

ARIELLE W. TOLMAN

559 Nathan Abbott Way, Stanford, CA 94305 | atolman@law.stanford.edu | (734) 846-9681

ACADEMIC APPOINTMENTS

STANFORD LAW SCHOOL, Stanford, CA

Thomas C. Grey Fellow and Lecturer in Law, August 2024–Present

Courses: Federal Litigation in a Global Context; Legal Writing

TEACHING & RESEARCH INTERESTS

Primary: Criminal Law, Criminal Procedure, Civil Procedure, Disability Law, Health Law

Secondary: Prison Law, State Constitutional Law, Evidence, Legislation, Law and Social Science

EDUCATION

NORTHWESTERN PRITZKER SCHOOL OF LAW, Chicago, IL

J.D. *summa cum laude*, June 2021

Honors: John Paul Stevens Prize for highest GPA of graduating law students
Kirkland & Ellis Scholar for academic achievement in Torts and Criminal Law
Arlyn Miner Book Prize for excellence in persuasive writing
Class of 2018 Leadership Award
Northwestern University Law and Science Fellow (full tuition scholarship and living stipend)

Activities: *Northwestern University Law Review*, Editor-in-Chief, 2017–2018
Teaching Assistant, Constitutional Law, Professor Andrew Koppelman
Teaching Assistant, Civil Procedure, Professor Richard Hoskins

NORTHWESTERN UNIVERSITY, Evanston, IL

Ph.D., Sociology, June 2021

M.A., Sociology, September 2015

Grants: American Bar Foundation/Northwestern University Doctoral Fellowship, 2019–2021
Horowitz Foundation for Social Policy Award, 2020; Donald R. Cressey Award, 2020
Kellogg Dispute Resolution Research Grant, 2019
MacArthur Summer Research Grant, 2019
Graduate Fellow in Legal Studies, 2015–2021
Mellon Foundation Graduate Fellowship in Science Studies, 2013–2021

Activities: Northwestern Prison Education Program, Graduate Student Advisory Committee,
Director of Development (awarded \$1,000,000 grant from Andrew W. Mellon Foundation)

WESLEYAN UNIVERSITY, Middletown, CT

B.A. in Sociology (*High Honors*) and Neuroscience and Behavior (*High Honors*), May 2010

Honors: Butterfield Prize for character, leadership, and academic commitment
Robert S. Lynd Award for best scholarly paper in sociology
Anna Julia Cooper Prize for excellence in sociology and commitment to social justice
George H. Acheson and Grass Foundation Prize in Neuroscience
Dell Social Innovation Challenge Grand Prize for best solution to a social problem
Samuel Huntington Public Service Award for a year of public service anywhere in the world

CLERKSHIPS

The Honorable Goodwin Liu, 2023–2024

Supreme Court of California, San Francisco, CA

The Honorable William A. Fletcher, 2021–2022

United States Court of Appeals for the Ninth Circuit, San Francisco, CA

PUBLICATIONS

Law Articles

- **A.W. Tolman**, [*Prosecuting Prisoners*](#), 79 STAN. L. REV. (forthcoming 2027) (job talk paper)

This Article is the first to reveal and analyze criminal prosecution as a parallel track to administrative discipline for prison misconduct nationwide. Drawing on original empirical data, I find that the widespread prosecutions magnify the social policy concerns that attend to criminal prosecution writ large, including overcriminalization, extreme sentences, and racial inequality. But I also find that courtroom adjudication of prison misconduct produces several effects unexpected by the existing literature. As a routine practice that extends the sentences of thousands of prisoners, prisoner prosecutions upend scholarly assumptions that crime in prisons is rarely treated as a formal legal matter. By offering courts a rare window into prison disciplinary systems, through which they sometimes intervene in them, the prosecutions complicate scholars' understanding about the lack of legal constraint on prisons' disciplinary authority. By affording victims of prison violence symbolic redress unattainable through "in-house" discipline, the prosecutions cut against accounts of the growing dominance of instrumental uses of criminal law. And by providing prisoner-defendants unusual opportunities to express their autonomy, the prosecutions show that the process is not always the punishment.

