

Curriculum Vitae

Susan R. Klein
727 E. Dean Keeton Street
Austin, TX 78705
Telephone: (512) 232-1324
e-mail address: sklein@law.utexas.edu
SSRN Author No. 59208

Employment: **Alice McKean Young Regents Chair in Law, Univ. of TX at Austin, 2008 - present.** Areas of expertise include Federal Criminal Law, Constitutional Criminal Procedure, Criminal Law, and Ethics. I **supervise three internship programs:** a Department of Justice internship program with the United States Attorney's Office for the Western District of Texas (with Matt Harding), a Federal Public Defender internship program with the Federal Public Defender Service in the Western District of Texas (with AFD Horatio Aldredge), and a U.S. Army JAG Corp internship (with Captain Paul Oliver)

Baker and Botts Professor in Law, Univ. of TX at Austin, 1999 - 2008.

Professor of Law, Univ. of TX at Austin, 1998 - 1999.

Assistant Professor of Law, Univ. of TX at Austin, 1994 - 1997.

Attorney General's Honor Program. 1990 - 1994 - Trial Attorney for the United States Department of Justice, Criminal Division, Public Integrity, Money Laundering & Asset Forfeiture, and Terrorism & Violent Crime Sections. Special Assistant United States Attorney for the United States Attorney's Office, Washington, D.C.

1989 - 1990 - **Judicial Clerk** for Judge Cynthia Holcomb Hall, United States Court of Appeals for the Ninth Circuit.

Education: **Boalt Hall School of Law**

University of California, Berkeley, CA Juris Doctor Degree, 1989 Class rank: top 1% (#2) John Stouffer Memorial Merit Scholarship for highest second year GPA

Order of the Coif, for top 10%

Seven American Jurisprudence Awards, for best exam

Two Prosser Prizes, for second best exam

Articles Editor of IRLJ

Wellesley College, Wellesley, MA

B.A., Philosophy and Political Science, 1984.

Publications: "Can Shaming Federal Judges Reduce Racial Disparity in Sentencing?" 99 North Carolina Law Rev. 1391 (2021) (with Kallie S. Klein).

"Policing in a Democracy Without Privacy," Book Review of Barry Freidman "Unwarranted: Policing Without Permission," 53 New England Law Rev. 101 (2020) (with Chloe Teeter).

"Movements in the Discretionary Authority of Federal District Court Judges Over the Last 50 years," 50 Loyola (Chicago) Law Rev. 933 (2019).

"Argument Preview: How Fully Must a Court Explain a Sentencing Modification?" (April 16, 2018), available at

<http://www.scotusblog.com/2018/04/argument-preview-how-fully-must-a-court-explain-a-sentencing-modification/>.

"Argument Analysis: 'Asking for Crumbs' in Judges' Explanations of Sentencing Modifications," (April 24, 2018), available at <http://www.scotusblog.com/2018/04/argument-analysis-asking-for-crumbs-in-judges-explanations-of-sentencing-modification/>.

"Opinion Analysis: Form Order Certifying that Judge Considered Appropriate Factors was Sufficient to Explain Sentencing Modification," (June 19, 2018) available at

<http://www.scotusblog.com/2018/06/opinion-analysis-form-order-certifying-that-judge-considered-appropriate-factors-was-sufficient-to-explain-sentencing-modifications/>.

"Immigration Waivers in Federal Criminal Plea Agreements," (with Donna Lee Elm and Elissa C. Steglich), Symposium on Disruptive Innovations in Criminal Defense, 69 Mercer Law Rev. 839-900 (2018).

"Transparency and Truth During Custodial Interrogations and Beyond," Symposium, The Fiftieth Anniversary of *Miranda v. Arizona*, 97 B.U.L. Rev. 993 - 1045 (May 2017).

"Social Media Compliance Programs and the War Against Terrorism," with Crystal Flinn, 8 Harvard National Security Journal 53 (2017), available at <http://harvardnsj/volum-8/>.

"Sentencing Reductions Versus Sentencing Equality," 47 Univ. of Toledo Law Rev. 723 (2016), Federal Sentencing Guidelines Symposium.

"Waiving the Criminal Justice System: An Empirical and Constitutional Analysis," (with Donna Elm & Aleza Remis) 52 American Criminal Law Review 73 (Georgetown's Annual Survey of White Collar Crime) (Winter 2015).

"Why Federal Prosecutors Charge: A Comparison of Federal and New York State Arson and Robbery Filings, 2006-2010," (with Jessica Winchell, Daniel Graver, & Michael Gramer, 51 University of Houston Law Review 101-167 (2014).

"Integrating Problem Solving Exercises In Federal Criminal Law Courses," 11 Ohio State Journal of Criminal Law 775-780 (Spring 2014).

"Monitoring the Plea Process," 51 Duquesne Law Rev. 559-593 (Summer 2013), symposium on Plea Bargaining After *Lafler* and *Frye*.

"Overfederalization of Criminal Law? It's a Myth," (with Ingrid Grobey) 28 Criminal Justice 23-32 (Spring 2013), symposium on Over-Criminalization.

