

JOSH BOWERS

F.D.G. RIBBLE PROFESSOR OF LAW, UNIVERSITY OF VIRGINIA SCHOOL OF LAW
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TEACHING 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

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

What If Nothing Works? On Crime Licenses, Recidivism, and Quality of Life, 107 VA. L. REV. __ (forthcoming 2021)

Kicking the Habit: The Opioid Crisis, America's Addiction to Punitive Prohibition, and the Promise of Free Heroin, 80 OHIO ST. L.J. 787 (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 & Bierchbach, 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), cited in *Rosales-Mireles v. United States*, 138 S.Ct. 1897 (2018); excerpted in PAUL H. ROBINSON, CRIMINAL LAW: CASE STUDIES & CONTROVERSIES (3d ed. Aspen Publishing 2012)

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)

Cruel and Usual Formalism (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, Drug Policy, Police & Society, Constitutional Law**

COURSES TAUGHT **Substantive Criminal Law, Constitutional Law, Criminal Procedure Survey, Criminal Adjudication, Contemporary Debates in Criminal Law, Plea Bargaining, Advanced Topics in Law & Public Service, Rule of Law & Its Threats**

LAW SCHOOL SERVICE **Law & Public Service Program, Co-Director, 2013 – 2017; Faculty Advisor and Mentor, 2017 – Present**

Faculty Publications Committee, Co-Chair, 2020 – Present

Public Service Committee, Co-Chair, 2014 – 2017, 2018 – Present

Claire Corcoran Award Selection Committee, Committee Member, 2014 – Present

Powell Fellowship Selection Committee, Committee Member, 2014 – Present

Street Law Program, Faculty Advisor, 2011 – Present

Ad-Hoc Committees on Hiring, Committee Member, 2015, 2019, 2021; Chair, 2016-17

Center for Study of Race and Law Committee, Member, 2018 – 2019

Gregory Swanson Award Selection Committee, Committee Member, 2019

Symposium: One Year After Charlottesville, Co-Organizer, 2018

Appointments Committee, Vice Chair, 2017 – 2018

Annual “Shaping Justice” Conference, Co-Organizer, 2016 – 2017; Moderator, 2020

Workshop Committee, Committee Member, 2013-14, 2016 – 2017

Immigration Program Committee, Committee Member, 2014 – 2016

Student Scholarship Committee, Chair, 2010 – 2011, 2015 – 2016

Ad-Hoc Committees on Promotion and Retention, Committee Member, 2014; Chair, 2013

AALS, House of Representatives, UVA Representative, 2014

Curriculum Committee, Committee Member, 2013 – 2014

Faculty Retreat & Workshops Committee, Committee Member, 2013 – 2014

Graduation Awards Committee, Chair, 2012 – 2013

Graduate Program Committee, Committee Member, 2011 – 2013

Academic Affairs Committee, Committee Member, 2009 – 2010

May Gathering, Co-Organizer, 2009

**OTHER
PROFESSIONAL
SERVICE**

Legal Aid Justice Society, Board Member, 2014 – Present; Budget Committee Member, 2020 – Present

Yale Law Journal, Peer Referee, 2014 – Present

Leadership in Academic Matters, Faculty Participant, 2019 – 2020

Uniform Law Commission, Alternatives to Bail Committee, Reporter, 2018 – 2020

Charlottesville Civilian Review Board, Member, 2018 – 2019

Pan-University Risk Management Committee, Committee Member, 2016 – 2018

Law & Philosophy, Peer Referee, 2016 – 2018

Charlottesville Police Foundation, Board Member, 2011 – 2013

ABA Comprehensive Representation Task Force, Committee Member, 2010 – 2013

**JUDICIAL
CLERKSHIP**

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

**OTHER
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

- SELECTED PRESENTATIONS**
- "What If Nothing Works?"** Faculty Workshop, University of Virginia School of Law, November 2020
 - "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