- **A.W. Tolman**, [*Standardizing States of Emergency: Fragmented Legitimacy of Model Public Health Lawmaking*](#), 47 LAW & SOC. INQUIRY 261 (2021)
- C. A. Heimer & **A.W. Tolman**, [*Between the Constitution and the Clinic: Formal and De Facto Rights to Healthcare*](#), 55 LAW & SOC'Y REV. 563 (2021)
- **A.W. Tolman** & D.M. Shapiro, [*From City Council to the Streets: Protesting Police Misconduct after Lozman v. City of Riviera Beach*](#), 13 CHARLESTON L. REV. 49 (2018)
- Note, **A.W. Tolman**, [*Sex Offender Civil Commitment to Prison Post-Kingsley*](#), 113 NW. U. L. REV. 155 (2018)
 - Cited in *Howe v. Godinez*, 558 F.Supp.3d 664 (S.D. Ill. 2021) (holding prison sex offender civil commitment program unconstitutional on due process grounds), vacated and remanded by *Howe v. Hughes*, 74 F.4th 849 (7th Cir. 2023) (ordering entry of narrower injunction)

Public Health and Neuropsychology Articles

- H.E. Jenkins, **A.W. Tolman**, C.M. Yuen, J.B. Parr, S. Keshavjee, C.M. Pérez-Vélez, M. Pagano, M.C. Becerra, and T. Cohen, [*Incidence of Multidrug-Resistant Tuberculosis Disease in Children: Systematic Review and Global Estimates*](#), 383 LANCET 1572 (2014)
- S.S. Chiang, F.A. Khan, M.B. Milstein, **A.W. Tolman**, A. Benedetti, J.R. Starke, and M.C. Becerra [*Treatment Outcomes of Childhood Tuberculous Meningitis: A Systematic Review and Meta-Analysis*](#), 14 LANCET INFECT. DIS. 947 (2014)

- N.S. Shah, C.M. Yuen, M. Heo, **A.W. Tolman**, M.C. Becerra [*Yield of Contact Investigations in Households of Patients with Drug-Resistant Tuberculosis: Systematic Review and Meta-Analysis*](#), 58 CLIN. INFECT. DIS. 381 (2014)
- C.M. Yuen, **A.W. Tolman**, T. Cohen, J.B. Parr, S. Keshavjee, M.C. Becerra, [*Isoniazid-Resistant Tuberculosis in Children: A Systematic Review*](#), 32 PEDIATR. INFECT. DIS. J. e217 (2013)
- **A.W. Tolman** & M.M. Kurtz, [*Neurocognitive Predictors of Objective and Subjective Quality of Life in Individuals with Schizophrenia: A Meta-Analytic Investigation*](#), 38 SCHIZOPHR. BULL. 304 (2012)
- M.M. Kurtz & **A.W. Tolman**, [*Neurocognition, Insight into Illness and Subjective Quality-of-Life in Schizophrenia: What Is Their Relationship?*](#), 27 SCHIZOPHR. RES. 157 (2011)

Other Publications

- **A.W. Tolman**, [*Harm Instead of Healing: Imprisoning Youth with Mental Illness*](#), 5 COMMUNITY SAFETY & THE FUTURE OF ILLINOIS' YOUTH PRISONS 1 (2020)
- E. Kittilstad, **A.W. Tolman**, & E. Bright, [*Illinois' Incarcerated Girls and LGBTQ Youth*](#), 4 COMMUNITY SAFETY & THE FUTURE OF ILLINOIS' YOUTH PRISONS 1 (2018)
- S. Kollman & **A.W. Tolman**, [*Restoring the State Legacy of Rehabilitation and Reform*](#), 1 COMMUNITY SAFETY & THE FUTURE OF ILLINOIS' YOUTH PRISONS 1 (2018)
- **A.W. Tolman**, [*Crack Carriers: Outbreak Narratives and the Expansion of State Power*](#), AVANT.ORG (Feb. 28, 2014)

