

Eric J. Miller

Professor

Loyola Law School, Los Angeles
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Academic

Loyola Law School, Los Angeles, Los Angeles, CA, 2013 to present

Professor of Law

Courses: Evidence, Criminal Procedure, Jurisprudence

Conference Organizer, *Making Use of Alternatives to Custody: Increasing Efficiency & Improving Public Safety under Realignment* (2013)

Conference Organizer: *New Voices in Legal Theory Workshop* (2015)

Saint Louis University School of Law, St. Louis, Missouri, 2005-2012

Professor, 2010 to present; Associate Professor, 2008-2009; Assistant Professor, 2005-2008. Tenured, 2008.

Kathy W. Humphrey Award for Diversity (2011)

Courses: Criminal Law, Criminal Procedure (Investigation and Adjudication), Critical Race Theory, Jurisprudence, Comparative Jurisprudence

Coordinator, *Criminal Justice Speaker's Series* (2010)

Conference Organizer, *New Voices in Legal Theory Roundtable* (2010)

Conference Organizer, *Offender Reentry: The Challenges for Law Enforcement and the Community* (2011)

Advisor, Black Law Students Association (2006 to present)

Advisor, American Constitution Society (2009 to present)

Loyola Law School, Los Angeles, Los Angeles, CA, Fall 2012

Visiting Professor of Law

Courses: Evidence

Oxford University, Faculty of Law, Oxford, England, Jun-May 2012

Academic Visitor

Member, Brasenose College Senior Common Room

Washington University in St. Louis School of Law, St. Louis, Missouri, Spring 2011

Visiting Professor of Law

Courses: Race Relations Law

Western New England College School of Law, Springfield, Massachusetts, 2003-2005

Assistant Professor, 2003-2005

Courses: Evidence, Criminal Law, Criminal Procedure, Jurisprudence

Dr. Martin Luther King, Jr. Recognition of Achievement Award (2005)

Advisor, Multicultural Students Association (2003-2005)
Advisor, American Constitution Society (2003-2005)

Research Grants

Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?
Presidents Research Fund, Saint Louis University, September 2011-September 2012

Publications

Articles and Book Chapters

The Ends of Policing in OBSTACLES TO FAIRNESS IN CRIMINAL PROCEEDINGS: INDIVIDUAL RIGHTS AND INSTITUTIONAL FORMS (John Jackson & Sarah Summers, eds. ____) (forthcoming 2016)

Police Encounters with Race and Gender, ____ U. IRVINE L. REV. ____ (forthcoming 2015)

Challenging Police Discretion, 58 HOWARD L. REV. ____ (forthcoming 2015)

Foreword: Some Perspective on Problem-Solving in Jane C. Donoghue, TRANSFORMING CRIMINAL JUSTICE? PROBLEM SOLVING AND COURT SPECIALIZATION (2014)

Permissive Justification, 47 INDIANA L. REV. 689 (2014)

Judging in Bad Faith 1 REV. FORUMUL JUDECĂTORILOR 63 (2012)

Detective Fiction: Race, Authority and the Fourth Amendment, 44 ARIZONA ST. L.J. 213 (2012)

The Warren Court's Regulatory Revolution in Criminal Procedure, 43 CONN. L. REV. 1 (2010)

Putting the Practice into Theory, 7 OHIO ST. J. CRIM. L. 31 (2009)

Drugs, Courts, and the New Penology, 20 STANFORD L. & POLICY REV. 417 (2009)

Judicial Preferences, 44 HOUSTON L. REV. 1276 (2008)

The Therapeutic Effects of Managerial Reentry Courts, 20 F. SENTENCING RPTR. 127 (2007)

Role-Based Policing: Restraining Police Conduct “Outside the Legitimate Investigative Sphere,” 94 CAL. L. REV. 617 (2006)

Foundering Democracy: Felony Disenfranchisement in the American Tradition of Vote Suppression, 16 NAT’L BLACK L.J. 32 (2005)

