

KAY L. LEVINE
Richard H. Clark Professor of Law
Emory University
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EMPLOYMENT

Emory University School of Law –Professor of Law (2016-); chair awarded Fall 2024
Associate Dean for Research (Fall 2022; 2023-2024)
Associate Dean of Faculty (2017-2020)
Associate Professor of Law (2006-2016) (tenure granted 2008)
Assistant Professor of Law (May 2003 - Summer 2006)
Courses: Criminal Law; Constitutional Criminal Procedure – Investigations; Criminal Procedure – Adjudication; The Legal Regulation of Sexuality & Parenthood; Victimless Crimes; Colloquium Series Workshop.
Subsidiary appointments: Associated faculty of Women’s Studies Dep’t; Adjunct faculty of Sociology Dep’t; Associated faculty of Center for the Study of Law and Religion; Ass’d faculty of Center for the Study of Law and Social Science
Distinguished Teaching Scholar (2010-2011)
Most Outstanding Professor (2013)
Emory Williams Teaching Award (2016)

University of California at Berkeley, Boalt Hall – Lecturer (Fall 2002); Graduate Student Instructor (Fall 1997 - Spring 1999); Legal Writing Instructor (Fall 1992)

The Law Offices of Jonathan D. Bookspun, Redwood City, California – Of Counsel & Criminal Defense Consultant (September 1997 - April 2003)

Riverside County District Attorney, Riverside, California – Deputy District Attorney (November 1994 - July 1997)

Chambers of the Honorable David Alan Ezra, United States District Court, District of Hawaii – Judicial Law Clerk (September 1993 - October 1994)

EDUCATION

Ph.D. Jurisprudence and Social Policy, University of California at Berkeley (2003)
Doctoral Dissertation: Prosecution, Politics and Pregnancy: Enforcing Statutory Rape in California

M.A. Jurisprudence and Social Policy, University of California at Berkeley (1999)

J.D. Boalt Hall, University of California at Berkeley, Order of the Coif (1993)

A.B. Duke University, *magna cum laude*, Phi Beta Kappa (1990)

PUBLICATIONS

Books

OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTION (Oxford University Press, 2021) (edited volume, with Ronald F. Wright and Russell M. Gold)

CRIMINAL PROCEDURES: CASES, STATUTES, AND EXECUTIVE MATERIALS (Wolters Kluwer Publishers) (starting with 2019 edition) (with Marc L. Miller, Jenia I. Turner, and Ronald F. Wright)

CRIMINAL PROCEDURES – PROSECUTION AND ADJUDICATION: CASES, STATUTES, AND EXECUTIVE MATERIALS (Wolters Kluwer Publishers) (starting with 2019 edition) (with Marc L. Miller, Jenia I. Turner, and Ronald F. Wright)

CRIMINAL PROCEDURES – THE POLICE: CASES, STATUTES, AND EXECUTIVE MATERIALS (Wolters Kluwer Publishers) (starting with 2019 edition) (with Marc L. Miller, Jenia I. Turner, and Ronald F. Wright)

ANNUAL SUPPLEMENTS for CRIMINAL PROCEDURES: CASES, STATUTES, AND EXECUTIVE MATERIALS (Wolters Kluwer Publishers) (starting with 2019 edition) (with Marc L. Miller, Jenia I. Turner, and Kay L. Levine)

TEACHERS' MANUAL for CRIMINAL PROCEDURES: CASES, STATUTES, AND EXECUTIVE MATERIALS (Aspen Publishers) (starting with 2019 edition) (with Marc L. Miller, Jenia I. Turner, and Ronald F. Wright)

Articles, Book Chapters, and Full-Length Review Essays

Ronald F. Wright and Kay L. Levine (forthcoming) “Legislatures and Localized Resentencing,” *JOURNAL OF CRIMINAL LAW & CRIMINOLOGY* (solicited contribution for symposium on state versus localized control of prosecution).

