Daniel Epps

Washington University School of Law
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https://law.wustl.edu/faculty-staff-directory/profile/daniel-epps/
https://ssrn.com/author=462731
https://scholar.google.com/citations?user=UZmsEbsAAAAJ
@danepps @epps.bsky.social
https://github.com/danepps
https://www.dividedargument.com

Current appointment

Washington University in St. Louis

2025– *Howard and Caroline Cayne Distinguished Professor of Law*
2023–2025 *Professor of Law*
2021–2023 *Treiman Professor of Law*
2016–2021 *Associate Professor of Law*

Research & teaching interests

constitutional law & theory • federal courts • criminal law & procedure

Education

2008 **J.D. *magna cum laude***
Harvard Law School
Harvard Law Review, Articles Co-Chair
John M. Olin Law & Economics Prize

2004 **A.B. in Philosophy *summa cum laude***
Duke University
Highest Distinction in Philosophy
Phi Beta Kappa

Scholarship

ARTICLES & ESSAYS

Constitutional Rights and General Private Law
140 HARVARD LAW REVIEW (forthcoming 2027) (with Danielle D'Onfro)

Reading the Justices' Books
140 HARVARD LAW REVIEW (forthcoming 2027) (review essay)

Justifying the Fourth Amendment
79 VANDERBILT LAW REVIEW 1 (2026)
• Selected for the Georgetown Legal Philosophy and Constitutional Theory Junior Scholar Conference

The Practice of Executive Constitutionalism
111 VIRGINIA LAW REVIEW 1531 (2025) (with Conor Clarke)

Judicial Reform from the Inside Out
100 NOTRE DAME LAW REVIEW 2191 (2025) (with Marin Levy) (symposium essay)

The Endgame of Court-Packing
25 AMERICAN LAW & ECONOMICS REVIEW (forthcoming 2024) (with Adam Chilton, Kyle Rozema & Maya Sen) (peer-reviewed)
• Best Submitted Paper in Constitutional Law, Public Choice, and Political Economy, 2023 American Law & Economics Association Annual Meeting
• Runner-up, 2025 Best (Empirical) Paper Prize, *American Law & Economics Review*
• Discussed in *The New York Times* and *Law 360*

The False Promise of Jurisdiction Stripping
123 COLUMBIA LAW REVIEW 2077 (2023) (with Alan M. Trammell)
• Selected for 2023 Harvard/Stanford/Yale Junior Faculty Forum
• Cited in HART & WECHSLER'S THE FEDERAL COURTS AND THE FEDERAL SYSTEM (8th ed. 2025)

The Fourth Amendment and General Law
132 YALE LAW JOURNAL 910 (2023) (with Danielle D'Onfro)
• response by Maureen E. Brady in YALE LAW JOURNAL FORUM

The Informed Jury
75 VANDERBILT LAW REVIEW 823 (2022) (with William Ortman)
• response by Darryl K. Brown in VANDERBILT LAW REVIEW EN BANC
• Cited in KADISH, SCHULHOFER & BARKOW, CRIMINAL LAW AND ITS PROCESSES (11th ed. 2022)

Designing Supreme Court Term Limits
95 SOUTHERN CALIFORNIA LAW REVIEW 1 (2021) (with Adam Chilton, Kyle Rozema & Maya Sen)
• Selected for 2021 American Law & Economics Association Annual Meeting
• Discussed in *Roll Call*

Checks and Balances in the Criminal Law
74 Vanderbilt Law Review 1 (2021)
• Response by Carissa Byrne Hessick in Vanderbilt Law Review En Banc
• Subject of interview on *Ipse Dixit* podcast

The Defender General
168 University of Pennsylvania Law Review 1469 (2020) (with William Ortman)
• Profiled in *The New York Times*, *Bloomberg Law*, and *The Appeal*
• Selected for Eleventh Annual Junior Faculty Federal Courts Workshop

How to Save the Supreme Court
129 Yale Law Journal 148 (2019) (with Ganesh Sitaraman)
• Response by Stephen Sachs in Yale Law Journal Forum
• Endorsed by Presidential candidate Mayor Pete Buttigieg
• Discussed in *The New York Times*, *CNN*, *The Economist*, *The New Republic*, *The Nation*, *New York Magazine*, *Mother Jones*, *Politico*, *Vox*, *The Washingtonian*, *Jacobin*, *The ABA Journal*, *The American Prospect*, *The Atlantic*, and *Bloomberg Law*, among other media outlets
• Reviewed by Howard Wasserman in *Jotwell* and Amanda Frost in *SCOTUSblog*

