

June 2015  
**JAMES S. LIEBMAN**

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**Employment**

1998-present	Simon H. Rifkind Professor of Law, Columbia Law School
2015-16	Special Assistant to the Dean for Curricular Innovation
2015-16	Honorary Adjunct Professor of Law, Columbia Teachers College Visiting Professor of Law, Harvard Law School Adjunct Professor of Law, New York University Law School
2012-2013	Visiting Professor of Law, Yale Law School
2011-present	Director, Center for Public Research and Leadership
2006-2009	Chief Accountability Officer and head of the Division of Accountability and Achievement Resources, New York City Department of Education
1991-1992	Vice Dean, Columbia Law School
1991-1998	Professor of Law
1986-1990	Associate Professor of Law, Columbia Law School
1979-1985	Assistant Counsel, NAACP Legal Defense and Education Fund, Inc.
1978-1979	Law Clerk to Justice John Paul Stevens, United States Supreme Court
1977-1978	Law Clerk to Judge Carl McGowan, United States Court of Appeals for the District of Columbia Circuit

**Education**

Stanford Law School, J.D., 1977; President, Stanford Law Review, 1976-77; Nathan Abbott Scholar, 1977

Yale College, B.A. in History, 1974; graduated summa cum laude, with honors in History; C.A. Porter Prize in American History, 1974

## **Awards, Fellowships and Grants**

- 2014 Walton Family Foundation grant to student scholarships and fellowships awarded by the Center for Public Research and Leadership
- 2014 Norman Redlich Capital Defense Distinguished Service and Pro Bono Award, New York City Bar Association
- 2111 Fellow, American Bar Foundation
- 2009 Government Technology Magazine and Center for Digital Government Award for Overall Excellence in Technology (team leader in developing New York City Department of Education's Achievement Reporting and Innovation System (ARIS))
- 2003-05 grants from the Arca, Horace W. Goldsmith, Overbrook, Tides, and Z. Smith Reynolds Foundations, the Open Society Institute, and Wallace Global Fund, to study the probability of executing the innocent
- 2002 Open Society Institute Grant to Create Nationwide System for Data Collection on Wrongful Convictions
- 2002 Law and Society Association Article Prize for an outstanding work in law and society scholarship for *The Overproduction of Death*, 100 Colum. L. Rev. 2030 (2000).
- 2002 National Association of Criminal Defense Lawyers, Champion of Justice Award
- 2001-04 William and Flora Hewlett Foundation Grant, Public Problem Solving
- 2001 Public Interest Law Foundation of Columbia Law School, Public Interest Achievement Award
- 2000, 2001 Open Society Institute Grants, Death Penalty Dialogue Project
- 2000-01 National Institute of Justice Grant, Getting to Death: Fairness and Efficiency in the Processing and Conclusion of Death Penalty Cases After *Furman*
- 2000 Soros Senior Justice Fellowship, awarded by the Center on Crime, Communities & Culture of the Open Society Institute
- 1998 Open Society Institute Grant, Life After Death: A Contextual Analysis of Judicial Review of Capital Verdicts

## **Publications**

*Public Problem-Solving and the New Portfolio Reforms in K-12 Education* (2015) (in draft)

Publications (cont'd)

(with Christina Ma)

*Accountability that Improves: An Interview with Jim Liebman*, DIST. MANAGEMENT J. (Spring 2014), at <http://www.dmjournal.org/accountability-that-improves-an-interview-with-jim-liebman/>

*The Wrong Carlos: Anatomy of a Wrongful Execution* (Columbia University Press 2014) (with Shawn Crowley, Lauren Gallo, Andrew Markquart, Lauren Rosenberg & Daniel Zharkovsky)

*Correcting Criminal Justice Through Collective Experience Rigorously Examined* (with David Mattern), 87 S. CAL. L. REV. 585 (2014)

*"The Evidence of Things Not Seen": Non-Matches as Evidence of Innocence*, 98 IOWA L. REV. 577 (2013) (with Shawn Blackburn, David Mattern & Jonathan Waisnor)

*Los Tocayos Carlos*, 43 COLUM. HUM. RTS. L. REV. 711 (2012) (with Shawn Crowley, Lauren Gallo, Andrew Markquart, Lauren Rosenberg & Daniel Zharkovsky)

*Minority Practice, Majority's Burden: The Death Penalty Today*, 9 OHIO ST. J. CRIM. L. 255 (2011) (with Peter Clarke)

FEDERAL HABEAS CORPUS PRACTICE AND PROCEDURE (Vols. 1 and 2) (Lexis/Nexis and The Michie Co. 6<sup>th</sup> ed. 2011 & 2012-2013 Supps.; 5<sup>th</sup> ed. 2005 & 2006-2009 Supps.; 4<sup>th</sup> ed. 2000 & 2001-2004 Supps.; 3d ed. 1998 & 1999, 2000 Supps.; 2d ed. 1994 & 1995-1997 Supps.; 1<sup>st</sup> ed. 1988 & 1989, 1991-1993 Supps.) (2d-6th eds. with Randy Hertz)