Kay L. Levine and Russell M. Gold (forthcoming) “Exoneration Finance,” *NEW YORK UNIVERSITY LAW REVIEW ONLINE*.

Kay L. Levine, Elizabeth Griffiths, Joshua Hinkle and Volkan Topalli (forthcoming) “Law in Inaction: The Origins and Implications of Drug Law Underenforcement in One Southern County,” *JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY* (peer-reviewed).

Kay L. Levine, Jonathan Remy Nash and Robert A. Schapiro (2024) “The Unconstitutional Conditions Vacuum in Criminal Procedure,” 133 *YALE L. J.* 1401.

Kay L. Levine and Ronald F. Wright (2024) “Between Cooperation and Conflict in Second Look Sentence Review,” *CARDOZO JOURNAL OF CONFLICT RESOLUTION* 289 (solicited contribution for symposium on the multi-door courthouse).

Russell M. Gold and Kay L. Levine (2023) "The Public Voice of the Defender," 75 ALABAMA L. REV. 157.

Kay L. Levine, Jonathan Remy Nash and Robert A. Schapiro (2022) "Protecting State Constitutional Rights from Unconstitutional Conditions," 56 (1) UC DAVIS L. REV. 247.

Colin Miller and Kay L. Levine (2022) "The Alibi Gambit," 7(1) FOR THE DEFENSE 9-12 (Journal of the Pennsylvania Association of Criminal Defense Lawyers) (solicited) (a shorter version of "The Strategic Use of Alibi Defenses").

Kay L. Levine, Joshua Hinkle and Elizabeth Griffiths (2022) "Making Deflection the New Diversion for Drug Offenders," 19 (1) OHIO STATE JOURNAL OF CRIMINAL LAW 75 (solicited paper for OSU symposium on prosecutor elections and criminal justice reform).

Kay L. Levine and Colin Miller (2022) "The Strategic Use of Alibi Defenses," in ALIBIS AND CORROBORATORS: PSYCHOLOGICAL, CRIMINOLOGICAL, AND LEGAL PERSPECTIVES (JOSHUA BEHL AND MEGAN KIENZLE, EDS.) 103-124, Springer Press e-book (solicited).

Kay L. Levine (2021) "Victims' Rights in the Diversion Landscape," 74(3) SMU LAW REVIEW 501 (solicited paper for SMU Dedman School of Law symposium on criminal justice reform).

Ronald F. Wright and Kay L. Levine (2021) "Models of Prosecutor-Led Diversion in the US and Beyond," 4 ANNUAL REVIEW OF CRIMINOLOGY 331 (solicited).

Ronald F. Wright, Kay L. Levine, and Russell M. Gold (2021) "Preface: Understanding Prosecutors in All of Their Contexts," OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTION (Ronald F. Wright, Kay L. Levine and Russell M. Gold., eds.)

Kay L. Levine (2020) "Should Consistency Be Part of the Reform Prosecutor's Playbook?" 1(2) HASTINGS JOURNAL OF CRIME AND PUNISHMENT 169 (solicited symposium contribution).

Kay L. Levine, Ronald F. Wright, Nancy J. King and Marc L. Miller (2019) "Sharkfests and Databases: Crowdsourcing Plea Bargains," 6 TEXAS A & M UNIVERSITY LAW REVIEW 653 (solicited symposium contribution).

Kay L. Levine and Volkan Topalli (2019) "Process as Intergenerational Punishment: Are Children Casualties of Parental Court Experiences?" in THE LEGAL PROCESS AND THE PROMISE OF JUSTICE 55 (Rosann Greenspan, Hadar Aviram and Jonathan Simon, eds.) Cambridge: Cambridge University Press (solicited for volume in honor of Malcolm Feeley).

Ronald F. Wright and Kay L. Levine (2018) "Career Motivations of State Prosecutors," 86(6) GEORGE WASHINGTON UNIVERSITY LAW REVIEW 1667 (solicited symposium contribution).

