

ANDREW D. LEIPOLD

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Experience

University of Illinois College of Law, Champaign, IL

- 8/07 – present Edwin M. Adams Professor of Law
- 8/98 - present Professor of Law
- Outstanding Faculty Member, 1993-94, 1994-95, 1998-99, 1999-2000, 2001-02, 2002-03, 2003-04, 2005-06, 2006-07, 2008-09, 2009-10
 - John E. Cribbett Award for Teaching Excellence, 2006-2009
 - Campus Award for Excellence in Graduate and Professional Teaching, 1999-2000
- 8/05 – present Director, University of Illinois College of Law Program in Criminal Law & Procedure
- 8/03 – 8/05 Galowich – Huizenga Faculty Scholar
- 1/01 – 6/03 Associate Dean for Academic Affairs
- 8/96 -- 8/98 Associate Professor of Law
- 7/92 -- 8/96 Assistant Professor of Law
- 1/00 – 5/00 **Boston College Law School**, Newton, MA
Visiting Professor
- 1/97 -- 5/97 **Duke University School of Law**, Durham, NC
Visiting Professor
- Distinguished Teaching Award, 1996-1997
- 11/87 - 6/92 **Morgan, Lewis & Bockius**, Philadelphia, PA
Litigation Associate
- 7/86 - 7/87 **Justice Lewis F. Powell, Jr.**, United States Supreme Court
Judicial Law Clerk
- 7/85 - 7/86 **Judge Abner J. Mikva**, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C.
Judicial Law Clerk

Education

University of Virginia Law School, Charlottesville, VA
J.D. 1985

- Editor-in-Chief, Virginia Law Review
- Order of the Coif
- Margaret G. Hyde Award (scholarship and service)

Boston University, Boston, MA
B.S. *summa cum laude* Public Relations, 1982

Academic Publications**Books**

Volumes 1 & 1A, Charles Alan Wright & Andrew D. Leipold, FEDERAL PRACTICE AND PROCEDURE: CRIMINAL (4th ed., 2008)

- Pocket Parts to the 3d Edition, 2005, 2006, 2007
- Pocket Parts to the 4th Edition, 2008, 2009, 2010

Edited Works

Guest Editor, OHIO STATE JOURNAL OF CRIMINAL LAW, Vol. 7 No. 2 (Spring 2010)

Articles

A Case for Negligence -- Review of Alexander & Ferzan, Crime and Culpability: A Theory of Criminal Law, Law & Philosophy (forthcoming, 2010) (book review)

Prosecutorial Charging Practices and Grand Jury Screening: Some Empirical Observations, in GRAND JURY 2.0: MODERN PERSPECTIVES ON THE GRAND JURY (Carolina Academic Press, forthcoming 2010)

Recidivism, Incapacitation, and Criminal Sentencing Policy, 3 ST. THOMAS L. REV. 536 (2006) (symposium)

The Impact of Joinder & Severance on Federal Criminal Cases: An Empirical Study, 59 VANDERBILT LAW REVIEW 101 (2006) (with Hossein A. Abbasi)

How the Pretrial Process Contributes to Wrongful Convictions, 42 AMERICAN CRIMINAL LAW REVIEW 1123 (2005)

Why Are Federal Judges So Acquittal Prone?, 83 WASHINGTON UNIVERSITY LAW QUARTERLY 151 (2005)

- Winner of the Carroll P. Hurd Award for the best article by an Illinois faulty member published in 2005

The Limits of Deterrence Theory in the War on Drugs, 6 THE JOURNAL OF GENDER, RACE & JUSTICE 111 (2002) (University of Iowa) (symposium)

