. 83 (1963) doctrine, which requires them to explain in this brief how the decision of the United States Court of Appeals for the Fifth Circuit veered from this Court's foundational opinion supporting the *Brady* doctrine—its opinion in *Wilde* v. *Wyoming*, 362 U.S. 607 (1960), which held that the suppression of favorable substantive evidence before a defendant's guilty plea can violate the Due Process Clause.

SUMMARY OF THE ARGUMENT

The *Brady* doctrine can be traced back to this Court's opinion in *Mooney* v. *Holohan*, 294 U.S. 103

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[1] Pursuant to Supreme Court Rule 37.6, *amici curiae* state that no counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amici curiae* and their counsel, made any monetary contribution toward the brief's preparation or submission. Pursuant to Supreme Court Rule 37.2, counsel of record for all parties received timely notice of *amici curiae*'s intent to file this brief.

[2] A full list of *amici* appears in the appendix accompanying this brief.

(1935), which held that the prosecution's knowing presentation of perjured testimony can violate the Due Process Clause. 294 U.S. at 112. This Court later extended the test formulated in *Mooney* in four pre-*Brady* cases, two solely involving suborned perjury, one involving suborned perjury and the suppression of substantive evidence of innocence, and one solely involving the suppression of substantive evidence of innocence. The pre-*Brady* opinion dealing solely with suppression of substantive evidence was *Wilde* v. *Wyoming*, 362 U.S. 607 (1960), in which the State failed to disclose two exculpatory eyewitness statements to a defendant before he pleaded guilty to second degree murder. The *Brady* Court held that the *Brady* doctrine was merely an extension of *Mooney* and its progeny, including *Wilde*. 373 U.S. at 86–87. This Court has never repudiated *Wilde*, and courts and litigants continue to cite it in the *Brady* context. Accordingly, this Court should grant George Alvarez's petition for certiorari to determine whether *Wilde* remains good law in light of court opinions finding no pre-plea right to substantive evidence of innocence.

ARGUMENT

I. The Court should correct the Fifth Circuit's misreading of the *Brady* doctrine.

In the decision below, the Court of Appeals concluded that precedent from this Court and other courts does not affirmatively establish a Due Process right to substantive evidence of innocence before a defendant pleads guilty. See *Alvarez* v. *City of Brownsville*, 904 F.3d 382, 394 (5th Cir. 2018) ("In sum, case law from the Supreme Court, this circuit, and other circuits does not affirmatively establish that a constitutional violation occurs when *Brady* material is not shared during the plea bargaining process."). This conclusion is directly contrary to this Court's opinion in *Wilde* v. *Wyoming*, 362 U.S. 607 (1960), which held that the pre-plea suppression of favorable substantive evidence can violate the Due Process Clause. This Court used the *Wilde* opinion as primary support for its holding in *Brady* v. *Maryland*, 373 U.S. 83 (1963), and has never repudiated the *Wilde* opinion. Indeed, this Court's opinion in *Brady* is properly seen as merely an extension of its opinion in *Wilde* and related cases.

A. In *Wilde*, this Court held that the pre-plea suppression of favorable substantive evidence can violate the Due Process Clause.

In *Wilde*, the defendant filed a petition for writ of habeas corpus with the Second Judicial District

Court of the State of Wyoming and the Wyoming Supreme Court. In part, the petition claimed that the petitioner's guilty plea to second degree murder was improperly induced because the "prosecutor wilfully suppressed the testimony of two eyewitnesses to the alleged crime which would have exonerated the petitioner." *Wilde*, 362 U.S. at 607.[3] In a per curiam opinion, this Court determined that it did "not appear from the record that an adequate hearing on these allegations was held in the District Court, or any hearing of any nature in, or by direction of, the Supreme Court." *Ibid*. Finding that there was nothing in "the record to justify the denial of hearing on these allegations," this Court remanded the case for an evidentiary hearing. *Ibid*.

