

BRANDON L. GARRETT

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ACADEMIC POSITIONS

University of Virginia School of Law

Justice Thurgood Marshall Distinguished Professor of Law, August 2015 – present
Roy L. and Rosamund Woodruff Morgan Professor of Law, August 2011 – August 2014
Professor of Law, University of Virginia School of Law, August 2010 – present
Associate Professor of Law, University of Virginia School of Law, June 2005 – August 2010

Oxford University

Visiting Fellow, All Souls College, April – June 2015

EDUCATION

COLUMBIA LAW SCHOOL, New York, NY, J.D. May 2001

Honors: E.B. Convers Prize, Samuel L. Rosenman Prize, Class of 1912 Prize
Columbia Law Review, Articles Editor, 2000-2001
James Kent Scholar, 1998-2000

YALE COLLEGE, New Haven, CT, B.A. in Philosophy, May 1997

Honors: *Cum laude*, distinction in the Philosophy Major

PUBLICATIONS

Books

The Triumph of Mercy: How the Demise of the Death Penalty can Revive Criminal Justice (in contract, Harvard University Press)

The Death Penalty (in contract, Concepts and Insights Series, Foundation Press) [with Lee Kovarsky]

Too Big to Jail: How Prosecutors Compromise with Corporations (Harvard University Press, Fall 2014)

Paperback (forthcoming Harvard University Press 2016)

Translation in Chinese (Business Weekly Publications, Taiwan, 2016)

Translation in Spanish (Marcial Pons, Madrid, Spain, forthcoming 2016)

Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation (Foundation Press 2013) [with Lee Kovarsky]

Convicting the Innocent: Where Criminal Prosecutions Go Wrong (Harvard University Press 2011)

Paperback (Harvard University Press 2012)

Translation in Japanese (Nippon Hyoronsha, Japan 2014)

Translation in Chinese (New Sharing Publishing Co., Taiwan, 2014)

Translation in Chinese (China University of Political Science and Law Press, 2015)

Articles

The Decline of the Virginia (and American) Death Penalty, 105 GEORGETOWN LAW JOURNAL __ (2017)

Cumulative Constitutional Rights, 97 BOSTON UNIVERSITY LAW REVIEW __ [with Kerry Abrams] (2017)

A Tactical Fourth Amendment, 102 VIRGINIA LAW REVIEW __ (2017) [with Seth Stoughton]

DNA and Distrust, 91 NOTRE DAME LAW REVIEW 757 (2015) [with Kerry Abrams]

Why Plea Bargains are not Confessions, 57 WILLIAM & MARY LAW REVIEW __ (forthcoming 2016)

Constitutional Law and the Law of Evidence, 71 CORNELL LAW REVIEW 57 (2015)

The Corporate Criminal as Scapegoat, 102 VIRGINIA LAW REVIEW 1789 (2015)
 Translation in French (forthcoming, *Revue Internationale de Droit Économique*)

The Constitutional Standing of Corporations, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 95 (2014)

Accuracy in Sentencing, 87 SOUTHERN CALIFORNIA LAW REVIEW 499 (2014)

How Jurors Evaluate Fingerprint Evidence: The Relative Importance of Match Language, Method Information and Error Acknowledgement, 10 JOURNAL OF EMPIRICAL LEGAL STUDIES 484 (2013) [with Gregory Mitchell]

Aggregation and Constitutional Rights, 87 NOTRE DAME LAW REVIEW 593 (2013)

Habeas Corpus and Due Process, 68 CORNELL LAW REVIEW 47 (2012)

Eyewitnesses and Exclusion, 65 VANDERBILT LAW REVIEW 451 (2012)

Globalized Corporate Prosecutions, 97 VIRGINIA LAW REVIEW 1775 (2011)

The Substance of False Confessions, 62 STANFORD LAW REVIEW 1051 (2010)

Invalid Forensic Science Testimony and Wrongful Convictions, 95 VIRGINIA LAW REVIEW 1 (2009)
 [with Peter J. Neufeld]

Claiming Innocence, 92 MINNESOTA LAW REVIEW 1629 (2008)

Judging Innocence, 108 COLUMBIA LAW REVIEW 55 (2008)

Structural Reform Prosecution, 93 VIRGINIA LAW REVIEW 853 (2007)