Harmless Errors and Substantial Rights
131 Harvard Law Review 2117 (2018)
• Response by John Greabe in Columbia Law Review Online

The Lottery Docket
116 Michigan Law Review 705 (2018) (with William Ortman)
• Reviewed by Marin K. Levy in *Jotwell*
• Profiled in the *ABA Journal*
• Honorable Mention, American Association of Law Schools Scholarly Papers Competition
• Selected for Ninth Annual Junior Faculty Federal Courts Workshop

Adversarial Asymmetry in the Criminal Process
91 NYU Law Review 762 (2016)
• Finalist, Junior Scholars Paper Competition, American Association of Law Schools Criminal Justice Section

The Consequences of Error in Criminal Justice
128 Harvard Law Review 1065 (2015)
• Responses by Laura Appleman and John Bronsteen & Jonathan Masur in Harvard Law Review Forum
• Response by Joel Johnson in Virginia Law Review

shorter pieces

Nonpartisan Supreme Court Reform and the Biden Commission
106 Minnesota Law Review 2602 (2022) (symposium essay)

The Future of Supreme Court Reform
134 Harvard Law Review Forum 398 (2021) (with Ganesh Sitaraman)

Supreme Court Reform and American Democracy
130 Yale Law Journal Forum 821 (2021) (with Ganesh Sitaraman)

Perfecting Issue Preservation
98 Texas Law Review Online 162 (2020) (response piece)

The Right Approach to Harmless Error
120 Columbia Law Review Forum 1 (2020) (response piece)

Teacher for the Nation
70 Hastings Law Journal 101 (2019) (symposium remarks)

Foreword: Criminal Procedure in Winter
51 Loyola of Los Angeles Law Review 379 (2018) (solicited contribution)

One Last Word on the Blackstone Principle
101 Virginia Law Review Online 34 (2016) (response piece)

Bailey v. United States: *Another Win for that "Doggone Fourth Amendment"*
2012–2013 Cato Supreme Court Review 187 (2013) (invited contribution)

Note, *Mechanisms of Secrecy*
121 Harvard Law Review 1556 (2008)

Case Comment, *Bell Atlantic Corp. v. Twombly*
120 Harvard Law Review 305 (2007)

Recent Case, *Harper v. Poway Unified School District*
120 Harvard Law Review 1691 (2007)

works in progress

"Meta-*Gideon*" (with William Ortman)

"Federal Criminal Common Lawmaking" (with Jack Goldsmith)

"Time and the Structural Constitution" (with Conor Clarke)

"Why Constitutionalize?"

testimony & reports

American Academy of Arts and Sciences, U.S. Supreme Court Working Group, *The Case for Supreme Court Term Limits* (2023) (with coauthors)

Presidential Commission on the Supreme Court of the United States, *Written Testimony of Professor Daniel Epps on "Court Expansion and Other Changes to the Court's Composition"* (July 20, 2021)

COMMENTARY (SELECTED)

Co-Host, *Divided Argument* (podcast) (2021–Present) (with William Baude)

Editor and Contributor, *Divided Argument* (blog) (2025–Present) (with William Baude)

Contributor, *Interim Docket Blog*, SCOTUSBLOG (2026–Present)

Guest, *If You Can Keep It: Reforming the Supreme Court, part 2*, 1A (May 18, 2026)

The 'Recklessness Itself Sends a Message': 35 Legal Experts Assess Trump's Return, NEW YORK TIMES (Apr. 28, 2025)

Schumer's Lawless Attack on the Supreme Court, WALL STREET JOURNAL (Aug. 14, 2024) (with Alan Trammell)

The Empirical Case for Supreme Court Term Limits, WASHINGTON MONTHLY (July 30, 2024) (with Adam Chilton, Kyle Rozema & Maya Sen)

There's No Magic Trick That Can Save Abortion Rights, WASHINGTON MONTHLY (May 24, 2022) (with Alan M. Trammell)

How the US supreme court could be a threat to climate action in the US, THE GUARDIAN (Nov. 3, 2021)