A MODERN APPROACH TO EVIDENCE (5<sup>th</sup> ed 2013; 4<sup>th</sup> ed. 2011; 3d. ed. 2000) (3d ed. with Richard O. Lempert and Samuel Gross; 4<sup>th</sup> and 5<sup>th</sup> eds. with John Blume, Stephan Landsman and Fred Lederer)

*Justice Stevens as Legal Innovator – The Capital Cases*, Supreme Court of the United States Blog, <http://www.scotusblog.com/2010/05/justice-stevens-as-legal-innovator/> (2010)

*Slow-Dancing with Death: The Supreme Court and Capital Punishment, 1963-2006*, 107 COLUM. L. REV. 1 (2007)

*Less is Better: Justice Stevens and the Narrowed Death Penalty*, 74 FORDHAM L. REV. 1607 (2006) (with Lawrence C. Marshall)

*A Broken System: The Persistent Patterns of Reversals of Death Sentences in the United States* 1 JOURNAL OF EMPIRICAL LEGAL STUDIES 209 (2004) (with Andrew Gelman, Alexander Kiss & Valerie West)

*Experimentalist Equal Protection*, 22 YALE L. & POL'Y REV. 261 (2004) (with Brandon Garrett)

*Madisonian Equal Protection*, 104 COLUM. L. REV. 837 (2004) (with Brandon Garrett)

## Publications (cont'd)

*Getting to Death: Fairness and Efficiency in the Processing and Conclusion of Death Penalty Cases After Furman*, Final Technical Report to the National Institute of Justice, <http://www.ncjrs.org/pdffiles1/nij/grants/203935.pdf> (Feb. 2004) (with Jeff Fagan, Valerie West, Andrew Gelman, Alexander Kiss and Garth Davies)

*The Fragile Promise of Provisionality: Rejoinder to Respondents*, 28 N.Y.U. J. L. & SOC. CHANGE 369 (2003) (with Charles F. Sabel)

*A Public Laboratory Dewey Barely Imagined: the Emerging Model of School Governance and Legal Reform*, 28 N.Y.U. J. L. & SOC. CHANGE 183 (2002-03) (with Charles F. Sabel)

*Towards a New Scholarship for Equal Justice*, 30 WM. MITCHELL. L. REV. 273 (2003)

*Legal Scholarship for Equal Justice: Panel Discussion*, 30 WM. MITCHELL. L. REV. 295 (2003) (with Beverly Balos, Eric Janus, and Tim Thompson)

*The Federal No Child Left Behind Act and the Post-Desegregation Civil Rights Agenda*, 81 NO. CAR. L. REV. 1703 (2003) (with Charles F. Sabel)

*Review of the Administration of the Death Penalty and the Need for a Nationwide Response to the ABA's Moratorium Call*, 4 N.Y. L. REV. 128 (2002) (moderated panel)

*Rates of Reversible Error and the Risk of Wrongful Conviction*, JUDICATURE, Sept.-Oct. 2002, at 78

*A Broken System, Part II: Why There Is So Much Error In Capital Cases and What Can Be Done About It*, [www.law.columbia.edu/brokensystem2](http://www.law.columbia.edu/brokensystem2) (February 11, 2002) (with Jeffrey Fagan, Andrew Gelman, Valerie West, Garth Davies and Alexander Kiss)

*The New Death Penalty Debate: What's DNA Got to Do With It?*, 33 COLUM. HUM. RTS. L. REV. 527 (2002)

*Opting for Real Death Penalty Reform*, 63 OHIO ST. L.J. 315 (2001)

*Edward V. Sparer Public Interest Law Fellowship Symposium on Congressional Stripping of Federal Court Jurisdiction: An "Effective Death Penalty"? AEDPA and Error Detection*, 67 BROOKLYN L. REV. 411 (2001)

*La Suproduction de la Mort aux États-Unis*, LE DÉBAT, No. 116 (Sept.-Oct. 2001)

*Look Who's Extrapolating: A Reply to Professor Hoffmann*, 76 IND. L.J. 951 (2001) (with Valerie West and Jeff Fagan)

*Death Is the Whole Ball Game*, JUDICATURE, Nov.-Dec. 2000, at 144 (with Jeffrey Fagan and Valerie West)

**Publications (cont'd)**

*The Overproduction of Death*, 100 COLUM. L. REV. 2030 (2000)

*Death Matters: A Reply to Latzer and Cauthen*, JUDICATURE, Sept.-Oct. 2000, at 72 (with Jeffrey Fagan and Valerie West)

