

ANDREW D. LEIPOLD

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Champaign, Illinois 61820

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Experience

University of Illinois College of Law, Champaign, IL

8/07 – present

Edwin M. Adams Professor of Law

8/98 - present

Professor

- Outstanding Teaching Award: 1994, 1995, 1999, 2000, 2002, 2003, 2004, 2006, 2007, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023
- Outstanding LL.M Professor: 2018
- SBA 2L Professor of the Year, 2011, 2014
- Illinois Student Senate Teaching Excellence Award, 2010-11
- John E. Cribbet Award for Teaching Excellence, 2006-2009
- Campus Award for Excellence in Graduate and Professional Teaching, 1999-2000

8/05 – present

Director, University of Illinois College of Law Program in Criminal Law & Procedure

8/03 – 8/05

Galowich – Huizenga Faculty Scholar

1/01 – 6/03

Associate Dean for Academic Affairs

8/96 -- 8/98

Associate Professor of Law

7/92 -- 8/96

Assistant Professor of Law

1/00 – 5/00

Boston College Law School, Newton, MA
Visiting Professor

1/97 -- 5/97

Duke University School of Law, Durham, NC
Visiting Professor

- Distinguished Teaching Award, 1996-1997

11/87 - 6/92

Morgan, Lewis & Bockius, Philadelphia, PA
Litigation Associate

7/86 - 7/87

Justice Lewis F. Powell, Jr., United States Supreme Court
Judicial Law Clerk

7/85 - 7/86

Judge Abner J. Mikva, U.S. Court of Appeals for the D.C. Circuit
Judicial Law Clerk

Education

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

- Editor-in-Chief, Virginia Law Review

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

Academic Publications**Books**

COMPREHENSIVE CRIMINAL PROCEDURE, 5th (Wolters Kluwer, 2020)
(with Allen, Hoffmann, Livingston, & Meares).

- 5th Edition Supplement, 2022
- 4th Edition (2016)
- 4th Edition Supplement, annual, 2016 - 2019
- 3rd Edition (2011)
- 3rd Edition Supplements, annual, 2012-2015

Volumes 1 & 1A, Charles Alan Wright & Andrew D. Leipold, FEDERAL PRACTICE AND PROCEDURE: CRIMINAL (Vol. 1, 5th ed., 2022; Volume 1A, 5th ed., 2020)

- 4th Edition, Volumes 1 & 1A (2008)
- 4th Edition Supplements, annual, 2008 - 2022
- 3^d Edition Supplements, annual, 2005- 2007

2021-2022 Annual Supplements, CRIMINAL PROCEDURE (Thomson Reuters, 4th ed. 2015) (7 volume treatise, with LaFave, Israel, King, & Kerr)

CRIMINAL PROCEDURE: ADJUDICATION (Foundation Press, 2016)
(Concepts and Insights Series)

Book Chapters:

Mechanisms for Screening Prosecutorial Charging Decisions in the United States and Taiwan (with Tzu-te Wen) in COMPARATIVE CRIMINAL PROCEDURE (Jacqueline E. Ross & Stephen C. Thaman eds.) (Elgar, 2016)

Patrolling the Fence Line: How the Court Only Sometimes Cares About Preserving Its Role in Criminal Cases, in the Political Heart of Criminal Procedure (Michael Klarman, et al., eds., Cambridge 2012).

Against Jury Nullification, in CRIMINAL LAW CONVERSATIONS (Robinson et al., eds., Oxford 2009).

Edited Works

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

Academic Articles *The Puzzle of Clearance Rates, and What They Can Tell Us About Crime, Police Reform, and Criminal Justice*, 56 WAKE FOREST LAW REVIEW 47 (2021).

Is Mass Incarceration Inevitable? 56 AMERICAN CRIMINAL LAW REVIEW 1579 (2019).

Criminal Dockets, Sentencing, and the Changing Role of Federal Prosecutors, 30 Federal Sentencing L. Rptr.177 (Feb. 2018).

Confessions of Guilt: From Torture to Miranda and Beyond by George C. Thomas III & Richard Leo, at CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS, <http://clcjbooks.rutgers.edu/> (2012) (book review).

The Collateral Benefits of Declaring War on Social Issues, 15 THE JOURNAL OF GENDER, RACE & JUSTICE 231 (2012) (symposium).

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

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

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

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

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

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

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

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

Targeted Loitering, 3 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 474 (2001) (symposium)

Academic Articles**(con't.)**

The Problem of the Innocent, Acquitted Defendant, 94 NORTHWESTERN UNIVERSITY LAW REVIEW 1297 (2000)

Constitutionalizing Jury Selection in Criminal Cases: A Critical Evaluation, 86 GEORGETOWN LAW JOURNAL 945 (1998)

Objective Tests and Subjective Bias: Some Problems of Discriminatory Intent In The Criminal Law, 73 CHICAGO KENT LAW REVIEW 559 (1998) (symposium)

The Dangers of Race-Based Jury Nullification; A Response to Professor Butler, 44 UCLA LAW REVIEW 109 (1996)

Rethinking Jury Nullification, 82 VIRGINIA LAW REVIEW 253 (1996)

Why Grand Juries Do Not (And Cannot) Protect the Accused, 80 CORNELL LAW REVIEW 260 (1995)

- Reprinted in 18 CRIMINAL LAW REVIEW 93 (1996).