"Debunking Claims of Over-Federalization of Criminal Law," (with Ingrid Grobey) 62 Emory Law Journal 1 (2012).

"Improving the Advisory Guideline System" (with Hon. Gerard Lynch, 2d Cir., Hon. Andre Davis, 4th Cir., Fed. Public Defender Henry Bemporad, Hearing before the U.S. Sentencing Commission, Washington, DC, 2/16/12, available at www.ussc.gov).

"Overcriminalization: Is There a Problem to Solve," Southeastern Assoc. of Law Schools, 2011 Annual Conference paper, 7/28/11.

"The Department of Justice's Attack on Federal Judicial Leniency, The Supreme Court's Response, and the Future of Criminal Sentencing" (with Sandra Guerra Thompson), 44 Tulsa Law Rev. 519 (2009), symposium issue on "The United States Supreme Court's 2007 Term."

"The Sixth Amendment and Criminal Sentencing" (with Stephanos Bibas), 30 Cardozo Law Review 775 (2008), symposium issue on The Future of Self-Incrimination: Fifth Amendment, Confession, & Guilty Pleas.

"Lies, Omissions, and Concealment; The Golden Rule in Law Enforcement and the Federal Criminal Code," 39 Texas Tech Law Rev. 1321 (2007).

"Enhancing the Judicial Role in Criminal Plea and Sentence Bargaining," 84 Texas Law Review 2023 (symposium issue, "Punishment Law and Policy) 2006.

"The Return of Federal Judicial Discretion in Criminal Sentencing," 39 Valparaiso Law Rev. 693 (symposium issue, "Shifting Power in the Federal Courts") (Spring 2005).

"Potential Changes to the Federal Sentencing Guidelines after *U.S. v. Booker*," (with Stephanos Bibas, Frank Bowman, III, Stephen A. Saltzburg) Nov. 16, 2004, available at www.ussc.gov.

"Beyond *Blakely*," (with Nancy J. King), 16 Federal Sentencing Reporter 314 (June 2004).

"The Search for Equality in Criminal Sentencing," (with Jordan M. Steiker), 2002 Supreme Court Rev. 223 (2003).

"No Time for *Miranda*," 81 Tex. Law Rev. 1337 (2003).

"Independent-Norm Federalism in Criminal Law," 90 California Law Rev. 1541 (2002).

"Acceptance of Responsibility and Conspiracy in Drug Sentencing," (with Nancy J. King), 14 Federal Sentencing Reporter 165 (2002).

"*Miranda*'s Exceptions in a Post- *Dickerson* World," 91 Journal of Criminal Law & Criminology 567 (Spring 2002).

"*Apprendi* and Plea Bargaining," (with Nancy J. King), 54 Stanford Law Rev. 295 (2001) (cited in *Blakely v. Washington*, 124 S. Ct. 2531 (2004)).

"Identifying and (Re)formulating Prophylactic Rules, Safe Harbors, and Incidental Rights in Constitutional Criminal Procedure," 99 Michigan Law Rev. 1030 (2001).

"Essential Elements," (with Nancy J. King), 54 Vanderbilt Law Rev. 1467 (2001) (cited in *Harris v. United States*, 536 U.S. 545 (2005)).

"Après *Apprendi*," (with Nancy J. King), 12 Federal Sentencing Reporter 331 (July-August 2000).

"Double Jeopardy's Demise" 88 California Law Rev. 1001 (2000).

"Redrawing the Criminal-Civil Boundary," 2 Buffalo Crim. Law Rev. 226 (1999).

"Principles and Problems in Constitutional Criminal Procedure," 24 Law & Social Inquiry 533 (Spring 1999).

"Successive Prosecutions and Compound Criminal Statutes: A Functional Test," (with Katherine Chiarello), 77 Texas Law Rev. 333 (1998).

"The Discriminatory Application of Substantive Due Process: A Tale of Two Vehicles", 1997 Univ. Ill. Law Rev. 401 (1997).

"Civil In Rem Forfeiture and Double Jeopardy", 82 Iowa Law Rev. 183 (1996).

"*Miranda* Deconstitutionalized: When the Self-Incrimination Clause and the Civil Rights Act Collide", 143 Univ. Penn. Law Rev. 417 (1994).
 "California's Evidence and Discovery Rules in Civil Sexual Harassment Suits", Industrial Relations Law Journal, 11(4) (1989).

Grants: Cooperation Agreement with United States Sentencing Commission, Washington, D.C., signed May 2011 with Glenn R. Schmitt, Director.

Cooperation Agreement with New York State Division of Criminal Justice Services, signed May 2013 with Theresa Salo, Deputy Director.

Books: Reporter for Committee on Pattern Jury Instructions, District Judges Association, Fifth Circuit Pattern Jury Instructions, Criminal, published on the Fifth Circuit's website at <https://www.1b5.uscourts.gov/juryinstructions/Fifth/PJI-CRIMINAL-2024-EDITION.FINAL.pdf>.

