

MARC L. MILLER

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Rogers College of Law
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EMPLOYMENT

Ralph W. Bilby Professor of Law, Rogers College of Law, University of Arizona, 2006-present
(Ralph W. Bilby Visiting Professor, 2005-2006)

Associate Dean for Faculty and Scholarship, Emory Law School, 2003-2005

Professor, Emory Law School, 1998-2006 (Assistant and Associate Professor, 1988-1998)

Visiting Associate Professor, Duke Law School, Spring 1998.

Visiting Scholar, Stanford Law School, 1995-1996.

Special Counsel, Vera Institute of Justice, New York, 1987-1988.

Attorney-Advisor, Office of Legal Counsel, United States Department of Justice. Washington, D.C. 1985-1987.

Law Clerk, Chief Judge John C. Godbold, United States Court of Appeals for the Eleventh Circuit,
Montgomery, Alabama. 1984-1985.

EDUCATION

University of Chicago Law School. J.D. 1984. Honors.

Managing & Book Review Editor, University of Chicago Law Review.

Pomona College. B.A. 1981. Honors. Phi Beta Kappa.

Major: Politics, Philosophy & Economics.

Special Programs Related to the History & Politics of India –

- Oxford University. 1980. Political philosophy & Indian history.
- Lucknow, Uttar Pradesh, India. 1979. Research on urban housing.

PUBLICATIONS

Books

CRIMINAL PROCEDURES: CASES, STATUTES & EXECUTIVE MATERIALS (Aspen Publishers, 3rd Ed. 2007)
(& 2009-20100 supp.) (& Teachers' Manual) (with Ronald Wright) (21 chapter, full-spectrum casebook,
covering police, adjudication, and survey courses) See <http://www.crimpros.com>
* Review: Robert Weisberg, *A New Legal Realism for Criminal Procedure*, 49 BUFF. L. REV. 909 (2001).
* Review: Stephanos Bibas, *The Real World Shift in Criminal Procedure*, 93 J. CRIM. LAW AND
CRIMINOLOGY 789 (2003) (see http://papers.ssrn.com/sol3/papers.cfm?abstract_id=345320)

CRIMINAL PROCEDURES—THE POLICE: CASES, STATUTES & EXECUTIVE MATERIALS
(3rd Ed. Aspen Publishers, 2007) (chapters 1-10 of CRIMINAL PROCEDURES)

CRIMINAL PROCEDURES—PROSECUTION & ADJUDICATION: CASES, STATUTES & EXECUTIVE MATERIALS
(3rd Ed. 2007) (chapters 11-21 of CRIMINAL PROCEDURES, revised and updated)

SENTENCING LAW & POLICY: CASES, STATUES AND GUIDELINES (Aspen Publishers 2nd ed. 2007)
(& Supp. 2009-2010) (& Teachers' Manual)
(with Nora Demleitner, Doug Berman & Ronald Wright) (see <http://www.sentbook.com>)

HARMFUL INVASIVE SPECIES: LEGAL RESPONSES (Environmental Law Institute 2004)
(editor, with Robert Fabian) (see http://www.elistore.org/books_detail.asp?ID=10930)

GALAPAGOS CONSERVATION: EXPLORING SUSTAINABILITY (Stanford University Press)
(editor, with Matt James & Johannah Barry) (forthcoming 2010)