Keeping It Real: Empathy and Heroism in the Work of Charles J. Ogletree, Jr., 22 HARV. BLACKLETTER L.J. 131 (2005)

Embracing Addiction: Drug Courts and the False Promise of Judicial Interventionism, 65 OHIO STATE L.J. 1479 (2004)

Representing the Race: Standing to Sue in Reparations Lawsuits, 20 HARV. BLACKLETTER L.J. 91 (2004)

Reconceiving Reparations: Multiple Strategies in the Reparations Debate, 24 B.C. THIRD WORLD L.J. 45 (2004)

“*Sympathetic Exchange: Adam Smith and Punishment,* 9 RATIO JURIS 182 (1996)

Book Reviews

Book Review: Lynch Mobs and the Killing State, 31 ETHNIC & RACIAL STUD. 209 (2008)

Book Review: Signifyin' Nothing?: Conversations on Race, Color, and Community, 13 Harv. BLACKLETTER L.J. 241 (1997).

Other

Problem-Solving Courts in OXFORD BIBLIOGRAPHIES ONLINE 25-Apr-2011.
<<http://www.oxfordbibliographiesonline.com/>>

How Medicaid’s Gender Bias Discriminates Against Male Ex-Prisoners, and What To Do About It, COMMUNITY VOICES, MOREHOUSE COLLEGE SCHOOL OF MEDICINE WORKING PAPER (2007)

The Peculiar Institution of Felony Disenfranchisement
COMMUNITY VOICES, MOREHOUSE COLLEGE SCHOOL OF MEDICINE WORKING PAPER (2007)

Juvenile Justice and Delinquency Prevention Act of 1974, in MAJOR ACTS OF CONGRESS, (Brian K. Landsberg, ed., 2004)

Works in Progress

Police Faction: Towards a Republican Theory of Policing (arguing that civic republicanism enables a particular solution to the problem of constraining the arbitrary will of the police: split authority to require the police to advance and test their reasons before some neutral third party, whether magistrate or the citizens they police. Split authority recognizes that the police are a faction of the citizenry, and that their interests must be restrained in competition with other factions)

Legislating Penal Policy in the Courthouse and the Courtroom (arguing that problem-solving courts engage in a form of low-level but far-reaching political legislation of correctional policy through control of the court docket. Comparing the problem-solving court solution to other forms of specialized docket, both criminal and civil, reveals that courts employ similar case-management techniques at the level of the courthouse to solve problems of caseload passing through the courtroom)

Marginal Courts: The Place of Problem-Solving in the Criminal Justice System (arguing that problem-solving courts do not operate as a substitute for trials, but instead as a means of monitoring the conditions of pre-trial or post-trial release, a posture that has serious consequences for the range of legal rights and remedies available at these stages of the criminal justice system)

Gaps, Permissions, and Discretions (arguing that legal permissions are central to the understanding of legal gaps, which are simply the absence of institutional reasons. Discretions are, however, distinct from permissions, because discretions are a form of normative power not the absence of reasons)

Education

Joint Fellow, Harvard Criminal Justice Institute & Harvard Civil Rights Project
Harvard Law School (2002-2003)

Charles Hamilton Houston Fellow
Harvard Law School (2001-2002)
Paper: *Embracing Addiction: Drug Courts and the False Promise of Judicial Interventionism*

Visiting Scholar
Harvard Law School (1996-1997)

Master of Laws
Harvard Law School (1993)
Paper: *Making Sense of Law: Ethics and Politics in Judicial Decision-Making*
Honors: St. Andrew Society of the State of New York Scholarship; Harvard Law School Scholarship

Bachelor of Laws

University of Edinburgh (1991)
Honors: First Class Honors
Henry Dalgetty Award for Academic Excellence

Testimony

Testimony before Scottish Government Judicial Studies Committee on Problem-Solving Courts,
Royal College of Physicians, Edinburgh, UK September 27, 2012

Testimony before the Scottish Commission on Women Offenders on the Operation of Problem-Solving Courts
Glasgow, UK, March 15, 2012

