

Criminal Procedure Stories Agenda

Friday, April 21, 2006

8:30-9:00 continental breakfast available for participants

9:00 Welcome by Professor Carol S. Steiker (Harvard Law School, Professor of Law) Editor, *Criminal Procedure Stories*

9:30-10:30 PANEL ONE: Race-based prosecution and profiling

Author, Michael J. Klarman (Harvard Law School, Ralph S. Tyler Jr. Visiting Professor of Constitutional Law), *Powell v. Alabama*: The Supreme Court Confronts "Legal Lynchings"

Author, Bernard E. Harcourt (University of Chicago Law School, Professor of Law), *United States v. Brignoni-Ponce* and *United States v. Martinez-Fuerte*: The Road to Racial Profiling

Commentator, R. Richard Banks (Stanford Law School, Professor of Law and Justin M. Roach, Jr. Faculty Scholar)

Commentator, Kim Forde-Mazrui (University of Virginia School of Law, Professor of Law)

Moderator, Randall L. Kennedy (Harvard Law School, Michael R. Klein Professor of Law)

10:30-10:40 BREAK

10:40-11:40 PANEL TWO: The Exclusionary Rule

Author, Yale Kamisar (University of Michigan Law School, Clarence Darrow Distinguished University Professor of Law Emeritus), *Mapp v. Ohio*: The First Shot Fired in the Warren Court's Criminal Procedure Revolution

Commentator, Craig Bradley (Indiana University School of Law, James L. Calamaras Professor of Law)

Commentator, Carolyn N. Long (Washington State University, Vancouver, Criminal Justice Department, Associate Professor)

Moderator, Daniel J. Meltzer (Harvard Law School, Story Professor of Law)

11:40-11:50 BREAK

11:50-12:50 PANEL THREE: Police Interrogation

Author, Stephen J. Schulhofer (NYU School of Law, Robert B. McKay Professor of Law), *Miranda v. Arizona*: A Modest But Important Legacy

Commentator, Richard A. Leo (University of California, Irvine, Department of Criminology, Law & Society, Associate Professor)

Commentator, George Thomas (Rutgers School of Law, Professor of Law & Judge Alexander P. Waugh Sr. Distinguished Scholar)

Moderator, Lloyd L. Weinreb (Harvard Law School, Dane Professor of Law)

12:50-2:00 LUNCH

2:00-3:00 PANEL FOUR: Counsel in Criminal Cases

Author, David D. Cole (Georgetown University Law Center, Professor of Law), *Gideon v. Wainwright* and *Strickland v. Washington*: Broken Promises

Commentator, Stephen B. Bright (President and Senior Counsel, Southern Center for Human Rights, Atlanta, GA)

Commentator, Ronald S. Sullivan (Yale Law School, Associate Clinical Professor of Law)

Moderator, Charles J. Ogletree (Harvard Law School, Jesse Climenko Professor of Law)

3:00-3:10 BREAK

3:10-4:10 PANEL FIVE: Informants and Wiretapping

Author, Tracey Maclin (Boston University School of Law, Professor of Law), *Hoffa v. United States*: Secret Agents in Private Spaces

Author, David A. Sklansky (University of California, Berkeley, School of Law – Boalt Hall, Professor of Law), *Katz v. United States: The Limits of Aphorism*

Commentator, Philip B. Heymann (Harvard Law School, James Barr Ames Professor of Law)

Commentator, Andrew E. Taslitz (Howard University School of Law, Professor of Law)

Commentator, Orin S. Kerr (George Washington University Law School)

Moderator, David Poole (Harvard Law School, Criminal Justice Institute, Lecturer on Law)

4:10-4:20 BREAK

4:20-5:20 PANEL SIX: Preventive Detention

Author, Daniel Richman (Fordham Law School, Professor of Law), *United States v. Salerno: The Constitutionality of Regulatory Detention*

Commentator, Alan M. Dershowitz (Harvard Law School, Felix Frankfurter Professor of Law)

Commentator, Erin Murphy (University of California, Berkeley, Boalt Hall School of Law, Acting Professor of Law)

Moderator, William J. Stuntz (Harvard Law School, Professor of Law)

5:30-6:30 RECEPTION

7:00 DINNER at Chez Henri

Saturday, April 22, 2006

9:00-9:30 Continental Breakfast will be available

9:30-10:30 PANEL SEVEN: Jury Selection

Author, Pamela S. Karlan (Stanford Law School, Kenneth and Harle Montgomery Professor of Public Interest Law), *Batson v. Kentucky*: The Constitutional Challenges of Peremptory Challenges

Commentator, Eric L. Muller (University of North Carolina School of Law, George R. Ward Distinguished Professor of Law)

Commentator, Barbara Underwood (U.S. Attorney's Office, Eastern District of New York)

Moderator, Jill Soffiyah Elijah (Harvard Law School, Criminal Justice Institute)

10:30-10:40 BREAK

10:40-11:40 PANEL EIGHT: Jury Trial

Author, Nancy J. King (Vanderbilt University Law School, Lee S. and Charles A. Speir Professor of Law), *Duncan v. Louisiana*: How Bigotry in the Bayou Led to the Federal Regulation of State Juries

Commentator, Jerold H. Israel (University of Florida, Levin College of Law, Ed Rood Eminent Scholar in Trial Advocacy and Procedure)

Commentator, Neil Vidmar (Duke Law School, Russell M. Robinson, II. Professor of Law)

Moderator, Adriaan Lanni (Harvard Law School, Assistant Professor of Law)

11:40-11:50 BREAK

11:50-12:50 PANEL NINE: Police Stops on the Street

Author, John Q. Barrett (St. John's University School of Law, Professor of Law), *Terry v. Ohio*: The Fourth Amendment Reasonableness of Police Stops and Frisks Based on Less Than Probable Cause

Commentator, Earl C. Dudley, Jr. (University of Virginia School of Law, Professor of Law)

Commentator, Christopher Slobogin (University of Florida, Levin College of Law, Professor of Law)

Moderator, Richard D. Parker (Harvard Law School, Paul W. Williams Professor of Law)

12:50-2:00 LUNCH

2:00-3:15 PANEL TEN: The Revolution in Plea Bargaining and Sentencing

Author, Kate Stith (Yale Law School, Lafayette S. Foster Professor of Law), *United States v. Mistretta*: The Constitution and the Sentencing Guidelines

Author, William J. Stuntz (Harvard Law School, Professor of Law), *Bordenkircher v. Hayes*: Plea Bargaining and the Decline of the Rule of Law

Commentator, The Honorable Nancy Gertner (U.S. District Judge, District of Massachusetts)

Commentator, The Honorable Gerald Lynch (U.S. District Judge, Southern District of New York)

Moderator, Carol S. Steiker (Harvard Law School, Professor of Law)