By remanding, the *Wilde* Court signaled that the pre-plea suppression of favorable substantive evidence can violate the Due Process Clause. See Colin Miller, *The Right to Evidence of Innocence Before Pleading Guilty*, https://bit.ly/2TTzPeW. In *Pyle* v. *Kansas*, 317 U.S. 213 (1942), this Court similarly remanded a petition for writ of habeas corpus for further proceedings based on allegations of suppressed evidence and suborned perjury. 317 U.S. at 216. Later, in *United States* v. *Bagley*, 473 U.S. 667 (1985), this Court stated that *Pyle* "held that allegations that the prosecutor had deliberately

[3] The defendant also claimed that his guilty plea was induced because he "had no counsel present." *Ibid.*

suppressed evidence favorable to the accused and had knowingly used perjured testimony were sufficient to charge a due process violation." 473 U.S. at 679 n.8. This same reasoning means that the *Wilde* Court held that the allegation that the prosecutor had deliberately suppressed favorable substantive evidence from an accused before he pleaded guilty was sufficient to charge a due process violation. See, *e.g.*, *State* v. *Parker*, 384 P.2d 986, 996 (Or. 1963) (Perry, J., dissenting) ("In *Wilde v. Wyoming*, the Supreme Court of the United States held that where the prosecutor wilfully suppressed testimony favorable to the defendant, there was a denial of due process." (internal citation omitted)).

B. This Court used *Wilde* as primary support for its holding in *Brady*.

Three years later, when this Court decided *Brady* v. *Maryland*, 373 U.S. 83 (1963), it relied upon *Wilde* to create the *Brady* doctrine and emphasized that the *Brady* doctrine was merely an extension of *Wilde* and related cases. In *Brady*, the petitioner claimed that the State violated the Due Process Clause by failing to disclose that his accomplice had confessed to the actual killing that led to their murder convictions. *Id.* at 84–85. This Court held that the suppression of this confession violated the Due Process Clause. *Id.* at 86.

In reaching this conclusion, the *Brady* Court stated that its "ruling [wa]s an extension of *Mooney v. Holohan*, 294 U.S. 103, 112 [(1935)]," which had

held that the knowing presentation of perjured testimony can violate the Due Process Clause. 373 U.S. at 86. The *Brady* Court then noted that this Court had previously extended the test formulated in *Mooney* on four occasions. See *id.* at 86–87. Two of these opinions solely involved suborned perjury. See *Alcorta* v. *Texas*, 355 U.S. 28, 31 (1957) (finding that the defendant did not receive due process because the prosecutor knowingly suborned perjury from the only eyewitness); *Napue* v. *Illinois*, 360 U.S. 264, 269 (1959) (finding that the State knowingly used false testimony to secure the defendant's conviction). Another of these opinions involved suborned perjury and the suppression of favorable evidence. See *Pyle* v. *Kansas*, 317 U.S. 213, 215–216 (1942) (remanding for further proceedings because the defendant "set forth allegations that his imprisonment resulted from perjured testimony, knowingly used by the State authorities to obtain his conviction, and from the deliberate suppression by those same authorities of evidence favorable to him.").

Finally, the last of these opinions was *Wilde*, which, as noted, involved the suppression of substantive evidence of innocence before the defendant pleaded guilty to second degree murder. 362 U.S. at 607. Immediately after noting that *Wilde* was among the cases extending the holding in *Mooney*, the *Brady* Court articulated the test for a *Brady* violation: "We now hold that the suppression by the prosecution of evidence favorable to an

accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." 373 U.S. at 87.

