

Eric J. Miller

Professor



Loyola Law School, Los Angeles, Los Angeles, CA, 2013-present

Professor of Law

Leo J. O'Brien Fellow, 2016-19.

Courses: Evidence, Criminal Procedure, Jurisprudence

Saint Louis University School of Law, St. Louis, MO, 2005-2012

Professor, 2010-2013; *Associate Professor*, 2008-2009; *Assistant Professor*, 2005-2008. Tenured, 2008.

Kathy W. Humphrey Award for Diversity (2011)

Advisor, Black Law Students Association (2006-2013)

Advisor, American Constitution Society (2009-2013)

Western New England College School of Law, Springfield, MA, 2003-2005

Assistant Professor, 2003-2005

Dr. Martin Luther King, Jr. Recognition of Achievement Award (2005)

Advisor, Multicultural Students Association (2003-2005)

Advisor, American Constitution Society (2003-2005)

Visiting Positions

Washington University in St. Louis School of Law, St. Louis, MO, Fall and Spring 2016-17

Visiting Professor of Law

BLSA Outstanding Faculty Member (2017)

Loyola Law School, Los Angeles, Los Angeles, CA, Fall 2012

Visiting Professor of Law

Oxford University, Faculty of Law, Oxford, UK, Hilary and Trinity 2012

Academic Visitor

Member, Brasenose College Senior Common Room

Washington University in St. Louis School of Law, St. Louis, MO, Spring 2011

Visiting Professor of Law

Education

Joint Fellow, Harvard Criminal Justice Institute & Harvard Civil Rights Project

Harvard Law School, Cambridge, MA (2002-2003)

Charles Hamilton Houston Fellow

Harvard Law School, Cambridge, MA (2001-2002)

Visiting Scholar

Harvard Law School, Cambridge, MA (1996-1997)

Master of Laws

Harvard Law School, Cambridge, MA (1993)

Bachelor of Laws

University of Edinburgh, Edinburgh, UK (1991)

Honors: First Class Honors

Henry Dalgetty Award for Academic Excellence

Editorial Positions

Jotwell

Contributing Editor, 2016-present.

Research Grants

Saint Louis University

Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?

President's Research Fund, Saint Louis University, September 2011-September 2012

Publications

Books

THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds. (2019)

Articles and Book Chapters

Introduction in THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds., forthcoming 2019) (with Tamara Lave)

The Police as Civic Neighbors in THE CAMBRIDGE HANDBOOK OF POLICING IN AMERICA (Eric J. Miller & Tamara R. Lave, eds., forthcoming 2019)

Reasonably Radical: Terry's Attack on Race-Based Policing, 54 IDAHO L. REV. 479 (2018)

Evidence in DONALD GIFFORD ET AL., GET A RUNNING START: YOUR COMPREHENSIVE GUIDE TO THE UPPER LEVEL CURRICULUM (forthcoming 2018)

On Behalf of the Community, FORDHAM URB. L.J. CITY SQUARE (2017), <http://urbanlawjournal.com/category/discrimination-in-the-sharing-economy-and-new-york-citys-answer-to-gentrification/policing-in-america/>

A Fair Cop and a Fair Trial in OBSTACLES TO FAIRNESS IN CRIMINAL PROCEEDINGS: INDIVIDUAL RIGHTS AND INSTITUTIONAL FORMS (John Jackson & Sarah Summers, eds. 2018)

Encountering Resistance: Non-Compliance, Non-Cooperation and Procedural Justice, 2016 U. CHI. LEGAL F. 295 (2016)

Police Encounters with Race and Gender, 5 U. IRVINE L. REV. 735 (2015)

Challenging Police Discretion, 58 HOW. L.J. 521 (2015)

Foreword: Some Perspective on Problem-Solving in JANE C. DONOGHUE, TRANSFORMING CRIMINAL JUSTICE? PROBLEM SOLVING AND COURT SPECIALIZATION (2014)

Permissive Justification, 47 IND. L. REV. 689 (2014)

Judging in Bad Faith, 1 REV. FORUMUL JUDECĂTORILOR 63 (2012)

Detective Fiction: Race, Authority and the Fourth Amendment, 44 ARIZ. ST. L.J. 213 (2012)

The Warren Court's Regulatory Revolution in Criminal Procedure, 43 CONN. L. REV. 1 (2010)