Fifth Circuit Pattern Jury Instructions, Criminal (West 019, 2015, 2012, 2001, and 1997), Chief Reporter.

"2023 Update to Federal Criminal Law and its Enforcement, Seventh Edition" (with Sara Sun Beale, Norman Abrams, and Lauren Ouziel) (West 2023). Distributed electronically via CrimProf Listserve.

"Teacher's Manual for Federal Criminal Law and its Enforcement" (with Sara Sun Beale and Norman Abrams) (West 2020).

"Federal Criminal Law and its Enforcement, Seventh Edition" (with Sara Sun Beale and Norman Abrams) (West, 2020).

"2018 Update to Federal Crim. Law and its Enforcement" (with Abrams & Beale).

"2017 Supplement to Federal Crim. Law and its Enforcement" (with Abrams & Beale) (West 2017).

"Federal Criminal Law and its Enforcement, Sixth Edition" (with Sara Sun Beale and Norman Abrams) (West, 2015).

"2016 Update" for "Federal Criminal Law and its Enforcement" (with Sara Sun Beale and Norman Abrams), Sixth Edition (West, 2015). Distributed electronically via CrimProf Listserve.

"Teacher's Manual for Federal Criminal Law and its Enforcement" (West 2015).

"2012 Supplement to Federal Criminal Law and its Enforcement, Fifth Edition" (with Sara Sun Beale and Norman Abrams) (West 2012).

"Federal Criminal Law and its Enforcement, Fifth Edition" (with Sara Sun Beale and Norman Abrams) (West 2009).

"2010 Supplement to Federal Criminal Law and its Enforcement, Fifth Edition" (with Sara Sun Beale and Norman Abrams) (West 2010).

"Teacher's Manual for "Federal Criminal Law and Its Enforcement, Fifth Edition" (with Sara Sun Beale and Norman Abrams) (West 2009).

"Texas Criminal Pattern Jury Charges, Intoxication and Controlled Substances," volume 1, State Bar of Texas 2009.

"Texas Criminal Pattern Jury Charges, Criminal Defenses," volume 2, State Bar of Texas, 2010.

"Texas Criminal Pattern Jury Charges, Crimes Against Persons," volume 3, State Bar of Texas, 2011.

"Texas Criminal Pattern Jury Charges, Property Crimes," volume 4, State Bar of Texas, 2012.

"Texas Criminal Pattern Jury Charges, Intoxication," State Bar of Texas, 2013.

"Texas Criminal Pattern Jury Charges, Defenses," State Bar of Texas, 2013.

"Texas Criminal Pattern Jury Charges, Preparatory Crimes," State Bar of Texas, 2014.

"Texas Criminal Pattern Jury Charges, General, Evidentiary & Ancillary Instructions," State Bar of Texas, 2015.

"Texas Criminal Pattern Jury Charges, "Criminal Defenses," State Bar of Texas, (Revised 2015).

"Texas Criminal Pattern Jury Charges, Property Crimes," State Bar of Texas, Revised 2016.

"Texas Criminal Pattern Jury Charges, Intoxication, Controlled Substances, & Public Order Offenses," State Bar of Texas (Revised 2016). This volume revises the 2009 volume on intoxication and controlled substances, and adds instructions for organized criminal activity, criminal street gangs, witness tampering, perjury, obstructing governmental operations, stalking, and gambling offenses.

"Texas Criminal Pattern Jury Charges, Crimes Against Persons & Property," State Bar of Texas, 2016. This volume revises and replaces volumes 3 (2011) and 4 (2012).

"Texas Criminal Pattern Jury Charges, Crimes Against Persons," 2020 ed., State Bar of Texas.

Miller, Dawson, Dix, Parnas, & Klein, "Criminal Justice Administration, Fifth Edition," 2008 Supplement, Foundation Press (2008).

The Late Charles Alan Wright, Nancy J. King, and Susan R. Klein, "Federal Practice and Procedure, Criminal 3d," volumes 3, 3A, 3B, 3C (West 2004).

The Late Charles Alan Wright, Nancy J. King, and Susan R. Klein, "Federal Practice and Procedure, Criminal 3d," 2003 pocket parts for volumes 1, 1A, 2, 2A, 3, 3A (West 2003).

The Late Charles Alan Wright, Nancy J. King, and Susan R. Klein, "Federal Practice and Procedure, Criminal 3d," 2002 pocket parts for volumes 1, 1A, 2, 2A, 3, 3A (West 2002).

Awards:

Special Award for Dedication to the State Bar of Texas, Texas Pattern Jury Charges Oversight Committee, 10/31/19.

Faculty Appreciation Award from the International Relations and Global Studies Council, UT Plan II, 11/1/19.

Achieving Through Excellence Award, LSAC DiscoverLaw PLUS Program, Austin, TX, 8/12/16.

The Tom C. Clark Community Fellow Award for 2015 - 2016, awarded by the American Journal of Criminal Law, Univ. of Texas School of Law on 4/21/16.

