
DAVID C. BALDUS

Curriculum Vitae - 11/7/2005

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ACADEMIC EMPLOYMENT

UNIVERSITY OF IOWA COLLEGE OF LAW, IOWA CITY, IOWA

*Joseph B. Tye Professor, 1983 - Present**Professor, 1972-83**Associate Professor, 1969-71**Subjects: Criminal Law, Anti-discrimination Law, Capital Punishment, Federal Criminal Law, and Admiralty*

SYRACUSE UNIVERSITY COLLEGE OF LAW

Center for Interdisciplinary Legal Studies

Professor and Director, 1981-82

NATIONAL SCIENCE FOUNDATION

Director, Law and Social Sciences Program, 1975-76

PRE-ACADEMIC EMPLOYMENT

PENNSYLVANIA CONSTITUTIONAL CONVENTION

Delegate, 1967-68

GENERAL PRACTICE OF LAW, Pittsburgh, Pennsylvania

1964-68

U.S. ARMY/ARMY SECURITY AGENCY (ASA)

Lieutenant, 1958-59

EDUCATION

YALE LAW SCHOOL

LL.M., 1969 - LL.B., 1964

UNIVERSITY OF PITTSBURGH

M.A., 1962 (Political Science)

DARTMOUTH COLLEGE

A.B., 1957 (Government Major)

BOOKS AND MONOGRAPHS

Statistical Proof of Discrimination, 386 pages, Shepards-McGraw Hill (1980) (with James W. Cole).

Annual Supplement, Statistical Proof of Discrimination (1981), (1982), (1983), (1984), (1985), (1986), and (1987) (with James W. Cole).

Equal Justice and the Death Penalty: A Legal and Empirical Analysis, 698 pages, Northeastern University Press (1990) (with G. Woodworth & C. Pulaski).

ARTICLES, BOOK CHAPTERS & REPORTS

"State Competence to Terminate Concession Agreements with Aliens," 53 Kentucky L.J. 56-97 (1964).

"Pennsylvania's Proposed Film Censorship Law - House Bill 1098," 4 Duquesne L. Rev. 429-40 (1966).

"Welfare As A Loan: An Empirical Study of the Recovery of Public Assistance Payments in the United States," 25 Stanford L. Rev. 123-250 (1973).

"A Model Statute for the Regulation of Abandoned Railroad Rights of Way" in Re-Use Planning for Abandoned Transportation Properties, Final Report to DOT. 109-25 (K. Deuker and R. Zimmerman eds. 1975) (with S. Grow).

"A Comparison of the Work of Thorsten Sellin and Isaac Ehrlich on the Deterrent Effect of Capital Punishment," 85 Yale. L. J. 170-86 (1976) (with J. Cole).

"Quantitative Proof of Intentional Discrimination," 1 Evaluation Quarterly 53-85 (1977) (with J. Cole).

"Statistical Modeling to Support a Claim of Intentional Discrimination," Am. Statistical Assn., Proceedings of the Soc. Stat. Sec. Part I pp. 465-70 (1977) (junior author with J. Cole).

"Quantitative Methods for Judging the Comparative Excessiveness of Death Sentences" in The Use/Nonuse/Misuses of Applied Social Research in the Court: Conference Proceedings, 83-94 (M. Saks & C. Baron eds. 1980).

"Identifying Comparatively Excessive Sentences of Death," 33 Stan. L. Rev. 601-77 (1980) (with C. Pulaski, G. Woodworth, and F. Kyle).

"Comparative Review of Death Sentences: An Empirical Study of the Georgia Experience," 74 J. Crim. L. & Criminology 661-753 (1983) (with C. Pulaski & G. Woodworth).

"Monitoring and Evaluating Contemporary Death Sentencing Systems: Lessons From Georgia," 18 U.C. Davis L. Rev. 1375-1407 (1985) (with C. Pulaski & G. Woodworth).

"Arbitrariness and Discrimination in the Administration of the Death Penalty: A Challenge to State Supreme Courts," 15 Stetson L. Rev. 133-261 (1986) (with C. Pulaski and G. Woodworth).

"Law and Statistics in Conflict: Reflections on McCleskey v. Kemp," in Handbook on Psychology and Law 251-73 (D. Kagehiro & W. Laufer eds. 1991) (with G. Woodworth & C. Pulaski).

"Race Discrimination and the Death Penalty," in Oxford Companion to the Supreme Court of the United States 705-07 (K. Hall ed. 1991) (with C. Pulaski and G. Woodworth).