Other Publications

Guest Editor, *Is Mass Incarceration Inevitable? The Volokh Conspiracy* blog (October 7-11, 2019), <https://reason.com/2019/10/07/>

Changing Venue in the Marathon Bombing Case, JURIST - Academic Commentary, Mar. 12, 2015, <http://jurist.org/academic/2015/03/andrew-leipold-marathon-bombing-venue.php>

Strategy and Remorse in Capital Trials, 80 INDIANA L. J. 47 (2005) (text of remarks at Symposium, Toward a Model Death Penalty Code: The Massachusetts Governor's Council Report)

The Grand Jury Clause of the Fifth Amendment, in HERITAGE FOUNDATION GUIDE TO THE CONSTITUTION (2005), revised entry (2013)

Does the Federal Grand Jury Adequately Perform Its Screening Role?, book chapter in CONTROVERSIAL ISSUES IN CRIMINAL JUSTICE AND CRIMINOLOGY (Roxbury Publishing 2002)

ENCYCLOPEDIA OF CRIME AND JUSTICE (revised ed.) entries on Jury Nullification, Preliminary Hearings

The Role of Race-Based Jury Nullification in American Criminal Justice, 30 JOHN MARSHALL L. REV. 923 (1997) (text of symposium presentation)

Jury Nullification: A Perversion of Justice? USA TODAY Magazine at 30 (September 1997)

Academic**Presentations**

Panelist, *The Political Process & Criminal Legal Reform*, Northwestern University Law School (March 2023)

Moderator, *Ethical Considerations for Criminal Lawyers; Navigating the Intersection of Advocacy and Professionalism*, Anderson Center Symposium, Chicago IL (October 2022)

Panelist, *The Criminal Justice System: Accountability, Reform, and Policy*, Loyola University Chicago Law School (April 2021)

Commentator, *Police Use of Force in Germany and France: A Comparative Perspective*, University of Illinois (March 2021)

Commentator, *Adversarial Criminal Procedure in Italy, Mexico, and the United States*, Conference, University of Illinois (January 2019)

Commentator, *U.S. and Polish Criminal Procedure*, Bradley-Wolter Colloquium in Comparative Criminal Law & Procedure, Indiana University School of Law, Bloomington IN (August 2018).

Is Mass Incarceration Inevitable? University of Illinois College of Law Faculty Retreat (May 2018)

Commentator, “*Federal Responses to Police Misconduct: Possibilities and Limits.*” Conference, University of Illinois College of Law (April 2018).

Commentator, *Strong Democracy/Weak Police: Post-Authoritarian Policing in the Republic of China on Taiwan* by Jeff Martin, University of Illinois College of Law Faculty Retreat (May 2017)

Panelist, *The Role of Sentencing Discretion and Grading Criminal Offenses*, and Participant, Bradley-Wolter Colloquium in Comparative Criminal Law & Procedure, Indiana University School of Law, Bloomington IN (September 2014)

Speaker, *Remember Lillian Gish: Adapting to Trends in Legal Education*, at Conference, “What the Best Law Teachers Do: Educators in Action,” Northwestern University, Chicago IL (June 2014)

Academic Presentations (con't.)

Commentator, *Anti-Terror Stings and Human Subjects Research: The Implications of the Analogy for Notions of Entrapment and for the Pursuit of Strategic Deterrence* by Jacqueline Ross, University of Illinois College of Law Faculty Retreat (May 2014)

Participant, Criminal Justice Roundtable, and Commentator, *Quasi-Quasi-Inquisitorialism: Assessing Deference and Discretion in Pretrial Criminal Procedure*, by Jennifer E. Laurin, Vanderbilt Law School, (November 2013).

Panelist, *The Legal, Cultural, and Moral Considerations Relevant to the Fitness of Immigrant Non-Native English Speakers Serving on an American Jury* at Conference, "Law, Culture, and Justice: East and West" Champaign, IL (October 2013)

Commentator, *Participation in a Criminal Organization and Conspiracy*, by Professor Dr. Almir Maljevic, at Conference, "The Investigation and Definition of Complex Crime," Champaign, IL (November 2012)

Commentator, *Punitive Police? Agency Costs, Law Enforcement, and Criminal Procedure* by Dhammika Dharmapala, et al., University of Illinois College of Law Faculty Retreat (May 2011)

The Collateral Benefits of Declaring War on Social Issues, University of Iowa Journal of Gender, Race & Justice Symposium on "War On: the Fallout of Declaring War on Social Issues" (March 2011)

Panelist, *Grand Jury Reform: An Idea Whose Time Has Come (Again)?* Southeastern Association of Law Schools Annual Conference, West Palm Beach, Florida (August 2010)

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

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

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

Academic Presentations (con't.)