Aggregation in Criminal Law, 95 CALIFORNIA LAW REVIEW 383 (2007)

Criminal Justice Collapse: The Constitution after Hurricane Katrina, 56 DUKE LAW JOURNAL 127 (2006)
 [with Tania Tetlow]

Innocence, Harmless Error and Federal Wrongful Conviction Law, 2005 WISCONSIN LAW REVIEW 35

Madisonian Equal Protection, 104 COLUMBIA LAW REVIEW 807 (2004) [with James Liebman]

Experimentalist Equal Protection, 22 YALE LAW & POLICY REVIEW 261 (2004) [with James Liebman]

Remedying Racial Profiling, 33 COLUMBIA HUMAN RIGHTS LAW REVIEW 1 (2001)

Standing While Black: Distinguishing Lyons in Racial Profiling Cases, 100 COLUMBIA LAW REVIEW 1815 (2000)

Book Chapters

The Rise of Corporate Prosecutions in America (chapter in *Lei Anticorrupção*, Jorge Munhós, ed. forthcoming 2017).

Convicting the Innocent Redux (chapter in *Wrongful Convictions and the DNA Revolution*, Daniel Medwed, ed., Cambridge University Press, forthcoming 2016)

The Constitutional Rights of Corporations in the United States (chapter in *Understanding the Modern Company*, Barnali Choudhury, ed. Cambridge University Press, forthcoming 2016).

Individual and Corporate Criminals (chapter in *Research Handbook on Corporate Crime and Financial Misdealing*, Jennifer Arlen, ed., Edward Elgar Publishing forthcoming 2016).

Blinding Eyewitness Identifications (chapter in *Blinding as a Solution to Bias in Biomedical Science and the Courts: A Multidisciplinary Approach*, Kathi Hanna, Chris Robertson & Aaron Kesselheim eds., forthcoming 2015, Elsevier Press)

Wrongful Convictions and the Role of Forensic Science (chapter in *Wiley Encyclopedia of Forensic Science*, 2014)

Images of Injustice (chapter in *Punishment and Popular Culture*, ed. Austin Sarat & Charles Ogletree, forthcoming 2014, NYU Press)

Trial and Error (chapter in *Wrongful Convictions and Miscarriages of Justice*, ed. Ronald Huff & Martin Killias, Routledge, 2013)

Collaborative Organizational Prosecution (chapter in *Prosecutors in the Boardroom*, ed. Rachel Barkow & Anthony Barkow, NYU Press, 2011)

Essays

Towards an International Right to Claim Innocence, 105 CALIFORNIA LAW REVIEW __ (2017)

Forensics and Fallibility: Comparing the Views of Lawyers and Jurors, 119 WEST VIRGINIA LAW REVIEW __ (2016) [with Greg Mitchell]

Constitutional Regulation of Forensic Evidence, 73 WASHINGTON & LEE LAW REVIEW __ (2016)

Confession Contamination Revisited, 101 VIRGINIA LAW REVIEW 395 (2015)
Translation in Chinese (forthcoming, Taiwan Law Review)

Interrogation Policies, 49 UNIVERSITY OF RICHMOND LAW REVIEW 895 (2015)

Eyewitness Identifications and Police Practices in Virginia, 3 VIRGINIA JOURNAL OF CRIMINAL LAW 1 (2014)

Validating the Right to Counsel, 70 WASHINGTON & LEE LAW REVIEW 927 (2013) (symposium issue)

Introduction: Symposium on 'Convicting the Innocent', 46 NEW ENGLAND LAW REVIEW 671 (2012) (symposium issue)

DNA and Due Process, 78 FORDHAM LAW REVIEW 2919 (2010)

Corporate Confessions, 30 CARDOZO LAW REVIEW 917 (2009) (symposium issue)

Book Reviews and Shorter Works

The Crime Lab in the Age of the Genetic Panopticon, 114 MICHIGAN LAW REVIEW __ (forthcoming 2016)

The Rise of Bank Prosecutions, 125 YALE LAW JOURNAL FORUM __ (2016)

The Myth of the Presumption of Innocence, TEXAS LAW REVIEW ONLINE __ (2015)

The Metamorphosis of Corporate Criminal Prosecution, 101 VIRGINIA LAW REVIEW ONLINE 60 (2016)

Bad Hair: The Legal Response to Mass Forensic Errors, ABA Litigation Magazine, Summer 2016