Courts and litigants have since noted the importance of *Wilde* in forming the *Brady* doctrine. See, *e.g.*, *Christman* v. *Hanrahan*, 500 F.2d 65, 67 & n.1 (7th Cir. 1974) (noting that this Court created the *Brady* doctrine after reviewing three cases, including *Wilde*, "in which it is fair to state that the entire proceedings were fundamentally unfair"); Br. for Appellant, Pro Se, *People* v. *Orta*, Nos. 1403, 02-0984, 2004 WL 5468989, at *17–20 (N.Y. App. Div. 2004) (arguing that *Brady* formulated no new rule and instead simply relied upon existing precedent such as *Wilde* regarding the suppression of favorable evidence). Professor Bennett Gershman has observed that (1) the *Brady* opinion "was merely an 'extension' of earlier decisions" such as *Wilde*; (2) each of the other opinions relied upon by the *Brady* Court "related principally to a prosecutor's deliberate use of false testimony at trial"; and (3) only one other opinion cited by the *Brady* Court—*Pyle*—even partially dealt with suppressed evidence. Bennett L. Gershman, *Reflections on* Brady v. Maryland, 47 S. Tex. L. Rev. 685, 693 & nn.36–38 (2006); cf. *United States* v. *Bagley*, 473 U.S. 667, 679 n.8 (1985) ("In fact, the *Brady* rule has its roots in a series of cases dealing with convictions based on the prosecution's knowing use of perjured testimony.").

Because the *Brady* doctrine is properly seen as an extension of *Wilde*—the only pre-*Brady* opinion dealing solely with suppressed substantive evidence of innocence—this Court should grant certiorari to determine whether *Wilde* remains good law in light of court opinions, including the opinion below, refusing to enforce the pre-plea right to substantive evidence of innocence.

C. This Court has never repudiated *Wilde*.

In the intervening 55 years since *Brady* was decided, this Court has not repudiated *Wilde*. Instead, it extended the *Brady* doctrine to cover impeachment evidence in *Giglio* v. *United States*, 405 U.S. 150 (1972), and then placed a limitation upon *Giglio* in *United States* v. *Ruiz*, 536 U.S. 622 (2002).

In *Giglio*, the petitioner claimed that the State violated the *Brady* doctrine by failing to disclose evidence that could have been used to impeach the key witness for the prosecution. 405 U.S. at 150–153. Concluding that the State's case depended almost entirely on this witness's testimony, this Court extended the *Brady* doctrine to cover material impeachment evidence related to important prosecution witnesses. *Id.* at 154–155.

Subsequently, in *Ruiz*, this Court limited *Giglio*. In *Ruiz*, the defendant rejected a "fast track" plea agreement which would have required her to "waive the right to receive impeachment information

relating to any informants or other witnesses." 536 U.S. at 625 (cleaned-up). Notably, however, the plea agreement also specified "that any known information establishing the factual innocence of the defendant has been turned over to the defendant, and it acknowledge[d] the Government's continuing duty to provide such information." *Ibid.* (cleaned-up). The defendant refused to sign the plea agreement, eventually entered a guilty plea without the benefit of a plea agreement, and unsuccessfully sought the downward departure that she would have received under the rejected plea agreement. *Id.* at 625–626.

The *Ruiz* Court rejected the defendant's ensuing appeal, finding that the *Giglio* right to material impeachment evidence "does not require the Government to disclose material impeachment evidence prior to entering a plea agreement with a criminal defendant." 536 U.S. at 633. In reaching this conclusion, this Court distinguished a case like *Ruiz* from a case like *Wilde*. The *Ruiz* Court focused upon the extent to which recognizing a pre-plea right to material impeachment evidence would provide an additional safeguard for innocent defendants. *Id.* at 631. In rejecting the defendant's concern that the lack of such a right would lead to innocent defendants pleading guilty, the *Ruiz* Court observed that the plea agreement offered to the defendant stated that "the Government will provide 'any information establishing the factual innocence of the defendant' regardless." *Ibid.* By making this

observation, this Court acknowledged that the result would, or at least could, have been different if the State had withheld substantive evidence of innocence instead of impeachment evidence. See, *e.g.*, *McCann* v. *Mangialardi*, 337 F.3d 782, 788 (7th Cir. 2003) (finding that this language makes it "highly likely that the Supreme Court would find a violation of the Due Process Clause if prosecutors or other relevant government actors have knowledge of a criminal defendant's factual innocence but fail to disclose such information to a defendant before he enters into a guilty plea"); Russell D. Covey, *Plea Bargaining Law After* Lafler *and* Frye, 51 Duq. L. Rev. 595, 604 (2013) (noting that, by using this language, the *Ruiz* Court "expressly declined to consider whether the same analysis applies to substantive evidence of factual innocence").