Articles

- Shaping Modern Sentencing: Three Giants*, 21 FED. SENT. RPTR. 227 (2009) (with Steve Chanenson)
- Invasive Species: A Big Gap in Environmental Law*, IN ENCYCLOPEDIA OF INVASIVE INTRODUCED SPECIES (Daniel Simberloff and Marcel Rejmánek, eds., University California Press) (2009, in press)
- State Governance: Leadership on Climate Change*, in John Dernbach, Ed., AGENDA FOR A SUSTAINABLE AMERICA (2009) (with Kirsten Engel)
- The Criminal Justice System in the USA*. This report is part of the Max Planck Institute project, Rethinking European Criminal Justice (EuroJustice) (2009, in press)
- The Black Box: The Reasons Behind Prosecutors' Declination Choices*, 94 IOWA L. REV. 125 (2008) (with Ronald Wright)
- Dead Wrong*, 2008 UTAH. L. REV. 89 (with Ronald Wright)
- Leaky Floors: State Law Below Federal Constitutional Limits*, 50 ARIZ. L. REV. 227 (2008) (with Ronald Wright)
- Applying Legal Sunshine to the Hidden Regulation of Biological Control*, 35 BIOLOGICAL CONTROL 358 (2005) (peer review science journal) (with Greg Aplet)
- Sentencing Lessons*, 58 STAN. L. REV. 1 (2005) (with Robert Weisberg)
- "*The Wisdom We Have Lost:*" *Sentencing Information and Its Uses*, 58 STAN. L. REV. 361 (2005) (with Ronald Wright)
- A Map of Sentencing and A Compass for Judges: Sentencing Information Systems, Transparency, and the Next Generation of Reform*, 105 COLUM. L. REV. 1351 (2005)
- Sentencing Equality Pathology*, 53 EMORY L. REV. 271 (2005)
- Secret Police and The Mysterious Case of the Missing Tort Claims*, 52 BUFF. L. REV. 757 (2004) (invited for inaugural essay issue) (with Ronald Wright)
- Domination and Dissatisfaction: Prosecutors As Sentencers*, 56 STAN. L. REV. 1211 (2004)
- Sentencing "Reform Reform" Through Sentencing Information Systems*, in Michael Tonry ed., THE FUTURE OF IMPRISONMENT 121-153 (Oxford University Press 2004) (essays in honor of Norval Morris)
- Biological and Cultural Camouflage: The Challenges of Seeing The Harmful Invasive Species Problem and Doing Something About It* (with Lance Gunderson), in HARMFUL INVASIVE SPECIES: LEGAL RESPONSES (Marc Miller & Robert Fabian, Editors) (2004)
- The Paradox of United States Alien Species Law*, in HARMFUL INVASIVE SPECIES: LEGAL RESPONSES (Marc Miller & Robert Fabian, Editors) (2004)
- NIS, WTO, SPS, WIR: Does the WTO Substantially Limit the Ability of Countries to Regulate Harmful Non-Indigenous Species?*, 17 EMORY INT'L L.J. 1059 (2003)
- Public Lands for the Public's Health*, 33 ENV. L. RPTR. 10217 (March 2003) (with Richard Goodman)
- Honesty and Opacity in Charge Bargains*, 52 STAN. L. REV. 1409 (2003) (with Ronald Wright) (available at http://lawreview.stanford.edu/content/vol55/4/Wright_Miller.pdf) (response to Gerard E. Lynch, *Screening Versus Plea Bargaining: Exactly What Are We Trading Off?*, 52 STAN. L. REV. 1399 (2003) (critiquing *The Screening/Bargaining Tradeoff*) (available at <http://lawreview.stanford.edu/content/vol55/4/Lynch.pdf>))
- The Screening/Bargaining Tradeoff*, 52 STAN. L. REV. 29 (2002) (with Ronald Wright) (available at http://lawreview.stanford.edu/content/vol55/1/Wright_Miller.pdf)

