

**LAURA I APPLEMAN**  
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## ACADEMIC APPOINTMENTS

WILLAMETTE UNIVERSITY COLLEGE OF LAW, Salem, OR  
Van Winkle Melton Professor of Law, 2018 - present  
Associate Dean of Faculty Research, 2015 - present  
Professor of Law, 2014 - present  
Associate Professor (with tenure), 2011-2014; Assistant Professor, 2006-2011  
*Courses:* Criminal Law, Criminal Pro. I & II, Sentencing Law & Policy, Family Law  
*Awards:* Robert L. Misner Award for Faculty Scholarship, 2011

## EDUCATION

YALE LAW SCHOOL, New Haven, CT  
J.D., 1998  
Book Review Editor, *Yale Journal of Law & the Humanities*

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA  
M.A., English, 1994  
B.A., *summa cum laude*, Phi Beta Kappa, English, 1994

## PUBLICATIONS

### BOOKS

DEFENDING THE JURY: CRIME, COMMUNITY, AND THE CONSTITUTION  
(Cambridge: 2015) <http://www.cambridge.org/us/academic/subjects/law/criminal-law/defending-jury-crime-community-and-constitution>

### LAW REVIEW ARTICLES & ESSAYS

*Deviancy, Dependency, and Disability: The Forgotten History of Eugenics and Mass Incarceration*, 68 DUKE L. J. (forthcoming 2019)

*Cashing in on Convicts: Privatization, Punishment, and the People*,  
2018 UTAH L. REV. (2018)

*Local Democracy, Community Adjudication, and Criminal Justice*,  
111 NW. U. L. REV. 1413 (2017)

*Nickel and Dimed into Incarceration: Cash-Register Justice in the Criminal System*,  
57 B.C. L. REV. 1483 (2016)

*A Tragedy of Errors: Blackstone, Procedural Asymmetry, and Criminal Justice*,  
128 HARV. L. REV. F. 91 (2015) <http://harvardlawreview.org/?p=3449>

*Justice in the Shadowlands: Pretrial Detention, Punishment, & the Sixth Amendment*, 69 WASH. & LEE L. REV. 1297 (2012)

*The Community Right to Counsel*, 17 BERKELEY J. CRIM. L. 1 (2012)

*Oscar Wilde's Long Tail: Framing Sexual Identity in the Law*, 70 MD. L. REV. 985 (2011)

*The Plea Jury*, 85 IND. L. J. 731 (2010).

*The Lost Meaning of the Jury Trial Right*, 84 IND. L. J. 397 (2009)

*Retributive Justice and Hidden Sentencing*, 68 OHIO ST. L.J. 1307 (2007)

*Reports of Batson's Death Have Been Greatly Exaggerated: How the Batson Procedure Enforces a Normative Framework for Legal Ethics*, 78 TEMPLE L. REV. 101 (2005)

*The Rise of the Modern American Law School: How Professionalization, German Scholarship and Legal Reform Shaped Our System of Legal Education*, 39 NEW ENG. L. REV. 251 (2005).

#### SHORTER WORK

*White Paper of Democratic Criminal Justice*, 111 NW. U. L. REV. 1693 (2017, with Joshua Kleinfeld, Richard Bierschbach, *et. al.*)

*Gothic Stories, Mens Rea, and Nineteenth-Century American Criminal Law*, in LAW AND HUMANITIES IN NINETEENTH-CENTURY AMERICA (Ashgate: 2017)

*Who Watches the Watchers? Judges, Guilty Pleas, and Outsider Review*, 67 FLA. L. REV. F. 44 (2015)

*Sentencing, Empirical Desert & Restorative Justice*, in PAUL H. ROBINSON, STEPHEN GARVEY & KIMBERLY KESSLER FERZAN, EDS., CRIMINAL LAW CONVERSATIONS (Oxford 2009)

*Splitting the Baby: The Danger of Distinguishing Between Offense and Offender Characteristics*, in PAUL H. ROBINSON, STEPHEN GARVEY & KIMBERLY KESSLER FERZAN, EDS., CRIMINAL LAW CONVERSATIONS (Oxford 2009)

*Towards a Common Law of Sentencing: Gall, Kimbrough and the Search for Reasonableness*, 21 FED. SENT. REP. 3-6 (2008)

*Rethinking Retribution: Understanding Punishment Theory After Blakely*, 18 FED. SENT. REP. 247-249 (2006)

*Please Don't Squeeze the Client*, LEGAL TIMES, Vol. XXIX, No. 42 (October 16, 2006)

*The Ethics of Indigent Criminal Defense Representation: Has New York Failed the Promise of Gideon?*, 16.4 PROF. LAWYER (2005)

#### VERSE

*A Theory of Law, Amended & Mended*, in *A Micro-Symposium for Orin Kerr's "A Theory of Law," Part II*, 2 J. OF L. 490 (2013) (poem).