Jurors don't know what the penalties for a guilty verdict will be. They should., WASHINGTON POST (Sept. 15, 2021) (with William Ortman)

Major Supreme Court reform is unlikely. But these changes would be a good start., WASHINGTON POST (July 15, 2021)

Biden's commission is examining Supreme Court term limits. Those could have unintended consequences., WASHINGTON POST, MONKEY CAGE (Apr. 1, 2021) (with Adam Chilton, Kyle Rozema & Maya Sen)

Sen. Hawley Has Been Condemned. His Bad Legal Arguments Should Be Stamped Out, Too, WASHINGTON POST (Jan. 21, 2021) (with Alan M. Trammell)

Contributing Blogger, DORF ON LAW (2020–Present)

Guest, *Is The Supreme Court Losing Legitimacy?*, 538 POLITICS PODCAST (Oct. 1, 2020)

Zack Stanton, *'It's a Crazy Way to Run a Country': How to Reform the Supreme Court*, POLITICO (Sept. 24, 2020) (feature interview)

McConnell's "Liability Shield" Is a Weapon Aimed at COVID-19 Victims, WASHINGTON MONTHLY (Aug. 6, 2020) (with Maria Glover)

The Supreme Court is Leaking. That's a Good Thing, WASHINGTON POST (Aug. 3, 2020)

Abolishing Qualified Immunity Is Unlikely to Alter Police Behavior, NEW YORK TIMES (June 16, 2020)

One Change That Could Make American Criminal Justice Fairer, THE ATLANTIC (March 16, 2020) (with William Ortman)

The Constitutionality of the 5-5-5 Supreme Court Plan, TAKE CARE (May 17, 2019) (with

Ganesh Sitaraman)

Guest, *Season 2, Episode 12: Before the Court*, In the Dark (Mar. 19, 2019)

Co-Host, *First Mondays* (2016–2019)

How to Save the Supreme Court, Vox (Sept. 6, 2018, updated Oct. 8, 2018) (with Ganesh Sitaraman)

Contributor, *Supreme Court 2017 Term Symposium*, PrawfsBlawg (June 2018)

Quorums and conflicts of interest on the Supreme Court, SCOTUSblog (May 7, 2018)

Police Officers Are Bypassing Juries to Face Judges, Washington Post (Sept. 21, 2017)

Contributor, *An Annotated Constitution*, New York Times Magazine (July 2, 2017) (print edition) (comment on Article III Jury Clause)

What the 'Bailey' Case May Reveal About Supreme Court Ideology, The Atlantic (Oct. 31, 2012)

In Health Care Ruling, Roberts Steals a Move from John Marshall's Playbook, The Atlantic (June 28, 2012)

Judicial clerkships

2009–2010 **Supreme Court of the United States**
Chambers of Justice Anthony M. Kennedy
Law clerk

2008–2009 **United States Court of Appeals for the Fourth Circuit**
Chambers of Judge J. Harvie Wilkinson III
Law clerk

Previous academic appointments

2013–2016 **Harvard Law School**
Climenko Fellow & Lecturer on Law

Fall 2012 **University of Virginia School of Law**
Lecturer (part-time)

Other experience

2023– **Wilkinson Stekloff LLP**
Washington, DC
Of Counsel
Assist with appellate, constitutional, and regulatory issues arising in complex litigation.

Fall 2020 **United States Senate, Senate Judiciary Committee**
Special Counsel for Senator Sheldon Whitehouse
Provided analysis and research support during Senate's consideration of Supreme Court nominee Judge Amy Coney Barrett.

2010–2013 **King & Spalding LLP**
Washington, DC
Associate, National Appellate Litigation Practice
Notable cases included successful certiorari petition and merits briefing in *Walden v. Fiore*, 571 U.S. 277 (2014), and brief for Court-appointed amicus curiae in *Millbrook v. United States*, 569 U.S. 50 (2013). Drafted 28 U.S.C. § 2255 motion to vacate federal mail- and wire-fraud convictions which resulted in numerous counts of conviction being overturned. Provided strategic counseling on corporate white-collar criminal matters.