- Norval Morris*, in the *ENCYCLOPEDIA OF PRISONS AND CORRECTIONAL FACILITIES* (Sage, 2004) (with Steve Chanenson).
- Immigration Law: Assessing New Immigration Enforcement Strategies and the Criminalization of Migration*, 51 *EMORY L. J.* 963 (2002) (introduction to Thrower symposium)
- Pardon Us: Systematic Presidential Pardons*, 13 *FED. SENT. R.* 139 (2001) (with Charles Shanor)
- Cumberland Island: Constructing and Deconstructing Wilderness and History*, National Oceanic and Atmospheric Administration (NOAA), Coastal Services Center (2001) (with Julie Mayfield)
- Wise Masters*, 51 *STAN. L. REV.* 1751 (1999) (review of Malcolm Feeley & Edward Rubin, *JUDICIAL POLICY MAKING AND THE MODERN STATE* (1998))
- Your Cheatin' Heart(land): The Long Search for Administrative Sentencing Justice*, 2 *BUFFALO CRIM. L. REV.* 723 (1999) (with Ronald Wright)
- Empty Heart, Vibrant Corpus*, 12 *FED. SENT. R.* 86 (1999) (with Ronald Wright)
- Teaching Holistic Sentencing*, 10 *FED. SENT. R.* 338 (1998) (with Ronald Wright)
- Cells vs. Cops vs. Classrooms*, in Lawrence Friedman & George Fisher, Eds., *THE CRIME CONUNDRUM* 127 (1997)
- Rehabilitating the Federal Sentencing Guidelines*, 78 *JUDICATURE* 180 (1995)
- The Disproportionate Imprisonment of Low-Level Drug Offenders*, 7 *FED. SENT. R.* 3 (1994)
- Guiding the Discretion of U.S. Attorneys: Department of Justice Policies, 1980-1994*, 6 *FED. SENT. R.* 299 (1994)
- Virtues of Biological Control Regulation*, *PROCEEDINGS OF THE 1994 U.S. DEPARTMENT OF AGRICULTURE GYPSY MOTH RESEARCH FORUM* 55 (1994)
- Biological Control: A Little Knowledge is A Dangerous Thing*, 45 *RUTGERS L. REV.* 285 (1993) (with Greg Aplet)
- The Chasm Between The Judiciary and Congress Over Mandatory Minimum Sentences*, 6 *FED. SENT. R.* 59 (1993)
- The Unfulfilled Potential For Independent Federal Sentencing Research*, 6 *FED. SENT. R.* 3 (1993)
- Contrasting Approaches Toward Guidelines and Departures in Six Circuits*, 5 *FED. SENT. R.* 243 (1993)
- The Need for Change in Guideline Sentencing: Suggestions for the President and the 103rd Congress*, 5 *FED. SENT. R.* 123 (1993)
- Purposes At Sentencing*, 66 *SO. CAL. L. REV.* 413 (1992)
- True Grid: Revealing Sentencing Policy*, 25 *U.C. DAVIS L. REV.* 587 (1992)
- Departures Visible and Invisible: Perpetuating Variation in Federal Sentences*, 5 *FED. SENT. R.* 3 (1992)
- Amending the Guidelines*, 4 *FED. SENT. R.* 307 (1992)
- Perspectives on Disparity in Guideline Research*, 4 *FED. SENT. R.* 123 (1992)
- Developing Intermediate Sanctions*, 4 *FED. SENT. R.* 3 (1991)
- Taking 'Purposes' Seriously: The Neglected Requirement of Guideline Sentencing*, 3 *FED. SENT. R.* 295 (1991)
- Honoring Judicial Discretion Under the Sentencing Reform Act*, 3 *FED. SENT. R.* 235 (1991)
- Plea Bargained Sentences, Disparity and 'Guideline Justice,'* 3 *FED. SENT. R.* 175 (1991)
- Pretrial Detention and Punishment*, 75 *MINN. L. REV.* 335 (1990) (with Martin Guggenheim)

Georgia's Historical Law Schools -- Emory: The Creation of a National Law School, 27 GEORGIA STATE BAR JOURNAL 88 (1990). Expanded and republished as *Two Eras at Emory Law School: Building on the Past, Learning from the Future*, in EMORY REPORT (1997).

Offender Characteristics and Victim Vulnerability: The Difference Between Policy Statements and Guidelines, 3 FED. SENT. R. 3 (1990)

The Emerging Proportionality Law for Measuring Departures, 2 FED. SENT. R. 255 (1990)

The Commission Under Fire: Constructive Advice or Destructive Attack, 2 FED. SENT. R. 207 (1990)

Guidelines Are Not Enough: The Need For Written Sentencing Opinions, 7 BEHAV. SCI. & THE LAW 3 (1989)

Handcuffing the Sentencing Judge: Are Offender Characteristics Becoming Irrelevant? Are Congressionally Mandated Sentences Replacing Judicial Discretion? 2 FED. SENT. R. 189 (1989)

The Relevant Conduct Controversy, 2 FED. SENT. R. 150 (1989)

Predictions of Dangerousness: An Argument for Limited Use, 3 VIOL. & VICTIMS 263 (1988) (with Norval Morris)

DEPARTURE SENTENCES UNDER THE UNITED STATES SENTENCING COMMISSION GUIDELINES: INTERIM REPORT OF THE AD HOC SENTENCING STUDY GROUP. Vera Institute (Dec. 1987) (with Daniel Freed)

PREDICTIONS OF DANGEROUSNESS IN THE CRIMINAL LAW, National Institute of Justice Research in Brief (March 1987) (with Norval Morris)

Predictions of Dangerousness: Ethical Concerns and Proposed Limits, 2 NOTRE DAME JOURNAL OF LAW, ETHICS & PUBLIC POLICY 393 (1986) (with Norval Morris)