- Selected as "Article of the Week" (August 28, 2020) by GEORGE WASHINGTON UNIVERSITY LAW REVIEW

Kay L. Levine and Ronald F. Wright (2017) "Prosecutor Risk, Maturation and Wrongful Conviction Practice," 42(3) LAW AND SOCIAL INQUIRY 648 (peer-reviewed).

Kay L. Levine and Ronald F. Wright (2017) "Place Matters in Prosecution Research," 14(2) OHIO STATE JOURNAL OF CRIMINAL LAW 675.

Ronald F. Wright and Kay L. Levine (2017) "Images and Allusions in Prosecutors' Morality Tales," 5 VIRGINIA JOURNAL OF CRIMINAL LAW 38.

Kay L. Levine, Jenia I. Turner and Ronald F. Wright (2016) "Evidence Laundering in a Post-*Herring* World," 106(4) JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 627.

*cited and discussed in WAYNE LAFAVE, 1 SEARCH AND SEIZURE, § 1.6(i)

Deterrence/cost balancing as to specific kinds of violations: the Herring approach, (6th ed.).

Ronald F. Wright and Kay L. Levine (2014) "The Cure for Young Prosecutor's Syndrome," 56(4) ARIZONA LAW REVIEW 1065.

Ronald F. Wright, Kay L. Levine and Marc L. Miller (2014) "The Many Faces of Prosecution," 1 STANFORD JOURNAL OF CRIMINAL LAW AND POLICY 27 (solicited for inaugural volume).

Kay L. Levine and Ronald F. Wright (2012) "Prosecution in 3-D," 102(4) JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1119.

Kay L. Levine (2009) "When Gender Meets Sex: An Exploratory Study of Women Who Seduce Adolescent Boys," 15(2) WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW 361 (solicited symposium contribution).

Kay L. Levine (2008) "The External Evolution of Criminal Law," 45(3) AMERICAN CRIMINAL LAW REVIEW 1039.

Kay L. Levine (2008) "The State's Role in Prosecutorial Politics," in THE CHANGING ROLE OF THE AMERICAN PROSECUTOR 31 (John L. Worrall and M. Elaine Nugent-Borakove eds., SUNY Press) (solicited).

Purvak Patel, Carolyn C. Meltzer, Helen S. Mayberg, and Kay L. Levine (2007) "The Role of Imaging in US Courtrooms," in 17(4) NEUROIMAGING CLINICS OF NORTH AMERICA: IMAGING OF THE MIND 557.

Kay L. Levine (2007) "Can Prosecutors Be Social Workers?" 40 STUDIES IN LAW, POLITICS AND SOCIETY 127 (peer reviewed) (this is a revised version of "The New Prosecution" written for a peer-review audience).

Kay L. Levine (2006) "No Penis, No Problem," 33(2) FORDHAM URBAN LAW JOURNAL 357 (solicited symposium contribution).

Kay L. Levine (2006) "The Intimacy Discount: Prosecutorial Discretion, Privacy, and Equality in the Statutory Rape Caseload," 55(4) EMORY LAW JOURNAL 691.

Kay L. Levine (2006) "The Law Is Not the Case: Incorporating Empirical Methods into the Culture of Case Analysis," 17 FLORIDA JOURNAL OF LAW & PUBLIC POLICY 283 (solicited symposium contribution).

Kay L. Levine (2005) "The New Prosecution," 40(4) WAKE FOREST UNIVERSITY LAW REVIEW 1125.

Kay L. Levine (2003) "Negotiating the Boundaries between Crime and Culture: A Sociolegal Perspective on Cultural Defense Strategies," 28(1) LAW AND SOCIAL INQUIRY 39 (peer reviewed).

Kay L. Levine and Virginia Mellema (2001) "Strategizing the Street: How Law Matters in the Lives of Women in the Street Level Drug Economy," 26(1) LAW AND SOCIAL INQUIRY 169.