- Academic Articles (con't.)** *Targeted Loitering*, 3 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 474 (2001) (symposium)
- The Problem of the Innocent, Acquitted Defendant*, 94 NORTHWESTERN UNIVERSITY LAW REVIEW 1297 (2000)
- Constitutionalizing Jury Selection in Criminal Cases: A Critical Evaluation*, 86 GEORGETOWN LAW JOURNAL 945 (1998)
- Objective Tests and Subjective Bias: Some Problems of Discriminatory Intent In The Criminal Law*, 73 CHICAGO KENT LAW REVIEW 559 (1998) (symposium)
- The Dangers of Race-Based Jury Nullification; A Response to Professor Butler*, 44 UCLA LAW REVIEW 109 (1996)
- Rethinking Jury Nullification*, 82 VIRGINIA LAW REVIEW 253 (1996)
- Why Grand Juries Do Not (And Cannot) Protect the Accused*, 80 CORNELL LAW REVIEW 260 (1995)
- Reprinted in 18 CRIMINAL LAW REVIEW 93 (1996)
- Other Publications** *Against Jury Nullification*, in CRIMINAL LAW CONVERSATIONS (Robinson et al., eds., Oxford 2009)
- Strategy and Remorse in Capital Trials*, 80 INDIANA L. J. 47 (2005) (text of remarks at Symposium, Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report)
- The Grand Jury Clause of the Fifth Amendment*, in HERITAGE FOUNDATION GUIDE TO THE CONSTITUTION (2005)
- Does the Federal Grand Jury Adequately Perform Its Screening Role?*, book chapter in CONTROVERSIAL ISSUES IN CRIMINAL JUSTICE AND CRIMINOLOGY (Roxbury Publishing 2002)
- ENCYCLOPEDIA OF CRIME AND JUSTICE (revised ed.) entries on Jury Nullification, Preliminary Hearings
- The Role of Race-Based Jury Nullification in American Criminal Justice*, 30 JOHN MARSHALL L. REV. 923 (1997) (text of symposium presentation)
- Jury Nullification: A Perversion of Justice?* USA TODAY Magazine at 30 (September 1997)
- Potential Liability For Transfusion-Associated AIDS*, 253 JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION 3419 (June 21, 1985) (co-author)

**Scholarly
Presentations**

Commentator, *Bentham v. Blackstone: The Nineteenth Century Transformation of American Criminal Justice* by Donald Dripps, Law & Society Annual Conference, Chicago (May 2010)

Sometimes Process Matters: the Supreme Court's Uneasy Embrace of Constitutionally Required Procedures In Federal Criminal Cases, paper presentation at Conference In Honor Of William Stuntz, Harvard Law School (March 2010)

Speaker, Perspectives on Judicial Decisionmaking, Illinois Advanced Judicial Academy (June 2009)

Commentator, *Probability and Perspective in Criminal Law and Procedure* by Eric Johnson, University of Illinois College of Law Faculty Retreat (May 2009)

Speaker, *Why Not Criminal Negligence?*, at Conference on CRIME AND CULPABILITY: A THEORY OF CRIMINAL LAW, by Larry Alexander et al. Chicago, IL (May 2009)

Commentator, *Intelligence Reform and Local Security Partnerships in France*, at Conference "Transatlantic Perspectives on the Local Pursuit of Intelligence," University of Illinois College of Law (April 2009)

Prosecutorial Charging Practices and Grand Jury Screening: Some Empirical Observations, Capital Law School (March 2009)

Speaker, *Ethics Reform*, at Conference "Why Lawyers Matter: Prosecutors and Ethics," University of Illinois College of Law (March 2009)

Do Federal Prosecutors Overcharge? Some Preliminary Data and Observations, paper presentation at Conference on Grand Juries, George Washington University Law School (March 2008)

Recidivism and the Impact on Sentencing Policy, University of St. Thomas Law Journal Symposium on "Exploring Alternatives to the Incarceration Crisis," Minneapolis, MN (March 2006)

The Impact of Joinder and Severance on Federal Criminal Cases, University of Utah, S.J. Quinney College of Law (first "Quinney Scholar" lecture, February 2006)

Anticipatory Search Warrants, Online Conference Panelist, hosted by NYU JOURNAL OF LAW & LIBERTY (February 2006)

Scholarly

Presentations (con't.) *Judge v. Jury Factfinding*, at Conference, *The Impact of Booker: A Dialogue Between Scholars and Practitioners*, University of Illinois College of Law (April 2005)

Procedural Obstacles to Innocence, 2005 National Innocence Network Conference, Washington, D.C. (April 2005)

Commentator, *Covert Policing and Counter-Terrorism in Israel*, at Conference, *Undercover Policing and Emerging Enforcement Powers: Perspectives from Two Sides of the Atlantic*, University of Illinois College of Law (March 2005)

Why Are Federal Judges So Acquittal Prone? University of Nevada, Las Vegas School of Law (February 2005)

Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report, Indiana University School of Law, Bloomington, IN (September 2004)

Workshop, *Why Are Federal Judges So Acquittal Prone?* University of Illinois College of Law Faculty Retreat (May 2004)

Roundtable on Liberty and Law, University of Illinois Program in Law & Philosophy (May 2004)