Rehabilitating Corporations, 67 FLORIDA LAW REVIEW ONLINE 1 (2014)

Big Data and Due Process, 100 CORNELL LAW REVIEW ONLINE 207 (2014)

Applause for the Plausible, 162 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 221 (2014)

Remaining Silent after Salinas, 80 UNIVERSITY OF CHICAGO LAW REVIEW DIALOGUE 116 (2013)

The Banality of Wrongful Convictions, 112 MICHIGAN LAW REVIEW 979 (2014) (book review of Dan Simon, *In Doubt*, and James Liebman et al., *Los Tocayos Carlos*)

Habeas Corpus Standing Alone: A Reply to Lee B. Kovarsky and Stephen I. Vladeck, 98 CORNELL LAW REVIEW ONLINE 35 (2013)

Blinded Criminal Justice, JOURNAL OF APPLIED RESEARCH IN MEMORY AND COGNITION, Commentary on “The Forensic Confirmation Bias,” by Saul Kassin, Itiel Dror and Jeff Kukucka (2013)

Roots of Wrongful Convictions, Commentary in *Comparative Decision Making*, ed. Philip H. Crowley & Thomas R. Zentall (Oxford U. Press 2013)

Judges and Wrongful Convictions, 48 COURT REVIEW 132 (2012)

Opening the Black Box, 58 CRIME LAW & SOCIAL CHANGE 567 (2012) (book review of Dan Medwed, *Prosecution Complex*)

The Great Writ, REVIEW OF POLITICS (2012) (book review, Justin J. Wert, *Habeas Corpus in America*)

United States v. Goliath, 93 VIRGINIA LAW REVIEW IN BRIEF 91 (2007)

Selected Commentary

Firm Lines: Justice Scalia’s Criminal Justice Legacy, The Crime Report, Feb. 16

The Year Banks Finally Paid, Slate, January 12, 2016

Can a Lawyer Oppose a Client’s Plea to Live?, ACS Blog and Huffington Post, Dec. 1, 2015

Florida’s Outlier Hanging Judges, ACS Blog, Nov. 9, 2015

Virginia’s Vanishing Death Penalty, Slate, Oct. 30, 2015

It Takes a Plan (To End ‘Too Big to Jail’), Huffington Post and CLS Blue Sky Blog, Oct. 14-15, 2015

Serving Life for a Lie, Huffington Post, Oct. 9, 2015

Who Bites the Bullet, ACS Blog and Forensics Forum, Oct. 6, 2015

Coerced Confessions and Jailhouse Snitches: why the death penalty is so flawed, The Conversation, Aug. 5, 2015

Last Words for the Death Penalty, Huffington Post, June 30, 2015 (with Lee Kovarsky)

Time to Crack Down on Recidivist Banks, The Conversation, March 26, 2015

A Time Out for the Death Penalty, Jurist, Feb. 21, 2015

The Corporate Criminal as Scapegoat, CLS Blue Sky Blog, Feb. 12, 2015

Prosecutors Must Hold Corporate Offenders Accountable, N.Y. Times, Nov. 11, 2014

Too Big to Jail, ACS Blog, Nov. 4, 2014, and at CLS Blue Sky Blog

The Department of Justice Must Get Serious on ‘Too Big to Jail’, The Conversation, Oct. 22, 2014

