

JOSH BOWERS

F.D.G. RIBBLE PROFESSOR OF LAW, UNIVERSITY OF VIRGINIA SCHOOL OF LAW
580 Massie Road • Charlottesville, VA 22903
(434) 466-4205 (cell) • (434) 924-3771 (office) • bowers@virginia.edu

EDUCATION

New York University School of Law

J.D., *magna cum laude*, 2001

Order of the Coif

Florence Allen Scholar

Notes Editor, *New York University Law Review*

University of Wisconsin, Madison

B.A., History and Political Science, 1995

Phi Beta Kappa

Graduated with Distinction in both majors (highest honors)

PUBLICATIONS & WORKS IN PROGRESS

Kicking the Habit: The Opioid Crisis, America's Addiction to Punitive Prohibition, and the Promise of Free Heroin, 80 OHIO ST. L.J. __ (forthcoming 2019) (invited contribution)

Annoy No Cop, 166 U. PA. L. REV. 129 (forthcoming 2017), *cited in United States v. Diaz*, 15-3776-cr (2d Cir. Apr. 18, 2017)

Upside-Down Juries, 111 NW. U. L. REV. 1655 (forthcoming 2017) (invited contribution)

What's Wrong With Sentencing Equality? Sentencing Legality. A Response to Professors Bibas & Bierbach, 102 VA. L. REV. ONLINE 120 (2016) (invited contribution).

The Case for Compassionate Policing, VA. MAG. (Spring 2015), *reprinted in AMERICA NOW: SHORT READINGS FROM RECENT PERIODICALS* (Arthur Johnson, ed.) (MACMILLAN LEARNING 2017)

Plea Bargaining's Baselines, 57 WM. & MARY L. REV. 1083 (2016) (invited contribution)

Probable Cause, Constitutional Reasonableness & the Unrecognized Point of a "Pointless Indignity", 66 STAN. L. REV. 987 (2014), *excerpted in JOSHUA DRESSLER, UNDERSTANDING CRIMINAL PROCEDURE: ADJUDICATION* (LEXISNEXIS 2017).

Two Rights to Counsel, 70 W&L L. Rev. 1133 (2013) (invited contribution)

Lafler v. Cooper, Missouri v. Frye, and the Subtle Art of Winning by Losing, 25 FED. SENT'G REP. 126 (Dec. 2012) (invited contribution)

The Normative Case for Normative Grand Juries, 47 WAKE FOREST L. REV. 319 (2012) (invited contribution), *cited in United States v. Stevenson*, 2:17-00047-cr (S.D. W.Va. Apr. 12, 2018)

Perceptions of Fairness and Justice: The Shared Aims and Occasional Conflicts of Legitimacy and Moral Credibility, 47 WAKE FOREST L. REV. 211 (2012) (with Paul H. Robinson), *excerpted in PAUL H. ROBINSON, CRIMINAL LAW: CASE STUDIES & CONTROVERSIES* (3d ed. Aspen Publishing 2012), *cited in Rosales-Mireles v. United States*, No. 16-9493, SLIP OP. 10 (2017)

Life Without Parole and the Death of Equitable Discretion, in *LIFE WITHOUT PAROLE: THE NEW DEATH PENALTY* (Austin Sarat & Charles Ogletree, eds.) (NYU Press, 2012) (invited

contribution)

Blame by Proxy: Political Retributivism and its Problems, a Response to Dan Markel, 1 VA. J. CRIM L. 138 (2012) (invited contribution)

Fundamental Fairness & the Path from Santobello to Padilla: A Response to Professor Bibas, 2 CAL L. REV. CIR. 52 (2011) (invited contribution)

Physician, Heal Thyself: Discretion and the Problem of Excessive Prosecutorial Caseloads, A Response to Adam Gershowitz and Laura Killinger, 106 N.W. L. REV. COLLOQUY 143 (2011) (invited contribution)

Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute, 110 COLUM. L. REV. 1655 (2010)

Grand Jury Nullification: Black Power in the Charging Decision, in CRIMINAL LAW CONVERSATIONS (Paul Robinson, Kim Ferzan & Stephen Garvey, eds.) (Oxford Press 2009)

Accuracy and Legitimacy, in CRIMINAL LAW CONVERSATIONS (Paul Robinson, Kim Ferzan & Stephen Garvey, eds.) (Oxford Press 2009)

The Unusual Man in the Usual Place: A Reply to Professors Stephanos Bibas, George Thomas, and Ronald Wright, 157 U. Pa. L. Rev. PENNUMBRA 260 (2009)

Punishing the Innocent, 156 U. PA. L. REV. 1117 (2008)