*Capital Attrition: Error Rates in Capital Cases, 1973-1995*, 78 TEXAS L. REV. 1839 (2000) (with Jeffrey Fagan, Valerie West, and Jonathan Lloyd), reprinted in MARK TIMMONS, DISPUTED MORAL ISSUES (1<sup>st</sup> ed. 2006, 2<sup>nd</sup> ed. 2009)

*A Broken System, Part I: Error Rates in Capital Cases, 1973-1995*, [http://papers.ssrn.com/papers.taf?abstract\\_id=232712](http://papers.ssrn.com/papers.taf?abstract_id=232712) (June 12, 2000) (with Jeffrey Fagan and Valerie West)

*Some Effectual Power: The Quantity and Quality of Decisionmaking that the Constitution Demands of the Federal Courts*, 98 COLUM. L. REV. 696 (1998) (with William Ryan)

*A Rough Outline of the New Habeas and the New Section 2255*, and *The New Habeas: The Standard for Adjudicating Legal Questions*, ALI-ABA VIDEO L. REV. (Sept. 12, 1996)

*Proposed Evidence Rules 413-415: Some Problems and Recommendations*, 20 DAYTON L. REV. 753 (1995)

*The Trials and Tribulations of 'Humane' Educational Choice*, in QUALITY EDUCATION FOR ALL IN THE TWENTY-FIRST CENTURY (Papers and Proceedings of the 4<sup>th</sup> Annual Drake University Law School Constitutional Law Symposium 1994)

*Brecht v. Abrahamson: Harmful Error in Habeas Corpus Law*, 79 J. CRIM. L. & CRIMINOL. 1109 (1994) (with Randy Hertz)

*Managing the Legal Enforcement of Educational Entitlements*, in OUTCOME EQUITY IN EDUCATION (The Fifteenth Annual Yearbook of the American Education Finance Association) (R. Berne and L. Picus, eds., 1994)

*Apocalypse Next Time? The Anachronistic Attack on Direct Review/Habeas Corpus Parity*, 92 COLUM. L. REV. 1997 (1992)

*Three Strategies for Implementing Brown Anew* in RACE IN AMERICA: THE STRUGGLE FOR EQUALITY (H. HILLS & J. JONES, EDS., 1992)

*Voice, Not Choice, Review of Politics, Markets, and America's Schools* by John E. Chubb and Terry M. Moe, 101 YALE L.J. 259 (1991)

*More than "Slightly Retro": The Rehnquist Court's Rout of Habeas Corpus Jurisdiction in Teague v. Lane*, 18 N.Y.U. J.L. & SOC. CHANGE 537 (1990-91)

### **Publications (cont'd)**

*Desegregating Politics: “All Out Desegregation” Explained*, 90 COLUM. L. REV. 1463 (1990)

*Political Reconstruction, Liberal Recollection, and Litigatively Enforced Legislative Reform*, 76 VIRGINIA L. REV. 349 (1990)

*Guiding Death Sentencing Discretion Beyond the “Boilerplate”: Mental Disorder as a Mitigating Factor*, 66 GEO. L.J. 757 (1978) (with Michael J. Shepard)

*Note, Search and Seizure of the Press: A Fourth Amendment and First Amendment Analysis*, 28 STAN. L. REV. 957 (1976)

### **Papers, Conferences, Speeches, Testimony**

*Serial Roundtable*, Mark N. and Helen L. Kaplan Lecture Series, Columbia Law School, New York, April 20, 2015

*The Wrong Carlos: Anatomy of a Wrongful Execution*, Columbia University Press and Columbia Human Rights Institute, New York, March 23, 2015

Joint School and Educator Accountability Group Meeting, Hewlett Foundation, Palo Alto, California, Dec. 5, 2014

Content Versus Context in International Education Policy, Special Symposium on Education Policy: Learning from Other Countries, Association for Public Policy Analysis & Management Fall Research Conference, Albuquerque, New Mexico, Nov. 7, 2014

That’s Not the Guy, Panel on New Books about Criminal Justice Exonerations, Texas Book Festival, Austin, Texas, Oct. 26, 2014

Learning to Live Without the Death Penalty (When One of its Costs May Be Executing the Innocent), Lecture, University of Texas Law School, Austin, Texas, Oct. 24, 2014

Keynote Addresses: Four Reasons to Represent Death Row Inmates in Post-Conviction Litigation, Nineteenth Annual National Federal Habeas Corpus Seminar, Atlanta, Aug. 14, 2014; New York City Bar Association Post-Conviction Capital Defense Training Program, New York, July 14, 2014

Next Generation of State Education Accountability Systems, Meeting Hosted by the Center for Reinventing Public Education and the Thomas B. Fordham Institute, Washington, D.C., June 10-11, 2014