Delusion and Execution, ACS Blog, Sept. 25, 2014

Put More Resources Toward Regulations, N.Y. Times, August 27, 2014

How to Corporate Believers Stand?, ACS Blog, July 2, 2014

Behind the Hangman's Cloak, Jurist, May 15, 2004
Hakamada Retrial Case: Reform Interrogation Process to Prevent False Confessions, Asahi Shimbun, April 17, 2014
Does Hobby Lobby Even Have Standing?, ACS Blog, March 26, 2014
Too Big to Jail?, Harvard U. Press Blog, Feb. 3, 2014
For a Better Way to Prosecute Corporations, Look Overseas, N.Y. Times, Sept. 23, 2013 (with David Zaring)
It's High Time for Lineup Reform, Richmond Times-Dispatch, Sept. 1, 2013
Criminal Justice and the Court's Past Term, Harvard U. Press Blog, Aug. 2, 2013
You Don't Have the Right to Remain Silent, Huffington Post, June 19, 2013
Are DNA Profiles the New Social Security Number?, Huffington Post, June 4, 2013 (with Erin Murphy)
Two Gateways to Habeas, ACS Blog, May 30, 2013 (with Lee Kovarsky)
Too Much Information, Slate, Feb. 12, 2013 (with Erin Murphy)
A Christmas Carol for Bankers, Huffington Post, Dec. 24, 2012
How About 'Mr. Victim'?, Huffington Post, July 23, 2012
Don't Believe the Hype on Corporate Bribery, Huffington Post, May 2, 2012
State Habeas at Center Stage, ACS Blog, March 29, 2012 (with Lee Kovarsky)
Learning What we Can from DNA, Cato Unbound, March 5, 2012
See no Evil, Slate, January 12, 2011
The Single Witness and the Single Eyewitness, ACS Blog, January 12, 2011
Trial and Error: Learning from Patterns of Mistakes, ABA Criminal Justice, Winter 2012
Eyes on an Execution, Slate, September 20, 2011
Procedures that Defy Science, N.Y. Times, Aug. 31, 2011
False Confessions, ABA Litigation Journal, Summer 2011
After Osama bin Laden's Death, Imagining a World without DNA Evidence, Washington Post, May 13, 2011
Convicting the Innocent in Virginia, Richmond Times-Dispatch, April 25, 2011
Getting Guilty Wrong: Convicting the Innocent, Slate, April 13-14, 2011 (two-part series)
Hiding the Forensics, ACS Blog, April 1, 2011
Getting Guilty Right, Boston Globe, March 27, 2011
Understanding Eyewitness Misidentifications, Harvard U. Press Blog, March 14, 2011
DNA and the Boundaries of Habeas Corpus, ACS Blog, March 7, 2011
DNA before the Court, Again, ACS Blog, Oct. 25, 2010
Judging Innocence, Nat'l Law Journal, January 9, 2006 (with Jason Solomon)

Online Data Collections

DNA Exonerations Resource Website: <http://www.law.virginia.edu/innocence>

Federal Organizational Prosecution Agreements and Plea Agreements Resource Websites:

http://lib.law.virginia.edu/Garrett/prosecution_agreements/home.suphp

http://lib.law.virginia.edu/Garrett/plea_agreements/home.php

EXPERIENCE

Beldock, Levine & Hoffman, LLP, New York, NY., Sept. 2004-May 2005,
Associate. Litigated civil rights, criminal defense, and employment discrimination cases.

Cochran, Neufeld & Scheck, LLP, New York, NY, 2002-2004,
Civil Rights Fellow. Litigated nationwide docket of wrongful conviction, DNA exoneration, and police brutality cases with Barry Scheck and Peter Neufeld.

The Honorable Pierre N. Leval, U.S. Court of Appeals for the Second Circuit, 2001-2002, *Law Clerk*

Debevoise & Plimpton, New York, NY, 2000, *Summer Associate*

Urban Justice Center, Homeless Outreach and Prevention Project, New York, NY, 1997-1998,
Advocate. Represented indigent clients in workfare, welfare, Medicaid, SSI and housing Hearings.

TEACHING INTERESTS

Current Courses: Habeas Corpus, Federal Criminal Law, Constitutional Law, Scientific Evidence, Death Penalty, Forensic Evidence

Additional Interests: Civil Rights, Criminal Procedure, Civil Procedure, Evidence, National Security Detention, Class Actions, Corporate Crime, Wrongful Convictions, White Collar Crime, Remedies

Teaching Abroad: Current Issues in American Public Law, Münster, Germany, May 2013
American Public Law, Münster, Germany, May 2007

AWARDS

Carl McFarland Prize for faculty scholarship, University of Virginia School of Law, May 2015
A.B.A. Silver Gavel Award, Honorable Mention, May 2012
Constitutional Commentary Award, The Constitution Project, Sept. 2011
Research/Scholarship Award Winner, UVA Inauguration Poster Competition, April 2011

GRANTS

Principal Investigator, UVA Law, CSAFE NIST Forensic Science Center of Excellence, 2015-present
Proteus Action League Grant, Virginia capital trial research, 2014-2015
Open Society Institute, Media outreach grant, 2010-2011
Open Society Institute, DNA exoneration research, 2008-2011
Olin Foundation Grant, DNA exoneration research, 2005-2006

HEARING AND EXPERT TESTIMONY

Written testimony in support of B21-0189, The “Police and Criminal Discovery Reform Amendment Act of 2015,” D.C. Counsel Committee on the Judiciary, October 31, 2015.