*The Great Writ*, 9 GREEN BAG 2d 93 (2005) (poem)

*The Appellate Lawyer's Lament*, 8 GREEN BAG 2d 210 (2005) (poem)

#### SELECTED MEDIA

*Return Criminal Justice to the Community*, AL-JAZEERA AMERICA (September 19, 2015)  
<http://america.aljazeera.com/opinions/2015/9/return-criminal-justice-to-the-community.html>

*Let Boston Decide Tsarnaev's Fate*, THE NEW YORK TIMES (January 7, 2015)  
<http://www.nytimes.com/roomfordebate/2015/01/07/when-a-local-jury-wont-do/let-boston-decide-tsarnaevs-fate>

*No Deal: Should Prosecutors Be Forced to Have Their Deals Approved By Plea Juries?*, SLATE (April 7, 2015) (article by Leon Nefakh about scholarship)  
[http://www.slate.com/articles/news\\_and\\_politics/crime/2015/04/plea\\_bargains\\_shouldProsecutors\\_be\\_forced\\_to\\_have\\_their\\_plea\\_bargains\\_approved.html](http://www.slate.com/articles/news_and_politics/crime/2015/04/plea_bargains_shouldProsecutors_be_forced_to_have_their_plea_bargains_approved.html)

#### SELECTED PRESENTATIONS

*Cash Register Justice in the Criminal System*, Arkansas Bar Annual Meeting, Hot Springs, AK (June 14, 2017)

*Cashing in on Convicts: Private Prisons, Punishment, and the People*, Faculty Workshop, St. John's University School of Law (January 23, 2017)

*Constitutional Foundations and Community Voice*, Democratizing Criminal Law, Northwestern University Law School (November 17– 18, 2016)

*Prison Profiteers: Private Prisons, Punishment, and the Community*, Seventh Annual CrimProf Conference, Cardozo Law School (July 12, 2016)

*What the Sixth Amendment Can Teach the Fifth: Confessions, Community and Miranda*, *Miranda* at 50 Symposium, NKU Chase College of Law (February 26, 2016)

*Defending the Jury*, Faculty Workshop, Lewis & Clark Law School (February 16, 2016)

*Private Payments, Public Penalties*, Sixth Annual CrimProf Conference, Cardozo Law School (July 20, 2015)

*Gothic Stories, Mens Rea, and Nineteenth-Century American Criminal Law*, 2015 Annual Meeting, ASLCH, Georgetown Law School (March 8, 2015)

*Defining Community in the 21st century: Cities, Counties and Collective Action*, Fifth Annual CrimProf Conference, Rutgers-Newark Law School (July 21, 2014)

*Oscar Wilde: "Crime," Shifting Public Opinions, and the Enticing Danger of Community Support*, Oscar Wilde & the Law Symposium, Tulsa Law School (Nov. 7 & 8, 2013).

*Bail, Jail and Criminal Justice*, AALS Mid-Year Meeting for Criminal Justice, San Diego, CA (June 8, 2013)

*Justice in the Shadowlands: Pretrial Detention, Punishment, & the Sixth Amendment*, Fourth Annual Southwest Criminal Law Conference, UNLV Boyd School of Law (September 8, 2012)

*Justice in the Shadowlands: Pretrial Detention, Punishment, & the Sixth Amendment*, Criminal Justice: Pretrial Procedures Panel, 2012 Law & Society (June 7, 2012)

*Justice in the Shadowlands: Bail, Jail and Extralegal Punishment*, Fourth Annual Sentencing & Reentry Institute and Legal Educators Colloquium (October 27, 2011)

Moderator and Commentator, *Plenary: A New Look at Prosecutorial Discretion*, National Association of Sentencing Commissions Annual Conference, Portland, OR (August 2, 2011)

*The Community Right to Counsel*, Faculty Workshop, Seton Hall University Law School (February 22, 2011)

*The Community Right to Counsel*, Faculty Forum, University of Cincinnati Law School (October 20, 2010)

Moderator and Commenter, Young Criminal Law Scholars Workshop, Vanderbilt Law School (January 29-30, 2010)

*The Plea Jury*, Fourth Annual Junior Criminal Professor Conference, George Washington University Law School (August 8, 2008)

Moderator, *Evidence-Based Practices in Sentencing*, "Building Bridges: Philosophy, Policy and Performances," National Association for Sentencing Commissions, Stanford Law School (August 3, 2008)

*Retributive Justice and Hidden Sentencing*, 2008 Law & Society Meeting (June 1, 2008)

*The Lost Meaning of the Jury Trial Right*, 2008 Annual Meeting, ASLCH, University of California, Boalt School of Law (March 28, 2008)

*The Lost Meaning of the Jury Trial Right*, Colloquium on Law & Citizenship, SMU Dedman School of Law (January 13, 2008)

*The Lost Meaning of the Jury Trial Right*, Faculty Workshop, Hofstra Law School (October 8, 2007)

*The Lost Meaning of the Jury Trial Right*, Northwest Junior Law Faculty Forum, University of Oregon School of Law (August 31, 2007)

*The Lost Meaning of the Jury Trial Right*, Third Annual Junior Criminal Professor Conference, George Washington University Law School (August 10, 2007)

## **LEGAL EXPERIENCE**

Law Clerk to Hon. A. Wallace Tashima, U.S. Court of Appeals for the Ninth Circuit, 1998-99

Appellate Counsel, Center for Appellate Litigation, New York, NY, 2000-05

## **SELECTED UNIVERSITY SERVICE**

Chair, Personnel and Tenure Committee, 2017-18, 2014-15

Chair, Faculty Recruitment Committee, 2015-16, 2013-14

Chair, Speakers Committee, 2015-18

University Leadership, Research and Grants Committee, 2017-18

Law Dean Search Committee, 2012-13

Chair, Workshop & Speakers Committee, 2009-2012

## **OTHER PROFESSIONAL ACTIVITIES**

Yale Law School, Executive Committee, Oregon Representative 2018

*The Faculty Lounge* ([www.thefacultylounge.org](http://www.thefacultylounge.org)), Contributing Member

Co-Class Reporter, Yale Law School Class of 1998

Co-Founder and Moderator, Northwest Junior Law Faculty Forum, 2006-2011

New York Bar (2000)