

JOSH BOWERS

PROFESSOR OF LAW, UNIVERSITY OF VIRGINIA SCHOOL OF LAW
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TEACHING EXPERIENCE

The University of Virginia School of Law, Charlottesville, VA
Professor of Law, 2013 – Present
Associate Professor of Law, 2008 – 2013

Faculty of Law at the Hebrew University of Jerusalem, Jerusalem, Israel
Visiting Professor of Law, April-May 2022

Faculty of Law at the University of Münster, Münster, Germany
Visiting Professor of Law, June 2010, May 2019

The University of Chicago Law School, Chicago, IL
Bigelow Teaching Fellow and Lecturer in Law, 2006 – 2008

Fordham Law School, New York, NY
Adjunct Associate Professor, 2005 – 2006

EDUCATION

New York University School of Law
J.D., *magna cum laude*, 2001
Order of the Coif
Florence Allen Scholar
Notes Editor, *New York University Law Review*

University of Wisconsin, Madison
B.A., History and Political Science, 1995
Phi Beta Kappa
Graduated with Distinction in both majors (highest honors)

PUBLICATIONS & WORKS IN PROGRESS

McCleskey Accused: Justice Powell & the Moral Price of Judicial Pride, 2 AM. J. L. & EQUAL. 122 (2022)

What If Nothing Works? On Crime Licenses, Recidivism, and Quality of Life, 107 VA. L. REV. 959 (2021)

Kicking the Habit: The Opioid Crisis, America's Addiction to Punitive Prohibition, and the Promise of Free Heroin, 80 OHIO ST. L.J. 787 (2019) (invited contribution)

Annoy No Cop, 166 U. PA. L. REV. 129 (forthcoming 2017), *cited in United States v. Diaz*, 15-3776-cr (2d Cir. Apr. 18, 2017)

Upside-Down Juries, 111 NW. U. L. REV. 1655 (forthcoming 2017) (invited contribution)

What's Wrong with Sentencing Equality? Sentencing Legality. A Response to Professors Bibas & Bierchbach, 102 VA. L. REV. ONLINE 120 (2016) (invited contribution).

The Case for Compassionate Policing, VA. MAG. (Spring 2015), *reprinted in AMERICA NOW: SHORT READINGS FROM RECENT PERIODICALS* (Arthur Johnson, ed.) (MACMILLAN LEARNING 2017)

Plea Bargaining's Baselines, 57 WM. & MARY L. REV. 1083 (2016) (invited contribution)

Probable Cause, Constitutional Reasonableness & the Unrecognized Point of a "Pointless Indignity", 66 STAN. L. REV. 987 (2014), *excerpted in* JOSHUA DRESSLER, UNDERSTANDING CRIMINAL PROCEDURE: ADJUDICATION (LEXISNEXIS 2017).

Two Rights to Counsel, 70 W&L L. REV. 1133 (2013) (invited contribution)

Lafler v. Cooper, Missouri v. Frye, and the Subtle Art of Winning by Losing, 25 FED. SENT'G REP. 126 (Dec. 2012) (invited contribution)

The Normative Case for Normative Grand Juries, 47 WAKE FOREST L. REV. 319 (2012) (invited contribution), *cited in* *United States v. Stevenson*, 2:17-00047-cr (S.D. W.Va. Apr. 12, 2018)

Perceptions of Fairness and Justice: The Shared Aims and Occasional Conflicts of Legitimacy and Moral Credibility, 47 WAKE FOREST L. REV. 211 (2012) (with Paul H. Robinson), *cited in* *Rosales-Mireles v. United States*, 138 S.Ct. 1897 (2018); *cited in* *United States v. Pérez-Rodríguez*, No. 19-1538 (1st Cir. 2021); *excerpted in* PAUL H. ROBINSON, CRIMINAL LAW: CASE STUDIES & CONTROVERSIES (3d ed. Aspen Publishing 2012)

Life Without Parole and the Death of Equitable Discretion, in LIFE WITHOUT PAROLE: THE NEW DEATH PENALTY (Austin Sarat & Charles Ogletree, eds.) (NYU Press, 2012) (invited contribution)