Testimony, Virginia House of Delegates, Committee for Courts of Justice, Hearing on H.B. No. 805, Jan. 15, 2014 (concerning regulating law enforcement lineup policies)

Presentation, United Nations, OHCHR Global Panel, “Moving Away from the Death Penalty: Wrongful Convictions,” June 28, 2013

Testimony, D.C. Council, Committee on the Judiciary, Hearing on “Department of Forensic Sciences Act of 2011,” February 7, 2011

Expert testimony, *State of Texas v. John E. Green*, Dec. 7, 2010 (hearing concerning wrongful convictions and administration of the death penalty)

Presentation, *Eyewitness Misidentifications*, Virginia Crime Commission, Sept. 8, 2010

Testimony, House Judiciary Committee, Subcommittee on Commercial and Administrative Law Hearing on “Transparency and Integrity in Corporate Monitoring” November 19, 2009

Testimony, House Judiciary Committee, Subcommittee on Commercial and Administrative Law Hearing on “Deferred Prosecution: Should Corporate Settlement Agreements Be Without Guidelines?” March 3, 2008

Presentation, *Improper use of Forensic Science in the First 200 Post-Conviction DNA Exonerations*, National Academy of Science, Committee on Identifying the Needs of the Forensic Sciences Community, September 20, 2007 [with Peter J. Neufeld]

REPORTS

The United States, in The Death Penalty Project, *Wrongful Convictions, Miscarriages of Justice, Unfair Trials and the Death Penalty* (2014)

DNA Exonerations in the United States, United Nations, OHCHR Global Panel, “Moving Away from the Death Penalty: Wrongful Convictions” (2014)

Corporate Anti-Corruption Prosecutions in the United States, Fifth Session of the International Forum on Crime and Criminal Law in the Global Era, Nov. 2013.

The Incidence of Improper Forensic Science Testimony in the Criminal Trials of the Innocent, National Academy of Science, Committee on Identifying the Needs of the Forensic Sciences Community, February 1, 2008 [with Peter J. Neufeld]

AMICUS BRIEFS

Memorandum of Law of Amicus Curiae Law Professor, *U.S. v. Saena Tech Corp.*, No. 14-cr-00066-EGS (D.D.C. August 22, 2014)

Brief of 14 Scholars of Forensic Evidence as *Amici Curiae* Supporting Respondent, *Maryland v. King*, S.Ct. No. 12-207 (2013) [with Erin Murphy]

SELECTED ACADEMIC PRESENTATIONS

Cumulative Constitutional Rights, American University Washington College of Law, April 5, 2016 [with Kerry Abrams]

Death Row Exonerations and DNA Testing, Tokyo, Japan, March 18, 2016

Causes of Wrongful Convictions and the Innocence Movement, Ritsumeikan University, Kyoto, Japan, March 20, 2016

Corporate Prosecutions and Regulatory Capture, Administrative Conference of the U.S., March 3, 2016

The Triumph of Mercy, F.S.U. School of Law, February 24, 2016

Too Big to Jail: How Corporations are Prosecuted in the U.S., All Souls Visiting Fellow Seminar, Oxford, June 2, 2015

Too Big to Jail: The Evolution of Corporate Prosecutions in the U.S., PEFM Seminar, St. Antony's College, June 1, 2015

Too Big to Jail: Pourquoi Les Dirigeants Ne Sont-Ils Pas Inculpés Pour Les Délits Commis Par Leurs Entreprises? Lille 2, France, May 20, 2015 (conference about *Too Big to Jail* book)

The Decline of the Virginia (and American) Death Penalty, Warwick School of Law, May 7, 2015

Too Big to Jail: Theory and Evidence on Corporate Crime Enforcement, All Souls Criminology Seminar, April 30, 2015

The Decline of the Virginia (and American) Death Penalty, Cornell Law School, March 25, 2015

Why Guilty Pleas are Not Confessions, William & Mary School of Law, Symposium, Feb. 13, 2015

Too Big to Jail, Briefing to U.S. House of Representatives, Finance Committee Legislative Aides, Jan. 8, 2014