In finding no pre-plea right to material impeachment evidence, the *Ruiz* Court also focused on other factors that distinguish impeachment evidence from substantive evidence of innocence. The *Ruiz* Court noted that there is no pre-plea right to impeachment evidence because "impeachment information is special in relation to the *fairness of a trial*, not in respect to whether a plea is *voluntary*." 536 U.S. at 629. By concluding that impeachment evidence is "special" in relation to the fairness of trials, the *Ruiz* court implied that substantive evidence of innocence does relate to the voluntariness of pleas. See, *e.g.*, *United States* v. *Lovato*, No. 11-

02416-JCH 2012, WL 13076317, at *1 n.1 (D.N.M., Oct. 2, 2012) ("The government thus relies on *Ruiz* for the proposition that impeachment evidence is special in relation to the fairness of a trial, and can be distinguished from exculpatory evidence which may be used to support a defendant's factual innocence." (internal quotation marks omitted)).

The *Ruiz* Court also observed that "[i]t is particularly difficult to characterize impeachment information as critical information of which the defendant must always be aware prior to pleading guilty given the random way in which such information may, or may not, help a particular defendant." 536 U.S. at 630. This particular difficulty relates to the fact that defendants (and often prosecutors) do not know whether particular witnesses will be critical or even called to testify before the defendant pleads guilty. See *ibid.* ("The degree of help will depend upon the defendant's own independent knowledge of the prosecution's potential case—a matter that the Constitution does not require prosecutors to disclose."). Conversely, there is no such difficulty in characterizing substantive evidence of innocence such as an exculpatory video, exculpatory eyewitness statements, or DNA evidence. See, *e.g.*, *Buffey* v. *Ballard*, 782 S.E.2d 204, 221 (W. Va. 2015) (finding a *Brady* violation based on the State's pre-plea suppression of exculpatory DNA evidence).

Because some courts have ignored *Wilde* and extended *Ruiz* to hold that there is no pre-plea right to substantive evidence of innocence, see, *e.g.*, *United States* v. *Conroy*, 567 F.3d 174, 179 (5th Cir. 2009), this Court should grant certiorari to determine whether *Ruiz* merely limited the *Giglio* right to impeachment evidence.[4]

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[4] Alternatively, given that this Court found in *Puckett* v. *United States*, 556 U.S. 129, 137 (2009), that "plea bargains are essentially contracts," this Court should grant certiorari to determine whether contract doctrines such as the superior knowledge doctrine and the implied covenant of good faith and fair dealing create a pre-plea right to material exculpatory evidence. See Colin Miller, *Plea Agreements as Constitutional Contracts*, N.C. L. Rev. (forthcoming 2019), https://bit.ly/2DFlP5c (arguing that the superior knowledge doctrine that applies to government contracts and the implied covenant of good faith and fair dealing compel the pre-plea disclosure of material exculpatory evidence); see also *United States* v. *Isaac*, 141 F.3d 477, 481–483 (3d Cir. 1998) (finding that the implied covenant of good faith and fair dealing applied to the State's conditional promise in a plea agreement to file a substantial assistance motion); *Petrochem Servs., Inc.* v. *United States*, 837 F.2d 1076 (Fed. Cir. 1988) (finding that the Navy violated the superior knowledge doctrine by failing to disclose the amount of oil spilled to a government contractor that won a contract to clean the spill); *ASI Constructors, Inc.* v. *United States*, 129 Fed. Cl. 707, 720–721 (2016) (denying a motion by the Army Corps of Engineers to dismiss a claim that it violated the implied covenant of good faith and fair dealing by failing to disclose material information regarding site conditions to a government contractor performing work on a dam); *Miller Elevator Co.* v. *United States*, 30 Fed. Cl. 662, 674–676 (1994) (finding that the General Services Administration violated the superior knowledge doctrine by failing to disclose material information regarding renovations that would increase the workload for a government contractor).

