

BIOGRAPHIES
OF
PARTICIPANTS

OVERCRIMINALIZATION:
THE POLITICS OF CRIME

Friday, October 29, 2004
8:15 a.m. – 3:00 p.m.

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STEPHEN WERMIEL is an associate professor at the American University Washington College of Law and co-director of the Marshall-Brennan Fellowship Program. He teaches media law, constitutional law, and seminars on the United States Supreme Court and on education law. Professor Wermiel was an associate professor at Georgia State University Law School from 1992 to 1997. He was a Lee Distinguished Visiting Professor at William and Mary Law School in 1991-1992. During the 1997-1998 school year, he was a fellow at the Woodrow Wilson International Center for Scholars. From 1979 to 1991, Professor Wermiel was the Supreme Court correspondent for *The Wall Street Journal*. Professor Wermiel received his B.A. from Tufts University and his J.D. from the Washington College of Law, American University.

Professor Wermiel is at work on a biography of the late Supreme Court Justice William J. Brennan, Jr. He contributed to *A YEAR IN THE LIFE OF THE SUPREME COURT*, which won the ABA Silver Gavel Award. His articles have appeared in the *WILLIAM AND MARY BILL OF RIGHTS JOURNAL*, *CONSTITUTIONAL COMMENTARY*, *LAW AND CONTEMPORARY PROBLEMS*, *JOURNAL OF SUPREME COURT HISTORY*, *NORTHWESTERN UNIVERSITY LAW REVIEW*, *RUTGER'S WOMEN'S RIGHTS LAW REPORTER*, *GEORGIA STATE UNIVERSITY LAW REVIEW*, *SAINT LOUIS UNIVERSITY LAW JOURNAL*, and the *JOURNAL OF GENDER, SOCIAL POLICY & THE LAW*. He has written and spoken about judicial independence, the relationship between the news media and the judiciary, judicial selection, civil liberties in times of national crisis, and other topics.

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PAUL ROSENZWEIG is Senior Legal Research Fellow in the Center for Legal and Judicial Studies at The Heritage Foundation, where his research interests focus on issues of civil liberties and national security, criminal law, law enforcement, and legal ethics. Mr. Rosenzweig is also an Adjunct Professor of Law at George Mason University School of Law, teaching Criminal Procedure and an advanced seminar on White Collar Crime. In addition, Mr. Rosenzweig serves on the District of Columbia Bar Legal Ethics Committee.

Mr. Rosenzweig has served as a Trial Attorney in the Environmental Crimes Section of the Department of Justice, as Investigative Counsel to the House Committee on Transportation and Infrastructure and, most recently, as Senior Litigation Counsel in the Office of the Independent Counsel (In re: Madison Guaranty Savings & Loan Assn.). Immediately prior to joining The Heritage Foundation Mr. Rosenzweig was in private practice.

Mr. Rosenzweig is a cum laude graduate of the University of Chicago Law School. He has an M.S. in Chemical Oceanography from the Scripps Institution of Oceanography, University of California at San Diego and a B.A. from Haverford College. Following graduation from law school he served as a law clerk to the Honorable R. Lanier Anderson, III of the United States Court of Appeals for the Eleventh Circuit.

He is the co-author of the forthcoming book (January 2005), WINNING THE LONG WAR: LESSONS FROM THE COLD WAR FOR DEFEATING TERRORISM AND PRESERVING FREEDOM. Looking at both history and the current policies for waging the global war on terrorism, this study argues that a successful strategy requires a balance of prudent military and security measures, continued economic growth, and the zealous protection of civil liberties. The book also highlights the ideological dimensions of the struggle, describing how the United States can and must win the "war of ideas" against terrorist ideologies.

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SARA SUN BEALE teaches first year criminal law and upper class courses in criminal justice policy and federal criminal law. Her principal academic interests are in the areas of the grand jury and in the federal government's role in the criminal justice system. She is the co-author of *FEDERAL CRIMINAL LAW AND RELATED ACTIONS: CRIMES, FORFEITURE, THE FALSE CLAIMS ACT AND RICO* (1998), *GRAND JURY LAW AND PRACTICE* (1986 & 2d ed. 1997), and *FEDERAL CRIMINAL LAW AND ITS ENFORCEMENT* (2d ed. 1993 & 3d ed. 2000) (with Norman Abrams). One of Professor Beale's current research interests is an examination of the factors that shape public attitudes regarding crime and how those attitudes ultimately translate into legislative changes in criminal laws and procedures.