Shorter Works, Solicited Book Reviews & Encyclopedia Entries

Russell M. Gold and Kay L. Levine, "The Public Voice of the Defender," LAW360 (an abbreviated version of the full-length article in the ALABAMA LAW REVIEW) (forthcoming summer 2023)

Malcolm M. Feeley and Kay L. Levine (2015) "Prosecution," INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES, 2ND EDITION (Oxford: Elsevier).

Kay Levine (2013) "Prosecutorial Discretion," ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE (New York: Springer).

Kay L. Levine (2013) Review of *Michelle L. Meloy and Susan L. Miller, The Victimization of Women: Law, Policies, and Politics*, JOURNAL OF WOMEN, POLITICS AND POLICY.

Kay L. Levine (2007) "Jailhouse Informants," ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES 838 (Paul Finkelman ed., Routledge).

Kay L. Levine (2007) Review of *Mike McConville and Chester L. Mirsky, Jury Trials and Plea Bargaining: A True History*, 9(2) PUNISHMENT AND SOCIETY 214.

Kay L. Levine (2004) Review of *George Fisher, Plea Bargaining's Triumph: A History of Plea Bargaining in America*, THE AMERICAN HISTORICAL REVIEW (October 2004) 1245.

Malcolm M. Feeley and Kay Levine (2001) "Prosecution," INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES 12224 (Oxford: Elsevier).

Malcolm M. Feeley and Kay Levine (2001) "Assaults on the Adversarial Process: Rethinking American Criminal Justice," 3(4) PUNISHMENT AND SOCIETY 537.

Miscellaneous

Kay Levine, Marc Miller and Ronald Wright (2023) "Discriminatory Policy Pinned to Wall Should Shock All Prosecutors," BLOOMBERG LAW, May 4, 2023.

Kay L. Levine (2005) "Whose Judgment Do You Trust on Crime?" NEWSDAY (New York, Nassau and Suffolk edition), October 30, 2005, at A49 (invited editorial).

Stephanie M. Godfrey and Kay Levine (2007) “Much Ado about *Randolph*: The Supreme Court Revisits Third Party Consent,” 42 TULSA LAW REVIEW 731 (co-authored article with student, solicited for Supreme Court symposium volume).

WORKS IN PROGRESS

Institutional Homes of Mercy (with Ronald F. Wright): *funded by a \$24,150 Criminal Justice Impact grant from Wilson Center for Science and Justice*

The Opinion Landscape (with Bernard Chao) (expected submission Feb. 2025)

Searching for the Big Score: Search Warrant Yield in Felony Drug Arrests (with Walter Campbell, Elizabeth Griffiths and Joshua Hinkle; under Revise & Resubmit with Criminology and Public Policy, spring 2024)

Police Decertification as a Tool of Accountability (with Seth Stoughton)

Informed Consent for Crime Victims (with Corinna Lain)

SELECTED PRESENTATIONS

“The Opinion Landscape,” Emory-UGA Summer Symposium, Athens, GA (July 2024).

“Selective Justice: Reflections on Courts’ Use of Opinion Survey Evidence,” Law and Society Annual Meeting, Denver, CO (June 2024).

“The Nuts and Bolts of Qualitative Research Methods,” Alabama Law School (April 2024).

“Between Cooperation and Conflict in Second Look Sentence Review,” Suffolk Law School Colloquium Series (April 2024).