Changing Legal Paradigms in Juvenile Justice and Legal Constraints on Intervention Programs in Public Schools, in INTERVENTION STRATEGIES FOR CHRONIC JUVENILE OFFENDERS: SOME NEW PERSPECTIVES (P. Greenwood, ed.) (1986) (earlier versions of these two chapters were published in JUVENILE REHABILITATION READER, N-2236-OJJDP, 1985)

In Your Court: State Judicial Federalism in Capital Cases, 18 URBAN LAWYER 659 (1986) (with Ronald Wright)

Legal and Ethical Limits on the Use of Predictions of Dangerousness in the Criminal Law, in THE PREDICTION OF CRIMINAL VIOLENCE (F. Dutilleul & C. Foust, eds.) (1986)

Predictions of Dangerousness, in 6 CRIME & JUSTICE: AN ANNUAL REVIEW OF RESEARCH 1 (1985) (with Norval Morris) (principles for criminal and mental health law suggested in this paper were adopted by the National Academy of Sciences panel on criminal behavior in 1986)

Comment, *Diversity Jurisdiction Over Alien Corporations*, 52 U. CHI. L. REV. 1458 (1984)

Founding Editor, FEDERAL SENTENCING REPORTER (Univ. of Calif. Press) (1988-1995);
Senior Advisor / Editor Emeritus (1996 – present)

FSR is the leading journal on sentencing law and reform. In 1988 I founded FSR with Professor Daniel Freed of Yale Law School to track the development of guideline sentencing, provide a forum for exploring sentencing theory and practice, and encourage the evolution of principled sentencing law. Now in its 21st year, FSR is published by the University of California Press and has been sponsored since its founding by the Vera Institute of Justice (N.Y.). FSR received startup funding from the Edna McConnell Clark Foundation, and one year received a line item budget authorization from Congress to provide copies to all federal judges. FSR appears on Lexis and Westlaw, and is available through Heinonline.

EDITORIALS, TESTIMONY, BRIEFS, WEB PUBLICATIONS & BOOK REVIEWS

THE OWNERSHIP OF HISTORY & NATURE: THE LEGAL BATTLES OVER CUMBERLAND ISLAND (manuscript in progress) (editor with Julie Mayfield & Allison Adams) (2010)

“The President and Congress on Crack,” Dallas Morning News, Monday, February 25, 2008

Letter to Secretary Ann Veneman, July 12, 2004 (as of Jan. 1, 2005 APHIS changed its public information and access policies with regard to biological controls in response to this letter)

“Go Slow: A Recommendation for Responding to *Blakely v. Washington* in the Federal System,” Written testimony submitted to the Senate Committee on the Judiciary, Tuesday, July 13, 2004

“Prosecutor Rex,” PHILADELPHIA INQUIRER, Op-Ed, Dec. 19, 2003 (with Ron Wright)

“The Right to Refuse Consent Is In Danger,” LOS ANGELES TIMES, Op-Ed, April 15, 2002 (with Ron Wright) (on criminal procedure after 9/11).

NIS, WTO, SPS, WIR: Does the WTO Substantially Limit the Ability of Countries to Regulate Harmful Non-Indigenous Species?, Halle Institute Paper Series (2002) (part of a multi-disciplinary series of papers on globalization aimed at undergraduates). See <http://www.emory.edu/OIA/Halle/publications/marcmilller.pdf>

Lead Counsel, Amicus Brief to the Supreme Court of the United States for Law Professors and Former United States Attorneys, *Rita v. United States* (2007).

Lead counsel, *United States v. Charlie Liteky* (11th Cir.) (2000-2001). See <http://www.law.emory.edu/~mmiller>

INTERIM REPORT, POLICY & REGULATION WORKING GROUP OF THE NATIONAL INVASIVE SPECIES ADVISORY COUNCIL (with Keith Pitts) (July 3, 2000), <http://www.invasivespecies.gov/council/wrkgrps.shtml#policy>

“Saving the Galapagos,” NEW YORK TIMES, Op-Ed, A15, Oct. 12, 1995; “Galapagos Islands: Trouble in the Middle of Nowhere,” STANFORD REPORT, p. 3, Oct. 11, 1995 (both with Donald Kennedy)

"Proposed Delay in the Federal Sentencing Guidelines," Written Testimony for the U.S. Senate Judiciary Committee, October 1987 (with Dan Freed)

* In 1985 & 1986 I served as book review editor for the *Castine Patriot* – the local paper for Castine, Maine. In that role I wrote a series of book reviews and solicited reviews from other authors.