Professor Beale has been active in law reform efforts related to the federal government's role in criminal justice matters. She served as an associate reporter for the Workload Subcommittee of the Federal Courts Study Committee (where much of her work focused on the Sentencing Guidelines) and as the reporter for a three branch federal-state working group convened by Attorney General Janet Reno to consider the principles that should govern the federalization of criminal law. Professor Beale also served as a member of an American Bar Association task force studying the federalization of criminal law. She has argued before the Supreme Court on six occasions, representing the United States and as appointed counsel for an indigent defendant.

Professor Beale received her B.A. degree in English and her J.D. degree, magna cum laude, from the University of Michigan. She clerked for Judge Wade H. McCree Jr. on the Sixth Circuit, and served in the Office of Legal Counsel and the Office of the Solicitor General in the U.S. Department of Justice before coming to Duke in 1979.

John S. Baker, Jr.

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JOHN S. BAKER teaches Constitution Law, Criminal Law, Federal Courts, Law & Medicine, and Mediation. He also teaches Comparative Constitutional Law as a visiting Professor at the University of Lyon III, in Lyon, France. He has team-taught several summer session courses with Justice Antonin Scalia. In addition to teaching, he regularly litigates in state and federal courts and has twice argued in the U.S. Supreme Court.

Professor Baker graduated with honors from both the University of Dallas and the University of Michigan Law School, and received a Ph.D. in Political Thought from the University of London. Following law school, he clerked for a federal district judge and then prosecuted criminal cases as an assistant district attorney in New Orleans. In 1975, he joined the law faculty of Louisiana State University. He has also served as a consultant to the U.S. Senate Judiciary Subcommittee on Separation of Powers (1981-82), the Justice Department (1982-83), and the Office of Planning in the White House (1984). He was a member of an American Bar Association Task Force, which issued the report, *The Federalization of Criminal Law* (1998). He has published the following books: *THE INTELLIGENCE EDGE: HOW TO PROFIT IN THE INFORMATION AGE* (with Friedman, Friedman and Chapman) (1997); *HALL'S CRIMINAL LAW: CASES AND MATERIALS* (with Benson, Force and George) (1993); *AN INTRODUCTION TO THE LAW OF THE UNITED STATES* (ed. with Levasseur) (1992). Recently, Dr. Baker has been writing a book on the criminal liability of organizations, which expands on two of his articles which appeared in the *THE WALL STREET JOURNAL* during 2002.

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ERIK LUNA is an associate professor of law at the S.J. Quinney College of Law of the University of Utah. His principal research interests are in criminal law, criminal procedure, and constitutional law. He is the author of articles in various legal publications including *Introduction: The Utah Restorative Justice Conference*, 2003 UTAH LAW REVIEW 1-14; *Punishment Theory, Holism, and the Procedural Conception of Restorative Justice*, 2003 UTAH LAW REVIEW 205-302; *Race, Crime, and Institutional Design*, 65 LAW & CONTEMPORARY PROBLEMS 183-220 (2003); and *The Models of Criminal Procedure*, 2 BUFFALO CRIMINAL LAW REVIEW 389-534 (1999).

Professor Luna worked as a prosecutor in the San Diego District Attorney's Office. He has served as the senior Fulbright Scholar to New Zealand, where he taught at Victoria University Law School and conducted research on restorative justice. He has also been a visiting professor at the University of Havana Law School where he taught U.S. constitutional law and criminal justice to judges and attorneys in Cuba. Currently, he is a member of the board of directors for the Rocky Mountain Innocence Center and the Salt Lake Legal Defenders Association, and he is a member of the Utah Supreme Court's Advisory Committee on the Rules of Criminal Procedure and the Utah Supreme Court's Advisory Committee on Criminal Jury Instructions.

Professor Luna received his undergraduate degree, summa cum laude, from the University of Southern California and his J.D. degree with honors from Stanford Law School, where he was an editor of the Stanford Law Review and a Phi Kappa Phi Fellow.

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ELLEN S. PODGOR, a former deputy prosecutor and defense attorney, teaches in the areas of international criminal law, white collar crime, criminal law and procedure, and professional responsibility. She has also shared coaching responsibilities for several trial teams at Georgia State that have been finalists and semi-finalists in competitions.