Summer 2007 **Mayer, Brown, Rowe & Maw LLP**
New York, NY
Law Clerk, Supreme Court & Appellate Practice Group

Summer 2006 **Harvard Law School**
Summer Academic Fellow

Summer 2005 **The Daily Star**
Beirut, Lebanon
Intern Reporter

Spring 2005 **Eugene Weekly**
Eugene, OR
Intern Reporter

Fall 2004 **Kerry-Edwards 2004/North Carolina Democratic Victory 2004**
Raleigh, NC
Press Assistant

Pro bono legal work

Louisiana v. Callais, 146 S. Ct. 1131 (2026)
Served as co-counsel for *amicus* brief of Professor Travis Crum.

Pon v. United States, U.S. No. 20-1709
Drafted and filed *amicus* brief urging the Court to grant certiorari to clarify the harmless-error doctrine.

Ocasio v. United States, 578 U.S. 282 (2016)
Served as co-counsel for defendant Samuel Ocasio in Supreme Court merits case involving the scope of conspiracy liability for extortion under the Hobbs Act, 18 U.S.C. § 1951. Previously served as counsel in appeal to the U.S. Court of Appeals for the Fourth Circuit, *United States v. Ocasio*, 750 F.3d 399 (4th Cir. 2014).

Kane v. Lewis, U.S. No. 15-193
Filed certiorari petition as counsel of record seeking to reverse a Fourth Circuit ruling that overturned a damages award in a 42 U.S.C. § 1983 suit arising out of a fatal police shooting during a military-style police raid.

United States v. Davila, 569 U.S. 597 (2013)
Drafted *amicus* brief filed on behalf of 57 scholars of criminal law and criminal procedure arguing that judicial interference with the plea-bargaining process in violation of Federal Rule of Criminal Procedure 11(c)(1) is a structural error requiring automatic reversal of a conviction.

Wolfe v. Clarke, 718 F.3d 277 (4th Cir. 2013)
Drafted brief arguing that federal habeas court properly exercised its authority in barring retrial as a remedy for the prosecution's serious *Brady* and *Giglio* violations in a state capital murder case.

United States v. Churchwell, 465 F. App'x 864 (11th Cir. 2012)
Served as lead counsel in appeal of drug possession conviction arguing that the district court admitted out-of-court testimonial statements in violation of the Confrontation Clause.

Virginia v. Moore, 553 U.S. 164 (2008)
Researched state arrest laws to help counsel for defendant prepare for Supreme Court argument in case involving the scope of the Fourth Amendment's search-incident-to-arrest exception to the warrant requirement.

New York State Board of Elections v. López Torres, 552 U.S. 196 (2008)
Drafted Supreme Court *amicus* brief on behalf of New York State Senator, arguing that New York's system for selecting party candidates for judicial office violates the First Amendment rights of New York voters.

Honors & awards

2025 **Runner-up, 2025 Best (Empirical) Paper Prize**
American Law & Economics Review
For *The Endgame of Court-Packing*

2023 **Best Submitted Paper in Constitutional Law, Public Choice & Political Economy**
2023 American Law & Economics Association Annual Meeting
For *The Endgame of Court-Packing*

2023 **Harvard/Stanford/Yale Junior Faculty Forum**
For *The False Promise of Jurisdiction Stripping*

2019 **Voice of the Faculty**
Washington University School of Law
Chosen by graduating class to speak at Commencement

2018 **Honorable Mention, Scholarly Papers Competition**
American Association of Law Schools
For *The Lottery Docket*

2016 **Finalist, Junior Scholars Paper Competition**
Criminal Justice Section, American Association of Law Schools
For *Adversarial Asymmetry in the Criminal Process*

2013 **Exemplary Legal Writing**
The Green Bag Almanac & Reader
For Brief of Professor Stephen E. Sachs as Amicus Curiae, *Atlantic Marine Construction Co. v. U.S. District*

Court, 134 S. Ct. 568 (2013) (as co-counsel with Jeffrey S. Bucholtz & Stephen E. Sachs)

2008 **John M. Olin Law & Economics Prize**
Harvard Law School
For *Mechanisms of Secrecy*

Presentations (selected)

May 2026 *Divided Argument* Live Taping, American Law Institute Annual Meeting, Washington, DC (with special guest Pamela Karlan)

Apr. 2026 *The Practice of Executive Constitutionalism*, Federalist Society and *Virginia Law Review*, University of Virginia School of Law (with Conor Clarke)