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

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

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

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

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

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

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

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

Judge v. Jury Factfinding, at Conference, *The Impact of Booker: A Dialogue Between Scholars and Practitioners*, University of Illinois College of Law (April 2005)

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

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

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

Academic Presentations (con't.)

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

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

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

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

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

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

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

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

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

Ethics in Government: Should the Independent Counsel Statute Be Renewed? U. of Illinois Institute of Gov. & Public Affairs (April 1999)

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

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

**Legislative
Testimony**

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

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

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

Other Presentations

Moderator, *The Role of Intelligence-Led Policing and Community Policing in an Age of Structural Police Reform*, Champaign IL (February 2021).

Moderator, *Pretrial Indigent Defense*, Criminal Defending Conference, Champaign IL (December 2020).

Speaker, *Gun Control and the Second Amendment*, Wesley United Methodist Church Fall Seminar, Urbana IL (October 2019).

Panelist, *Supreme Court Halftime Report*, Illinois College of Law Program in Constitutional Theory, History, and Law, Champaign IL (February 2018, February 2019).

Commentator, *The Rise of the Warrior Cop*, Response to Presentation by Author Radley Balko, Champaign IL (January 2018)

Moderator, *Should the Death Penalty be Retained*, Federalist Society, Champaign IL (November 2017)

Speaker, *Incarceration in America*, Wesley United Methodist Church Fall Seminar, Urbana IL (October 2017)

Speaker, *Legal Perspectives on Charlottesville*, Illinois College of Law, Champaign, IL (September 2017)

Speaker, *Sentencing Reform and Reducing the Illinois Prison Population*, Illinois ACLU and League of Women Voters, Normal IL (February 2017)

Speaker, *5 Things Worth Knowing About Criminal Justice in Illinois*, Conference for newly-elected State Legislators, Springfield IL (November 2016)

Panelist, *Trust in Government and Rule of Law*, Mandela Washington Fellows Program, Champaign IL (June 2016)

Other Presentations (con't.)

Speaker, *50 Years of Miranda*, Peoria IL Bar Association Law Day (May 2016)

Panelist, *Grand Jury Reform, Post-Ferguson*, ABA Webinar (March 2015)

Speaker, *Grand Jury Reform in a Post-Ferguson World*, Student ACLU Presentation, Champaign IL (March 2015)

Speaker, *Crime, Punishment, and Public Policy*, Edgar Fellows Conference, Champaign IL (August 2022, 2021, 2019, 2018, 2017, 2016, 2015, 2014, 2013, 2012)

Speaker, *Funding Crisis in the Illinois Courts*, Danville Bar Association, Danville IL (May 2013)

Speaker, *Ethical Challenges in a Shifting Prosecutorial Landscape*, Winnebago County State's Attorney's Office, 4th Annual Ethics Training Seminar, Rockford, IL (May 2013)

Speaker, *Trends and Challenges in Crime and Punishment*, Conference for Newly Elected State's Attorneys, Springfield, IL (January 2013)

Panelist, *Ethics and Professional Responsibility*, Seminar on Evidence-Based Sentencing, Normal, IL (October 2012)

Speaker, *The Impact of Connick v. Thompson on Prosecutors*, Winnebago County State's Attorney's Office, 3d Annual Ethics Training Seminar, Rockford, IL (May 2012)

Speaker, *The Impact of Connick v. Thompson*, Executive Leadership and Management Training for Illinois State's Attorneys, Springfield, IL (February 2012)

Featured guest, *The Rod Blagojevich Verdict*, live coverage of retrial verdict, WDWS, Champaign IL (June 2011)

Featured Speaker, U.S. Naturalization Ceremony, Urbana IL (May 2011)

Lecture, *The American Criminal Justice System*, Champaign, IL, delivered to Ministry of Justice officials from China (October 2011, July 2011, December 2010, October 2010, August 2010, December 2005)

Other Presentations (con't.)

Featured guest, *The Trial of Rod Blagojevich*, on “On The Record” Podcast, WDWS, Champaign IL (July 2010, June 2010)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Professional Activities

Member, Illinois State Commission on Criminal Justice and Sentencing
Reform (appointed by Governor Rauner, March 2015 - January 2017).

Member, American Law Institute (elected October 2013)

Member, Advisory Committee to the Federal Rules of Criminal Procedure
(appointed by Chief Justice John G. Roberts, Jr., 2007; reappointed 2010).

Reporter, Illinois State Bar Association Fair and Impartial Courts
Committee (2012-2013)

- Recipient of a 2013 ISBA Presidential Commendation

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

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

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

Consultant, Arkansas Attorney General's Office (periodically 1995-1998,
2004, 2012)

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

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