“Between Cooperation and Conflict in Second Look Sentence Review,” CARDOZO J. L. AND DISPUTE RESOLUTION ANNUAL SYMPOSIUM (OCTOBER 2023)

“The Public Voice of the Defender,” Emory-UGA Summer Symposium, Emory Law School (July 2023)

“The Public Voice of the Defender,” Law and Society Annual Meeting, Puerto Rico (June 2023)

“The Unconstitutional Conditions Vacuum in Criminal Procedure,” Markelloquium, New York Law School (May 2023)

“The Unconstitutional Conditions Vacuum in Criminal Procedure,” Crimfest, Cardozo Law School (July 2022)

“The Unconstitutional Conditions Vacuum in Criminal Procedure,” Neighborhood Criminal Justice Roundtable, University of Virginia (May 2022)

“The Strategic Use of Alibi Defenses,” Pennsylvania Association of Criminal Defense Lawyers, Continuing Education Workshop (November 19, 2021)

“Victims’ Rights in the Diversion Landscape,” Deason Criminal Justice Center, SMU Dedman School of Law (April 22, 2021)

“Making Deflection the New Diversion for Drug Offenders,” Ohio State Journal of Criminal Law Annual Symposium (Feb 19, 2021)

“Facilitating Office Changes to Support Prosecutorial Innovations,” Prosecutors Research Network Summit: Defining and Refining the 2020 Framework for Prosecution and Public Health (July 13-14, 2020)

“Should Consistency Be Part of the Progressive Prosecutor’s Playbook?” Hastings Law School, Progressive Prosecution and the Carceral State (Feb 2020)

“Regulating Geography through Drug Enforcement: The Role of Drug-Free Zones in Urban Criminal Justice,” Florida State University Law School (Feb 2020)

“Regulating Geography through Drug Enforcement: The Role of Drug-Free Zones in Urban Criminal Justice,” Crimfest, Brooklyn Law School (July 2019)

“Regulating Geography through Drug Enforcement: The Role of Drug-Free Zones in Urban Criminal Justice,” Emory-UGA Summer Symposium, Emory (June 2019)

“Sharkfest Plea Negotiations,” Emory-UGA Summer Symposium, University of Georgia (July 2018).

“Sharkfest Plea Negotiations,” Law and Society Annual Meeting, Toronto, Canada (June 2018).

“Superheroes, Trial Warriors and Trojan Horses: Career Motivations of Prosecutors in State Courts,” Emory-UGA Summer Symposium, University of Georgia (July 2017).

“Superheroes, Trial Warriors and Trojan Horses: Career Motivations of Prosecutors in State Courts,” Crimfest/AALS Mid-Year Meeting of the Criminal Justice Section, American University, Washington DC (June 2017).

“Career Mobility Mindsets Among Prosecutors in State Courts,” Law and Society Association Annual Meeting, New Orleans (June 2016).

“Images and Allusions in Prosecutors’ Morality Tales,” Emory-UGA Summer Symposium, Emory University (July 2016).

“Process as Intergenerational Punishment: Are Children Casualties of Criminal Court Process?” The Legal Process and the Promise of Justice: A Conference to Honor the Work of Malcolm M. Feeley, Berkeley Law School (October 2015).

“The Cure for the Young Prosecutors’ Syndrome,” Neighborhood Criminal Justice Roundtable, Duke Law School (2014)

“The Cure for the Young Prosecutors’ Syndrome,” Emory-UGA Summer Symposium (2013)

“Prosecution in 3-D,” Arizona State University, Sandra Day O’Connor College of Law (2012)

“Architecture as Destiny in Criminal Prosecution,” UC Irvine School of Law (2011)

“Becoming a Prosecutor: How Prosecutors Grow into Their Professional Roles” Annual Meeting of the Law and Society Association, San Francisco, CA (2011)

“Hot Teachers and Hoochie Mamas: Media Portrayals of Women Who Have Sex with Boys” William and Mary College of Law, Journal of Women and the Law Annual Symposium (2008)

“No Penis, No Problem” Annual Meeting of the Law and Society Association, Baltimore, MD (2006)

“US Sex Crime Law and Policy” Emory University School of Nursing (2004 and 2006)

“Progressive Prosecution Strategies” Shaking the Foundations Conference, Stanford Law School (2005)

“The Victim’s Role in the Justice System” EPIC Annual Public Interest Conference, Emory Law School (2005)

“Using Empirical Methods to Discern Culture’s Relationship to Culpability” ABA Culture and Crime Symposium, University of Florida (2005)