Mar. 2026 Distinguished Commentator, 2026 National Conference of Constitutional Law Scholars, University of Arizona James E. Rogers College of Law

Mar. 2026 *Divided Argument* Live Taping, Federalist Society, University of Chicago Law School

Feb. 2026 *Divided Argument* Live Taping, Federalist Society, Northwestern Pritzker School of Law

Oct. 2025 "The Fourth Amendment and General Law," Columbia Law School Federalist Society

Oct. 2025 *Justifying the Fourth Amendment*, The Catholic University of America Columbus School of Law

Sept. 2025 *Justifying the Fourth Amendment*, Brigham Young University J. Reuben Clark Law School

Sept. 2025 Panelist, SCOTUSblog Inaugural Summit, Washington, DC

July 2025 Panelist, "2025 Supreme Court Review: Key Rulings, Public Perceptions, and Constitutional Debates," National Constitution Center, Philadelphia, PA

Apr. 2025 *Justifying the Fourth Amendment*, Notre Dame Law School

Apr. 2025 Panelist, "General Law and Applied Topics," Originalism Symposium, Federalist Society, University of Virginia School of Law

Apr. 2025 *Divided Argument* Live Taping, Harvard Law School (hosted by the *Harvard Law Review*)

Mar. 2025 *Justifying the Fourth Amendment*, Georgetown Legal Philosophy and Constitutional Theory Junior Scholar Conference, Georgetown Law School

Mar. 2025 *Time and the Structural Constitution*, 2025 National Conference of Constitutional Law Scholars, University of Arizona James E. Rogers College of Law

Feb. 2025 Panelist, *Notre Dame Law Review* Federal Courts Symposium, "The 100th Anniversary of the Judiciary Act of 1925," Notre Dame Law School

Feb. 2025 *Divided Argument* Live Taping, Federalist Society, Northwestern Pritzker School of Law

Jan. 2025 *Divided Argument* Live Taping, Stanford Law School

Jan. 2025 Guest Speaker, "Democracy and Disagreement" (course taught by Paul Brest and Debra Satz), Stanford Law School

Dec. 2024 "Supreme Court Reform: Understanding the Debate," Credits and More: 2024 Continuing Legal Education Seminar, Dinsmore & Shohl LLP, Cleveland, OH

Nov. 2024 Panelist, "The Continued Independence of the Judiciary," 2024 National Lawyers Convention, Federalist Society, Washington, DC

Nov. 2024 *Justifying the Fourth Amendment*, Vanderbilt Criminal Justice Workshop, Vanderbilt Law School

May 2024 Panelist, "Open Fields & Positive Law," Conference on "A Century of Government Tres-

passing: The Open Fields Doctrine at 100," Institute for Justice, Washington, DC

Mar. 2024 Panelist, "Cert Granted: The Future of the Supreme Court's Criminal Jurisprudence and the Role of the Department of Justice," *Pepperdine Law Review* Symposium on "Crime and Punishment: The Future of Our Criminal Legal System," Pepperdine University Caruso School of Law

Feb. 2024 *The Practice of Executive Constitutionalism*, 2024 National Conference of Constitutional Law Scholars, University of Arizona James E. Rogers College of Law

June 2023 *The False Promise of Jurisdiction Stripping*, 2023 Harvard/Stanford/Yale Junior Faculty Forum, Yale Law School

May 2023 *The Endgame of Court-Packing*, 2023 American Law & Economics Association Annual Meeting, Boston University School of Law

Dec. 2022 Senior Commentator, Junior Faculty Federal Courts Workshop, University of Florida Levin College of Law

Oct. 2022 Panelist, *Wisconsin Law Review* Symposium, "Controlling the Supreme Court: Now and 'far into the future' "

Oct. 2022 Commentator, *Saint Louis University Law Review* Childress Lecture by Prof. Stephen Vladeck, "The Business of the Supreme Court: The Evolution and Devolution of the Supreme Court's Docket"

May 2022 Panelist, "Factual errors in evidential legal reasoning: identification and strategies of reduction," 1st Michele Tarufo Girona Evidence Week, University of Girona, Girona, Spain

March 2022 Panelist, *Minnesota Law Review* Symposium, "A Hill to Die On: Federal Court Reform in the 2020s"

