

Curriculum Vita for
DANIEL R. WILLIAMS

Associate Professor
Northeastern University School of Law
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EDUCATIONAL DEGREES

Harvard Law School (JD, 1986)
University of California, Berkeley (BA, 1983)

AWARDS & AFFILIATIONS

Harvard Law School's Gary Bellow Public Service Award—two-time finalist
(2007 and 2008)
Faculty Commencement Speaker (student vote) (NUSL Class of 2007)
Thurgood Marshall Award (1998)
Morton Stavis Memorial Justice Award (1997)
Alfred P. Sloan Fellowship Award (1982)
Association of Political and Legal Philosophy (member)
Society of American Law Teachers (member)
National Association of Criminal Defense Lawyers (member)
American Bar Association (member)
International Journal of the Humanities (associate editor)
Warrior Magazine (editor)
Member of the Bar: States—New York (active) & California (inactive)
Federal—U.S. Court of Appeals for Second & Ninth
Circuits; U.S. District Courts NY (SDNY, EDNY, NDNY)
& CA (Northern, Central)

TEACHING POSITIONS

Associate Professor of Law, Northeastern University School of Law, Boston, MA
(July 2004-present)

Visiting Associate Professor of Law, Harvard Law School, Cambridge, MA (Jan.-
May 2009)

Instructor, Trial Lawyers College, Dubois, WY (1997-present)

LEGAL EXPERIENCE

Capital Defender Office, New York, N.Y. (Mar. 2000 to 2004)

Death-penalty litigation. Lead counsel in case that ended death penalty in New York (*People v. LaValle*).

Private Practice, (June 1988 to April 1991, Feb. 1993 to Feb. 2000)

Trial and appellate practice, specializing in criminal defense, civil rights, employment discrimination, and commercial litigation, as well as plaintiff's civil litigation (specializing in personal injury and toxic torts)

Legal Aid Society, New York, N.Y. (May 1991-Feb. 1993)

Criminal trial attorney

Orrick, Herrington & Sutcliff, San Francisco, CA (1987-1988)

Corporate securities and labor litigation

Law Clerk, United States Court of Appeals, Judge James Browning (9th Cir.), San Francisco, CA (1986-1987)

Research Assistant to Prof. Alan M. Dershowitz, Harvard Law School (1984-1986)

SCHOLARSHIP, RESEARCH & PRESENTATIONS

REFEREED ARTICLES

The Political Dream of Guantanamo, *The International Journal of the Humanities*, volume 6, pages 127-33 (2008)

NON-REFEREED ARTICLES (LAW REVIEWS AND LEGAL JOURNALS)

Averting a Legitimation Crisis and the Paradox of the War on Terror, (currently under review)

Who Got Game: Boumediene v. Bush and the Judicial Gamesmanship of Enemy-combatant Detention, NEW ENGLAND LAW REVIEW (2009)(symposium issue)
(in press)

Overcoming the Ubermensch: Review of Jordan Paust's Beyond the Law: The Bush Administration's Unlawful Responses in the "War" on TERROR, IN CRIME, LAW, AND SOCIAL CHANGE (2009) (in press)

After the Gold Rush---Part II: Hamdi, the Jury Trial, and Our Degraded Public Sphere, PENNSYLVANIA STATE LAW REVIEW, volume 113, pages 53-110 (2008)

After the Gold Rush---Part I: Hamdi, 9/11, and the Dark Side of the Enlightenment, PENNSYLVANIA STATE LAW REVIEW, volume 112, pages 341-423 (2007)

Misplaced Angst: Another Look at Consent-search Jurisprudence, INDIANA LAW JOURNAL, volume 82, pages 69-97 (2007).

The Futile Debate Over the Morality of the Death Penalty: A Critical Commentary on the Steiker and Sunstein-Vermeule Debate, LEWIS & CLARK LAW REVIEW, volume 3, pages 625-40 (2006)

Mitigation and the Capital Defendant Who Wants to Die: A Study in the Rhetoric of Autonomy and the Hidden Discourse of Collective Responsibility, HASTINGS LAW JOURNAL, volume 57, pages 693-757 (2006)

Roper v. Simmons and the Limits of the Adjudicatory Process, MICHIGAN STATE LAW REVIEW, volume 2005, pages 1113-34 (2005)

Law, Chess & Ideals, UNIVERSITY OF SAN FRANCISCO LAW REVIEW, volume 23, pages 399-407 (1989)