Too Big to Jail, UVA Darden / McIntyre Finance Seminar, Nov. 21, 2014

Regulating Genetic Evidence, Duke Law School, Nov. 14, 2014 [with Kerry Abrams]

Keynote addresses: *Law and Science of Eyewitness Memory and False Confessions*, Taiwan Association for Innocence conference, National Taiwan University, Taipei, August 30-31, 2014

Regulating Genetic Identity, University of Virginia School of Law, June 12, 2014 [with Kerry Abrams]

Regulating Genetic Identity, Emerging Family Law Conference, May 27, 2014 [with Kerry Abrams]

Contaminated Confessions, False Confessions Symposium, Washington & Lee School of Law, Jan. 31, 2014

Wrongful Convictions and the Death Penalty, ABA Carter Center Death Penalty Conference, Nov. 12, 2013

The Rule of Law and Wrongful Convictions, 2013 U.S.-China Legal Experts Dialogue, Nov. 7-8, 2013

Corporate Prosecutions and the Ostrich Problem, University of Virginia School of Law, June 2, 2012

Too Big to Jail, University of Muenster, Germany, May 15, 2013

Too Big to Jail, University of Virginia School of Law, November 16, 2012

Validating the Right to Counsel, Washington & Lee 50th Anniversary of *Gideon* Conference, Oct. 8, 2012

Too Big to Jail, Maryland Law School, September 20, 2012

Convicting the Innocent, West Virginia Circuit Judges Conference, May 16, 2012

How Jurors Evaluate Fingerprint Evidence, Criminal Justice Roundtable, Columba Law School, May 4, 2012

Wrongful Convictions and the Judiciary, Keynote, New England Law Review Symposium dedicated to
“Convicting the Innocent,” New England School of Law, Feb. 19, 2012

Eyewitnesses and the Court, Keynote Address, Catholic U. L. Rev. Annual Symposium, Feb. 10, 2012

Convicting the Innocent, ASU Sandra Day O’Connor School of Law, Jan. 19, 2012

Habeas Corpus and Due Process, University of Virginia School of Law, Nov. 14, 2011

Convicting the Innocent, Hoffinger Colloquium, NYU Law School, Oct. 25, 2011

Forensics, Defense Lawyering, and Wrongful Convictions, NIJ Forensic Science Training, Sept. 17, 2011

Convicting the Innocent, Duke Law School, April 6, 2011

Eyewitnesses and Exclusion, George Washington Law School, March 23, 2011

Eyewitnesses and Exclusion, Vanderbilt Law School, Feb. 16, 2011

Trials of the Innocent, NIJ International Perspectives on Wrongful Convictions, Sept. 14, 2010

Eyewitness Misidentifications, University of Virginia School of Law, June 22, 2010

The Substance of False Confessions, Lecture, 2010 Innocence Network Conference, April 12, 2010

Criminal Trials of the Exonerated, Panel on the Empirical Study of Wrongful Convictions, American Society of Criminology Annual Conference, Nov. 5, 2009

Forensic Science and Wrongful Convictions, University of Toronto, Centre for Forensic Science & Medicine Seminar Series, Oct. 23, 2009

UVA summer workshop discussing *Osborne v. District Attorney’s Office*, July 7, 2009

New Research on False Convictions and Exonerations, Panelist, Law & Society Conference, May 29, 2009

The Relationship between Regulation and Organizational Prosecutions, NYU Law, Regulation by Prosecutors Conference, May 7-8, 2009

Forensic Science and Wrongful Convictions, ASU Law, Forensic Science for the 21st Century: The National Academy of Science Report and Beyond, April 5, 2009.

Globalized Corporate Prosecutions, Wash. University School of Law, New Research in Regulation of Corporations, Managers, and Financial Markets, March 6, 2009

The Substance of False Confessions, NYU Goldstock Criminal Law Luncheon, March 2, 2009

The Substance of False Confessions, U. Chicago School of Law, Crime and Punishment Workshop, Feb. 12, 2009

Forensic Science and Wrongful Convictions, Ninth Annual Buck Colbert Franklin Memorial Civil Rights Lecture, University of Tulsa School of Law, Oct. 21, 2008

The Substance of False Confessions, University of Virginia Dept. of Psychology, Sept. 30, 2008