Oct. 2021 *The Informed Jury*, University of Iowa College of Law

Oct. 2020 *Supreme Court Reform and American Democracy*, Drexel Kline School of Law

Nov. 2019 Panelist, *What's Next for American Democracy?*, National Constitution Center

Oct. 2019 Eleventh Annual Southwestern Criminal Law Conference, UNLV Boyd School of Law, *Justifying the Fourth Amendment*

Oct. 2019 University of Pennsylvania School of Law, *Checks and Balances in the Criminal Law*

Sept. 2019 University of Florida School of Law, Marshall M. Criser Distinguished Lecture Series, *Checks and Balances in the Criminal Law*

Sept. 2019 Eleventh Annual Junior Faculty Federal Courts Workshop, University of Arkansas School of Law, *The Defender General*

Sept. 2019 Stanford Law School, *How to Save the Supreme Court*

Aug. 2019 Yale Law School, *Yale Law Journal* Reading Group, *How to Save the Supreme Court*

Apr. 2019 Notre Dame School of Law, *Checks and Balances in the Criminal Law*

Mar. 2019 Harvard Law School, Climenko Fellows Conference, *The Defender General*

Feb. 2019 University of California, Hastings College of Law, *Hastings Law Journal* Symposium, *The Jurisprudence of Justice Anthony M. Kennedy: Four Decades of Influence*

Jan. 2019 ACS/SALT Workshop, 2019 AALS Annual Meeting, Panelist, *The Possibility and Potential of SCOTUS Reform*

Jan. 2019 2019 AALS Annual Meeting, Panelist, *Hot Topic Program: Partisan Conflict and the Legitimacy of the Supreme Court*

Dec. 2018 Duke Law School, Judicial Administration/Process Roundtable, *The Defender General*

Oct. 2018 University of Indiana Maurer School of Law, *Checks and Balances in the Criminal Law*

Oct. 2018 2018 Southeastern Junior-Senior Faculty Workshop, University of Georgia School of Law,

Checks and Balances in the Criminal Law

Oct. 2018 Columbia Law School, *First Mondays* Live Recording (with special guest Richard Epstein)

Oct. 2018 University of Chicago Law School Public Law Workshop, *Checks and Balances in the Criminal Law*

Oct. 2018 Georgia State University College of Law, *The Swing Justice: Reflections on the Career of Justice Anthony Kennedy*, Panelist, *Justice Kennedy on Affirmative Action and Criminal Procedure*

Sept. 2018 William & Mary Law School, *Checks and Balances in the Criminal Law*

July 2018 CrimFest, Cardozo School of Law, *Rethinking Separated Criminal Powers*

Apr. 2018 Boston College Law School, *Harmless Errors and Substantial Rights*

Mar. 2018 Yale Law School, *First Mondays* Live Recording (hosted by *Yale Law Journal*), New Haven, Connecticut (with special guest Linda Greenhouse)

Jan. 2018 Judicial Decisionmaking Colloqium, Duke Law School, Durham, NC, *The Lottery Docket*

Oct. 2017 University of Michigan Law School, *Michigan Law Review* Author Talk, *The Lottery Docket* (with William Ortman)

Oct. 2017 2017 Southeastern Junior-Senior Faculty Workshop, Washington University School of Law, *Harmless Errors and Substantial Rights*

Aug. 2017 New York University School of Law, The Art of Advocacy (student lecture series), *Supreme Court Strategy and Ethics in the Gay-Marriage Litigation*

Aug. 2017 Saint Louis University School of Law, *The Lottery Docket*

July 2017 Junior Criminal Law Roundtable, Brooklyn Law School and St. John's Law School, *Informed Juries and Political Feedback*

June 2017 Law & Society Annual Meeting, Mexico City, *Informed Juries and Political Feedback*

May 2017 Northwestern University School of Law Criminal Law Theory Roundtable, *Liberty and Equality in Criminal Procedure*

Nov. 2016 Eighth Annual Southwest Criminal Law Workshop, William S. Boyd School of Law, University of Nevada-Las Vegas, Commentator, *Surrendering Sixth Amendment Principles* (by Carrisa Hessick, UNC School of Law)

Oct. 2016 2016 Southeastern Junior-Senior Faculty Workshop, UNC School of Law, *The Lottery Docket*

