

DAVID ALAN SKLANSKY

Stanford Law School
559 Nathan Abbott Way, N257
Stanford, CA 94305

(650) 497-6580
sklansky@stanford.edu

EMPLOYMENT

- 2014 - **Professor**, Stanford Law School. Visiting Professor, 2011. Stanley Morrison Chair, 2015-. Faculty Co-Director, Stanford Criminal Justice Center, 2015-. Stanford Fellow, 2017-2019. John Bingham Hurlbut Award for Excellence in Teaching, 2017.
- 2005 - 2014 **Professor**, University of California, Berkeley, School of Law. Visiting Professor, 2004-2005. Yosef Osheawich Chair, 2009-2014. Faculty Chair, Berkeley Center for Criminal Justice, 2006-2011 (Co-Chair, 2007-08). Member, Dean's Faculty Advisory Committee, 2010-2013. U.C. Berkeley Distinguished Teaching Award, 2012. Faculty Commencement Speaker, 2011.
- 2007 - 2008 **John H. Watson, Jr. Visiting Professor**, Harvard Law School.
- 1994 - 2005 **Professor**, UCLA School of Law. Acting Professor, 1994-1999; Professor, 1999-2005. Associate Dean, 2002-2003. Member, Dean's Advisory Committee, 1999-2002. Professor of the Year, 1996 and 2003. UCLA Distinguished Teaching Award, 2000.
- 1987 - 1994 **Assistant United States Attorney**, Office of the United States Attorney, Criminal Division, Los Angeles, California. Chief, Criminal Complaints Section, 1993-1994. Department of Justice John Marshall Award for Outstanding Legal Achievement, 1994.
- 1986 - 1987 **Associate**, Bredhoff & Kaiser, Washington, D.C.
- 1985 - 1986 **Law Clerk** to Justice Harry A. Blackmun, Supreme Court of the United States.
- 1984 - 1985 **Law Clerk** to Judge Abner J. Mikva, United States Court of Appeals for the District of Columbia Circuit.

EDUCATION

- 1981 - 1984 Harvard Law School. J.D., *magna cum laude*, 1984.
- 1977 - 1981 University of California, Berkeley. A.B. in Biophysics, Highest Honors, 1981.

SELECTED PUBLICATIONS

Books

Criminal Justice in Divided America: Police, Punishment, and the Future of Our Democracy (Harvard University Press, forthcoming 2025).

A Pattern of Violence: How the Law Classifies Crimes and What It Means for Justice (Belknap Press of Harvard University Press 2021). Second place, Lawrence S. Wrightsman Book Award, American Psychology-Law Society, 2023.

Prosecutors and Democracy: A Cross-National Study (Cambridge University Press 2017) (co-edited with Máximo Langer).

Police Reform from the Bottom Up: Officers and Their Unions as Agents of Change (Routledge 2011) (co-edited with Monique Marks).

Democracy and the Police (Stanford University Press 2008).

Evidence: Cases, Commentary, and Problems (Aspen Publishers 2003, 2d ed. 2008, 3d ed. 2012, 4th ed. 2016, 5th ed. 2020, 6th ed. forthcoming 2025) (with teacher's manual and annual statutory supplement; 5th & 6th eds. with Andrea Roth).

Articles and Chapters

Post-Election Riots and the Dilemmas of Democratic Policing: Recent Experience in the United States and Brazil, *Policing & Soc'y* (forthcoming 2025)

Crime, Community, and the Shadow of the Virtual, 2023 *U. Ill. L. Rev.* 1607 (with Marty Berger).

Introducción al Derecho Probatorio de los Estados Unidos, 2023(2) *Justicia* 23 (translation into Spanish by Juan Picó i Junoy).

The Neglected Origins of the Hearsay Rule in American Slavery: Recovering Queen v. Hepburn, 2022 *Sup. Ct. Rev.* 413.

Police Reform in Divided Times, 2 *Am. J. L. & Equality* 3 (2022).

Judicial Independence and Two Visions of American Democracy, 250 *Proc. Brit. Acad.* 113 (2022).

La Prueba Pericial en Los Estados Unidos (Expert Evidence in the United States), in *La Prueba Pericial a Examen: Propuestas de Lege Ferenda* (Joan Picó i Junoy, Juan Antonio Andino López, and Elisabet Cerrato Guri eds.) (J.M. Bosch 2020) (translation into Spanish by Elizabeth McBride; English version available at <https://ssrn.com/abstract=3651451>).

Populism, Pluralism, and Criminal Justice, 107 Cal. L. Rev. 2009 (2019).

Autonomy and Agency in American Criminal Process, in *Obstacles to Fairness in Criminal Proceedings* (John Jackson & Sarah Summers eds.) (Hart Publishing 2018).

The Problems with Prosecutors, 1 Ann. Rev. Criminology 451 (2018).