Blame by Proxy: Political Retributivism and its Problems, a Response to Dan Markel, 1 VA. J. CRIM L. 138 (2012) (invited contribution)

Fundamental Fairness & the Path from Santobello to Padilla: A Response to Professor Bibas, 2 CAL L. REV. CIR. 52 (2011) (invited contribution)

Physician, Heal Thyself: Discretion and the Problem of Excessive Prosecutorial Caseloads, A Response to Adam Gershowitz and Laura Killinger, 106 N.W. L. REV. COLLOQUY 143 (2011) (invited contribution)

Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute, 110 COLUM. L. REV. 1655 (2010)

Grand Jury Nullification: Black Power in the Charging Decision, in CRIMINAL LAW CONVERSATIONS (Paul Robinson, Kim Ferzan & Stephen Garvey, eds.) (Oxford Press 2009)

Accuracy and Legitimacy, in CRIMINAL LAW CONVERSATIONS (Paul Robinson, Kim Ferzan & Stephen Garvey, eds.) (Oxford Press 2009)

The Unusual Man in the Usual Place: A Reply to Professors Stephanos Bibas, George Thomas, and Ronald Wright, 157 U. Pa. L. Rev. PENNUMBRA 260 (2009)

Punishing the Innocent, 156 U. PA. L. REV. 1117 (2008), *cited in* *Commonwealth v. Verbeck*, No. 1 MAP 2022, 2023 WL 2342405 (Penn. Feb. 28, 2023)

Contraindicated Drug Courts, 55 UCLA L. REV. 783 (2008), *excerpted in* Alex Kreit,

CONTROLLED SUBSTANCES: CRIME, REGULATION AND POLICY (Carolina Academic Press 2013)

Grassroots Plea Bargaining, 91 MARQ. L. REV. 85 (2007) (invited contribution)

The Integrity of the Game is Everything: Geographic Disparity in Three Strikes, 76 N.Y.U. L. REV. 1164 (2001) (student note)

Eternal Sunshine of the Legal Mind: Institutionalism & the Forgotten World (manuscript in progress)

RESEARCH INTERESTS Criminal Procedure, Criminal Law, Criminal Theory, Criminal Justice, Plea Bargaining, Police & Prosecutorial Discretion, Misdemeanor Enforcement & Adjudication, Right to Counsel, Juries, Drug Treatment Courts, Drug Policy, Police & Society, Constitutional Law, Jurisprudence

COURSES TAUGHT Substantive Criminal Law, Constitutional Law, Criminal Procedure Survey, Criminal Adjudication, Contemporary Debates in Criminal Law, Plea Bargaining, Advanced Topics in Law & Public Service, Rule of Law & Its Threats, Race & Criminal Law

LAW SCHOOL SERVICE Academic Review Committee, *Chair*, 2023 – Present
 Law & Public Service Program, *Co-Director*, 2013 – 2017; *Faculty Advisor and Mentor*, 2017 – Present
 Faculty Mentor to Junior Faculty Members, 2019 – Present
 Public Service Committee, *Co-Chair*, 2014 – 2017, 2018 – Present
 Claire Corcoran Award Selection Committee, *Committee Member*, 2014 – Present
 Powell Fellowship Selection Committee, *Committee Member*, 2014 – Present
 Street Law Program, *Faculty Advisor*, 2011 – Present
 Ad-Hoc Tenure Committee, *Chair*, 2022
 Faculty Publications Committee, *Co-Chair*, 2020 – 2023
 Gregory Swanson Award Selection Committee, *Committee Member*, 2019
 Center for Study of Race and Law Committee, *Member*, 2018 – 2019
 Symposium: One Year After Charlottesville, *Co-Organizer*, 2018
 Appointments Committee, *Vice Chair*, 2017 – 2018
 Annual “Shaping Justice” Conference, *Co-Organizer*, 2016 – 2017; *Moderator*, 2020
 Ad-Hoc Committees on Hiring, *Committee Member*, 2015, 2019, 2021; *Chair*, 2016-17
 Immigration Program Committee, *Committee Member*, 2014 – 2016
 AALS, House of Representatives, *UVA Representative*, 2014
 Workshop Committee, *Committee Member*, 2013 – 2014, 2016 – 2017