Launching a Measurement, Learning & Evaluation Strategy for the Bill & Melinda Gates Foundation, Research Advisory Meeting, Washington, D.C., May 1, 2014

Honoring the Inventiveness of the Architects of *Brown*: A New-Age Approach to Public Law

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Litigation in Support of Public Education Reform, Panel on Civil Rights in Education & The *Brown v. Board of Education* Legacy, Columbia Black Law Students Ass'n and Education Law & Policy Group, New York, April 24, 2014

The Role of Charter Schools in Public Education, Panel Discussion, Columbia Center for Public Research and Leadership, New York, March 5, 2014

Seven Steps to Empower and Enable Progress in New York City, Education Funders Research Initiative Online Education Forum, New York, Jan. 8, 2014,  
<http://edfundersresearch.com/jim-liebman-7-steps-motivate-empower-and-enable-progress>

School Accountability: What's Next for NYC?, Panel Discussion, CUNY Institute for Education Policy, New York, Sept. 19, 2013

Using Accountability to Build K-12 Learning Organizations, Keynote Address, Center for Reinventing Public Education's Portfolio District Network Meeting, Seattle, July 10, 2013, remarks and video available at <http://www.crpe.org/events/portfolio-school-district-network-meeting-july-2013>

Criminal Adjudication as Systemic Regulation: Big Data Meets Criminal Justice, USC Gould School of Law Conference on Criminal Law at the Crossroads, Los Angeles, June 7, 2013

Broadening Law Schools' Upper-Level Curriculum—and What it Means to be a Lawyer in Public Service, Steering Committee Spring Meeting, Columbia Law School Board of Visitors, New York, April 25, 2013

Reforming the Governance and Accountability of the Nation's Public Schools, Harvard Law School Advocates for Education 2013 Annual Conference, Cambridge, Massachusetts, March 26, 2013

Evaluating K-12 Teachers: What's Left to Debate in the Wake of the MET and Chetty-Friedman-Rockoff Studies?, Columbia Center for Public Research and Leadership, New York, March 5, 2013

Can You Do Without the Death Penalty if You Can't Be Sure You Got the Right Guy?: The Case of the Two Carloses, Texas Coalition to Abolish the Death Penalty Annual Meeting, Austin, Texas, Feb. 23, 2013

Learning for the Success of the 2012 Bridgeport Parent Problem-Solving Project, Panel in Celebration of the 2012 Bridgeport Parent Problem-Solving Project, Excel Bridgeport, Bridgeport, Connecticut, Oct. 19, 2012

The Implications of Recognizing the Death Penalty's Minority Status in the United States, NAACP Legal Defense & Educational Fund, Inc. 33<sup>rd</sup> Annual Capital Punishment Training Conference, Warrenton, Virginia, July 13, 2012

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Models of Innovation in Public-Interest Legal Practice, Luncheon Address, Appleseed Network Board of Directors, New York, June 22, 2012

Minority Practice, Majority's Burden: The Death Penalty Today, Panel on Libertarian Agendas, Hierarchal Sentiments: County-Level Analysis of Capital Punishment in the United States, Law & Society Association Annual Conference, Honolulu, June 7, 2012

Prevention of Irregularities in Academic Testing, National Center for Education Statistics Testing Integrity Symposium, Washington, D.C., Feb. 28, 2012 (proceedings reported in Nat'l Center for Education Statistics, Testing Integrity Symposium Summary of Proceedings (2012))

Fifth Learning Roundtable Discussion (on Multiple-Measures Accountability) with the United States Department of Education Senior Leadership Team, co-sponsored by Secretary of Education Arne Duncan and Monica Higgins (Harvard Graduate School of Education), U.S. Department of Education, Washington, D.C., Dec. 9, 2011

Minority Practice, Majority's Burden: The Death Penalty Today, Columbia Law School, Faculty Paper Series, New York, Dec. 1, 2011

New Approaches to Measuring School and District Performance, U.S. Education Department ESEA Flexibility Forum, Washington, D.C., Sept. 30, 2011

Implications of the Death Penalty's Minority Status, Radcliffe Institute for Advanced Study Seminar on Comparative Perspectives on the Death Penalty, Cambridge, Massachusetts, May 21, 2011

Designing a New Federal Accountability System for K-12 Education, Panel Discussion, Alliance for Excellent Education, by telephone from New York City to Washington, D.C., April 13, 2011

The Modern U.S. Death Penalty: Minority Practice, Majority's Burden, David H. Bodiker Lecture, The Ohio State University Moritz College of Law, Columbus, Ohio, March 15, 2011

Panning for Evidentiary Gold: Protecting the Innocent by Getting More Value Out of Non-Exclusionary Non-Matches Between Suspects and Circumstantial Evidence of Who Committed the Crime, New York Law School and West Point Center for the Rule of Law Conference on Exonerating the Innocent: Pre-Trial Innocence Procedures, New York, Nov. 5, 2010