BACKGROUND AND PROFESSIONAL PROJECTS

Bar Memberships: California (1984) (active); District of Columbia (1986).

Law School Courses Taught:

- Sentencing Law & Policy (course and seminar); Criminal Procedure I (police practices); Criminal Procedure II (prosecution & adjudication); Criminal Procedure III (sentencing & post-conviction review); Criminal Law; Crime in America; Historical & Comparative Criminal Procedure (seminar).
- Public Lands and Natural Resources; Sustainability in Environmental Policy (graduate workshop); Legal Aspects of Biodiversity (interdisciplinary course co-taught with Dr. Lance Gunderson to law students and undergraduate environmental studies majors).
- Torts; Constitutional Law.

Original Materials: All criminal procedure courses (published); Sentencing Law & Policy (published); Crime in America; Legal Aspects of Biodiversity; Public Lands & Natural Resources; Sustainability in Environmental Policy

University of Arizona James E. Rogers College of Law & University of Arizona Committees & Service:

Chair, Appointments, 2009-2010; Chair, Promotion & Tenure, 2007-2009; Member, University of Arizona Reconciliation Committee (2007-2009); Co-Chair, Faculty Development Committee, 2006-2007; Member, Retreat Committee (2006-2007); Member, University Earth Sciences & Environmental Program Initiative, 2006.

Emory Law School Committees & Service: Associate Dean for Faculty & Scholarship, 2003-2005 (I served ex officio on colloquium and scholarship, clerkship, appointments, long range planning and various ad hoc committees); Chair, Appointments Committee (2001), Member (2002); Co-Chair, Special Lateral Appointments Committee (1998); Chair, Law School Faculty Colloquium & Scholarship Committee (1988, 2002), Member, (1989-1992); Chair, Curriculum Committee (1994, 1996-1998); member (1999-2002); Chair & Member, Judicial Clerkship Committee (1988-1997, 2000-2001); Member, Rankings (U.S. News) Committee (2002-2004); Member, Academic Standings Committee (1992); Member, Law School Technology & Library Committees (1993, 1996, 1997, 1999-2002); President, Order of the Coif (1997-2002); Member, Woodruff Scholarship Selection Committee (1992; 2001).

Emory University Committees: Co-Chair, "Courageous Leadership," Emory University Signature Themes Development, Spring 2005; Committee on the Future of Emory (2002-2004); Council on Information Resources & Technology (CIRT) (1999-2001); Faculty Council and University Senate (appointed by Emory University President and Provost) (1994); Faculty-Carter Center Relations Subcommittee (1994); Academic Computing Advisory Committee (1994); University Library Committee (1994); Virtual Library Committee (1993-1994).

Special Projects & Honors

Member, American Law Institute (elected May 2002)

Co-Director, Criminal Law & Policy Program (CL&P), University of Arizona James E. Rogers College of Law, 2007-present

Lead Series Editor, The Edge book series (volumes on Environmental Science, Law & Policy), a joint project of the Institute of the Environment (IE), the James E. Rogers College of Law, the Biosphere 2 Institute, The Udall Center on Public Policy, and the University of Arizona Press (2007-present)

Associated Faculty, University of Arizona Institute of the Environment (2007-present)

Member, Max Planck Institute, Concepts for a European Criminal Justice System Project, 2006-2008.

IUCN Representative, CABI Conference on Developing Invasive Species Policy in China. Hosted by Chinese Academy of Agricultural Sciences (CAAS). Beijing. Oct. 30-Nov. 7, 2004.

Division Chair (Sentencing), American Society of Criminology, Atlanta, Georgia, Nov. 7-10, 2001.

Advisory Board, Ohio State Journal of Criminal Law.

Editorial Board, LYONIA (peer-review journal of the Lyon Arboretum, tropical montane forest ecology and use) (2003-2006)

Co-Director, Cross-Disciplinary Workshop on "Greening the University: Environmental Perspectives Across the Curriculum" (May 15-17, 2002) (for this workshop, among other things, I gathered and edited a set of readings, *Green Notions: Green Curriculum, Green Campus, Green City*).

Co-Chair (non-federal), Policy & Regulation Working Group, National Invasive Species Council, 2000 (with Keith Pitts, U.S.D.A.). See Executive Order (see Executive Order 13112, 64 Fed. Reg. 6183 (Feb. 3 1999) (Clinton) (invasive species); <http://www.invasivespecies.gov>

Board member, Turner Environmental Law Clinic, 1998-present. Advisor, Cumberland Island project.