Testimony before the United States Sentencing Commission Public Hearing on Alternatives to Incarceration, Reentry and Community Impact
University of Texas, Austin, TX, November 19, 2009

Testimony before the House Judiciary Subcommittee On the Legacy of the Trans-Atlantic Slave Trade in America
United States Congress, House of Representatives, December 17, 2007

Media Editorials and Blogs

Guest Blogger
PrawfsBlawg, August 2014

Bowling, as Bail Condition
New York Times, July 14, 2012

How Can We Fix the Constitution? Fire the Bail Bondsmen
Slate.com, June 19, 2012 < <http://hive.slate.com/hive/how-can-we-fix-constitution/article/fire-the-bail-bondsmen>>

Guest Blogger
PrawfsBlawg, February 2013

Guest Blogger
Snitching Blog, October 2010

Guest Blogger
BlackProf.com March 2006

Playing the Insider's Game
Law.com, March 2006

Appearances

Unintended Consequence: How Prop 47 Tanks Drug Courts, KPCC (NPR Los Angeles 89.3) (March 16 2015)

Radio Times with Marty Moss-Coane, WHYI FM (NPR Philadelphia 90.9) (November 11, 2014)

Liz Goodwin, *Criminal Courts Tailored to Veterans Multiply as Wars Wind Down*, Yahoo News, June 30, 2014

Nicole Flatow, *This Drug Defendant Spoke Her Mind, Then A Judge Told Her She'd Stay In Jail Until She Retracted Her Statements To The Media*, ThinkProgress.com, May 22, 2014

Leon Neyfakh, *The Custom Justice of 'Problem-Solving Courts'*, Boston Globe, March 23, 2014

A Distinguished Race: Skin Deep, BBC World Service, April 12, 2010

Kelly Weise, *Testing Drug Courts*, Missouri Lawyer's Weekly, April 4 2010

Rob Bratney, *Hate Crime Might Be Hard to Prove for Cotton Ball Prosecutors*, Columbia Missourian, March 5 2010

Drug Courts at Risk, Missouri Lawyers Weekly, April 29, 2009

Jess Bravin & Louise Radnofsky, *Regrets Only? Native Hawaiians Insist U.S. Apology Has a Price*, WSJ March 12, 2009 at A12

Jake Wagman, *Red Light Tickets Hard to Collect On*, ST. LOUIS POST-DISPATCH, April 27, 2008

Tim Barker, *Technology Keeps Eye on Sex Offenders*, ST. LOUIS POST-DISPATCH, 19 February 2008

Speches, Presentations & Panels

Police Misconduct

League of California Cities Municipal Law Conference, Chapman University Fowler School of Law, Orange, CA, February 27, 2015

Policing Outside the Fourth Amendment: Encounters with Race and Gender Law and Society Annual Meeting, Seattle, WA, May 28-31, 2014

The Court's Role in Promoting Education as a Civil Right, National Bar Association, West Coast Region Wiley A. Branton Issues Symposium: Education, The New Civil Right, Western State College of Law, October 17, 2014

Community Control of Police Discretion

Taslitz Galaxy Conference, Howard Law School, Washington, DC, September 19, 2014

Convictions, Collars, and Control

Obstacles to Fairness in Criminal Proceedings and the Irrelation between Criminal Procedural Law and Criminology, Zurich University, Zurich, Switzerland, September 4-5, 2014

Floyd v. City of New York: The Future of Stop and Frisk

SEALS Conference, Ameilia Island, FL, August 3, 2014

Participant, Southern California Criminal Justice Roundtable

Loyola Law School, July 29 2015

Police Faction: Towards a Republican Theory of Policing

Crimfest! Conference, Rutgers Law School, Newark, NJ July 20-21, 2014

Critical Analyses of Crime, Punishment, and Intersectional Identities (moderator)