Unpacking the Relationship Between Prosecutors and Democracy in the United States, in *Prosecutors and Democracy: A Cross-National Study* (Máximo Langer & David Alan Sklansky eds.) (Cambridge University Press 2017).

Prosecutors and Democracy—Themes and Counterthemes, in *Prosecutors and Democracy: A Cross-National Study* (Máximo Langer & David Alan Sklansky eds.) (Cambridge University Press 2017) (with Máximo Langer).

The Changing Political Landscape for Elected Prosecutors, 14 Ohio St. J. Crim. L. 647 (2017).

The Progressive Prosecutor's Handbook, 50 U.C. Davis L. Rev. Online 25 (2017).

Combating Police Discrimination in the Age of Big Data, 20 New Crim. L. Rev. 181 (2017) (with Sharad Goel, Maya Perelman, and Ravi Shroff).

The Nature and Function of Prosecutorial Power, 106 J. Crim. L. & Criminology 473 (2016).

Two More Ways Not to Think About Privacy and the Fourth Amendment, 82 U. Chi. L. Rev. 223 (2015).

Too Much Information: How Not to Think About Privacy and the Fourth Amendment, 102 Calif. L. Rev. 1069 (2014).

The Promise and the Peril of Police Professionalism, in *The Future of Policing* (Jennifer Brown ed., Routledge 2013).

What Evidence Scholars Can Learn from the Work of Stephen Yeazell: History, Rulemaking, and the Lawyer's Fundamental Conflict, 60 UCLA L. Rev. Disc. 150 (2013).

Evidentiary Instructions and the Jury as Other, 65 Stan. L. Rev. 407 (2013).

Crime, Immigration and Ad Hoc Instrumentalism, 15 New Crim. L. Rev. 157 (2012).

Stealing Bill Stuntz, in *The Political Heart of Criminal Justice: Essays on Themes of William J. Stuntz* (Michael Klarman, David Skeel & Carol Steiker eds., Cambridge University Press 2012).

Confrontation and Fairness, 45 Texas Tech L. Rev 103 (2012).

Confrontation and Kabuki, 20 J.L. & Pol’y 501 (2012).

Dick Wolf Goes to Law School: Integrating the Humanities into Courses on Criminal Law, Criminal Procedure, and Evidence, 3 Cal. L. Rev. Circuit 165 (2012).

A Postscript on Katz and Stonewall: Evidence from Justice Stewart’s First Draft, 45 U.C. Davis L. Rev. 1487 (2012).

Private Policing and Human Rights, 5 Law & Ethics Hum. Rts. 112 (2011).

Confined, Crammed, and Inextricable: What The Wire Gets Right, 8 Ohio St. J. Crim. L. 473 (2011).

Hearsay’s Last Hurrah, 2009 Sup. Ct. Rev. 1.

Anti-Inquisitorialism, 122 Harv. L. Rev. 1649 (2009).

Science, Suspects, and Systems: Lessons from the Anthrax Investigation, 8 Issues in Legal Scholarship, Iss. 2, Art. 3 (2009) (with Erin Murphy).

“*One Train May Hide Another*”: *Katz, Stonewall, and the Secret Subtext of Criminal Procedure*, 41 U.C. Davis L. Rev. 875 (2008).

Is the Exclusionary Rule Obsolete?, 5 Ohio St. J. Crim. L. 567 (2008).

Work and Authority in Policing, in *Police in the Liberal State* (Markus Dubber & Mariana Valverde eds., Stanford University Press, 2008).

Seeing Blue: Police Reform, Occupational Culture, and Cognitive Burn-In, in *Police Occupational Culture: New Debates and Directions* (Megan O’Neill, Monique Marks & Anne-Marie Singh eds., Elsevier 2007).

Not Your Father’s Police Department: Making Sense of the New Demographics of Law Enforcement, 96 J. Crim. L. & Criminology 1209 (2006).

Private Police and Democracy, 43 Am. Crim. L. Rev. 89 (2006).

The Story of Katz v. United States: The Limits of Aphorism, in *Criminal Procedure Stories* (Carol Steiker ed., Foundation Press 2006).

Comparative Law Without Leaving Home: What Civil Procedure Can Teach Criminal Procedure, and Vice Versa, 94 Geo. L.J. 683 (2006) (with Stephen Yeazell).

Police and Democracy, 103 Mich. L. Rev. 1699 (2005).

Quasi-Affirmative Rights in Constitutional Criminal Procedure, 88 Va. L. Rev. 1229 (2002).

Back to the Future: Kylllo, Katz, and Common Law, 72 Miss. L.J. 143 (2002).

The Fourth Amendment and Common Law, 100 Colum. L. Rev. 1739 (2000).

The Private Police, 46 UCLA L. Rev. 1165 (1999).

Starr, Singleton, and the Prosecutor's Role, 26 Fordham Urb. L.J. 509 (1999).

Traffic Stops, Minority Motorists, and the Future of the Fourth Amendment, 1997 Sup. Ct. Rev. 271.