Litigation by the Innocent over Time, Conference Empirical Legal Studies, Sept. 13, 2008 [with J.J. Prescott]

Preventing Invalid Forensic Science Testimony, University of Virginia School of Law, July 14, 2008

Improper Forensic Science and Wrongful Convictions, Harvard Criminal Justice Roundtable, May 2, 2008

Claiming Innocence, University of Georgia School of Law, September 10, 2007

Claiming Innocence, University of Virginia School of Law, August 7, 2007

Structural Reform Prosecution, Georgetown University Law Center, February 15, 2007

Judging Innocence, NYU Criminal Law Lunch, January 18, 2007

Structural Reform Prosecution, University of Virginia School of Law, November 17, 2006

Judging Innocence, First Annual Conference on Empirical Legal Studies, October 27, 2006

Criminal Justice Collapse, University of Virginia Symposium on Race & Society, November 3, 2006

Structural Reform Prosecution, Junior Criminal Law Conference, G.W. Law School, August 11, 2006

Aggregation in Criminal Law, Faculty Retreat, University of Virginia School of Law, January 12, 2005

Innocence, Harmless Error and Federal Wrongful Conviction Law, NYU Criminal Law Lunch, March 31, 2004

CONFERENCE PLANNING

Criminal Justice Roundtable Conference on Policing, UVA Law, March 2015

Virginia Journal of Criminal Law Annual Symposium, *Sentencing in Virginia* (Feb. 27, 2015)

Advisory Committee, NYU Law, Conference on Corporate Criminal Enforcement (April 2013)

Virginia Journal of Criminal Law Annual Symposium, *Criminal Discovery in Virginia* (Feb. 26, 2014)

Criminal Justice Roundtable (June 2-3, 2013) (co-organized works in progress conference)

Virginia Journal of Criminal Law Annual Symposium, *Eyewitness Identification Procedures in Virginia*, (April 3, 2013) (organized in-service training event for over 100 police chiefs, law enforcement, prosecutors, policymakers, and social scientists, as an annual journal symposium)

Olin Conference, *Law and Economics of Criminal Law*, UVA Law, March 2011 (co-organizer)

May Gathering Junior Scholar Conference, UVA Law (2007, 2008) (co-organizer)

Criminal Law Colloquium Speaker Series, UVA Law (2005-2006) (organizer)

SERVICE

Appointments Committee, Entry Level, Internal Promotions and Lateral Hiring (2012-2013)

University Strategic Planning Task Force Work Group Member (2012-2013)

Law & Public Service Program Faculty Mentor (2011-2013)

Faculty Retreat and Workshops Committee (2011-2012)

Empirical Legal Studies Committee (2010-2011)

Admissions Committee (2006-2008)

Center for the Study of Race & Law, Committee Member (2005-2008, 2011)

PROFESSIONAL ACTIVITIES AND BAR ADMISSIONS

Member, American Law Institute

Associate Reporter, ALI Principles of Policing Investigation (2015)

Committee Member, National Academy of Sciences, Committee On Scientific Approaches To Understanding And Maximizing The Validity And Reliability Of Eyewitness Identification In Law Enforcement And The Courts, Phase I: Social Sciences (2013-2014)

Advisory Board Member, National Registry of Exonerations (2013-present)
Subcommittee Reporter, ABA Task Force on Corporate Monitors (2010-2011)
Grant Reviewer, Division for Social Sciences of the Netherlands Organisation for Scientific Research (2014)
Peer Reviewer, National Institute of Justice (2009-present)
Peer Reviewer, Harvard University Press, Oxford University Press
Law Enforcement Work Group Member, Virginia Crime Commission (2010-2011)

First Circuit Court of Appeals (2004)
U.S. District Court for the Southern District of New York (2003)
U.S. District Court for the Eastern District of New York (2003)
New York State Bar (2003)