CLEaR Symposium, U.C. Irvine, April 26, 2014

Gaps, Permissions, and Discretions

New Voices in Legal Theory Workshop, St. Andrews University, UK, March 3-4, 2014

Gaps, Permissions, and Discretions

Prawfsfest XI, Pepperdine University School of Law, Malibu, CA, December 9-10, 2013

The Emerging Role of County Criminal Justice Systems: Opportunities and Challenges for Reform (moderator)

Making Use of Alternatives to Custody: Increasing Efficiency & Improving Public Safety under Realignment, Loyola Law School, Los Angeles November 15, 2013

Reassessing the Criminal Offender

ABA Criminal Justice Section, Sixth Annual Fall Institute Program, November 1, 2013

Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?

XXXIIIrd International Congress on Law and Mental Health, Amsterdam, NL, July 14-19, 2013

Community Justice in the Criminal Courts: The Penal Politics of Problem-Solving Courts

2013 Law and Society Association, Boston, MA May 31, 2013

The Politics of Problem-Solving Justice

Midwest Political Science Association Conference, Chicago, IL, April 11 2013

The Politics of Problem-Solving Justice

Center for the Interdisciplinary Study of Law Symposium: Our Self-Medicating Culture, Saint Louis University School of Law, St. Louis, MO, April 5, 2013

Legal Standards in Problem-Solving Courts

The Bruce J. Winick Fall 2012 Colloquium: Standards in the Problem Solving Courts, University of Miami School of Law, Miami, FL, October 5, 2012

A Criminal Revolution? Problem Solving Courts in the Era of Mass Adjudication

Loyola Law School, Los Angeles, CA, September 13, 2012

Holistic Justice: Therapeutic Agents and the Place of Law

Symposium on Therapeutic Jurisprudence and Problem-Solving Justice, Balliol College, University of Oxford, UK August 7-8 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

Strathclyde University, UK March 14 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

All Souls College, University of Oxford, UK March 7, 2012

Incommensurability, Practices, and Points of View: Revitalizing H.L.A. Hart's Practice Thesis

Oxford Jurisprudence Discussion Group, University of Oxford, UK February 16, 2012

Detective Fiction: Race, Authority and the Fourth Amendment

U.C. Irvine School of Law, Irvine, CA December 6, 2011

Project on Problem-Solving Courts Problem-Solving Courts in Theory and Practice

Columbia Law School, New York, NY, December 1-2, 2011

Detective Fiction: Race, Authority and the Fourth Amendment

Washington University in St. Louis School of Law Faculty Workshops Series, Saint Louis, MO, November 1, 2011

Alternative Sentencing Regimes: Problem-Solving Courts as a Form of Low-Level Criminal Court

Law and Society Conference, San Francisco, CA, June 5, 2011

Epistemology of Suspicion

Criminal Justice Roundtable, Yale Law School, New Haven, CT, April 30, 2011

*Collateral Consequences and Reentry Courts on panel Reentry Courts
Offender Reentry: The Challenges for Law Enforcement and the Community,*
Saint Louis University School of Law, St. Louis, MO, April 20, 2011

*Roundtable Discussion: The State of Black Men In the Law: Pipeline to Prison or
Power*
Mound City Bar Association, Harris-Stowe College, St. Louis, MO, April 13,
2011

*Rear-Ended by Reparations: Rethinking "Looking to the Bottom" on panel Race,
Reconciliation and Democracy*
Southeast/Southwest and Midwest People of Color Legal Scholarship Conference,
Fort Lauderdale, FL, April 2, 2011

*Reapartions: Conservative and Republican on panel Marking Space, Marking
Time: Sovereignty and Orientalism*
Law and Humanities Conference, Las Vegas, NV, March 11, 2011

Blue Above All: Anti-Subordination and Police Professionalism
Latino Critical Legal Theory (LatCrit) conference, Denver CO, October 9, 2010.