WORKS IN PROGRESS

***Insanity: In Court and Behind Bars* (data collection complete)**

Today, in an era of psychiatric deinstitutionalization and mass incarceration, individuals with serious mental health issues are far more likely to be confined in U.S. jails and prisons than in state hospitals. In this article, I will examine what the criminal conviction of prisoners with psychiatric disabilities for in-custody conduct reveals about the lines the criminal law draws between “sanity” and “insanity.” I investigate a troubling puzzle: How can the state classify some prisoners as so mentally ill that they qualify for forced treatment orders, and yet nevertheless hold them criminally responsible for their acts in custody? I leverage an original dataset I created linking administrative data from Wisconsin on all persons with in-custody convictions with prisoner transfer records, along with in-depth interviews with prosecutors, prisoners’ advocates, correctional staff, and formerly incarcerated defendants. I will show that prisoners with institutionally recognized “serious mental illness”—demonstrated by prison classification, transfers to prison mental health units, and forced treatment orders—are routinely subject to criminal prosecution while incarcerated that results in new convictions. I will argue that this phenomenon reveals both how prisons have failed to live up to their legal obligations to prisoners with psychiatric disabilities and how broken criminal law’s insanity defense doctrine remains.

***Criminogenic Prisons* (data collection complete)**

From the birth of prisons, criminologists and penologists have raised concerns that they in fact are criminogenic: rather than quelling crime, prisons foster it. Much of their concern, however, has focused on prisons’ failure to prevent recidivism. In this article, I plan to analyze the process by which prison conditions themselves can be so inhumane as to produce criminal conduct. Two key examples from my analysis of administrative data and in-depth interviews with prosecutors, correctional workers, prisoners’ advocates, and formerly incarcerated defendants illustrate this phenomenon. I find that limits on access to telephone

communication and visitation produce cell phone contraband offenses, and prolonged solitary confinement produces bodily-fluid throwing offenses. I will argue that these examples reveal another pathway along which prisons can be criminogenic—not just by engendering recidivism post-release, but also through conditions that generate criminal behavior inside.

***Cruel Conditions* (manuscript in progress)**

The California Constitution’s disjunctive prohibition on “cruel *or* unusual punishment” renders it more protective than the U.S. Constitution’s Eighth Amendment analogue of “cruel *and* unusual punishment.” California courts have consistently held that excessive, disproportionate sentences violate this clause. But California courts have yet to consider what types of prison *conditions* would violate this guarantee. This is surprising because conditions in California’s prisons and jails have been under federal court oversight for the past several decades. In this article, I explore the origins of the clause—article I, section 17—with fresh eyes. I analyze how that ban compares with analogous constitutional provisions of other states and the federal government. I will argue that the lack of section 17 conditions litigation to date raises no bar to its viability as a cause of action today; rather, advocates’ strategic use of federal causes of action and (now repealed) state statutory causes of action explain this litigation gap. I will intervene in this doctrinal landscape to propose a novel framework that courts could use to determine which conditions constitute “cruel” punishment within the meaning of the California Constitution.

***Recidivist Life Sentences and the Restoration Mandate* (data collection in progress) (with sociologist Anya Degenshein)**

The Illinois Constitution’s article 1, section 11 requires that all criminal penalties aim to “restor[e] the offender to useful citizenship.” This restoration mandate, adopted in 1970 after a constitutional convention, arguably offers the strongest protection from extreme punishment in the nation. But, in 1978, the Illinois Legislature enacted the Habitual Criminal Act, which mandates natural life imprisonment for those convicted of a third qualifying felony. This article aims to investigate the tension between Illinois’ restoration-to-citizenship mandate and its habitual offender laws. We will build on recent scholarship on the original meaning and history of the Illinois restoration clause, and socio-legal research on habitual offender statutes more generally, by analyzing legislative documents surrounding enactment of the Habitual Criminal Act. We will use qualitative sociological methods of content analysis to evaluate the legislative rationales animating the statute’s passage. We will evaluate whether Illinois’ recidivist statutes were motivated by racialized theories of innate criminality, or by punitive penological justifications of incapacitation, either of which would be incompatible with the constitution’s restoration mandate. Further, we plan to obtain state-level data on the current and historical number of persons subjected to habitual offender statutes in Illinois, disaggregated by race and ethnicity. And finally, we will analyze Illinois case law to demonstrate the faulty understanding of the restoration clause and legislative action on which courts have relied to uphold the Habitual Criminal Act.