SELECTED PRINT MEDIA

Luigi Ferrarella, *Quei Compromessi Tra Aziende e Giustizia*, Sette, Jan. 1, 2016
Frank Green, *UVA Study Credits Better Defense Lawyers*, Richmond-Times Dispatch, Oct. 19, 2015
Larry O'Dell, *Study: Better Legal Defense Leads to Fewer Death Penalties*, Associated Press, Oct. 19, 2015
Matt Apuzzo and Ben Protess, *Justice Department Sets Sights on Wall Street Executives*, N.Y. Times, Sept. 10, 2015
James B. Stewart, *In Corporate Crimes, Individual Accountability is Elusive*, N.Y. Times, Feb. 19, 2015
Jed S. Rakoff, *Justice Deferred is Justice Denied*, N.Y. Review of Books, Feb. 19, 2015
Collin Levy, *Crime and Punishment*, Wall Street Journal, Feb. 3, 2015
Humberto Maia Junior, *E Preciso Punir*, Exame, Jan. 21, 2015
Lauren-Brooke Eisen, *Too Big to Jail*, New York Law Journal, Dec. 18, 2014
Joel Schectman, *Professor Says Corporate Penalties Aren't Working*, Wall St. Journal, Risk & Compliance, Dec. 8, 2014
Richard Cohen, *Wall Street Needs a Lesson from the DMB*, Washington Post, Dec. 1, 2014
Lawrence Summers, *Companies on Trial: Are They 'Too Big to Jail'?*, Financial Times, Nov. 21, 2014
Jessica Pishko, *Extraordinary Criminals*, Boston Review, Nov. 18, 2014
Danielle Kurtzlebaum, *Too big to jail: why the government is quick to fine but slow to prosecute*, Vox, Nov. 16, 2014
Astrid Dorner, *"Banken Weden Rückfällig" er Autor von 'Too big to Jail'*, Handelsblatt, Nov. 12, 2014
Benjamin Protess and Jessica Silver-Greenberg, *Prosecutors Suspect Repeat Offenses on Wall Street*, N.Y. Times, Oct. 29, 2014
Susan Beck, *Q&A: Brandon Garrett on Corporate Prosecution Agreements*, Litigation Daily, Oct. 17, 2014
Spencer Hsu, *UVA Law study: Most Va. Police agencies don't record interrogations, despite trend*, Wash. Post, Sept. 6, 2014
Cover story, *Criminalizing the American Economy*, *The Economist*, August 30, 2014
Kim Bode, *"Too big to jail": Banken müssen sich nur selten für Exzesse verantworten. Inzwischen aber greifen Staatsanwaltschaften härter durch, sagt Rechtsexperte Brandon Garrett*, Zeit, July 15, 2014
Jesse Eisinger, *France Sees Double Standard in U.S. Prosecution of BNP*, N.Y. Times, June 18, 2014
Aruna Viswanatha & Karen Freifeld, *As Bank Fines Soar, U.S. Threatened \$16 billion BNP Penalty*, Reuters, June 6, 2014
Jesse Eisinger, *Seeking Tough Justice, but Settling for Empty Promises*, N.Y. Times, May 7, 2014
Carol Morello and Carol D. Leonnig, *Chris Christie's Long Record of Pushing Boundaries*, Wash. Post, Feb. 10, 2014
Michael Rothfeld, *Firms are Penalized, But Workers Aren't*, Wall Street Journal, Jan. 16, 2014
Jonathan Weil, *What Does it Take to Get a Bank to Plead Guilty*, Bloomberg View, Dec. 12, 2013
Jessica Silver-Greenberg & Benjamin Protess, *Criminal Action is Expected for JPMorgan*, N.Y. Times, Dec. 11, 2013
Peter Lattman & Benjamin Protess, *SAC Capital Agrees to Plead Guilty to Insider Trading*, N.Y. Times, Nov. 4, 2013
Spencer Hsu, *9 in 10 Va. police agencies fall short of photo lineup guidelines*, Wash. Post, Aug. 26, 2013
Jonathan Weil, *Where are the Libor Cases Against U.S. Banks?*, Bloomberg View, June 27, 2013
Max Ehrenfreund, *After the Supreme Court's DNA Decision*, Wash. Post, June 4, 2013
John Schwartz, *BP Will Plead Guilty and Pay Over \$4 Billion*, N.Y. Times, Nov. 16, 2012
Richard Lewontin, *Let the DNA Fit the Crime*, N.Y. Review of Books, Feb. 23, 2012
Scott Lemieux, *Eye of the Beholder*, American Prospect, Jan. 13, 2012
John S. Adams, *'Speeding Train' Interrogations Can Fuel False Confessions*, USA Today, Dec. 28, 2011
The Editors, *Out of Sight*, The New Republic, Nov. 24, 2011
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