Contraindicated Drug Courts, 55 UCLA L. REV. 783 (2008), *excerpted in* Alex Kreit, CONTROLLED SUBSTANCES: CRIME, REGULATION AND POLICY (Carolina Academic Press 2013)

Grassroots Plea Bargaining, 91 MARQ. L. REV. 85 (2007) (invited contribution)

The Integrity of the Game is Everything: Geographic Disparity in Three Strikes, 76 N.Y.U. L. REV. 1164 (2001) (student note)

LEGALITY & ROUGH JUSTICE (manuscript in progress)

What if Nothing Works? On Recidivism, Crime Licenses, and Public Health (article in progress)

Solitary Confinement: Outside the Shadow of Criminal Justice Reform (article in progress)

Rotten Plea Bargains (essay in progress)

RESEARCH INTERESTS

Criminal Procedure, Criminal Law, Criminal Theory, Criminal Justice, Plea Bargaining, Police & Prosecutorial Discretion, Misdemeanor Enforcement & Adjudication, Right to Counsel, Juries, Drug Treatment Courts, Police & Society, Constitutional Law

COURSES

Substantive Criminal Law, Constitutional Law, Criminal Procedure Survey,

TAUGHT	Criminal Adjudication, Contemporary Debates in Criminal Law, Plea Bargaining, Advanced Topics in Law & Public Service, Rule of Law
LAW SCHOOL SERVICE	<p>Center for Study of Race and Law Committee, Member, 2018 – 2019</p> <p>Symposium: One Year After Charlottesville, Co-Organizer, 2018</p> <p>Entry-Level Appointments Committee, Chair, 2017 – 2018</p> <p>Law & Public Service Program, Co-Director, 2013 – 2017; Faculty Advisor and Mentor, 2017 – Present</p> <p>Annual “Shaping Justice” Conference, Co-Organizer, 2016 – Present</p> <p>Street Law Program, Faculty Advisor, 2011 – Present</p> <p>Claire Corcoran Award Selection Committee, Committee Member, 2014 – Present</p> <p>Powell Fellowship Selection Committee, Committee Member, 2014 – Present</p> <p>Workshop Committee, Committee Member, 2016 – 2017</p> <p>Public Service Committee, Co-Chair, 2014 – 2017, 2018 – Present</p> <p>Ad-Hoc Committees on Hiring, Committee Member, 2015; Chair, 2016-17</p> <p>Immigration Program Committee, Committee Member, 2014 – 2016</p> <p>Student Scholarship Committee, Chair, 2010 – 2011, 2015 – 2016</p> <p>Ad-Hoc Committees on Promotion and Retention, Committee Member, 2014; Chair, 2013</p> <p>AALS, House of Representatives, UVA Representative, 2014</p> <p>Curriculum Committee, Committee Member, 2013 – 2014</p> <p>Faculty Retreat & Workshops Committee, Committee Member, 2013 – 2014</p> <p>Graduation Awards Committee, Chair, 2012 – 2013</p> <p>Graduate Program Committee, Committee Member, 2011 – 2013</p> <p>Academic Affairs Committee, Committee Member, 2009 – 2010</p> <p>May Gathering, Co-Organizer, 2009</p>
OTHER PROFESSIONAL SERVICE	<p>Uniform Law Commission, Alternatives to Bail Committee, Reporter, 2018 – Present</p> <p>Charlottesville Civilian Review Board, Prospective Member, 2018 – 2019</p> <p>Pan-University Risk Management Committee, Committee Member, 2016 – 2018</p> <p>Legal Aid Justice Society, Ex-Officio Board Member, 2014 – Present</p> <p>Law & Philosophy, Peer Referee, 2016 – Present</p> <p>Yale Law Journal, Peer Referee, 2014 – Present</p> <p>Charlottesville Police Foundation, Board Member, 2011 – 2013</p> <p>ABA Comprehensive Representation Task Force, Committee Member, 2010 – 2013</p>

JUDICIAL CLERKSHIP **The Honorable Dennis Jacobs,**
United States Court of Appeals for the Second Circuit, New York, NY
Judicial Clerk, 2001 – 2002

TEACHING & PROFESSIONAL EXPERIENCE **The University of Virginia School of Law,** Charlottesville, VA
Professor of Law (research chair), 2014 – Present
Professor of Law, 2013 – Present
Associate Professor of Law, 2008 – 2013

Faculty of Law at the University of Münster, Münster, Germany
Visiting Professor of Law, June 2010, May 2019

The University of Chicago Law School, Chicago, IL
Bigelow Teaching Fellow and Lecturer in Law, 2006 – 2008

Fordham Law School, New York, NY
Adjunct Associate Professor, 2005 – 2006

The Bronx Defenders, Bronx, NY
Staff Attorney, 2003 – 2006

Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, New York, NY
Associate, 2002 – 2003