Professor Podgor is the co-author of books on white collar crime and international criminal law, and has authored articles on computer crime, international criminal law, lawyer's ethics, criminal discovery, prosecutorial discretion, corporate criminality, and other white collar crime topics. Podgor's op-ed pieces have appeared in numerous newspapers, including THE ATLANTA JOURNAL-CONSTITUTION, HOUSTON CHRONICLE, and a co-authored piece in THE WASHINGTON TIMES. She has been interviewed by NPR, Atlanta radio and television stations and newspapers throughout the United States.

In addition to her law degree, Professor Podgor earned an M.B.A. from the University of Chicago and an L.L.M. from Temple University. In the fall of 1998, she was a Visiting Scholar at Yale Law School. She has been a visiting professor at University of Georgia School of Law and George Washington University Law School and held a visiting endowed chair position at University of Alabama School of Law.

Professor Podgor is member of the Board of Directors of the National Association of Criminal Defense Lawyers (NACDL), the International Society for the Reform of Criminal Law (ISRCL) and a member of the American Law Institute (ALI). She is an honorary member of the American Board of Criminal Lawyers.

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JOHN HASNAS is an associate professor of law at George Mason University in Fairfax, Virginia, where he teaches Torts, Criminal Law, White Collar Crime, and Bioethics. Professor Hasnas has been a visiting professor at the American University Washington College of Law as well as a visiting scholar at the Kennedy Institute of Ethics in Washington, DC and the Social Philosophy and Policy Center in Bowling Green, Ohio.

In addition, he has held previous faculty appointments at the Georgetown School of Business and Temple University School of Law. His scholarship focuses on the philosophical basis of the law. His articles have appeared in law journals such as FORDHAM LAW REVIEW, HASTINGS LAW JOURNAL, GEORGETOWN LAW JOURNAL, DUKE LAW JOURNAL, NORTHWESTERN UNIVERSITY LAW REVIEW, and WISCONSIN LAW REVIEW and philosophy journals such as SOCIAL PHILOSOPHY AND POLICY, POLITICS, PHILOSOPHY AND ECONOMICS, BUSINESS ETHICS QUARTERLY, and PUBLIC AFFAIRS QUARTERLY.

Professor Hasnas received his B.A. in Philosophy from Lafayette College, his J.D. and Ph.D. in Legal Philosophy from Duke University, and his LL.M. in Legal Education from Temple Law School. Between 1997 and 1999, Professor Hasnas served as assistant general counsel to Koch Industries, Inc. in Wichita, Kansas.

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PETER J. HENNING teaches courses in Corporations, White Collar Crime, Professional Responsibility & the Legal Profession, Criminal Law, Criminal Procedure, and Securities Litigation. Professor Henning has received a number of teaching awards, including the President's Award for Excellence in Teaching, whose recipients are selected from among the entire Wayne State University faculty, and the Donald H. Gordon Teaching Award that is presented by the alumni of the Law School.

Professor Henning's scholarship focuses primarily on white collar crime, constitutional criminal procedure, and attorney ethics. Recent articles examining the role of federalism in the interpretation of federal criminal law were published in the Kentucky Law Journal and the Missouri Law Review. He has also published articles on the mail fraud statute, prosecutorial misconduct, Fifth Amendment rights of witnesses before a grand jury, and defense discovery in white collar crime prosecutions. His articles have appeared in the BOSTON COLLEGE LAW REVIEW, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, WASHINGTON UNIVERSITY LAW QUARTERLY, SOUTH CAROLINA LAW REVIEW, and NEBRASKA LAW REVIEW. He is a co-author of the casebook WHITE COLLAR CRIME: LAW AND PRACTICE (2d ed. 2003), with Professor Jerold Israel, Professor Ellen Podgor, and United States District Court Judge Paul Borman. Professor Henning recently became a co-author of the Criminal volumes of the late Professor Charles Alan Wright's Federal Practice and Procedure treatise, which is among the most cited reference works in judicial opinions on issues related to federal rules and practice.