Putting the Practice into Theory, 7 OHIO ST. J. CRIM. L. 31 (2009)

Drugs, Courts, and the New Penology, 20 STAN. L. & POL'Y REV. 417 (2009)

Judicial Preferences, 44 HOUS. L. REV. 1276 (2008)

The Therapeutic Effects of Managerial Reentry Courts, 20 FED. SENT'G REP. 127 (2007)

Role-Based Policing: Restraining Police Conduct "Outside the Legitimate Investigative Sphere," 94 CAL. L. REV. 617 (2006)

Foundering Democracy: Felony Disenfranchisement in the American Tradition of Vote Suppression, 16 NAT'L BLACK L.J. 32 (2005)

Keeping It Real: Empathy and Heroism in the Work of Charles J. Ogletree, Jr., 22 HARV. BLACKLETTER L.J. 131 (2005)

Embracing Addiction: Drug Courts and the False Promise of Judicial Interventionism, 65 OHIO ST. L.J. 1479 (2004)

Representing the Race: Standing to Sue in Reparations Lawsuits, 20 HARV. BLACKLETTER L.J. 91 (2004)

Reconceiving Reparations: Multiple Strategies in the Reparations Debate, 24 B.C. THIRD WORLD L.J. 45 (2004)

"Sympathetic Exchange:" *Adam Smith and Punishment*, 9 RATIO JURIS 182 (1996)

Book Reviews

Book Review: Breaking Windows as Corrective Justice: Impure Resistance in Urban Ghettos, 53 TULSA L. REV. 313 (2018)

Book Review: Lynch Mobs and the Killing State, 31 ETHNIC & RACIAL STUD. 209 (2008)

Book Review: Signifyin' Nothing?: Conversations on Race, Color, and Community, 13 Harv. BLACKLETTER L.J. 241 (1997)

Other

Out of Touch and Out of Order: Frisking as a Form of Sexual Harassment, JOTWELL (September 26, 2018) (reviewing Josephine Ross, *What the #MeToo Campaign Teaches About Stop and Frisk*, ___ IDAHO L. REV. ___ (forthcoming 2018), available at SSRN), <https://crim.jotwell.com/out-of-touch-and-out-of-order-frisking-as-a-form-of-sexual-harassment/>.

It Gets Worse Before It Gets Better: Victims' Duties to Resist Injustice, JOTWELL (Oct. 4, 2017), <https://crim.jotwell.com/it-gets-worse-before-it-gets-better-victims-duties-to-resist-injustice/> (reviewing Ashwini Vasanthakumar, *Epistemic Privilege and Victims' Duties to Resist their Oppression*, 35 J. APPLIED PHIL. 465 (2018))

Rendering the Community—and the Constitution—Incomprehensible Through Police Training JOTWELL (Nov. 10, 2016), <https://crim.jotwell.com/rendering-the-community-and-the-constitution-incomprehensible-through-police-training/> (reviewing Nancy C. Marcus, *Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform*, 59 HOW. L.J. 5 (2015))

(with Dan Markel) *Bowling, as Bail Condition*, NY TIMES, July 14, 2012, available at <https://www.nytimes.com/2012/07/14/opinion/not-yet-tried-but-sentenced-to-red-lobster.html>

How Can We Fix the Constitution? Fire the Bail Bondsmen

SLATE.COM, <http://hive.slate.com/hive/how-can-we-fix-constitution/article/fire-the-bail-bondsmen> (last visited June 19, 2012)

Problem-Solving Courts in OXFORD BIBLIOGRAPHIES ONLINE April 25, 2011. <<http://www.oxfordbibliographiesonline.com/>>

How Medicaid's Gender Bias Discriminates Against Male Ex-Prisoners, and What to Do About It, COMMUNITY VOICES, MOREHOUSE COLLEGE SCHOOL OF MEDICINE WORKING PAPER (2007)

The Peculiar Institution of Felony Disenfranchisement

COMMUNITY VOICES, MOREHOUSE COLLEGE SCHOOL OF MEDICINE WORKING PAPER (2007)

Juvenile Justice and Delinquency Prevention Act of 1974, in MAJOR ACTS OF CONGRESS, (Brian K. Landsberg, ed., 2004)

Guest Blogger

PrawfsBlawg, August 2017, February 2016; August 2014; February 2013

Testimony

Testimony before the Federal Judicial Center's 2018 National Workshop for U.S. Magistrate Judges
Denver, CO, July 30, 2018

Testimony to the Indiana University Grand Challenge Project, "Legal and Policy Best Practices in Response to the Substance Abuse Crisis"
Indiana Law School, Indianapolis, IN, July 16, 2018

Testimony before the Federal Judicial Center's 2018 National Workshop for U.S. Magistrate Judges
New Orleans, LA, April, 12, 2018

Testimony before the 2017 Eighth Circuit Chief Judges' Conference on Specialty Courts
Little Rock, AK, August 3, 2017

Testimony submitted to the Missouri Senate Hearing on Senate Bill No. 287 on Biased Policing
Jefferson City, MO, March 6, 2017.