Overcoming Barriers to Using Educational Information Systems for Improving Student Outcomes, OECD, Social Science Research Council & Stupski Foundation Workshop on Educational Systems for Innovation and Improvement, New York, October 14, 2010



**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Reflections on the Legacy of Justice John Paul Stevens: Eighth Amendment Jurisprudence and the Integrity of the Law, American Constitution Society Panel, Washington, D.C., June 3, 2010 (<http://www.acslaw.org/node/16293>)

Informing K-12 Educational Improvement and Reform: The Role of Data, Technology and Training, testimony before the Texas Senate Committee on Education, Middle Grades Hearing, April, 21, 2010, by video feed from New York City to Austin, Texas, April 21, 2010

K-12 Education Reforms: A Role for the University, University of Michigan Legal Theory Workshop, Ann Arbor, March 25, 2010

Improving Federal and State Accountability Systems, Education Sector Meeting, Landsdowne, VA, March 15-17, 2010

'Race to the Top:' Implications for America's Schools, Panel Discussion, Columbia Law School Education Law and Policy Society, New York, March 10, 2010

Learning Roundtable Discussion (on Accountability) with the United States Department of Education Senior Leadership Team, co-sponsored by Secretary of Education Arne Duncan and Monica Higgins (Harvard Graduate School of Education), U.S. Department of Education, Washington, October 23, 2009

Conversations in Education Reform, 2009 Social Enterprise Conference, Columbia University, New York, October 9, 2009

Designing Next Generation Accountability and Support Systems: Implications for Federal, State and School Policy, 2009 Aspen Education Workshop, Aspen, July 18-22 2009

Evaluating School Effectiveness Based on Longitudinal Student Growth: New York City Progress Reports, New York Schools Data Analysis Technical Assistance Group (DATAG), Albany, May 8, 2009; and Capital Region BOCES Conference, Albany, May 28, 2008

Getting Accountability and Performance Management Right, Philanthropy Roundtable, New York, April 23, 2009

New York City Department of Education Accountability and Achievement Resources Overview, Fordham University Leadership Conference, New York, April 14, 2008; and Federal Reserve Bank Seminar Series, New York, September 10, 2007

State Standards in Education: Evaluating the Options—Implementer Perspectives, Center for Education Workshop, National Academy of Sciences, Washington, DC, March 18, 2008

A New Approach to School Accountability and Achievement Resources, New York Public Education Leadership Conference, Cambridge, MA, June 20, 2007

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Performance Management and Data Use in Elementary Schools, Michael & Susan Dell Foundation and The Broad Foundation Performance Management Summit, Austin, May 23, 2007

A Diversified Approach to Accountability, Council of The Great City Schools Fall Conference, San Diego, October 26, 2006

Qualitative and Quantitative Evaluation of School Performance in New York City, The Broad Foundation, New York, September 20, 2006

Feet to the Fire: Implementing District Performance Management Systems, Broad Symposium, New York, September 18, 2006

Why the Death Penalty is Narrowing, and What Remains to Be Done, Seventh Annual Henry Schwarzschild Memorial Lecture, Manhattanville College, Purchase, November 1, 2005

Less is More: Justice Stevens and the Narrowed Death Penalty, talk delivered at Symposium: The Jurisprudence of Justice Stevens, Fordham University School of Law, New York, September 30, 2005 (with Lawrence Marshall)

The OT 2005 Death Penalty Cases, talk delivered at the American Constitution Society OT 2005 Supreme Court Preview, Washington, D.C., September 28, 2005

The Possible Futures of the Death Penalty in New York, testimony before the Standing Committees on Codes, Judiciary and Correction of the New York Assembly in Regard to the Death Penalty in New York, New York, January 21, 2005.

Using Forensic Profiles of Cases to Assess the Likelihood that the Defendant Is Innocent, talk delivered at 2004 National Innocence Conference, Austin, April 24, 2004

The Role of Post-Conviction Review in Assuring Adequate Representation in Capital Cases, talk delivered at Conference on Strengthening the Guiding Hand of Counsel: Reforming Capital Defense Systems, Hofstra University School of Law, Hempstead, Oct. 24, 2003

The Three Most Difficult Moral-Ethical Decision a Capital Defense Lawyer Faces, talk delivered at program on The Ethics of the Death Penalty: How Absolute Should We Be?, Association of the Bar of the City of New York, New York, October 9, 2003

The Difficulty of Reliably and Efficiently Administering a System of Capital Punishment, testimony before the Joint Committee on Criminal Justice of the Massachusetts General Court (Legislature) in Regard to S.913, S.194 and H.319, H319, Boston, March 27, 2003