Clinton-Gore Transition Team, Justice & Civil Rights Cluster, Sentencing and Punishment Policy Group, Principal Drafter (December 1992).

Fellow, World Association of International Studies (California Institute of International Studies) (elected 1996).

Co-Founder, Galapagos Coalition (1995-present) (with Dr. Gregory Aplet & Dr. Matthew James) [See <http://www.galapagoscoalition.org>].

Advisor, Nature and Culture International [See <http://www.natureandculture.org>]; Advisor, Estacion Cientifica San Francisco (biological research station near Loja, Ecuador)

Director, Atlanta Municipal Court Project, 1988-1990.

Member, Central Atlanta Progress Municipal Court Review Committee (1989);
Chair, Subcommittee on Research, Data Collection and Data Analysis.

Secretary, Committee on Education and Prevention, NYC Substance Abuse Task Force. 1987-1988.

Secretary, Council on Criminal Justice, Association of the Bar of the City of New York. 1987-1988.
Juvenile Justice Project, Rand Corporation, 1984-1985.

SELECTED SPEECHES AND PAPER PRESENTATIONS

- “The Internal Regulation of Executive Discretion: Theory In Search of Environmental Applications,”
Environmental Breakfast Club, University of Arizona, Sept. 11, 2008
- “See No Evil.” Villanova Law School. February 2, 2008.
- “Subjective and Objective Perspectives on Judicial and Prosecutorial Sentencing Discretion,” Stanford Criminal Justice Center, Executive Sessions (Sept. 7, 2007) (reported at http://www.law.stanford.edu/program/centers/scjc/pdf/090707_Report_Analysis_lr.pdf (Nov. 2007))
- “Reasons Behind Prosecutor’s Declination Decisions.” First Annual Empirical Legal Studies Conference. University of Texas. Oct. 27-28, 2006.
- “Sentencing Information: The Next Generation of Sentencing Reform.” National Association of Sentencing Commissions, 2006 Annual Meeting, Philadelphia, Aug. 6-8, 2006.
- “Tort Claims For Harm From Invasive Species,” American Law Institute / American Bar Association workshop on endangered species, Washington, D.C., April 8-9, 2005.
- “‘Lawless’ Prosecutorial Power and Reason as Law,” Hoffinger Criminal Justice Colloquium Lecture at New York University School of Law, March 29, 2005
- “Hidden Wisdom: Accessibility and Transparency of Sentencing Information,” Columbia Law School, Jan. 2005
- “Crimes and Punishments: Prosecutorial Domination of Sentencing Power,” Stanford Law School, Feb. 20-21, 2004
- “Is a Biological Control Law The Answer?,” at a U.S. Dept. of Agriculture conference on Science and Decision-Making in Biological Control of Weeds, Denver, January 27-29, 2004 (papers to be reviewed for publication in the leading journal on the science of biological control).
- “The Federal Sentencing Travesty,” American Constitution Society, Stanford Law School, April 11, 2003.
- “The Screening/Bargaining Tradeoff,” Symposium on “The Screening/Bargaining Tradeoff” organized by Stanford Law Review, Feb. 4, 2003; Faculty Workshop, Tulane Law School, April 4, 2003.
- “Sentencing Reform Reform: The Sentencing Information System Alternative To Sentencing Guidelines,” Houston Scholarship Colloquium/Course (April 24, 2003)
- “Sentencing Sans Purposes: The Steady Drift Towards “Out of Guideline” Sentences,” Yale Law School, Conference on Federal Sentencing Reform, Nov. 8, 2002.
- “The Screening/Bargaining Tradeoff,” Florida State University, October 5, 2001.
- “Cumberland Island: The Ownership & Use of Nature & History,” NOAA, Charleston, S.C., June 26, 2001 (revised version to Emory University environmental faculty, Sept. 23, 2002).
- “NIS, WTO, SPS, WIR: Does the WTO Substantially Limit the Ability of Countries to Regulate Harmful Non-Indigenous Species?,” Boğaziçi University, Istanbul, May 31-June 1, 2001 (conference and paper) (revised version presented at World Association of International Studies, Stanford University, Aug. 1, 2001).
- “The Federal Sentencing Guidelines and Misdemeanors: Big Lessons from Small Injustices,” Cedar Hill Society, April 12, 2001, LaGrange, Georgia.
- “Sentencing Federal Misdemeanors: When the Sentencing Reform Act Applies But the Guidelines Do Not,” Federal Judicial Center, Workshop for Defenders and Panel Attorneys, Santa Fe, N.M., March 13, 2001.
- “Scientists, Lawyers & Bureaucrats: Will The New Federal Policy for Harmful Invasive Species Help?,” Monterey Bay Aquarium Research Institute (MBARI), Moss Landing, Calif., August 11, 2000.
- “Sentencing in the Law School Curriculum: Another Kind of Mandatory Minimum,” AALS Criminal Justice Section, Conference on Criminal Justice in the New Millennium, Washington, D.C., June 12, 2000.
- “Five Sentencing Myths; Three Sentencing Mysteries,” Federal Judicial Center, Sentencing Workshop for Federal Defenders and Panel Attorneys, Washington, D.C., Feb. 28, 2000.