Testimony before the Scottish Government Judicial Studies Committee on
Problem-Solving Courts
Edinburgh, UK, September 27, 2012

Testimony before the Scottish Commission on Women Offenders on the
Operation of Problem-Solving Courts
Glasgow, UK, March 15, 2012

Testimony before the United States Sentencing Commission Public Hearing on
Alternatives to Incarceration, Reentry and Community Impact
University of Texas, Austin, TX, November 19, 2009

Testimony before the House Judiciary Subcommittee on the Legacy of the Trans-
Atlantic Slave Trade in America
United States Congress, House of Representatives, Washington, D.C., December
17, 2007

Speeches, Presentations & Panels

The Diffuse Burdens of Police Wrongdoing Southern California Law and
Philosophy Workshop April 23, 2019

Justice Kavanaugh on Criminal Justice, *Civil Rights in the Aftermath of the
Kavanaugh Hearings and Confirmation* AALS Conference, January 2-6, 2019

The Cambridge Handbook of Policing in the United States, National People of
Color Conference, Washington, D.C., March 21-24, 2019

The Diffuse Burdens of Police Wrongdoing, Res Philosophica Conference, Saint
Louis University, St. Louis, MO, March 20-22, 2019

The Diffuse Burdens of Police Wrongdoing Law of the Police, U. S. Carolina, Feb
28-March 2, 2019

*Property, Persons, and Institutionalized Police Interdiction in Byrd v. United
States*, Arizona State University School of Law, Phoenix, AZ, Nov. 20, 2018

Policing Fragmentation, Western Law Professors of Color Conference: October
18-21, 2018

Policing and Technology, County of Los Angeles Sheriff Civilian Oversight
Commission Conference, Los Angeles, CA, October 15, 2018

Reasonably Radical: Terry's Attack on Race-Based Policing
2018 Idaho Law Review Symposium: Terry v. Ohio at 50: Considering the Past,
Present and Future of Stop-and-Frisk, University of Idaho School of Law, Boise,
Idaho April 6, 2018

The Police as Civic Neighbors

University of Colorado Law School, Boulder, CO, February 23, 2018

Policing Class

Plenary: Neoliberalism's Leviathan: Debtfare, Workfare, Prisonfare, Class Crits, Tulane University School of Law, New Orleans, LA, November 11, 2017

In Harm's Way: The Moral Dangers of Policing

Law and Humanities Conference, Cardozo School of Law, New York, NY, April 7, 2017

#Black Lives Matter: Balancing Security with Dignity in American Policing

AALS Annual Meeting, San Francisco CA, January 6, 2017

A Fair Cop and a Fair Trial

Vanderbilt Law School Annual Criminal Justice Round Table, Vanderbilt Law School, Nashville, TN, November 12, 2016

A Fair Cop and a Fair Trial

Philosophy of Criminal Procedure Conference, Osgoode Hall Law School, York University, Ontario, Canada, November 5, 2016

A Fair Cop and a Fair Trial

Workshop in Politics, Ethics, and Society, Washington University in St. Louis, St. Louis, MO, October 21, 2016

A Fair Cop and a Fair Trial

Obstacles to Fairness in Criminal Proceedings MLR Seminar at the Centre for Criminal Justice Research, University of Nottingham School of Law, Nottingham, UK, September 1-2, 2016

Challenging Police Procedure

The University of Chicago Legal Forum Symposium, *Policing the Police*, University of Chicago Law School, Chicago, IL, November 6, 2015

Community Control of Police Discretion

Taslitz Galaxy Conference, Howard Law School, Washington, D.C., September 19, 2014

Convictions, Collars, and Control

Obstacles to Fairness in Criminal Proceedings and the Irrelation between Criminal Procedural Law and Criminology, Zurich University, Zurich, Switzerland, September 4-5, 2014

Reassessing the Criminal Offender

ABA Criminal Justice Section, Sixth Annual Fall Institute Program, Washington, D.C., November 1, 2013

Do Structural Rather than Therapeutic Factors Determine the Placement of Offenders in Mental Health Courts?