D. Courts and parties continue to cite *Wilde* in the *Brady* context.

Courts have cited *Wilde* in the *Brady* context since it was decided. In 1962, the Court of Appeals of Maryland remanded a decision denying post-conviction relief to a petitioner who claimed that the State suppressed material exculpatory evidence. See *Strosnider* v. *Warden of Md. Penitentiary*, 180 A.2d 854, 856–857 (Md. 1962). The court largely based the decision to remand on prior precedent holding that "the suppression by the State of evidence tending to exculpate a defendant is a ground for relief." *Id.* at 856. That prior precedent was two cases: this Court's opinion in *Wilde* and the Court of Appeals' own prior opinion in *Brady* v. *State*, 174 A.2d 167 (Md. 1961), which was later affirmed by this Court. A number of other state courts of last resort also have cited *Wilde* in the *Brady* context. See *State* v. *Gray*, 286 So.2d 644, 647 (La. 1973); *State* v. *Miller*, 151 N.W.2d 157, 167 (Wis. 1967); *State* v. *Parker*, 384 P.2d 986, 996 (Or. 1963) (Perry, J., dissenting).

Four years after this Court decided *Wilde*, the United States Court of Appeals for the Second Circuit relied upon *Wilde* to reverse a robbery conviction based upon the State's suppression of two exculpatory statements by eyewitnesses. See *United States ex rel. Meers* v. *Wilkins*, 326 F.2d 135, 138 (2nd Cir. 1964). In granting the defendant relief, the court noted the similarity between the case at hand and *Wilde*, in which an evidentiary hearing was

granted based on the petitioner's allegation "'that the prosecutor wilfully suppressed the testimony of two eyewitnesses to the alleged crime which would have exonerated the petitioner.'" *Ibid.* (quoting *Wilde*, 362 U.S. at 607).

In the ensuing years, *Wilde* has been used in the *Brady* context by (1) other federal appellate courts, see, *e.g.*, *Christman*, 500 F.2d at 67 n.1 (citing *Wilde* in connection with the defendant's claim that a suppressed phone call was *Brady* evidence); (2) federal district courts, see, *e.g.*, *Walker* v. *Bishop*, 295 F. Supp. 767, 774 (E.D. Ark. 1967) (citing *Wilde* for the proposition that the suppression of favorable evidence violates the Due Process Clause); and (3) state appellate courts, see, *e.g.*, *People* v. *Fein*, 263 N.Y.S.2d 629, 638 (N.Y. App. Div. 1965) (citing *Wilde* in connection with the defendant's claim that a suppressed ballistics report was *Brady* evidence).

Most recently, only a year ago, the Court of Criminal Appeals of Alabama relied on *Wilde* to refute the State's allegation that granting a defendant relief under the *Brady* doctrine is intended to punish the prosecution. See *State* v. *Martin*, CR-15-0664, 2017 WL 6398318, at *17 (Ala. Crim. App., Dec. 15, 2017), rev'd on other grounds *sub nom*. *State* v. *Martin* (*Ex parte State*), No. 1170407, 2018 WL 4177525 (Ala. Aug. 31, 2018). The Court of Criminal Appeals responded that courts grant relief in such cases not to punish, but to protect the due process rights of defendants, citing to the *Brady* Court's

creation of the *Brady* doctrine through due process cases like *Wilde*. See *ibid.*