Commemorative Clock from the Executive Director of Services for Students with Disabilities at the Univ. of Texas, for my positive contribution and support to students with disabilities, awarded on 5/23/16.

Presentations: Organizer and panelist for "Presidential Power and the Trump Indictments," (with U.T. Law Professors Lee Kovarsky and Theodore Rave & Georgetown Law Prof. Stephen Vladeck), co-sponsored by the Texas Law Review and the Federalist Society, U.T. school of Law, 1/22/24.

I hosted an "Internship Open House" (with AUSA Matt Harding, W.D. of TX, Captain Paul Oliver, U.S. Army, Ft. Hood, & AFD Horatio Aldredge, W.D. of TX), U.T. Law School, 2/6/24.

Symposium on the 25th Anniversary of *Apprendi v. New Jersey*, sponsored by the University of North Carolina School of Law, Jan. 2021.

"Immigration Defense Waivers in Federal Criminal Plea Agreements," (with Fed. Public Defender Donna Lee Elm, M.D. of FL & Prof. Elissa C. Steglich, Univ. of TX), Mercer University School of Law, Macon, GA, 10/6/17.

"Disruptive Innovations in Criminal Defense," SEALS, 7/31/17, Boca Raton, FL.

"Workshop for New Law School Teachers" SEALS, 8/2/17.

"Sanctuary Cities," moderated panel discussion with Austin ICE Directors and UT immigration clinic, sponsored by AJCL, Austin, TX, 2/21/17.

Panelist for three criminal law and ethics hypothetical scenarios, ABA Forensic Science Ethics Roundtable, UT School of Law, 4/14/17.

"Disclosure and Discovery," "Over-federalization," "Plea Bargaining," and "Sex Offenses," panelist on three panels at the Conference on Scholarship and Criminal Justice Reform, Arizona State Univ., February 10 through 11, 2017.

"Pretrial Reform," conference sponsored by the TJCLCR on Misdemeanor Defendants and the 58th Legislative Session, UT, Austin, TX, 1/27/17.

"Transparency and Truth During Custodial Interrogations," Miranda v. Arizona 50th Anniversary Conference, Boston Univ., 10/1/16.

"Transparency and Self-Incrimination Law," UT Drawing Board Lunch, Austin, TX, 10/24/16.

Comment on "Rethinking Prosecutors' Conflict of Interest," by Bruce Green and Rebecca Roiphe, UT Faculty colloquia, 9/15/16.

"Booker Symposium," (with Rachel Barkow, Carissa Hessick, Frank Bowman, and Doug Berman) Panelist at Southeastern Association of Law Schools, 8/3/16.

Panelist, *Miranda* Conference, Boston University Law School, 9/30/16 - 10/1/16.

Summit on Investigation and Prosecution of Police Misconduct, Texas District and County Attorneys Association, sponsored by a grant from the Texas Court of Criminal Appeals, Nov. 19 - 20, 2015.

"Sentencing Reductions versus Sentencing Equality," Featured Speaker at the University of Toledo Symposium on the Federal Sentencing Guidelines, Oct. 16 - 18, 2015.

Featured CLE Speaker, "Recap of Current Criminal Law & Procedure-Related Issues in the U.S. Supreme Court," National Public Defenders' Retreat, New Orleans, LA, 9/12/15.

"Brady and Discovery: What Works in State and Federal Jurisdictions," National Public Defenders' Retreat, New Orleans, LA, 9/13/15.

"Can We Reform Plea Bargaining?", Plea Bargaining Conference (with Kate Stith, Gabriel Chin, and Richard Lippke), University of Minnesota Law School, April 10 - 12, 2015.

"Emerging Trends/New Directions in Plea Bargaining and Non-Trial Adjudication" (with Jenia Iontcheva and Darryl Brown), American Association of Law Schools Annual Meeting, Washington, DC, 1/4/15.

"New Law Teachers Workshop" (with Howard Katz, John Sahl), Southeastern Association of Law Schools, 8/1/14, Amelia Island, FL.

"Cross-Jurisdictional Application of Criminal Law Norms" (with Chimene Keitner, Wayne Logan), SEALS, 8/4/14, Amelia Island, FL.

Capitol Hill Workshop on Defining and Enforcing Regulatory Crimes (with U.S. Sentencing Commissioner Rachel Barkow, Hon. Ronald Cass, U.S. Senators Michael S. Lee and Sheldon Whitehouse, George Terwilliger, III, Prof. Daniel C. Richman (Columbia), and Dr. John Baker, Jr.), sponsored by the Administrative Conference of the U.S., 5/13/14.

Speaker, UT Board of Advocates, "Careers in Prosecution," (with Judge Mark Lane and Robert Pitman, USA for WD of TX), 11/26/13.

Invited panelist at "Federal Sentencing at a Crossroads" Symposium (with Ronald Wright, Sandra Thompson, Judge William Sessions), University of Houston Law Center, 11/15/13.

"White-Collar Crime Panel," Southeastern Association of Law Schools, 8/9/13, West Palm Beach, FL.