“The Intimacy Discount in Statutory Rape Cases” Center for the Interdisciplinary Study of Religion, Emory University (2005)

“Crime Theories and Policy Responses” Crime in America, Emory University Law School (2005)

“The Intimacy Discount” University of North Carolina at Chapel Hill, School of Law (2004)

“Predators and Peers in the Statutory Rape Caseload” Annual Meeting of the Law and Society Association, Chicago, IL (2004)

“Angling for Substantive Justice: How Prosecutors Work Through and Around Legislative Limitations in Statutory Rape Cases” Center for the Study of Law and Society, University of California at Berkeley (2002)

“Prosecution, Politics and Pregnancy: Enforcing Statutory Rape in California”

Department of Sociology, University of California at San Diego (2002)

“The Enforcement of Statutory Rape in California”
Annual Meeting of the Law and Society Association, Vancouver, BC (2002)

“Micro and Macro Analyses of Prosecution in the US”
Sociology of Law, University of California at Berkeley (2002)

“The Influence of Prosecution on Courts and Social Policy: Prosecutors as the Gatekeepers of Criminal Justice”
Courts and Social Policy, University of California at Berkeley (2002)

“Strategizing the Street: Law, Survival, and Legal Consciousness among Women in the Street Level Drug Economy”
Annual Meeting of the Law and Society Association, Miami, Florida (2000)

“Understanding and Evaluating Rape Laws and Policies”
Criminal Law, Boalt Hall School of Law (2000)

“Legal Actors and Non-legal Behaviors in the Criminal Justice System”
Sociology of Law, University of California at Berkeley (1999)

“Cultural Defense Strategies”
Aims and Limits of the Criminal Sanction, University of California at Berkeley (1999)

SERVICE AT EMORY UNIVERSITY

Law School Associate Dean for Research (fall 2022, 2023-24)
Law School Associate Dean of Faculty and Scholarship (2017-2020)
Faculty Director – Juris Master Program (2021-2022)
Law School Faculty Appointments Committee
Law School Colloquium and Scholarship Committee (Chair)
Law School Dean’s Advisory Council
Juris Master Faculty Advisor
Law School Student Scholarship Coordinator
Law School Criminal Law Adjunct Coordinator
Law School Upper Level Writing Task Force (Chair)
Law School Dean Search Advisory Committee
Law School Strategic Planning Committee
Law School Curriculum Committee
Law School Indigent Defense Clinic Planning Committee
Law School Indigent Criminal Defense Clinic Director Search Committee
Law School Clinics and Field Placements Committee
Law School Clinical and Contract Faculty Review Committee
Emory Law Journal – Faculty Advisor
Order of the Coif – Secretary; President
Emory Public Interest Committee

PROFESSIONAL ASSOCIATIONS

American Law Institute (elected to membership 2017)
American Bar Foundation – fellow
American Association of Law Schools – Mentorship Sec’y, Criminal Proc. Section (2022-24; Board member 2024-25)
Law and Society Association
American Society of Criminology
American Sociological Association
California Bar Association
American Association of Law Schools

JOURNAL REFEREE

JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE
LAW AND SOCIETY REVIEW
LAW AND SOCIAL INQUIRY
JUSTICE SYSTEM JOURNAL
CRIMINAL JUSTICE REVIEW
PUNISHMENT & SOCIETY
URBAN GEOGRAPHY
JOURNAL OF CRIMINAL JUSTICE
NYU PRESS
LAW, POLITICS AND SOCIETY
WOMEN, POLITICS AND POLICY
EUROPEAN JOURNAL OF CRIMINOLOGY
CRIMINOLOGY, CRIMINAL JUSTICE, LAW & SOCIETY

EDITORSHIPS:

CO-EDITOR, LAW SECTION, INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL AND BEHAVIORAL SCIENCES, 2ND EDITION (JAMES WRIGHT, ED). OXFORD: ELSEVIER 2015.