Commentator, *Criminal Justice in Transition*, at Symposium, *Japanese Law: Current Issues and Controversies*, University of Illinois College of Law (April 2004)

Unreviewable Discretion in the Criminal Law, Association of American Law Schools Annual Conference, Atlanta, GA (January 2004)

Organized and White Collar Crime, and *Introduction to American Criminal Procedure*, invited lectures at the Ministry of Justice, Brasilia, Brazil, and the Federal University of Rio Grande do Sul, Porto Alegre, Brazil (August 2002)

Some Things We Still Don't Know About the War on Drugs, University of Iowa Journal of Gender, Race & Justice Symposium on "The Politics of the American Drug War" (October 2001)

The Impact of Loitering Statutes and Morales, University of Pennsylvania Journal of Constitutional Law Symposium on Race, Crime, and the Constitution (January 2000)

Scholarly

Presentations (con't.) *Ethics in Government: Should the Independent Counsel Statute Be Renewed?* U. of Illinois Institute of Gov. & Public Affairs (April 1999)

Jury Reform: Making Juries Work, University of Michigan Journal of Law Reform Symposium (March 1998)

The Role of Race-Based Jury Nullification in American Criminal Justice, John Marshall Law Review Symposium (April 1997).

Legislative**Testimony**

Testimony on HB 2704, *Raising the Standard of Proof in Capital Sentencing*, Illinois Senate Judiciary Committee (May 2005)

Testimony on HR 2704, *Raising the Standard of Proof in Capital Sentencing*, Illinois House of Representatives, Judiciary II – Criminal Law Committee (March 2005)

Constitutional Rights and the Grand Jury, invited testimony before U.S. House of Representatives Subcommittee on the Constitution (July 2000)

Other Presentations

Moderator, *Women in the Military*, 20th Annual Symposium of Women Law Students, Champaign, IL (March 2010)

Lecture, *Grand and Trial Juries*, Champaign, IL, delivered to officials from the China Ministry of Justice (December 2009)

Featured guest, *Judge Sotomayor's Nomination to the Supreme Court*, The Cliff Kelly Show, WVON Radio, Chicago (May 2009)

Lecture, *American Criminal Procedure*, Champaign, IL, delivered to officials from the China Ministry of Justice (April 2009, December 2009)

Panelist, *Resurrection After Exoneration*, "Illinois Law" television program (April 2009)

Panelist, *The Impeachment and Removal of Governor Rod Blagojevich*, "Illinois Law" television program (January 2009)

Panelist, *Inside the U.S. Supreme Court*, "Illinois Law" television program (March 2008)

Panelist, *The Jury System*, "Illinois Law" television program (March 2007)

Panelist, *The Death Penalty*, Champaign IL (September 2006).

***Other Presentations
(con't.)***

Featured guest, *The Supreme Court Year in Review on Legally Speaking*, WGN Radio, Chicago (July 2006).

Lecture, *American Grand Juries*, Champaign, IL, delivered to government officials from Beijing, China (January 2006)

Lecture, *The American Criminal Justice System*, Champaign, IL, delivered to government officials from Beijing, China (December 2005)

Lecture, *The American Criminal Justice System*, Champaign, IL, delivered to compliance officers from the People's Bank of China (July 2005 and October 2004)

Lecture, *The American Criminal Justice System*, Champaign, IL, delivered to compliance officers from the Bank of China (September 2004)

Lecture, *Eyewitness Identification*, Center for Advanced Studies Memory Project, Champaign, IL (November 2004)

Lecture Series, *Topics in American Criminal Law*, Champaign, IL. Delivered six lectures on criminal law and procedure to government officials from Beijing, China (Spring 2004)

Teaching Fundamentals, Association of American Law Schools New Teachers Conference, Washington, DC (invited speaker, June 2005, June 2004, June 2003)

***Professional
Activities***

Member, Advisory Committee to the Federal Rules of Criminal Procedure (appointed by Chief Justice Roberts, Fall 2007)

Co-Reporter, National District Attorneys Association Committee to Revise NDAA Standards of Professional Conduct (2006)

Consultant, Illinois Criminal Law Reform and Rewrite Commission (2000-03)

Consultant, Office of the Independent Counsel (Whitewater Investigation) Washington, D.C. (March 1998-February 2000)

Consultant, Arkansas Attorney General's Office (periodically 1995-1998, 2004)

Consultant, Illinois Truth-in-Sentencing Commission (1996-1998)

John Minor Wisdom Pro Bono Award Subcommittee, A.B.A Section on Litigation (1994)