"Who Will Monitor Plea Bargaining?" (with Nancy King Stephanos Bibas, Honorable Frank H. Easterbrook, Ronald Wright, Albert Alschuler, symposium on Plea Bargaining After *Lafler* and *Frye*, Duquesne University School of Law, 3/1/13.

"Landmark U.S. Supreme Court Cases," available on www.texasbar.com/civics/index.html, 1/8/13. Video prepared by State Bar of Texas for High School students taking the U.S. gov't TEKS.

"Brady and Discovery: What Works in the State and Federal Systems," presentation to 100 newly-elected Texas prosecutors, Texas District and County Attorneys Association, Austin, TX, 12/7/12.

"Improving the Advisory Guideline System" (with Hon. Gerard Lynch, 2d Cir., Hon. Andre Davis, 4th Cir., Fed. Public Defender Henry Bemporad, Hearing before the U.S. Sentencing Commission, Washington, DC, 2/16/12.

"Debunking Claims of Over-Federalization of Criminal Law," UT faculty roundtable, Sept. 13, 2011.

"Overcriminalization: Is There a Problem to Solve?" (with Miriam Baer, Peter Henning, and Ellen Podgor) Southeastern Association of Law Schools 2011 Annual Conference, Hilton Head, South Carolina, July 28, 2011.

Money Laundering and Tom DeLay (with Steve Bickerstaff), faculty colloquia, Univ. of TX School of Law, Dec. 2, 2010.

"Supreme Court Roundup," faculty colloquia, Univ. of TX School of Law, Aug. 28, 2009.

"The Sixth Amendment Jury Trial Right and Criminal Sentencing" (with Stephanos Bibas), symposium, the Future of Criminal Procedure, Benjamin N. Cardozo School of Law, March 2, 2008.

"The Sixth Amendment Jury Trial Right and Criminal Sentencing, Fordham School of Law, March 4, 2008.

"The Sixth Amendment Jury Trial Right and Criminal Sentencing, SMU, April 17, 2008.

"Supreme Court Roundup," (with Dean Lawrence Sager and Professors Scot Powe, John Robertson, and Jordan Steiker), faculty colloquia, Univ. of TX School of Law, Sept. 7, 2007.

"Criminal Law," first-year orientation, Univ. of TX, April 23, 2022; Aug. 25, 2008; Aug. 27, 2007; Aug. 28, 2006; Aug. 24, 2004; Aug. 26, 2003.

"Lies, Omissions, and Concealment; The Golden Rule in Law Enforcement and the Federal Criminal Code," panel discussion at a symposium on "Citizen Ignorance, Police Deception, and the Constitution," April 6, 2007 at the Texas Tech University School of Law.

Chair, Criminal Justice I panel (with J.J. Prescott, Marc L. Miller, Ronald F. Wright, and David C. Baldus), "Conference on Empirical Legal Studies, UT School of Law, Oct. 27, 2006.

"Enhancing the Judicial Role in Criminal Plea and Sentence Bargaining," panel discussion on the "Operation and Reform of Sentencing Guidelines," symposium on "Punishment Law and Policy," UT School of Law, Feb. 3 - 4, 2006.

"The United States Supreme Court and Criminal Sentencing," the Bartlett Lecture, Kansas City, MO, 6/30/05.

"Federal Sentencing," panel participant for the Travis County Women Lawyers Assoc. annual federal courts program, Austin, TX, 6/1/05.

"Federal Sentencing After *Booker*," panel discussion (with Deborah Rhodes, U.S. Dept. of Justice, Beverly Dyer, Fed. Public Defenders Service, and Gary Howard, Chief USPDS), video program for federal appellate and district judges on Feb. 3, 2005, available through the Federal Judicial Center website.

"Potential Changes to the Federal Sentencing Guidelines after *U.S. v. Booker*," (with Stephanos Bibas, Frank Bowman, III, Stephen A. Saltzburg) written and oral testimony before the United States Sentencing Commission, Washington, D.C., on Nov. 16, 2004.

"*Blakely* Strategy Session for Federal Public Defenders," national conference by Admin. Office of U.S. Courts, Key Biscayne, FL, on Dec. 9, 2004.

"Can We Reconceive A Good Guidelines System in Light of *Blakely*?" (with Kate Stith, Doug Berman, Frank Bowman, Kevin Reitz), The Future of American Sentencing: A National Roundtable on *Blakely*, Stanford Univ., CA, on Oct. 8, 2004.

"Guideline Sentencing After *Blakely*," National Workshop for District Judges III, the Federal Judicial Center, Sept. 20, 2004, Seattle, WA.

"The Supreme Court and Criminal Sentencing," Faculty Presentation, Univ. of TX at Austin School of Law, July 20, 2004.

"The New Federal Rules," (with Lucien Campbell, Advisory Committee on Federal Rules of Criminal Procedure, Judicial Conference of the United States), Federal Public Defenders Service of the Western District of Texas, Jan. 24, 2003.