Ad-Hoc Committees on Promotion and Retention, *Chair*, 2013; *Committee Member*, 2014
Curriculum Committee, *Committee Member*, 2013 – 2014
Faculty Retreat & Workshops Committee, *Committee Member*, 2013 – 2014
Graduation Awards Committee, *Chair*, 2012 – 2013
Graduate Program Committee, *Committee Member*, 2011 – 2013
Student Scholarship Committee, *Chair*, 2010 – 2011, 2015 – 2016
Academic Affairs Committee, *Committee Member*, 2009 – 2010
May Gathering, *Co-Organizer*, 2009

**OTHER
PROFESSIONAL
SERVICE**

The American Law Institute, *Member*, 2023 – Present
Virginia Criminal Justice Conference, *Member*, 2023 – Present
The Bronx Defenders 25th Anniversary Alumni Committee, *Member and Chair of Panel Event Subcommittee*, 2022 – Present
Virginia Harm Reduction Coalition, *Consultant*, 2021 – 2022
Legal Aid Justice Society, *Board Member*, 2014 – Present; *Budget Committee Member*, 2020 – Present
Yale Law Journal, *Peer Referee*, occasional
Harvard Law Review, *Peer Referee*, occasional
Stanford Law Review, *Peer Referee*, occasional
Law & Philosophy, *Peer Referee*, occasional
Leadership in Academic Matters, *Faculty Participant*, 2019 – 2020
Uniform Law Commission, Alternatives to Bail Committee, *Reporter*, 2018 – 2020
Charlottesville Civilian Review Board, *Member*, 2018 – 2019
Pan-University Risk Management Committee, *Committee Member*, 2016 – 2018
Charlottesville Police Foundation, *Board Member*, 2011 – 2013
ABA Comprehensive Representation Task Force, *Committee Member*, 2010 – 2013

**JUDICIAL
CLERKSHIP**

The Honorable Dennis Jacobs,
United States Court of Appeals for the Second Circuit, New York, NY
Judicial Clerk, 2001 – 2002

**OTHER
PROFESSIONAL
EXPERIENCE**

The Bronx Defenders, Bronx, NY
Staff Attorney, 2003 – 2006
Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, New York, NY
Associate, 2002 – 2003
Legal Aid Society, Juvenile Rights Division, Brooklyn, NY
Legal Intern, 2000 – 2001

Legal Aid Society, Federal Defender Division, Brooklyn, NY
Summer Legal Intern, 2000

Legal Services for Prisoners with Children, San Francisco, CA
Summer Legal Intern, 1999

Prisoners' Rights Education Project, Bedford Hills, NY
Director and Teacher, 1998 – 2000

"The People's Court," New York, NY
Legal Researcher, 1998 – 1999

DeZavala Elementary School, Houston, TX
Fifth Grade Teacher, 1995 – 1997

SELECTED PRESENTATIONS **Public Defenders in Law Teaching**, CrimFest Conference, Brooklyn Law School, July 2023
(panel organizer and participant)

From Courtroom to Classroom: Bringing Holistic Defense to Legal Education, The Bronx Defenders, July 2023 (panel organizer and participant)

"McCleskey Accused," CrimFest Conference, Cardozo School of Law, July 2022

"McCleskey Accused," Summer Faculty Workshop, University of Virginia School of Law, June 2022

"McCleskey Accused," Neighborhood Criminal Law Conference, University of Virginia School of Law, May 2022

"McCleskey Accused," Criminal Justice Workshop, Hebrew University, April 2022

"What If Nothing Works?" Faculty Workshop, University of Virginia School of Law, November 2020

"Addiction Maintenance & the Promise of Free Heroin," Conference on the Opioid Crisis in Rural America, Moritz College of Law, October 2018

"Crime Licenses," Summer Faculty Workshop, University of Virginia School of Law, July 2018