Litigants also have been citing *Wilde* in the *Brady* context since it was decided. In 1965, a petitioner in a brief to this Court cited *Wilde* in support of his claim that the suppression of evidence favorable to the accused violates the Due Process Clause. See Br. for Thomas F. Johnson, *United States* v. *Johnson*, No. 25, 1965 WL 115696, at *124 n.115 (U.S. Oct. 4, 1965). Most recently, just last year, an appellant convicted of murder cited *Wilde* in his brief to the Supreme Court of Florida in support of his claim that the suppression of material exculpatory evidence constituted a *Brady* violation. See Initial Br. of Appellant, *Thomas* v. *State*, No. SC18-48, 2018 WL 2740354, at *54 n.39 (Fla. June 4, 2018) ("In *Wilde v. Wyoming*, the validity of a guilty plea was called into question in part because of the allegation that 'the prosecutor willfully suppressed the testimony of two eyewitnesses to the alleged crime which would have exonerated the petitioner.'" (internal citation omitted) (quoting 362 U.S. at 697)); see also Informal Br. for Habeas and Section 2255 Cases, *United States* v. *Gibbs*, No. 17-6135, 2017 WL 971760, at *12 (4th Cir., Mar. 6, 2017) (citing *Wilde* in support of a claim that the State violated the *Brady* doctrine by withholding an alternate suspect's confession).

Notably, litigants continue to cite *Wilde* in support of claims that the pre-plea suppression of favorable substantive evidence violates the *Brady*

doctrine. See, *e.g.*, Appellants Opening Br., *Combs* v. *State*, No. DA 12-0392, 2012 WL 5024989 (Mont. Oct. 3, 2013) (using *Wilde* to claim a *Brady* violation based on the State's suppression of favorable fingerprint evidence prior to the defendant's *nolo contendere* plea); Opening Br., *Thomas* v. *Commonwealth*, No. 911850, 1992 WL 12157503 (Va. Feb. 14, 1992) (using *Wilde* to claim a *Brady* violation based on the Commonwealth's suppression of evidence that could have supported an involuntary intoxication defense prior to the defendant's guilty plea). Some states have even cited *Wilde* to argue that the evidence they suppressed was less exculpatory than the evidence in *Wilde*. See, *e.g.*, Reply Br. of Appellant, *Angelone* v. *Dabney*, No. 011069, 2001 WL 34899214, at *4–5 (Va. Oct. 31, 2001) (claiming that the petitioner had not presented the same type of suppressed exculpatory evidence as the petitioner in *Wilde*).

Because courts and litigants continue to rely on *Wilde* in the *Brady* context generally and the pre-plea context specifically, this Court should grant certiorari to determine whether *Wilde* remains good law.

CONCLUSION

This Court's opinion in *Wilde* was primary support for the *Brady* doctrine, which can be seen as merely an extension of its opinion in *Wilde* and related due process cases. While some courts,

including the court below, have held that this Court has not established a pre-plea right to substantive evidence of innocence, this Court has never repudiated *Wilde*; courts and litigants continue to cite it in the *Brady* context. Therefore, this Court should grant certiorari to determine whether *Wilde* remains good law in light of court opinions finding no pre-plea right to substantive evidence of innocence.

For the foregoing reasons and those stated in the petition for writ of certiorari, the petition should be granted.

Respectfully submitted,

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University of South Carolina School of Law

Counsel for Amici Curiae Law Professors in Support of Petitioner

January 22, 2019

APPENDIX

APPENDIX

List of Amici Curiae

This Appendix provides titles and institutional affiliations of *amici* for identification purposes only, and not to imply any endorsement of the views expressed herein by amici's institutions.