"Independent-Norm Federalism in Criminal Law," with Reply by Deputy Solicitor General Michael Dreeben, U.S. Dept. of Justice, faculty colloquia at the University of Texas School of Law, Sept. 6, 2002.

"Supreme Court Roundup," (with Professors Karen Engle, Ernest Young, and Jordan Steiker), faculty and student colloquia at the University of Texas School of Law, Aug. 31, 2002.

"New Trends in Sentencing," National Sentencing Policy Institute, the Federal Judicial Center, Raleigh, NC, June 28, 2002.

"Reaffirmation of Miranda; What's Next?" (with Paul Cassell and Yale Kamisar), Association of American Law School Annual Meeting, San Francisco, CA, Jan. 6, 2001.

"Independent-Norm Federalism in Criminal Law," Faculty Workshop at the University of San Diego School of Law, Dec. 4, 2001.

"Supreme Court Roundup," (with Mitchell, Berman, Lynn Blais, George Dix, and Ernest Young), faculty colloquia the University of Texas at Austin School of Law, Aug. 31, 2001.

"The Implications of *Apprendi*," National Workshop for Federal Judges, the Federal Judicial Center, May 3, 2001, Washington, D.C.; Dec. 3rd and 4th, 2001, in San Diego, CA; and Feb. 27, 2002, in New Orleans, LA.

"Prophylactic Rules, Safe Harbors, and Incidental Rights in Constitutional Criminal Procedure," Legal Theory Workshop at the University of Miami Law School, March 2, 2001; Faculty Workshop at Boalt Hall, March 11, 2001; Washington & Lee Faculty Workshop, April 23, 2001.

"*Miranda's* Exceptions in a Post-*Dickerson* World," (with George C. Thomas, III), University of Michigan Law Review Symposium, Nov. 18, 2000.

"*Apprendi* and Beyond," (with Michael R. Dreeben, Dep. Solicitor General, USDOJ), Federal Judicial Center's Workshop for Judges of the Fifth Circuit, Austin, TX, Nov. 13, 2000.

"Essential Elements," (with Nancy J. King), Faculty Colloquium at the University of Texas at Austin School of Law, Sept. 22, 2000; and at Northwestern School of Law, Sept. 8 2000.

"Constitutional Implications of DNA," (with Sanford Levinson), Texas 2000: The Future of DNA in Texas, Aug. 11 2000.

"Sentencing as a Driving Force Changing the Criminal Justice System," Association of American Law Schools Conference on Criminal Justice, Washington, D.C., June 12, 2000.

"Eroding the Boundaries between Criminal and Civil Actions," Association of American Law Schools Conference on Criminal Justice, Washington, D.C., June 11, 2000.

"The Modern Fifth Amendment," Central Texas Chapter of the ACLU, Austin, TX, May 25, 2000 (and aired on Channel 10 on July 12, 2000).

"Criminal Law - New Developments in the Supreme Court," (with Jordan Steiker) Conference of Chief Justices', Austin, TX, Feb. 1, 2000.

"Annual Review of Supreme Court's Term - Criminal Cases," American Bar Association, Annual Convention, Atlanta, GA, Aug. 6, 1999.

"Constitutional Criminal Procedure" course for new judges, National Judicial College, Reno, NV, July 13 - 17, 1998.

Organizations:

American Law Institute, 2006 - present.

American Bar Association, 1989 - present.

American Assoc. of Law Schools, 1994 - present.

State Bar of Florida, 1995 - present.

State Bar of Texas, 1996 - present.

Fellow, Texas Bar Foundation, 2008 - present.

State Bar of California, 1989 - present.

SCOTUS cites: *Erlinger v. United States*, 144 S. Ct. 1840, 1859, n.10 (2024) (majority opinion by Justice Gorsuch), 144 S. Ct. at 1882 (dissenting opinion by Justice Jackson), citing Klein & Klein, "Can Shaming Federal Judges Reduce Racial Disparities in Federal Sentencing?" 99 North Carolina Law Rev. 1391 (2021).

Freeman v. United States, 131 S. Ct. 2685, 2693 (2011), citing Klein & Thompson, The Department of Justice's Attack on Federal Judicial Leniency, The Supreme Court's Response, and the Future of Criminal Sentencing," 44 Tulsa Law Rev. 519 (2009).

United States v. Harris, 122 S. Ct. 2406 (2002), citing King & Klein, "Essential Elements," 54 Vanderbilt Law Rev. 1467 (2001).

Blakely v. Washington, 542 U.S. 296 (2004), citing King & Klein, "Apprendi and Plea Bargaining," 54 Stanford Law Rev. 295 (2001).

Service:

2020-2024 - Reporter for Committee on Pattern Jury Instructions for the District Judges Association of the Fifth Circuit (Judge Lance Africk and Fernando Rodriguez), The Fifth Circuit Pattern Jury Instructions, Criminal" (West 2024).

4/23/22 - taught first-year criminal law class to admitted students at UT Law School.