"Crime Licenses," Law & Society Annual Meeting, June 2018

"Crime Licenses," Faculty Workshop Series, St. Johns University School of Law, April 2018

"Upside-Down Juries," Democratizing Criminal Law Conference, Northwestern University Pritzker School of Law, November 2016

"Annoy No Cop," Criminal Law & Criminal Justice Seminar, London School of Economics, October 2016

“Understanding the Police,” Faculty Workshop, University of Virginia School of Law, April 2016

“The Legality of Indignity, The Power of Equal Concern and Respect: Community Policing in the Age of ‘Black Lives Matter’,” National Executive Institute, September 2015 (presentation to approximately fifty police chiefs, FBI agents, and other senior law enforcement officials)

“Legality & Rough Justice,” UW Law Colloquium, University of Washington School of Law, March 2015

“Plea Bargaining & Coercion’s Constitutional Baselines,” Plea Bargaining Regulation: The Next Criminal Procedure Frontier, William & Mary Law School, February 2015

“Legality & Rough Justice,” Summer Faculty Workshop, University of Virginia School of Law, June 2014

“Legality as a License, not a Limit,” AALS Workshop on Criminal Justice, June 2013

“Two Rights to Counsel,” Law & Society Annual Meeting, June 2013

“A Dignitary Approach to the Fourth Amendment,” The University of Chicago Criminal Justice Roundtable, April 2013

“A Dignitary Approach to the Fourth Amendment,” Faculty Workshop Series, University of Missouri Law School, April 2013

“Drug Courts & Drug Policy,” Moderator, Conference on Criminal Law & the Modern Court, New York University School of Law, Center on the Administration of the Criminal Law, April 2013

“A Dignitary Approach to the Fourth Amendment,” Criminal Theory Colloquium, New York University School of Law, March 2013

“Two Rights to Counsel,” *Gideon at 50: Reassessing the Right to Counsel Symposium*, Washington & Lee School of Law, November 2012

“Police, Prosecutors, and Misdemeanors,” Misdemeanor Roundtable, New York University School of Law, July 2012

“The Unrecognized Constitutional Point of a ‘Pointless Indignity,’” Summer Faculty Workshop, University of Virginia School of Law, July 2012

“Equitable Discretion as a Rule of Law,” Public Law & Legal Theory Workshop, University of Chicago Law School, April 2012

“Equitable Discretion as a Rule of Law,” Faculty Enrichment Workshop, Florida State University College of Law, March 2012

“The Normative Case for Normative Grand Juries,” Conference on Community Prosecution and Defense, Wake Forest University School of Law, November 2011

“Beyond Immigration: Litigating Expansions of *Padilla*,” *Padilla* and the Future of the Defense Function, Cardozo School of Law, June 2011

“Life Without Parole and the Death of Equitable Discretion,” LWOP Conference, Amherst College, December 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Faculty Workshop Series, Stanford Law School, April 2010

“A Comment on Jeffrey Fagan’s Principal Arguments,” Olin Conference on the Law & Economics of Crime, University of Virginia School of Law, March 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Student Scholarly Lunch, University of Virginia School of Law, March 2010

“Legal Guilt, Normative Innocence, and the Equitable Decision Not to Prosecute,” Faculty Workshop Series, Michigan State University College of Law, March 2010

“Contraindicated Drug Courts,” Works in Progress Seminar, University of Chicago Law School, September 2007

“Contraindicated Drug Courts,” NEPOC Annual Conference, Southern New England School of Law, September 2007

“Grassroots Plea Bargaining,” Conference on Plea Bargaining, Marquette University Law School, April 2007

**HONORS,
AFFILIATIONS
& ADDITIONAL
INFORMATION**

- Selected to The American Law Institute (2023)
- Selected Graduation Faculty Marshal (2015, 2019, 2022, 2023)
- Selected Graduation Hooder (2012, 2014)
- Admitted to New York State Bar, 2002
- Avid long-distance trail runner and cross-country, alpine, and telemark skier
- Volunteer adaptive ski instructor (certified Level I)