Professor Henning joined the Wayne State University Law School faculty in 1994 as an Associate Professor, and was promoted to Professor of Law in 2002. He graduated magna cum laude from Georgetown University Law Center in 1985, where he served as a Notes and Comments Editor on the Georgetown Law Journal. After graduation, he taught in the College of Business Administration at Loyola Marymount University, and then clerked for Chief Judge Murray M. Schwartz of the United States District Court for the District of Delaware. After clerking, Professor Henning was a Senior Attorney in the Division of Enforcement at the U.S. Securities & Exchange Commission until 1991, where he worked on cases involving insider trading, penny stock fraud, market manipulation, and accounting irregularities. He then moved to the Criminal Division of the U.S. Department of Justice, where he worked in the Fraud Section on the investigation and prosecution of bank fraud. During this time he also published articles in the KANSAS LAW REVIEW, ST. LOUIS UNIVERSITY LAW JOURNAL, AND AMERICAN CRIMINAL LAW REVIEW.

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GERALDINE SZOTT MOOHR joined the University of Houston Law Center in 1995. From 2001-2003, she was the George Butler Research Professor, a rotating fellowship awarded for excellence in scholarship.

Professor Moohr teaches criminal law, white collar crime, intellectual property crime, employment law and employment discrimination. Her areas of expertise include white collar crime, federal criminal law, federal fraud, employment law, and employment discrimination. She has written on federal criminal law, the federal fraud statutes, crimes that protect intellectual property and information, post-Enron criminal legislation, and on arbitration of employment discrimination claims.

Professor Moohr is a graduate of the University of Illinois and earned her M.S. from Bucknell University. She obtained her law degree from The American University in 1991 where she was first in her class and editor-in-chief of The American University Law Review. Following graduation she clerked for the Honorable James M. Sprouse of the United States Court of Appeals for the Fourth Circuit, and from 1991-1994 she was a litigation associate with Covington & Burling in Washington DC Professor Moohr has held visiting appointments at Washington and Lee School of Law and the University of Toledo College of Law.

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CYNTHIA ELLEN JONES specializes in criminal law and wrongful convictions, and currently teaches courses in criminal law, criminal procedure, evidence, and race, crime, and politics at American University, Washington College of Law. She has been a frequent commentator, panelist, and moderator in forums devoted to criminal law, indigent defense, criminal procedure, juvenile issues, and race and the law amongst other issues. Professor Jones has also testified before the House of Representatives subcommittee on the District of Columbia on the topic of Criminal Justice Policy Coordination in the District of Columbia.

Professor Jones received her B.A. from the University of Delaware and her J.D., magna cum laude, from American University, Washington College of Law. She clerked for the Honorable Frank E. Schwelb on the DC Court of Appeals before working as an associate at Dickstein, Shapiro, and Morin. Professor Jones went on to serve as a Staff Attorney for the DC Public Defender Service. She then became Deputy Director of the DC Pretrial Services Agency, and then became Executive Director of the DC Public Defender Service. Professor Jones also taught at the David A. Clark School of Law at the University of District of Columbia, and the George Washington University School of Law, and was the founder and program director of the Legal Analysis Study Group Academic support program at American University, Washington College of Law from 1995 through 1998. She became a visiting professor at the American University, Washington College of Law in 2002 and an Assistant Professor in 2004.

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WILLIAM B. MOFFITT is a Member of the law firm Cozen O'Connor and resident in the firm's Washington, DC office. He joined Cozen O'Connor in April 2004, having previously been a partner at Asbill Moffitt & Boss, Chtd. Mr. Moffitt concentrates his practice in complex criminal defense. Prior to joining Asbill Moffitt & Boss, he headed Moffitt, Zwering & Kemler in Alexandria, Virginia.

Mr. Moffitt is a past president of the National Association of Criminal Defense Lawyers (NACDL), Fellow in the American Board of Criminal Lawyers, former president of the Virginia College of Criminal Defense Lawyers, faculty member for the National Criminal Defense College, listed in The Best Lawyers in America, and named one of the Top Black Lawyers in the Country by Black Enterprise Magazine. On behalf of the NACDL, he has testified before the United Nations Human Rights Commission on Race and the American Criminal Justice System, as well as the United States Senate Judiciary Committee during the Clarence Thomas Hearings. Mr. Moffitt has taught and lectured on a wide variety of criminal justice topics throughout the country.