March 25, 2022, Brief for *Amici Curiae* Criminal Law Scholars in Support of Petitioners, *Steven Aiello and Joseph Gerardi v United States*, No. 21-1161.

2020 to present - State Bar of Texas Committee on Pattern Jury Charges, Criminal - draft and publish model jury charges.

2018 - present - Director of internship program with the Federal Public Defenders Service, Austin office (with Horatio Aldredge).

Moot court for *United States v. Davis and Glover*, No. 18-431, cert. granted 1/4/19, March 1, 2019. Question presented "Whether the subsection-specific definition of 'crime of violence' in 18 U.S.C. 924(c)(3)(B), which applies only in the limited context of a federal criminal prosecution for possession, using, or carrying a firearm in connection with acts comprising a firearm in connection with acts comprising such a crime, is unconstitutionally vague." Moot was for Brandon E. Beck and Joel Page, AFPDs in Lubbock, who will be arguing the case before SCOTUS.

Appointed faculty mentor to Daniel S. McConkie, Assistant Professor, Northern Illinois University College of Law, through the AALS's Criminal Justice Section. Charged with assisting in generating research agenda and editing draft articles.

Volunteer Professor of Law for Week Two, LSAC DiscoverLaw.org PLUS Program, Univ. of Texas School of Law, July 18th through 21th, 2017. Week ended with mock robbery trial in Eidman Courtroom. Same program summer 2016, mock sexual assault trial.

Planning Committee for the 2024, 2023, 2022, 2021, 2020, 2019, 2018, and 2017 Robert O. Dawson Conference on Criminal Appeals, held every May in Austin, TX.

Faculty Advisor, *American Journal of Criminal Law*. Univ. of Texas School of Law, 2015 - present.

Southeastern Association of Law Schools Resource Team for Criminal Law," committee to ensure

programming for yearly SEALS conferences.
<http://sealslawschools.org/boards-and-committees/resources-teams/>, 2016 - present.

Volunteer Professor of Law for Week Three, LSAC DiscoverLaw.org PLUS Program, Univ. of Texas School of Law, July 26th through 29th, 2016. Week ended with Mock sexual assault trial in Eidman Courtroom.

Moot court for *State of Texas v. Eckchum*, Cause No. C2014-1690C, for pro bono attorney Mysha Lubke at Baker Botts on 3/2/16.

Moot court for *State of Texas v. Perry*, Cause No. PD-1067-15, for defense attorney David Botsford at Baker Botts on March 2, 2016.

2007 - present - Director of internship program with the United States Attorney's Office for the Western District of Texas (with AUSA Matt Harding).

Jan. 2016 - 2019 - Chief Reporter for Committee on Pattern Jury Instructions for the District Judges Association of the Fifth Circuit (Xavier Rodriguez, Chair) in redrafting the "Fifth Circuit Pattern Jury Instructions, Criminal," (West 2019).

Jan. 2013 - 2015 - Chief Reporter for Committee on Pattern Jury Instructions for the District Judges Association of the Fifth Circuit (Judge Walter S. Smith, Jr., Chair) in redrafting the "Fifth Circuit Pattern Jury Instructions, Criminal," (West 2015).

2007 - Jan. 2013 - Reporter for Committee on Pattern Jury Instructions for the District Judges Association of the Fifth Circuit (Judge Hayden W. Head, Jr., Chair) in redrafting the "Fifth Circuit Pattern Jury Instructions, Criminal," West Publishing (2012).

2016 - 2019 - State Bar Committee on Pattern Jury Charges - Oversight. This committee supervises the work of all of the Pattern Jury Charges committees, Criminal and Civil. In 2016, we published three Texas pattern Jury Charges: (1) General Negligence, Intentional Personal Torts & Workers' Compensation;

(2) Business Consumer, Insurance & Employment; and
 (3) Malpractice, Premises & Products.

2005 - 2016 - State Bar of Texas Committee on Pattern Jury Charges, Criminal - draft and publish model jury charges. First through fifth volumes published in paper and on-line.

June 2006 - present, appointed to the American Law Institute. Member, Model Sentencing Code Consultancy Group.

Nov. 17, 2004 - provided oral and written testimony in hearing before the United States Sentencing Commission regarding amendments after *Blakely v. Washington*.

March/May 2004 - Member, Working Group to write proposal for AALS Criminal Justice Mid-Year Meeting in Summer of 2006.

June 2002 - present, Board of Advisors, the Ohio State Journal of Criminal Law (a peer-reviewed publication).

2000 - 2002, assisted Judge Hayden W. Head, Jr., in redrafting the "Fifth Circuit Pattern Jury Instructions, Criminal" (West 2002).

March 1999 - 2009, Attorney Board of Editors for the Texas Board of Legal Specialization, State Bar of Texas.

June 1, 1999 - 2009, member of the American Bar Association's Forfeiture, Civil Remedies and RICO Committee.

Faculty Research Associate for the Center for Criminology and Criminal Justice Research, U.T. at Austin, 1997 - 2006.