Nov. 2015 Washington University School of Law, *Adversarial Asymmetry in the Criminal Process*

Sept. 2015 Seventh Annual Southwest Criminal Law Workshop, University of Utah S.J. Quinney School of Law, *Adversarial Asymmetry in the Criminal Process*

July 2015 CrimFest, Cardozo School of Law, *Adversarial Asymmetry in the Criminal Process*

Jan. 2015 Harvard Law School, *The Consequences of Error in Criminal Justice*

Nov. 2014 The University of Chicago Law School, *The Consequences of Error in Criminal Justice*

Nov. 2014 Harvard Law School Criminal Justice Program of Study, *The Consequences of Error in Criminal Justice*

Media appearances (selected)

David G. Savage, *Justice Kennedy reflects on his time deciding the Constitution's promise of liberty and equality*, L.A. Times (July 26, 2026)

Ann E. Marimow & Abbie VanSickle, *Despite Some Losses for Trump, Supreme Court Deliv-*

ers Enduring Conservative Wins, N.Y. Times (July 1, 2026)

Julian Mark, *There are no Supreme Court vacancies, but some judges are acting like there might be*, Washington Post (May 30, 2026)

Jodi Kantor, *How the Supreme Court Secretly Made Itself Even More Secretive*, N.Y. Times (Feb. 2, 2026)

Jodi Kantor, *The Debate Dividing the Supreme Court's Liberal Justices*, N.Y. Times (Oct. 31, 2025)

Adam Liptak, *Supreme Court Keeps Ruling in Trump's Favor, but Doesn't Say Why*, N.Y. Times (July 16, 2025)

Abbie VanSickle & Adam Liptak, *Supreme Court Adopts Ethics Code After Reports of Undisclosed Gifts and Travel*, N.Y. Times (Nov. 13, 2023)

Can America's Supreme Court police itself?, The Economist (Sept. 7, 2023)

Adam Liptak, *Justice Neil Gorsuch Is a Committed Defender of Tribal Rights*, N.Y. Times (June 15, 2023)

Robert Barnes & Ann E. Marimow, *Supreme Court says it can't determine who leaked draft Dobbs opinion*, Washington Post (Jan. 19, 2023)

Kimberly Robinson & Madison Alder, *Biden's Thorny Options for Changing the Supreme Court*, Washington Post (July 5, 2022)

Peter Coy, *The Politicization of the Supreme Court Is Eroding Its Legitimacy*, N.Y. Times (June 27, 2022)

Adam Liptak, *In Voting Cases, Chief Justice Roberts Is Alone but in Control*, N.Y. Times (Oct. 29, 2020)

Ken Thomas & Lindsay Wise, *Biden Intends to Create Bipartisan Commission to Study Court Overhaul*, Wall Street Journal (Oct. 22, 2020)

Robert Barnes, *With abortion ruling, Roberts reasserts his role and Supreme Court's independence*, Washington Post (June 29, 2020)

Robert Barnes, *Supreme Court for first time to hold arguments via teleconference next month*, Washington Post (Apr. 13, 2020)

Ian Millhiser, *Bernie Sanders's radical plan to fix the Supreme Court*, Vox (Feb. 11, 2020)

Adam Liptak, *A Proposal to Offset Prosecutors' Power: The 'Defender General'*, N.Y. Times (Jan. 27, 2020)

Editorial Board, *Pete Buttigieg*, N.Y. Times (Jan. 16, 2020)

Adam Liptak, *Trump's Impeachment Trial a Perilous Duty for Chief Justice*, N.Y. Times (Jan. 14, 2020)

Adam Liptak, *Supreme Court Says Judges Are Above Politics. It May Hear a Case Testing That View.*, N.Y. Times (Sept. 16, 2019)

Jamelle Bouie, *Why Pete Buttigieg Is Wrong About the Supreme Court*, N.Y. Times (June 6, 2019)

Josh Lederman, *Inside Pete Buttigieg's plan to overhaul the Supreme Court*, NBC News (June 3, 2019)

Adam Liptak, *Roberts, Leader of Supreme Court's Conservative Majority, Fights Perception That It Is Partisan*, N.Y. Times (Dec. 23, 2018)

How America's Supreme Court became so politicised, Economist (Sept. 15, 2018)