- "Sentencing Departures: The 'Answer' or the 'Problem'?", St. Louis University, Jan. 12-14, 2000
- "The Paradox of United States Alien Species Law," IUCN World Conservation Union, Bonn, Germany, December 10-11, 1999.
- "The Lost Parsimony Concept and the Continuing Search for Sentencing Justice," Federal Defenders of the Ninth Circuit, Las Vegas (Sept. 14, 1998)
- "Lessons from Executive Order 11987 (May 24, 1977) on the Regulation of Harmful Non-indigenous Species," Public Interest Environmental Law Conference, Eugene, Oregon (March 8, 1996)
- "Corrections Entitlements: Cells vs. Cops & Cells vs. Classrooms," Jurisprudence & Social Policy, University of California at Berkeley, November 2, 1995
- "The Pepinero Wars: The Challenge of Conservation in the Galapagos," California Academy of Sciences, October 17, 1995
- "The Intersection of Law and Biology: Biological Control and the Introduction of Non-Indigenous Species," Stanford University (Environmental Policy Forum), November 28, 1994.
- "The Modern Chicago School of Criminology: An Exploration in Honor of Norval Morris," University of Chicago, October 26-28, 1994.
- "The History of Executive Order 11987: Problems With the Regulation of Non-Indigenous Species," Aspen Global Change Institute, August 17-September 2, 1994.
- "Why Biologists and Researchers Should Support Regulation of Biological Controls," Gypsy Moth Research Forum, Annapolis, Maryland, January 1994.
- "The State of the Sentencing Guidelines: Images of Stability, Hints of Anarchy," Annual White Collar Crime Seminar, Atlanta, Georgia, October 16, 1992.
- "Origins of the Corporate Sentencing Guidelines," New Jersey Corporate Counsel Association, New Brunswick, July 13, 1992.
- "The Disappointing Sentencing Guidelines," National Association of Former U.S. Attorneys (NAFUSA), The Cloister at Sea Island, Georgia, March 22-24, 1992.
- "Purposes at Sentencing," University of Southern California Law Center, Los Angeles, February 21-22, 1992.
- "Plea Bargaining and Sentencing Under the Guidelines," Annual White Collar Crime Seminar (Institute of Continuing Legal Education in Georgia), Atlanta, October 17, 1991.
- "Grappling with the Federal Sentencing Guidelines," Atlanta Bar Association Criminal Law Section, April 10, 1991. (also "The Federal Sentencing Guidelines," September 21, 1989).
- "Sentencing Discretion and Appellate Review," Joint Circuit Conference of the U.S. Courts of Appeals for the Sixth and Eighth Circuits, Charleston, South Carolina, January 14-16, 1991.
- "The Federal Sentencing Guidelines," American Association of Law Schools Annual Meeting, Criminal Justice Section, New Orleans, January 6, 1989.
- "Pretrial Detention and the Abuse of Predictions," National Pretrial Services Association, Hartford, October 1987.
- "Congressional Oversight of Foreign Affairs: Iran and Nicaragua," University of Chicago, Department of Political Science, February 1987.
- "State Judicial Federalism in Capital Cases," Paper delivered at conference on federalism issues run by the Academy for State and Local Government, Washington, D.C., February 1986.
- "Predictions of Dangerousness," Paper at conference on the Prediction of Criminal Violence, Indianapolis Lawyers Commission, May 1985.
- "Predictions of Dangerousness." Law and Society Conference, Boston, June 1984
- "Gandhi as a Radical Lawyer," South Asia Outreach Seminar, University of Chicago, 1983.