XXXIIIrd International Congress on Law and Mental Health, Amsterdam, Netherlands, July 18, 2013

The Politics of Problem-Solving Justice

Midwest Political Science Association Conference, Chicago, IL, April 11, 2013

The Politics of Problem-Solving Justice

Center for the Interdisciplinary Study of Law Symposium: Our Self-Medicating Culture, Saint Louis University School of Law, April 5, 2013

Legal Standards in Problem-Solving Courts

The Bruce J. Winick Fall 2012 Colloquium: Standards in the Problem Solving Courts, University of Miami School of Law, Miami, FL, October 5, 2012

Holistic Justice: Therapeutic Agents and the Place of Law

Symposium on Therapeutic Jurisprudence and Problem-Solving Justice, Balliol College, University of Oxford, UK, August 7, 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

Strathclyde University, UK, March 14, 2012

A Criminal Revolution? Problem Solving Courts in Theory and Practice

All Souls College, University of Oxford, UK, March 7, 2012

Incommensurability, Practices, and Points of View: Revitalizing H.L.A. Hart's Practice Thesis

Oxford Jurisprudence Discussion Group, University of Oxford, UK February 16, 2012

Detective Fiction: Race, Authority and the Fourth Amendment

U.C. Irvine School of Law, Irvine, CA, December 6, 2011

Project on Problem-Solving Courts Problem-Solving Courts in Theory and Practice

Columbia Law School, New York, NY, December 1-2, 2011

The Epistemology of Suspicion

Criminal Justice Roundtable, Yale Law School, Hartford, CT, April 30, 2011

Reparations: Conservative and Republican on panel Marking Space, Marking Time: Sovereignty and Orientalism

Law and Humanities Conference, Las Vegas, NV, March 11, 2011

Blue Above All: Anti-Subordination and Police Professionalism

National People of Color Conference, Newark, NJ, September 10, 2010

The 1921 Tulsa Race Riot, 150th Anniversary of Dred Scott v. Sandford: Race, Citizenship & Justice
Harvard Law School, Cambridge, MA, April 6, 2007

Service

Academic

AALS Criminal Justice Section Executive Committee, Chair Elect (present)
Coordinator, *Policing Los Angeles Forum* (2018-present)
Western People of Color Legal Scholarship Conference, Committee Member (2018-present)
ABA Judicial Division, Lawyer's Conference Co-Chair of the Committee on Promoting Specialized Courts (2016-2017)
Rapporteur, Economic and Social Research Counsel
August 25, 2012
Northeast People of Color Legal Scholarship Conference, Committee Member (2004-present)
New Voices in Legal Theory Organizing Committee Member (2009-present)

Committees

Loyola Law School, Los Angeles, Appointments Committee (2018-present)
Loyola Law School, Los Angeles, Dean's Advisory Committee (2017-2018)
Loyola Law School, Los Angeles, Research and Sabbatical Grants Committee, Co-Chair, (2014-2016)
Loyola Law School, Los Angeles, Curriculum Committee, Member (2014-15)
Saint Louis University Appointments Committee (2008-2011)
Saint Louis University Scholarship Committee (2008-2009)

Community Service

Arch City Defenders (2010-2013, 2016-present)
Coach, Saint Louis University BLSA Mock Trial Team (2007-2009)
Coach/Supervisor, Saint Louis University BLSA Moot Court Team (2007-2011)
Coach, Mock Trial Team, Grace Hill Community Project (2007)

Other Professional Experience

Clerkships

Hon. Stephen Reinhardt, Ninth Circuit (2000-2001)
Hon. Myron H. Thompson, Middle District, Alabama (1998-1999)

Litigation

Litigation Team Member

Chicago Slavery Ordinance Litigation Team, Chicago, IL (2006)

Litigation Committee Member

The Legacy of the Georgetown 272 Alliance (2016-present)

Reparations Coordinating Committee, Washington, D.C. (2001-2010)

Litigation Associate

Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles (1997-1998, 1999-2000)

Memberships

State Bar of California

Central District of California

Ninth Circuit Court of Appeals