Mr. Moffitt has served as a criminal justice expert on numerous media programs, including: Today Show, CNN's Crossfire, ABC News, CBS News, CNBC's Rivera Live, America's Talking, ITN British Television, Newstalk Television, CNBC's Hardball, FOX News, and Court TV's Cochran & Co.

Mr. Moffitt received his bachelor of arts degree from the University of Oklahoma in 1971 and his J.D. from the American University Washington College of Law in 1975.

Mr. Moffitt is admitted to practice in Virginia and the District of Columbia.

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PAUL D. KAMENAR is the Senior Executive Counsel of the Washington Legal Foundation (WLF), a non-profit public interest law and policy center based in Washington, DC, and is also Clinical Professor of Law at George Mason University School of Law where he directs and teaches WLF's Economic Freedom Public Interest Law Clinic. He received his B.A. in Economics from Rutgers College and his J.D. from Georgetown University Law Center.

WLF devotes substantial resources to litigating cases and filing *amicus curiae* briefs in federal courts, promoting a limited and accountable government, the separation of powers, and opposing abusive civil and criminal enforcement actions by regulatory agencies and the Department of Justice. WLF was counsel to the petitioners in *Blandford v. United States*, 331 F.3d 1228 (11th Cir. 2003), *cert. denied*, 129 S.Ct. 1406 (2004) (97-month prison sentences imposed on seafood dealers for importing/smuggling frozen lobster tails in clear transparent plastic bags instead of opaque cardboard boxes allegedly required under Honduran law), and counsel in *Riverdale Mills Corporation v. United States* in a malicious prosecution and *Bivens* action against the Environmental Protection Agency. WLF has filed briefs in cases raising the issue of mens rea, the responsible corporate officer doctrine, and the Sentencing Guidelines, including *Fanfan v. United States*. These issues are also addressed by WLF's Legal Studies Division in its publications.

Mr. Kamenar has appeared on numerous panels sponsored by the American Bar Association and other legal and policy organizations, as well as on national television and cable news shows discussing current legal and policy issues. He has argued cases on behalf of WLF and its clients before the appellate courts, including the U.S. Supreme Court.

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SHELDON KRANTZ maintains a practice that emphasizes preventive and litigation services on corporate and white collar criminal matters. His particular areas of focus include environmental law, health care, FDA, export controls, civil and criminal RICO, legal ethics, legal malpractice, corporate compliance programs, and federal sentencing guidelines.

Mr. Krantz is a former chair of the Criminal Justice Section of the American Bar Association. He has had extensive experience in white collar crime prevention and investigation. Mr. Krantz was vice president of the Investigative Group, a private company that undertakes complex factual investigations on matters relating to internal corporate investigations, domestic and international due diligence, mergers and acquisitions and general litigation support. Earlier in his career, he was a prosecutor for the Organized Crime and Racketeering Section of the U.S. Department of Justice. He was dean of the University of San Diego School of Law from 1981 to 1989 and, prior to that, was a professor of law and director of the Center for Criminal Justice at Boston University School of Law. He now teaches white collar criminal law at the American University Washington College of Law.

Mr. Krantz was named by the District of Columbia Bar as the 2001-2002 Pro Bono Lawyer of the Year.

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MARGARET LOVE practices law in Washington, DC, specializing in executive clemency and restoration of rights, sentencing and corrections policy, and legal and government ethics. She served in the Justice Department for twenty years (1979-1998), and her last post in the Department was as U.S. Pardon Attorney (1990-1997). She is presently a Soros Senior Fellow conducting research on mechanisms for restoration of rights to convicted persons, and is also a reporter for the ABA Justice Kennedy Commission.

Ms. Love has written and lectured widely on executive clemency and the collateral consequences of a criminal conviction, and taught legal ethics at several area law schools. Her most recent article is *Starting Over With a Clean Slate: In Praise of a Forgotten Section of the Model Penal Code*, 30 FORDHAM URBAN LAW JOURNAL 101 (2003). A member of the ABA Criminal Justice Section Council, she chaired the Criminal Justice Standards Task Force on Collateral Sanctions, and presently chairs the Task Force on the Legal Status of Prisoners. She is a former chair of the ABA Standing Committee on Ethics and Professional Responsibility, and also served on the ABA Commission on Evaluation of the Rules of Professional Conduct ("Ethics 2000").

Ms. Love received her J.D. from Yale University, and has a Masters Degree in Medieval History from the University of Pennsylvania.