Proposition 187 and the Ghost of James Bradley Thayer, 17 Chicano-Latino L. Rev. 24 (1995).

Cocaine, Race, and Equal Protection, 47 Stan. L. Rev. 1283 (1995).

Miscellaneous

How Criminal Justice Helped Break American Democracy, Politics & Rts. Rev., Nov. 2024.

Foreword: The Future of the Progressive Prosecutor Movement, 16 Stan. J. C.R. & C.L. [i] (2021).

Rate My District Attorney: Toward a Scorecard for Prosecutors' Offices (Stanford Criminal Justice Center, 2018) (with Katherine K. Moy and Dennis M. Martin).

Stuck in the '70s: The Demographics of California Prosecutors (Stanford Criminal Justice Center, 2015) (with Katherine J. Bies, Isaiah M. Deporto, Darryl G. Long, Megan S. McKoy and Debbie Mukamal).

Social Media and Police Leadership: Lessons from Boston, New Perspectives in Policing (Harvard Kennedy School/National Institute of Justice, 2014) (with Edward F. Davis III and Alejandro A. Alves).

Comment, in *Controlling Crime: Strategies and Payoffs* (Philip J. Cook, Jens Ludwig & Justin McCrary eds., University of Chicago Press 2011).

The Persistent Pull of Police Professionalism, New Perspectives in Policing (Harvard Kennedy School/National Institute of Justice, 2011).

Voices from Below: Unions and Participatory Arrangements in the Police Workplace, 9 Police Prac. & Res. 85 (2008) (with Monique Marks) (introducing special issue co-edited with Monique Marks).

The Role of the Rank and File in Police Reform, 18 Policing & Soc'y 1 (2008) (with Monique Marks) (introducing special issue co-edited with Monique Marks).

Book Review, 41 L. & Soc’y Rev. 233 (2008) (reviewing Wesley G. Skogan, *Police and Community in Chicago: A Tale of Three Cities* (2006)).

Book Review, 20 Governance 544 (2007) (reviewing John Bailey & Lucia Dammert, *Public Security and Police Reform in the Americas* (2006)).

Killer Seatbelts and Criminal Procedure, 119 Harv. L. Rev. F. 56 (2006).

Foreword, 26 Berkeley J. Crim. L. [xii] (2006).

The Feds Aren’t Listening, Boston Rev., Dec. 2004/Jan. 2005.

Plea Bargaining (with Arthur Rosett) and *Private Policing*, in *The Oxford Companion to American Law* (Kermit L. Hall ed., 2002).

Some Cautious Optimism About the Problem of Racial Profiling, 3 Rutgers Race & L. Rev. 293 (2001).

Report of the Rampart Independent Review Panel: A Report to the Los Angeles Board of Police Commissioners Concerning Special Order 40 (2001) (co-author).

Report of the Rampart Independent Review Panel: A Report to the Los Angeles Board of Police Commissioners Concerning the Operations, Policies, and Procedures of the Los Angeles Police Department in the Wake of the Rampart Scandal (2000) (co-author).

Crack Cocaine and Equal Protection, Harry A. Blackmun and *Traffic Stops*, in *Encyclopedia of the American Constitution* (Leonard W. Levy et al. eds., 2d ed. 2000).

Book Review, 30 J. Interdisc. Hist. 643 (Spring 2000) (reviewing Vivien Stern, *A Sin Against the Future: Imprisonment in the World* (1998)).

Awards of Attorneys’ Fees to Unsuccessful Environmental Litigants, 96 Harv. L. Rev. 677 (1983).

Developments in the Law -- Immigration Policy and the Rights of Aliens -- VI. Discrimination Against Documented Aliens, 96 Harv. L. Rev. 1400 (1983) (co-authored).

OTHER

Member, American Law Institute (2017-). Resident, Rockefeller Foundation Bellagio Center (July-August 2022). Inaugural Criminal Justice Lecturer, Goldsmiths, University of London (March 2019). Kadish Lecturer, University of California, Berkeley, School of Law (April 2018). Visiting Fellow and Global Law Professor, KU Leuven Faculty of Law, Leuven, Belgium (March 2018). Member, Executive Session on Rethinking the Role of the Prosecutor in the Community, Institute for Innovation in Prosecution, John Jay College of Criminal Justice (2017-

2019). Editorial Board Member, Aspen Publishers (2006-). Member, Harvard Kennedy School Executive Session on Policing and Public Safety (2008-2014). Member, Board of Trustees, The Berkeley School (2012-2013). Associate Investigator, Centre of Excellence in Policing and Security, Australian Research Council (2008-2012). Member, Oakland Police Department Academic Advisory Group (2010-2011). Advisory Committee Member, Break the Cycle (1997-2005). Special Counsel, Rampart Independent Review Panel (2000-2001). Special Master, United States District Court for the Central District of California (2000-2001). Special Assistant United States Attorney, Office of the United States Attorney for the Central District of California (1994-1999).