Towards a New Relationship Between Equal Justice Scholarship and Practice, Keynote Address, Legal Scholarship for Equal Justice Symposium, William Mitchell College of Law, St. Paul, January 24, 2003

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Why There is So Much Error in Capital Cases, and What can be Done About It, talk delivered at New York Law School Law and Society Colloquium, New York, Nov. 22, 2002

Towards Desegregating Education: talk delivered at Conference on the Resegregation of Southern Schools? A Crucial Moment in the History (and the Future) of Public Schooling in America, sponsored by the University of North Carolina Center for Civil Rights and the Harvard University Civil Rights Project, Chapel Hill, Aug. 30, 2002

Capital Error and the Need for Effective Representation, testimony before the United States Senate Judiciary Committee in Regard to S.233, S.486, S.800 and S.2446, Washington, June 18, 2002

The Risk of Serious Capital Error in Ohio and the Need for Further Study, testimony before the Criminal Justice Committee of the Ohio House of Representatives, Columbus, June 4, 2002

Why There Is So Much Error in Capital Cases, talk delivered at Panel on Empirical Studies and the Death Penalty, Law & Society Association Meeting, Vancouver, May 31, 2002

The Contribution of Race to Capital Sentencing and Capital Error, talk delivered at the Death Penalty Seminar, National Association of Criminal Defense Lawyers Conference on Race and Culture on Trial, Cincinnati, May 3, 2002

The Landscape of Wrongful Convictions, panel discussion, Criminal Justice Institute at Harvard Law School Conference on Wrongful Convictions: A Call to Action, Cambridge, April 19, 2002

Reducing Maryland's High Rates of Serious Error in Capital Cases by Targeting Death Sentence on the Worst of the Worst Offenses, testimony before the Maryland Senate Judicial Proceedings Committee and House Judiciary Committee, Annapolis, March 13, 2002

Nevada Error Rates in Capital Cases, testimony before the Nevada Legislative Commission's Subcommittee to Study the Death Penalty, by video feed from New York City to Carson City, February 21, 2002

Democratic Experimentalism in the Context of Public Education, talk delivered at Georgetown Conference on Democratic Experimentalism, Georgetown University Law Center, Washington, D.C., Nov. 13, 2001

The New Death Penalty Debate: What's DNA Got to Do With It?, talk delivered at DNA and Human Rights: An International Conference, University of California, Berkeley, California, April 27, 2001

An Effective Death Penalty? AEDPA and Error Detection in Capital Cases, talk delivered at the Brooklyn College Law School Sparer Symposium, Brooklyn, April 5, 2001

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

Marketing Incentives for Reliable Death Sentencing, talk delivered at the *Ohio State Law Journal* Symposium on Addressing Capital Punishment Through Statutory Reform, Columbus, March 30, 2001

Death Penalty Forum, *Fathom*, <http://www.fathom.com/index.jhtml>, March 12, 2001

Prosecutorial Misconduct in Capital Cases, talk delivered to the Prosecutorial Misconduct in Capital Cases Subcommittee of the Committee on Criminal Justice of the Association of the Bar of New York City, New York, Jan. 18, 2001

Directly to People: A Death Penalty Example of Scholarship in Pursuit of Equal Justice, talk delivered at the Plenary Program of the 2001 Annual Meeting of the Association of American Law Schools, San Francisco, Jan. 5, 2001

The Impact of AEDPA on Error Detection in Capital Cases, talk delivered at ABA Conference on Call to Action: A Moratorium on Executions, Atlanta, Oct. 12, 2000

The Risk of Mistake in American Capital Verdicts, talk delivered to Committee on Criminal Justice Services of the City Council of New York City, New York, Jan. 22, 2001 and to Comitato del Senato Contro La Pena di Morte, Senato della Repubblica Italiana, Eisilia Salvato, Vice President of the Italian Senate, Chair, New York, Nov. 22, 2000; and delivered at Violence Studies Program, Emory University, Atlanta, Georgia, Oct. 11, 2000; New York State Bar Association, Criminal Justice Section Executive Committee Meeting, New York City, Sept. 28, 2000; Columbia Law School Alumni Association, Washington, D.C., Sept. 19, 2000

Overproduction of Death Sentences, paper delivered at Restructuring the Federal Courts Symposium, University of Texas Law School, Austin, Texas, Oct. 16, 1999; and at Conference on Global Movements Towards a Moratorium on the Death Penalty, Columbia University, New York, October 14, 1999

The Chronic Making and Unmaking of Death Penalty Law, paper delivered at Conference on The New York Death Penalty in Context, State University of New York at Buffalo, School of Law, March 2, 1996

Capital Punishment in 20-Year Retrospect and Prospect, remarks delivered at the Governor's Criminal Justice Conference, Albany, N.Y., October 2, 1995