Hadar Aviram

Professor of Law and Co-Director of the Hastings Institute for Criminal Justice
University of California, Hastings College of the Law

Lara Bazelon

Associate Professor of Law and Director of the Criminal Juvenile Justice Clinic and the Racial Justice Clinic
University of San Francisco School of Law

Valena Beety

Professor of Law and Director of the West Virginia Innocence Project
West Virginia University College of Law

John Blume

Samuel F. Liebowitz Professor of Trial Techniques, Director of Clinical, Advocacy and Skills Programs & Director of Cornell Death Penalty Project
Cornell Law School

Robert Calhoun

Professor of Law
Golden Gate University School of Law

Kami Chavis

Professor of Law and Director of the Criminal Justice Program
Wake Forest University School of Law

Jessica Gabel Cino

Associate Dean for Academic Affairs and Associate Professor of Law
Georgia State University College of Law

Russell D. Covey

Professor of Law
Georgia State University College of Law

J. Amy Dillard

Associate Professor of Law
University of Baltimore School of Law

Meredith J. Duncan

George Butler Research Professor of Law and Director of Metropolitan Programs
University of Houston Law Center

Jules Epstein

Professor of Law and Director of Advocacy Programs
Temple University Beasley School of Law

Lisa Faigman

Lecturer in Law
University of California, Hastings College of the Law

Marc Falkoff

Associate Dean for Academic Affairs and Professor of Law
Northern Illinois University College of Law

Brian R. Gallini

Senior Associate Dean for Faculty and Professor of Law
University of Arkansas School of Law

Brandon L. Garrett

L. Neil Williams, Jr. Professor of Law
Duke University School of Law

David Gray

Professor of Law
University of Maryland Francis King Carey School of Law

Bruce Green

Louis Stein Chair of Law and Director of the Louis Stein Center for Law and Ethics
Fordham University School of Law

Carissa Hessick

Anne Shea Ransdell and William Garland "Buck" Ransdell, Jr. Distinguished Professor of Law
University of North Carolina School of Law

Andrew Horwitz

Professor and Assistant Dean for Experiential Education
Roger Williams University School of Law

K. Babe Howell

Professor of Law
City University of New York School of Law

Tonja Jacobi

Professor of Law
Northwestern Pritzker School of Law

Thea Johnson

Associate Professor
University of Maine School of Law

Susan S. Kuo

Associate Dean for Diversity and Inclusion and
Professor of Law
University of South Carolina School of Law

Corinna Barrett Lain

S. D. Roberts & Sandra Moore Professor of Law
and Associate Dean of Faculty Development
University of Richmond School of Law

Jennifer Laurin

Wright C. Morrow Professor
University of Texas at Austin School of Law

Richard A. Leo

Hamill Family Chair Professor of Law and Social Psychology
University of San Francisco School of Law

Kate Levine

Assistant Professor of Law
St. John's University School of Law

Caren Myers Morrison

Associate Professor of Law
Georgia State University College of Law

Ann Murphy

Professor of Law
Gonzaga University School of Law

Justin Murray

Climenko Fellow and Lecturer on Law
Harvard Law School

Samuel Newton

Assistant Professor of Law
University of Idaho College of Law

William P. Quigley

Professor of Law and Director of the Loyola Law Clinic & the Gillis Long Poverty Law Center
Loyola University New Orleans College of Law

Louis Raveson

Professor of Law and Alfred C. Clapp Public Service Scholar
Rutgers Law School

L. Song Richardson

Dean and Chancellor's Professor of Law
University of California, Irvine School of Law

D. Michael Risinger

John J. Gibbons Professor of Law
Seton Hall University School of Law

Amy D. Ronner

Emeritus Professor of Law
St. Thomas University School of Law

Stephen A. Saltzburg

Wallace and Beverley Woodbury University
Professor of Law and Director of the National Trial
Advocacy College
George Washington University Law School

Erin Sheley

Associate Professor of Law
University of Oklahoma College of Law

Leslie A. Shoebotham

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Jocelyn Simonson

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Suja Thomas

Peer and Sarah Pedersen Professor of Law
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Sandra Guerra Thompson

Newell H. Blakely Professor in Law and Director of the Criminal Justice Institute
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