May 1997 - Testified before Texas Representative Alan Hightower's House Corrections Committee against Senate Bill 250, the retroactive elimination of mandatory supervised release.

1996 - 1997 - Assisted Judge Hayden W. Head, Jr., in drafting the "Fifth Circuit Pattern Jury Instructions, Criminal" (West 1997).

April 27, 1995 - Submitted written testimony to the Texas Senate Judiciary Committee supporting Senate Bill 1383, Indigent Defense Reform Bill.

Committees: University-wide Faculty Grievance Committee, 2019-2023.

Elected to General Faculty Rules and Governance Committee, 2014-2017.

Executive Committee, UT Faculty Council, elected by Faculty Council, 2012 - 2013. Reelected to serve 2013 - 2014 term.

UT Faculty Council, elected by law faculty, 2011-2012, reelected 2012-2013, reelected 2014-2016. Faculty Advisory Committee on Budgets, appointed by William Powers, Jr., for 2013 - 2016 term.

Hearing Officer for student judicial matters, appointed by William Powers, Jr., 2013 - 2014.

Faculty Grievance Panel, 2010 - 2013.

Faculty Coordinator, Univ. of TX Chapter for the Order of the Coif, an organization recognizing the top 10% of law students at participating institutions, 2023-2024.

Rules, Standards, and Governance Committee, 2024.

Tenure Committee, 1999-2002; 2009-2012; 2017-2018.

Chair, Tenure Committee, 2006 - 2009.

Faculty Advisor, American Journal of Criminal Law, 2022 - 2024.

Faculty Advisor, Carlos Cadena Society, Societies Program for Extracurricular Student Life, 2004-2005.

Library Committee, 2015 - 2016.

Chair, Scheduling Committee, 2005-2006.

Curriculum Committee, 2003-2006, 2023.

Budget Committee, 1999 - 2005.

Tenure Committee, 2000 - 2001.

Dean Search Committee, 1999-2000.

Curriculum Committee, 1996 - 1999, 2003 - 2004.

Chair, Curriculum Committee, 1997 - 1998

Advisor, Criminal Law Practice, 1996 - 2000.

Appointments Committee, 1995 - 1998.

Admissions Committee, 1994 - 1997.

Judge, UT Student Ass. App. Court, 1994 - 1995.

Advocacy & ADR Programs Committee, 1994 - 1995.

Consulting:

3/24/16 - present, expert witness in Demontrell Miller v. William Stephens, E.D. TX, federal habeas capital case, pro bono with Steptoe & Johnson in Washington, D.C.

Drafted Motion to Dismiss in United States v. Herrig., et. al., summer 2016, for David Botsford.

Expert opinion in United States v. Nicolas Leoz, one of the FIFA cases filed in the E.D. of NY, captioned U.S. v. Jeffrey Webb, et al., 15 CR 0252, hired by Cooley LLP on 8/20/15 - 9/28/15. Affidavit filed with Paraguayan Court on Feb. 19, 2016.

Pro bono advisor on State of Texas v. Kleinert, Case No. 1:14-cr-00388-LY, W.D. of TX, manslaughter charge against APD officer removed to federal court, for Austin District Attorney Rosemary Lehmberg and ADA Rosa Theofanis, 6/10/15 - present.

Advisor on Fifth Circuit appeal, Texas v. Kleinert, No. 15-51077, 2/17/16, oral argument 9/26/16.

Pro bono advisor on State of Texas v. Rick Perry, No. PD-1067-15, TX Court of Criminal Appeals, 2/24/16 (dismissing all counts).

Wrote appellate brief in United States v. Holverson, 11-CR-391 in S.D. TX, on appeal Fifth Cir. 13-20060, with David Botsford, esq.

2008 - expert witness for defense in Dietlinda A. Dial v. Dept. of the Air Force, No. AT-0752-08-0235-I-1, Merit Systems Protection Board, Atlanta Regional Office, a disciplinary hearing concerning a Brady issue.

2005 - 2012 - expert witness and brief writer for defense in State v. DeLay, a Texas election code and money laundering case, trial and appellate levels.

2004 - expert witness for the Federal Public Defender, W.D. of TX, in United States v. Davidson, No. 03-CR-254, one the "yogurt shop" murder cases.

2004 - expert witness on Fourth Amendment specificity of warrant issue for David L. Botsford in United States v. Naples (E.D. TX).

1996 - 2003 - Assisted Provost * Umphrey in State v. Texas v. The American Tobacco Co., Co. No. 3-96CV91, which resulted in historic \$ 17 billion settlement for the state.

1998 - 2004 - Assisted McClanahan & Clearman in certifying federal civil RICO class action suit in Sandwich Chef of Texas., Inc. v. Reliance Nat'l Indem. Ins. Co., 202 F.R.D. 484 (S.D. Tex. 2001), *rev'd* 2003 WL 139607 (5th Cir. 2003). Plaintiffs won a \$10 million settlement.

1996 - expert witness for Hughes & Luce in Glasco v. Hart Forms & Services, a mortgage fraud case.