Jess Bravin & Brent Kendall, *Kavanaugh's Collegial Nature Could Change Supreme Court's Tenor*, Wall Street Journal (July 15, 2018)

MSNBC Live with Ayman Mohyeldin, MSNBC (July 1, 2018)

MSNBC Live with David Gura, MSNBC (June 30, 2018)

Robert Barnes, *'If it wasn't the Roberts court already, it is the Roberts court now'*, Washington Post (June 28, 2018)

CNN Newsroom, CNN (June 27, 2018)

All Things Considered, National Public Radio (June 27, 2018)

Jessica Gresko, *Justice Gorsuch weighs in on legal questions, meatball subs*, Associated Press (Apr. 9, 2018)

Mark Sherman, *Gorsuch establishes conservative cred in 1st year on court*, Associated Press (Nov. 25, 2017)

Richard Wolf, *Supreme Court justice holds key vote on districts drawn to help parties*, USA Today (Sept. 29, 2017)

Tony Mauro, *Why Top Advocates Are Ghostwriting SCOTUS Briefs*, Nat'l Law Journal (August 9, 2017)

Adam Liptak, *Confident and Assertive, Gorsuch Hurries to Make His Mark*, N.Y. Times (July 3, 2017)

Robert Barnes, *Gorsuch asserts himself early as force on Supreme Court's right*, Washington Post (June 27, 2017)

David Leonhardt, *Revenge of the Young Brits*, N.Y. Times (June 9, 2017)

Mark Walsh, *Should the Supreme Court select some cases by chance?*, ABA Journal (June 2017)

Harry Bruinius, *Why Some Liberals are Warming to Trump's Supreme Court Pick*, Christian Science Monitor (Feb. 10, 2017)

Peter Baker, *Picking One Justice, Trump Has Eye on Choosing a Second*, New York Times (Jan. 31, 2017)

Teaching

2026–27 Criminal Procedure: Investigation, Criminal Procedure: Adjudication, Federal Courts

2025–26 Criminal Procedure: Investigation, Criminal Procedure: Adjudication, Public Law Colloquium

2024–25 Criminal Procedure: Investigation, Criminal Procedure: Adjudication, Public Law Theory

2023–24 Constitutional Law, Criminal Procedure: Investigation

2022–23 Criminal Law, Criminal Procedure: Investigation

2021–22 Criminal Law, Criminal Procedure: Adjudication

2020–21 Criminal Law, Criminal Procedure: Investigation
2019–20 Criminal Law, Criminal Procedure: Adjudication
2018–19 Criminal Law, Criminal Procedure: Investigation, Public Law Theory
2017–18 Criminal Law, Criminal Procedure: Adjudication, Public Law Theory
2016–17 Criminal Law, Structural Criminal Justice
2013–16 First-year Legal Research and Writing
2012 Supreme Court Decisionmaking

Service

Law School and University Service

2025–27 Clerkship Committee
2024–25 Curriculum Committee (Chair)
2020– Faculty Advisor, *Washington University Law Review*
2022–23 Appointments Committee (Chair)
2021–22 Appointments Committee (Chair)
2021–22 School of Law Dean Search Committee
2020–21 Scholarship Committee
2019–20 Appointments Committee
2018–19 Clerkship Committee (Chair)
2017–18 Appointments Committee
2016–17 Clerkship Committee

Peer Review

Columbia Law Review
Harvard Law Review
Northwestern University Law Review
Stanford Law Review
University of Pennsylvania Law Review
Yale Law Journal

Professional memberships

2018 American Law & Economics Association

Bar admissions

2011 District of Columbia
2015 Supreme Court of the United States
2015 United States Court of Appeals for the First Circuit
2011 United States Court of Appeals for the Second Circuit
2012 United States Court of Appeals for the Third Circuit
2011 United States Court of Appeals for the Fourth Circuit

2013 United States Court of Appeals for the Fifth Circuit
2025 United States Court of Appeals for the Sixth Circuit
2025 United States Court of Appeals for the Seventh Circuit
2011 United States Court of Appeals for the Eighth Circuit
2011 United States Court of Appeals for the Ninth Circuit
2026 United States Court of Appeals for the Tenth Circuit
2011 United States Court of Appeals for the Eleventh Circuit
2013 United States Court of Appeals for the District of Columbia Circuit

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