ACADEMIC PRESENTATIONS

- “Cruel Conditions.” *CrimFest, Fordham Law School*, New York City, NY. July 2026.
- “Cruel Conditions.” *Law and Society Association Annual Meeting*, San Francisco, CA. May 2026.
- Guest Lecture, “Disability and Mass Incarceration.” *Stanford Law School*, Disability Law (Prof. Rabia Belt), Stanford, CA. May 2026.
- Guest Lecture, “Cruel Conditions.” *Stanford Law School*, State Constitutional Law (Prof. Jane Schacter), Stanford, CA. November 2025.

- “Criminal Law in Prison.” *Law and Society Association Annual Meeting*, Chicago, IL. May 2025.
- Guest Lecture, “Prosecuting Prisoners: Criminalization of Incarcerated People in an Era of Psychiatric Deinstitutionalization.” *University of Washington, Law and Society* (Prof. Magda Boutros) (remote). November 2021 & February 2022.
- “The Sickness of Solitary: Punitive Conditions and the Creation of Criminality.” *Law and Society Association Annual Meeting* (remote). May 2021.
- “Taking Noncompliance Behind Bars to Court: Criminal Legal Regulation of Prisoners’ Conduct.” *Law and Society Association Annual Meeting* (remote). May 2020.
- “Beyond Administrative Sanction: Criminal Prosecution of Prisoners with Mental Illness.” *American Bar Foundation*, Chicago, IL. September 2019.
- “Between the Constitution and the Clinic: De Facto and Formal Rights in Global HIV/AIDS Care,” co-authored with Carol Heimer. *Law and Society Association Annual Meeting*, Washington, DC. May 2019.
- “Between the Constitution and the Clinic: De Facto and Formal Rights in Global HIV/AIDS Care,” co-authored with Carol Heimer. *Eastern Sociological Association Annual Meeting*, Boston, MA. March 2019.
- “The Precarious Legitimacy of Legal Standardization: An Empirical Study of Four Model Public Health Laws.” *Law and Society Association Annual Meeting*, New Orleans, LA. June 2016.
- “The Precarious Legitimacy of Legal Standardization: A Case Study of Four Model Public Health Laws.” *American Sociological Association Annual Meeting*, Chicago, IL. August 2015.
- “Standardizing Surveillance: Hard and Soft Law in Global Disease Detection and Response.” *Law and Society Association Annual Meeting*, Seattle, WA. May 2015.
- “With and Without Borders: Global Regulation of Health and Healthcare,” co-authored with Alka Menon, Carol Heimer, and Savina Balasubramanian. *4th Regional Colloquium on Globalization of Law, International Organizations, and International Law*, American Bar Foundation, Chicago, IL. May 2014.
- “Babbling about Globalization: Conceptual Incoherence and Its Consequences,” co-authored with Savina Balasubramanian, Carol Heimer, and Alka Menon. *4th Regional Colloquium on Globalization of Law, International Organizations, and International Law*, American Bar Foundation, Chicago, IL. May 2014.
- “The Crack Cocaine Epidemic: Outbreak Narratives, Medical Research, and Scientific Expertise in the Construction and Contestation of a Plague.” *Interdisciplinary Graduate Student Conference “Undoing Health: States of Body and Mind,”* Bloomington, IN. March 2014.

OTHER TEACHING EXPERIENCE

Northwestern Prison Education Program, Cook County Department of Corrections, Chicago, IL
Co-Instructor, 2019

- Introduction to the Sociology of Health and Medicine

Northwestern University, Department of Sociology, Evanston, IL
Teaching Assistant, 2014, 2019

- Legal Studies and Sociology 207: Legal Studies Research Methods (Prof. Robert Nelson)

- Legal Studies and Sociology 206: Law and Society (Prof. Meghan Dawe)
- Sociology 110: Introduction to Sociology (Prof. Tony Chen)

OTHER PROFESSIONAL EXPERIENCE

Rosen Bien Galvan & Grunfeld LLP, San Francisco, CA

Associate, 2022–2023

Counsel for plaintiff class in *Coleman v. Newsom* (E.D. Cal.), which includes all people with serious mental illness incarcerated in the California Department of Corrections and Rehabilitation. Represented survivors of staff sexual abuse at a federal correctional institution in subpoenaed testimony as part of criminal proceedings and in civil claims.