Law, Deconstruction and Resistance: the Critical Stances of Derrida and Foucault, CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL, volume 6, pages 359- 410 (1988)

Commentary on Lord's Justice, HARVARD WOMEN'S LAW JOURNAL, volume 9, pages 233-40 (1986)

BOOKS, BOOK CHAPTERS, AND ENCYCLOPEDIA ENTRIES

EXECUTING JUSTICE: AN INSIDE ACCOUNT OF THE CASE OF MUMIA ABU-JAMAL
(with introduction by E.L. Doctorow) (St. Martin's Press 2001)

The Ordeal of Mumia Abu-Jamal, in STATES OF CONFINEMENT (St. Martin's Press 2000)

Barefoot v. Estelle: *Experts and Future Dangerousness*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

Mincey v. Arizona: *No Crime-scene Exception for Warrantless Searches of a Home*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

Michigan v. Mosley, *The Suspect's Power to Control the Flow of Interrogation*, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

Capital Punishment and Resentencing, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

Rights of the Accused, in THE ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006)

The Supreme Court, in ENCYCLOPEDIA OF CRIME AND PUNISHMENT (Sage Publication 2002)

Procedural Justice, in ENCYCLOPEDIA OF CRIME AND PUNISHMENT (Sage Publication 2002)

LAW PRACTICE JOURNALS (selected list)

When Must Federal Courts Defer to a State Court's Finding That Counsel Rendered Effective Assistance?, American Bar Association's Preview of United States Supreme Court Cases, Vol. 34, p. 200, January 8, 2007

Is California's Catchall Mitigation Instruction Constitutionally Adequate?, American Bar Association's Preview of United States Supreme Court Cases, Vol. 34, p. 41, October 3, 2006

Learning to Fight against the Death Penalty at the Trial Lawyer's College, Warrior Magazine (Winter 2002)

Authenticity and the Art of Persuading Juries, New York Law Journal (11/24/97)

Videotaped Depositions, New York Law Journal (5/5/97)

New Impressions on 'Present Sense Impressions', New York Law Journal (2/10/97)

Mitigation in Capital Litigation, New York Law Journal (2/13/96)

Review of Crime & Punishment in American History, Champion Magazine
(December 1994)

The New York Present Sense Impression Exception to the Hearsay Rule, New
York Law Journal (February 1994)

Unsealing Title III's Sealing Requirement, 1 Oakes Criminal Justice Newsletter
12 (1990)

The Motion in Limine, (with Jeffrey White), manuscript for the National
Employment Law Institute (1988)

Regular Contributor to New York Law Journal's *Lawyer's Bookshelf* column
(book reviews)

INTERNATIONAL PRESENTATIONS

Fatih University, Istanbul, Turkey (summer 2008): Presentation of work-in-
progress relating to cultural significance of U.S. war-on-terror jurisprudence.

University of Parma, Parma, Italy (2007): Panelist on U.S. criminal justice
system. Presentation on capital-punishment jurisprudence.

University of Humboldt, Berlin, Germany (1996): Presentation on state of
capital-punishment litigation in U.S.

DOMESTIC PRESENTATIONS

Northeastern University School of Law, Boston, MA (April 25, 2008): Moderator
of full-day symposium on Guantanamo detention.

Harvard Law School, Cambridge, MA (April 27, 2007): Panelist for program on
crimes of the civil rights era.

Georgetown Law Center, Wash., D.C. (2007): Panelist on capital punishment,
sponsored by the Association for the Study of Law, Culture, and Humanities.
Presentation on my article, *Mitigation and the Capital Defendant Who Wants to
Die*.

Northeastern University School of Law, Boston, MA (2007): Presentation of
paper, *After the Gold Rush---Part I*, at faculty colloquium.

Northeastern University, Boston, MA (2006): Moderator of panel discussion on capital punishment.

National Association of Criminal Defense Lawyers, Annual Conference, Boston, MA (2006): Presentation and workshop leader on appellate advocacy.

Northeastern University School of Law, Boston, MA (2005): Presentation of paper, *Mitigation and the Capital Defendant Who Wants to Die*, at faculty colloquium.

Tennessee Association of Criminal Defense Lawyers, Training Seminar at Univ. of Tennessee (2005): Presentation on presenting expert witnesses in child-sex abuse prosecutions.