Blue Above All: Anti-Subordination and Police Professionalism
National People of Color Conference, Newark NJ, September 10, 2010

Roundtable Discussion on Grand Jury Reform: An Idea Whose Time Has Come
(Again)?
SEALS Conference, Palm Beach, FL, August 3, 2010

Roundtable Discussion on The Roberts Court and the Future of American
Constitutional Law
SEALS Conference, Palm Beach, FL, August 2, 2010

Discussant, Social Science Research on Crime, Prevention, and Punishment
Law and Society Conference, Chicago, IL, May 27, 2010

Criminal Law — Problem Solving in Criminal Justice
Law and Society Conference, Chicago, IL, May 28, 2010

Revitalizing H.L.A. Hart's Social Practice Thesis
Second Annual New Voices in Legal Theory Roundtable, St. Louis, MO April
23-24, 2010

What Cops Know and How They Know It
North East People of Color Conference, SUNY Buffalo Law School, October 22,
2009

McGee Dialogues in Social Justice
Maryville University, MO September 23, 2009

Why Do Critical Race Theory?

CRT 20 Conference, University of Iowa School of Law, April 6, 2009

Barack Obama: Journey to the White House

Mound City Bar Association, February 16, 2009

Drug Law Policy Symposium Series: *Drug Courts: Magic Bullets or Band-Aids?*

Stanford Law & Policy Review, Stanford Law School, February 12, 2009

Lloyd Gaines and the Road to Brown v. Board of Education

Mound City Bar Association, February 27, 2008

Is America Ready for a Black President?

Washington Universtiy, St. Louis, On February 18, 2008

Contempt of Court: A Lesson from Legal History

Missouri Bar Association, January 31, 2008

The 1921 Tulsa Race Riot, 150th Anniversary of Dred Scott v. Sandford: Race, Citizenship & Justice

Harvard law School, April 6, 2007

Moderator, Critical Evaluation of the Missouri Death Penalty Study, Life and Death Decisions Prosecutorial Discretion and Capital Punishment in Missouri Conference

Saint Louis University Law School, March 2, 2007

The Death Penalty in Missouri

Mound City Bar Association Black History Month Series, February, 2007

The Law of Reparations

Mound City Bar Association Black History Month Series, February, 2007

Other Professional Experience

Clerkships

Hon. Stephen Reinhardt, Ninth Circuit (2000-2001)

Hon. Myron H. Thompson, Middle District, Alabama (1998-1999)

Litigation

Litigation Team Member

Chicago Slavery Ordinance Litigation Team, Chicago, IL (2006)

Litigation Committee Member

Reparations Coordinating Committee, Washington, D.C. (2001-present)

Litigation Associate

Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles (1997-1998, 1999-2000)

Service

Academic

Rapporteur, Economic and Social Research Counsel
August 25, 2012

Committees

Northeast People of Color Legal Scholarship Conference, Committee Member (2004-present)
New Voices in Legal Theory Organizing Committee Member (2009-present)
Saint Louis University Center for the Interdisciplinary Study of Law, Advisory Board member (2011-present)
Saint Louis University Center for International and Comparative Law, LLM subcommittee member
Saint Louis University Multicultural Affairs Working Group (2011-present)
Committee to Conduct the Selection Process for the Director of Multicultural Affairs for the School of Law (2011)
Saint Louis University Ad hoc Committee on Law School's Progress in the National Rankings (2010-2011)
Saint Louis University Committee on the Center for the Interdisciplinary Study of Courts and Advocacy (2011)
Saint Louis University Appointments Committee (2008-2011)
Saint Louis University Scholarship Committee (2008-2009)
Saint Louis University Curriculum Committee (2007-2008)

Community Service

Coach, Mock Trial Team, Grace Hill Community Project (2007)
Coach, Saint Louis University BLSA Mock Trial Team (2007-2009)
Coach/Supervisor, Saint Louis University BLSA Moot Court Team (2007-present)

Board Memberships

Arch City Defenders (2010-present)

Memberships

Society for American Law Teachers (SALT)
Mound City Bar Association (St. Louis City African American Bar Association affiliated with NBA)
State Bar of California