Legal Aid Society, Juvenile Rights Division, Brooklyn, NY
Legal Intern, 2000 – 2001

Legal Aid Society, Federal Defender Division, Brooklyn, NY
Summer Legal Intern, 2000

Legal Services for Prisoners with Children, San Francisco, CA
Summer Legal Intern, 1999

Prisoners' Rights Education Project, Bedford Hills, NY
Director and Teacher, 1998 – 2000

"The People's Court," New York, NY
Legal Researcher, 1998 – 1999

DeZavala Elementary School, Houston, TX
Fifth Grade Teacher, 1995 – 1997

PRESENTATIONS **"Addiction Maintenance & the Promise of Free Heroin,"** Conference on the Opioid Crisis in Rural America, Moritz College of Law, October 2018

"Crime Licenses," Summer Faculty Workshop, University of Virginia School of Law, July 2018

"Crime Licenses," Law & Society Annual Meeting, June 2018

“Crime Licenses,” Faculty Workshop Series, St. Johns University School of Law, April 2018

“Upside-Down Juries,” Democratizing Criminal Law Conference, Northwestern University Pritzker School of Law, November 2016

“Annoy No Cop,” Criminal Law & Criminal Justice Seminar, London School of Economics, October 2016

“Understanding the Police,” Faculty Workshop, University of Virginia School of Law, April 2016

“The Legality of Indignity, The Power of Equal Concern and Respect: Community Policing in the Age of ‘Black Lives Matter’,” National Executive Institute, September 2015 (presentation to approximately fifty police chiefs, FBI agents, and other senior law enforcement officials)

“Legality & Rough Justice,” UW Law Colloquium, University of Washington School of Law, March 2015

“Plea Bargaining & Coercion’s Constitutional Baselines,” Plea Bargaining Regulation: The Next Criminal Procedure Frontier, William & Mary Law School, February 2015

“Legality & Rough Justice,” Summer Faculty Workshop, University of Virginia School of Law, June 2014

“Legality as a License, not a Limit,” AALS Workshop on Criminal Justice, June 2013

“Two Rights to Counsel,” Law & Society Annual Meeting, June 2013

“A Dignitary Approach to the Fourth Amendment,” The University of Chicago Criminal Justice Roundtable, April 2013

“A Dignitary Approach to the Fourth Amendment,” Faculty Workshop Series, University of Missouri Law School, April 2013

“Drug Courts & Drug Policy,” Moderator, Conference on Criminal Law & the Modern Court, New York University School of Law, Center on the Administration of the Criminal Law, April 2013

“A Dignitary Approach to the Fourth Amendment,” Criminal Theory Colloquium, New York University School of Law, March 2013

“Two Rights to Counsel,” *Gideon at 50: Reassessing the Right to Counsel Symposium*, Washington & Lee School of Law, November 2012

“Police, Prosecutors, and Misdemeanors,” Misdemeanor Roundtable, New York University School of Law, July 2012

“The Unrecognized Constitutional Point of a ‘Pointless Indignity,’” Summer Faculty Workshop, University of Virginia School of Law, July 2012

“Equitable Discretion as a Rule of Law,” Public Law & Legal Theory Workshop, University of Chicago Law School, April 2012

“Equitable Discretion as a Rule of Law,” Faculty Enrichment Workshop, Florida State University College of Law, March 2012

“The Normative Case for Normative Grand Juries,” Conference on Community Prosecution and Defense, Wake Forest University School of Law, November 2011

“Beyond Immigration: Litigating Expansions of *Padilla*,” *Padilla* and the Future of the Defense Function, Cardozo School of Law, June 2011

“Life Without Parole and the Death of Equitable Discretion,” LWOP Conference, Amherst College, December 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Faculty Workshop Series, Stanford Law School, April 2010

“A Comment on Jeffrey Fagan’s Principal Arguments,” Olin Conference on the Law & Economics of Crime, University of Virginia School of Law, March 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Student Scholarly Lunch, University of Virginia School of Law, March 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Faculty Workshop Series, Michigan State University College of Law, March 2010

“Contraindicated Drug Courts,” Works in Progress Seminar, University of Chicago Law School, September 2007

“Contraindicated Drug Courts,” NEPOC Annual Conference, Southern New England School of Law, September 2007

“Grassroots Plea Bargaining,” Conference on Plea Bargaining, Marquette University Law School, April 2007

**HONORS,
AFFILIATIONS
& ADDITIONAL
INFORMATION**

- Selected Graduation Faculty Marshall (2015, 2019)
- Selected Graduation Hooder (2012, 2014)
- Admitted to New York State Bar, 2002
- Avid skier and trail runner
- Volunteer adaptive ski instructor