New England School of Law, Symposium on Juvenile Justice, Boston, MA (April 15, 2005): Presentation on *Roper v. Simmons* and the Supreme Court's ban on imposing the death penalty on juvenile offenders.

Consumer Rights Conference, Boston, MA (October 2004): Presentation on expert testimony in consumer litigation.

University of Colorado, Boulder, CO (1994): Panelist for conference on imprisonment in U.S.

N.Y. Bar Association, New York, N.Y. (1994): Lecture presentation on legal issues arising in the defense of child-sex abuse cases

SPEECHES ON THE DEATH PENALTY

(selected list, limited to academic settings)

CUNY Law School, New York, N.Y. 2000

Cardozo Law School, New York, N.Y. 2000

New York University Law School, New York, N.Y. 1997

City College of New York, New York, N.Y. 1996

University of Humboldt, Berlin, Germany 1996

Temple University Law School, Philadelphia, PA 1995

Fordham University Law School, New York, N.Y. 1995

MEDIA APPEARANCES

(selected listing of interviews and feature stories in audio-visual media venues)

MSNBC with Brian Williams

ABC's *Good Morning America*

CNN

FOX News (multiple occasions)

CNBC with Geraldo Rivera (*Rivera Live*) (multiple occasions)

Dateline NBC

ABC's *20/20*

CBS's *48 Hours*

Court TV (multiple occasions)

WBAI radio (multiple occasions)

KPFA radio (multiple occasions)

National Public Radio (multiple occasions)

COURTROOM PRESENTATIONS OF KEY LEGAL CASES

(sampling of reported appeals)

People v. LaValle, 3 N.Y.3d 88 (2004)

(lead counsel in case where New York Court of Appeals struck down death penalty)

Commonwealth of Pa. v. Mumia Abu-Jamal, 2001 WL 1609690 (E.D. Pa. 2001)

(post-conviction habeas petitions in highly publicized death penalty case)

Commonwealth of Mass. v. Amirault, 424 Mass. 618 (1997) (aka Fells Acres

Daycare case) (post-conviction litigation in highly publicized day-care center sexual-abuse case, discussed in Rabinowitz, *No Crueller Tyrannies: Accusation, False Witness, and Other Terrors of Our Times* (Free Press 2003))

State of New Jersey v. Michaels, 642 A.2d 1372 (N.J. 1994)

(appeal involving issue of first impression concerning suggestibility of children in child sex abuse cases, NJ Supreme Court establishes the *Michaels* rule for screening out unreliable testimony, also discussed in Rabinowitz, *supra*, and the subject of much commentary in law reviews)

People v. Wright, 99 N.Y.2d 202, 753 N.Y.S.2d 437 (2002)

(appeal involving conflict of interest issues)

Commonwealth of Mass. v. Souza, 39 Mass. App. Ct. 103 (1995)

(appeal of highly publicized conviction of two grandparents for allegedly sexually abusing grandchildren)

- United States v. Fan*, 36 F.3d 240 (2d Cir. 1994)
(appeal of conviction for smuggling of 150 Chinese aliens by boat)
- United States v. Helmsley*, 941 F.2d 71 (2d Cir. 1991)
(appeal of tax evasion conviction)
- United States v. Lisbona*, 924 F.2d 410 (2d Cir. 1991)
(appeal of conviction arising from international arms smuggling operation)
- United States v. Schwimmer*, 924 F.2d 443 (2d Cir. 1991)
(appeal of conviction arising from failed savings & loan scheme)
- United States v. Segarra*, 922 F.2d 934 (2d Cir. 1991)
(appeal of convictions arising out of robbery of armored car depot by members of *Los Macheteros*, a Puerto Rican independence group)
- United States v. Komisaruk*, 885 F.2d 490 (9th Cir. 1988)
(appeal of conviction of antinuclear protestor who destroyed missile guidance system; also involved in trial; case profiled in documentary entitled *First Strike*)

TEACHING AND ADVISING

Courses:

Criminal Justice

- Terms in which course was taught: Spring 2005, Spring 2006, Spring 2007, Spring 2008
- Number of credit hours: 4 credit hours
- Enrollment: 72, 72, 67, 72

Evidence

- Terms in which course was taught: Fall 2004, Fall 2005, Fall 2006, Fall 2008
- Number of credit hours: 4 credit hours
- Enrollment: 28, 58, 32, 63