The Death Penalty and Habeas Review: How Fast? How Fair?, remarks delivered at the Constitutional Forum of the United States House of Representatives, Washington, D.C., May 16, 1995

A Time and Motion Projection of Capital Punishment in New York over the Next 20 Years, J. Walter McKenna Forum, St. John's University Law School Criminal Law Institute, Queens, New York, April 26, 1995

**Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

The Federalist and the Fourteenth Amendment, paper delivered at the Boston University School of Law Faculty Workshop, Boston, Massachusetts, March 30, 1995

Civil Rights Advocacy in America: Kennedy Justice to Clinton Justice, panel discussion at ABA Litigation Section, Annual Fall Meeting, Washington, D.C., October 22, 1993

The Trials and Tribulations of 'Humane' Educational Choice, paper delivered at Conference on Quality Education for All in the 21<sup>st</sup> Century: Can We Get There From Here?, Drake University Law Center, Des Moines, Iowa, February 13, 1993

The Supreme Court on Habeas: Where It's Been and Where It's Going, paper delivered at Conference on the Future of Habeas Corpus, Criminal Justice Institute, Harvard Law School, Cambridge, Massachusetts, January 23, 1993

Clinical Teaching in the Context of Law Reform: Identifying Choices for Systemic Change as an Objective for Clinical Legal Education, presentation at the AALS section on Clinical Legal Education, Annual Conference, Albuquerque, New Mexico, May 12, 1992

Three Variations on a Theme of Fatal Distortion, paper delivered at Symposium on the Death Penalty, Florida State University, Tallahassee, Florida, February 7, 1992 (with Adam Haven-Weiss)

The Constitution and Minorities: The United States Experience, paper delivered at Conference on Constitutionalism and Rights, Makerere University, Kampala, Uganda, August 15, 1991

Testimony on Habeas Corpus Before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary of the United States House of Representatives, July 17, 1991

Testimony on Habeas Corpus Before the Committee on the Judiciary of the United States Senate, May 7, 1991 (on behalf of the American Bar Association)

Fairness and Efficiency in Death Penalty Habeas Corpus Adjudication, testimony before the Committee on the Judiciary of the United States House of Representatives, May 24, 1990

Comments on Yackle, Testing the Procedural Default Rules in Federal Habeas Corpus (Preliminary Draft): Implications for Capital Cases, paper delivered at the New York University Law School and Institute of Judicial Administration Colloquium on Habeas Corpus, April 25, 1990

Legislative Reform of Death Penalty Habeas Corpus Procedures: Efficiency, Fairness, Outcomes, paper delivered at N.Y.U. Review of Law and Social Change Colloquium: Challenging the Death Penalty: 1990 and Beyond, March 31, 1990

### **Papers, Posts, Conferences, Speeches, Testimony (cont'd)**

New Strategies for Implementing Brown, paper delivered at A Century of Civil Rights Struggle: A Conference on Racial Justice in the United States, Institute for Legal Studies, University of Wisconsin, November 2, 1989

Colloquium on Constitutionalism and Rights, Columbia Center for the Study of Human Rights and the United States Information Service, Jakarta, Indonesia, May 22-25, 1989

The Role of the States in School Desegregation, Comments on Alves, Dentler and Tate, paper delivered at Conference on Future Designs for Educational Equity, Danforth Foundation, St. Louis, Mo., January 28, 1987

Desegregating Politics, paper delivered at National Conference on School Desegregation, Brookings Institute, October 1986

Testimony on the Qualifications of Jefferson Beauregard Sessions for Appointment to the United States District Court, before the Judiciary Committee of the United States Senate, March 19, 1986

### **Op-Ed Pieces, Blog Posts, and Letters to the Editor**

*Does American Execute the Innocent? You Decide*, HUFFINGTON POST, July 18, 2014, at [http://www.huffingtonpost.com/james-s-liebman/does-america-execute-the-innocent-you-decide\\_b\\_5588892.html](http://www.huffingtonpost.com/james-s-liebman/does-america-execute-the-innocent-you-decide_b_5588892.html)

*The Wrong Carlos: Anatomy of a Wrongful Execution*, BOOKTALK, ACSBLOG, the American Constitution Society, July 14, 2014, at <https://www.acslaw.org/acsblog/all/booktalk>

*Do We Execute Innocent People*, Guest Blog, Center For Digital Research and Scholarship, July 8, 2014, at <http://cdrs.columbia.edu/cdrsmain/> 2014/07/the-wrong-carlos-challenges-readers-decide-for-themselves-whether-our-justice-systems-are-reliable-enough-to-keep-innocent-people-from-being-executed/ and Columbia University Press, July 17, 2014, <http://www.cupblog.org/?p=14143>

Warren Lee Hill's—and the Supreme Court's—Last Chance, NAT'L L.J. ONLINE, July 10, 2013 (with Steven I. Vladek).