Children & Family Justice Center, Northwestern Pritzker School of Law, Chicago, IL

Legal Intern, Summer 2017, *Research Assistant*, Fall 2018

Directed data collection for youth prisons project policy reports including conducting interviews and focus groups, creating and analyzing stakeholder survey. Represented clients in juvenile sex offender record sealing, registration, civil commitment, and petition for removal from registry proceedings.

American Bar Foundation, Chicago, IL

Research Assistant, 2013–2015 & 2017–2018 (Prof. Carol Heimer)

Collected data and drafted conference papers on the International Health Regulations and the role of law in facilitating cross-border flows of medication, information, and people in the health care field. Analyzed ethnographic data for book project on clinic-level law in the treatment of HIV.

Uptown People's Law Center, Chicago, IL

Legal Intern, Summer 2016

Conducted interviews, drafted memoranda, and analyzed discovery documents for several class action lawsuits alleging Eighth and Fourteenth Amendment violations in Illinois state prisons. Designed survey and analyzed responses of over 100 client-prisoners. Drafted brief for Social Security Administration disability determination.

Harvard Medical School, Department of Global Health and Social Medicine, Boston, MA

Research Assistant, 2011–2013 (Profs. Mercedes Becerra and Carole Mitnick)

Coauthored and edited manuscripts for publication on global burden of drug-resistant TB. Supported pediatric TB Sentinel Project Network, including editing field treatment guides and developing a website to feature children's stories.

ACLU of Michigan, Detroit, MI

Post-Graduate Intern, Summer 2012

Coordinated indigent defense reform court-watching project. Conducted interviews and drafted memoranda for case development regarding access to contraception, county jail conditions, right to housing, and TB treatment orders.

Shining Hope for Communities, Nairobi, Kenya

Programs Director, 2010–2011

Wrote grants, supervised programs and staff, and conducted marketing and strategic planning for several community facilities, including a free school for girls, health clinic, and water purification center.

Developed and implemented a scientifically rigorous, community-based program evaluation research plan.

PRO BONO LEGAL SERVICE

California Constitution Campaign, San Francisco, CA

Consulting Scholar, 2025–Present

Co-authored model brief for use by criminal defense trial and post-conviction attorneys challenging mandatory life without parole sentences for emerging adults under the California Constitution's cruel-or-unusual punishment's clause.

Illinois Prison Project, Chicago, IL

Pro Bono Student Attorney, 2020–2021

Authored emergency commutation petition for elderly client incarcerated in Illinois Department of Corrections in the wake of the COVID-19 pandemic. Contributed to master argument for mass commutation campaign for incarcerated people with mental illness charged with new crimes while in long-term solitary confinement.

Roderick & Solange MacArthur Justice Center, Northwestern Pritzker School of Law, Chicago, IL

Volunteer Student Attorney, 2018–2019

Contributed to amicus briefs filed in the U.S. Court of Appeals for the Fourth Circuit (*Heyer v. U.S. Bureau of Prisons*) and the Seventh Circuit (*Henry v. Hulett*) on First and Fourth Amendment prisoners' rights issues. Conducted legal research in support of a civil commitment appeal in Virginia.

PROFESSIONAL & UNIVERSITY SERVICE

Law & Social Inquiry, Editorial Committee, 2020–2021

Ad Hoc Reviewer

- *Law & Social Inquiry* (Summer 2023)
- *Social Problems* (Summer 2019)
- *European Psychiatry* (Summer 2015)

Northwestern Pritzker School of Law, Chicago, IL

- Chicago Campus Student Health Advisory Committee, Member, 2017–2018
- Class Gift Committee, Co-Chair, 2017–2018
- American Constitution Society, Director of Faculty Relations, 2016–2017
- If/When/How, Vice President of Community Outreach, 2016–2017

Northwestern University, Evanston, IL

- Sociology Department Junior Search Committee, Member, 2018
- Graduate Student Association, Sociology Department Liaison, 2013–2014
- Department Graduate Student Association Election Committee, Member, 2014

American Sociological Association

- Local Host Committee, Science, Knowledge, and Technology Conference, Chicago, IL, 2015

BAR MEMBERSHIP

California State Bar No. 342635 (active; admitted Jan. 2022)

REFERENCES

References available upon request.