Advanced Criminal Procedure

- Terms in which course was taught: Fall 2005, Summer 2006

- Number of credit hours: 3 credit hours
- Enrollment: 53, 79
- *Summer 2006 taught as part of teaching overload; received extra compensation.*

Criminal Advocacy Clinic

- Terms in which course was taught: Spring 2007, Winter 2007-08
- Number of credit hours: 7 credit hours
- Enrollment: 18

Capital Punishment (visiting professor, Harvard Law School)

- Term in which course will be taught: Spring semester 2009
- Number of credit hours: 3 credit hours
- Enrollment: to be determined

Independent Study Advising

- Sixteen supervised papers for 3 credits
- Four supervised papers for 2 credits
- Nine supervised papers for 1 credit

SERVICE AND PROFESSIONAL DEVELOPMENT

SERVICE TO NORTHEASTERN UNIVERSITY SCHOOL OF LAW

Committees:

- Committee Against Institutional Racism (2004-05, 2005-06)
- Academic and Student Life Committee (2006-07 (chair), 2007-08)
- Appointments Committee (2008-09)
- Ad hoc Solomon Amendment Committee (2004-05)
- Ad hoc Committee for Minority Retention (2007-08)
- Ad hoc Committee for Diversity at NUSL (2007-08)

Advising:

- Faculty Advisor for Public Interest Law Scholars (2006-present)
- Faculty Advisor for student-run Criminal Law Society (2007-present)

- Faculty Advisor for student chapter of American Constitution Society (2006-present)
- Advising Attorney for Student Projects in LCD and LSSC Programs (2004-05, 2005-06, 2007-08, 2008-09)

Miscellaneous:

- Presentation and demonstration on job-search interviewing skills (Oct. 2006)
- Presentations at Alumni and Student Recruitment Events (2005-08)
- Consultant and assistant to Prof. Margaret Burnham's program, "Crimes of the Civil Rights Era" and her follow-up plans for a clinic program (2007-08, 2008-09)
- Moderator of all-day symposium on Guantanamo detention, sponsored by American Constitution Society (April 25, 2008)
- Judge for Legal Practice Oral Arguments (February 23, 2006)
- Introductory remarks for guest speaker, David Feige, author of *Indefensible: One Lawyer's Journey into the Inferno of American Justice* (Sept. 21, 2006)
- Moderator of Supreme Court Roundtable (July 2005)

SERVICE TO NORTHEASTERN UNIVERSITY

- Panelist, discussing post 9/11 political climate for a program on 9/11, under the auspices of College of Criminal Justice (March 14, 2008)
- Guest lecturer on capital punishment for Prof. James Alan Fox of the College of Criminal Justice (October 2007)
- Guest lecturer on criminal procedure for the Law, Policy and Society Program (Spring 2006)
- Co-organizer with College of Criminal Justice—speaker David Kaczinsky (November 6, 2006)
- Moderator of panel discussion on capital punishment (January 26, 2006)

SERVICE TO PROFESSION AND COMMUNITY

- *Amicus curiae* brief to Mass. Supreme Judicial Court on behalf of Massachusetts Association of Criminal Justice and Suffolk County Lawyers for Justice (brief submitted April 2008, decision issued September 2008)
- *Pro bono* representation in *Wright v. Smith*, appeal on behalf of habeas petitioner to Second Circuit Court of Appeals (brief submitted August 2008, argument pending)

- Judge for 2008 Constance Baker Motley National Moot Court Competition, sponsored by American Constitution Society (March 21, 2008)
- Instructor, Trial Lawyers College (2004-ongoing)
- Editorial Board Member, Warrior Magazine (2004-05)
- Board of Directors for Alumni of the Trial Lawyers College (2004-05)
- Instructor at three-day Communication Workshop, Arrowhead, CA (Dec. 2007)
- Lecture Presentation on Appellate Advocacy, Annual Meeting of the National Association of Criminal Defense Lawyers, Boston, MA (Oct. 2006)
- Lecture Presentation on Experts in Child Sex-abuse Prosecutions, Tennessee Association of Criminal Defense Lawyers (April 2005)
- Lecture Presentation on Expert Evidence, National Consumer Law Conference, Boston, MA (Oct. 2004)
- Author of explanatory articles on upcoming Supreme Court cases, published by the American Bar Association and used by journalists and commentators nationwide (*see above*, publications list)
- Frequent source for journalists, national and local, needing commentary or explanation on criminal justice matters
- Coach of Brookline High School Mock Trial Team (Fall 2006)