Ending the Great School Wars, EDUCATION WEEK ONLINE, Dec. 11, 2012 and EDUCATION WEEK, Dec. 12, 2012 (featured commentary)

You Can't Fix the Death Penalty: Carlos DeLuna's Execution Shows that a Faster, Cheaper Death Penalty is a Dangerous Idea, L.A. TIMES, June 1, 2012

School Integration: Revisit a Good Idea, Letter to the Editor, N.Y. TIMES, May 27, 2012

What to Make of School Progress Reports? Experts Weigh In, SCHOOLBOOK, Sept. 23, 2011,

### **Op-Ed Pieces and Letters to the Editor (cont'd)**

<http://www.nytimes.com/schoolbook/2011/09/23/what-to-make-of-school-progress-reports-experts-weigh-in/>

Moving Mountains in New York City: Joel Klein's Legacy by the Numbers, EDUCATION WEEK ONLINE, Dec. 1, 2010 (with Jonah E. Rockoff)

Testing a Student, and a System, Letter to the Editor, N.Y. TIMES, Oct. 17, 2010

Test Results Show True Gains: Critics Too Quickly Dismiss Strides Made by City Students, N.Y. DAILY NEWS, Aug. 2, 2010

Let's Break the Impasse on the Death Penalty, HOUSTON CHRONICLE, May 23, 2003 (with Robert Blecker)

Technical Errors Can Kill, THE NAT'L L.J., Sept. 4, 2000, at A16

Habeas Corpus Studies, Letter to the Editor, N.Y. TIMES, April 1, 1996

A Right of Citizens Abandoned, THE CHRISTIAN SCIENCE MONITOR, Feb. 21, 1995, at 20

Lesson Unlearned, THE NATION, Aug. 26/Sept. 2, 1991 at 217

Unlearning Leo Frank Lesson, THE ATLANTA CONSTITUTION, July 23, 1991 at A17 (and in other regional newspapers)

About Race: Benighted or Benign Quotas, N.Y. NEWSDAY, Dec. 7, 1987 at 50

### **Boards and Professional Activities**

ETS Visiting Panel on Research, May 2012-present

Board of Advisors, Columbia Human Rights Law Review, 2009-2012

Peer Reviewer, ESEA Flexibility Second Round, U.S. Department of Education, Feb.-March 2012

National Technical Advisory Council, U.S. Department of Education, 2010-present

Peer Reviewer Committee, Race to the Top/Assessments Grant Program, U.S. Department of Education, July-Aug. 2010

Appointed by the United States Supreme Court to represent respondent in *Lewis v. Jeffers*, 497 U.S. 764 (1990), and petitioner in *Enmund v. Florida*, 458 U.S. 782 (1982); argued for petitioners in *Abdur'Rahman v. Bell*, 537 U.S. 88 (2002), *Kyles v. Whitley*, 514 U.S. 419 (1995), and *Lindh v. Murphy*, 521 U.S. 320 (1997).

### **Op-Ed Pieces and Letters to the Editor (cont'd)**

Advisory Board, The Gideon Project, Open Society Institute, 2000-2002

Executive Committee, Columbia Human Rights Institute, 1999-2005

Founder and Executive Director, Death Penalty Dialogue Project (conducting confidential, action-focused discussions of death penalty reform among interdisciplinary, cross-ideological groups of knowledgeable individuals), 2000-2002

Master, Federal Bar Council, Inn of Court, Southern District of New York, 2000-2001

Board of Directors, Columbia University Center for the Study of Human Rights, 1990-98

New York State Commissioner of Education's Task Force on Educational Excellence and Equity, 1992

American Bar Association Task Force Studying Federal Habeas Corpus Review of State Death Penalty Convictions, 1988-89

Association of the Bar of New York City, Committee on Education and the Law, 1987-90

Member of Bars of States of California and New York; Supreme Court of the United States

Lecturer at programs conducted by the Federal Judicial Center; Second, Third, Eighth, and Ninth Circuit Courts of Appeals; American Bar Association Appellate Judges Seminar Series; New York State Judges Association; Summer Judicial Seminar of the New York State Unified Court System; Supreme Court Practice Institute; New York State Bar; Association of the Bar of New York City; NAACP Legal Defense and Educational Fund, Inc.; National Association of Criminal Defense Lawyers; National College of Criminal Defense Attorneys; National Federal Habeas Corpus Seminar; National Innocence Project Network; AZ, CA, IL, TN and WA Associations of Criminal Defense Lawyers

Member of the Bar of the States of California (1979) and New York (1988)

### **Personal**

Born: December 30, 1952, Albuquerque, New Mexico

Marital Status: Married to Janet Ellen Sabel. Two children – Henry Luke Sabel Liebman, Emma Rose Sabel Liebman