Death Penalty Proportionality Review Project: Final Report to The New Jersey Supreme Court, 120 pages plus 200+ pages of tables and appendices, (September 24, 1991)

State v. Robert Marshall; Report to the New Jersey Supreme Court, 80 pages (September 24, 1991).

"Proportionality Review of Death Sentences: The View of the Special Master," 6 Chance 18-27 (Summer 1993) (with G. Woodworth).

"Reflections on the 'Inevitability' of Racial Discrimination in Capital Sentencing and the 'Impossibility' of its Prevention, Detection, and Correction," 51 Wash & Lee L. Rev. 419-79 (1994) (with G. Woodworth and C. Pulaski).

"Improving Judicial Oversight of Jury Damage Assessments: A Proposal for the Comparative Additur/Remittitur Review of Awards for Nonpecuniary Harms and Punitive Damages," 80 Iowa L. Rev. 1109-1267 (1995) (with J. MacQueen & G. Woodworth).

Keynote Address: "The Death Penalty Dialogue Between Law and Social Science." 70 Ind. U. L. Rev. 1033- 41 (1995).

"Additur/Remittitur Review: An Empirically Based Methodology for the Comparative Review of General Damages Awards for Pain, Suffering, and Loss of Enjoyment of Life," (with G. Woodworth and J. MacQueen) in Reforming the Civil Justice System, 386-415 (Likamer, ed. 1996).

"When Symbols Clash: Reflections on the Future of the Comparative Proportionality Review of Death Sentences," 26 Seton Hall L. Rev. 1582-1606 (1996).

"Race Discrimination in America's Capital Punishment System Since *Furman v. Georgia* (1972): the evidence of race disparities and the record of our courts and legislature in addressing the issue," Report to A.B.A. Section of Individual Rights and Responsibilities (7/25/97) (19 pages) (with G. Woodworth).

"Pediatric Traumatic Brain Injury and Burn Patients in the Civil Justice System: The Prevalence and Impact of Psychiatric Symptomatology," 26 J. Am. Acad. Psychiatry L. 247-58 (1998) (junior author with J. Max et al.)

"Race Discrimination and the Death Penalty: An Empirical and Legal Overview" (with G. Woodworth) in America's Experiment with Capital Punishment, 385-416 (J. Acker et al, eds. 1998).

"Race Discrimination and the Death Penalty in the Post *Furman* Era: An Empirical and Legal Overview, With Recent Findings From Philadelphia," 83 Cornell L. Rev. 1638-1770 (1998) (with G. Woodworth et al.).

"The Use of Peremptory Challenges in Capital Murder Trials: A Legal and Empirical Analysis," 3 U. Penn. J. of Constitutional Law 3-170 (2000) (with G. Woodworth et al.)

"Disposition Of Nebraska Capital and Non-Capital Homicide Cases (1973-1999): A Legal and Empirical Analysis: Report to the Nebraska Commission on Criminal Justice and Law Enforcement," (October 10, 2001), 120 pages (with G. Woodworth et al.)

"Death Penalty Symposium: A Call to Action: A Moratorium on Exedutioins Presented by the ABA," (October 12, 2000 at the Carter Center, Atlanta, Ga.), 4 New York City L. Rev. 113, 152-155 (2002) (DB remarks) (with G. Woodworth).

"Arbitrariness and Discrimination in the Administration of the Death Penalty: A Legal and Empirical Analysis of the Nebraska Experience (1973-1999)," 81 Neb. L. Rev. 486-754 (2002) (with G. Woodworth et al.)

"Race Discrimination in the Administration Of The Death Penalty: An Overview Of The Empirical Evidence With Special Emphasis On The Post-1990 Research," 39 Crim. L. Bulletin 194-226 (2003) (with G. Woodworth).

"Race Discrimination and the Legitimacy of Capital Punishment: Reflections on the Interaction of Fact and Perception," 53 De Paul L. Rev. 1411-95 (2004) (with G. Woodworth).

BOOK REVIEWS

"D. Chambers, Making Fathers Pay," 78 Mich. L. Rev. 750 (1980).

M. O. Finkelstein, Quantitative Methods in Law & W. Fairley & F. Mosteller, Statistics and Public Policy, 1980 Am. Bar. Found. R. J. 409.

"W. White, The Death Penalty in the Eighties" & "H. Bedau, Death is Different," 1 Crim. L. Forum 185 (1989) (with G. Woodworth & C. Pulaski).

PAPERS PRESENTED SINCE 1985

"Arbitrariness and Discrimination in Capital Sentencing: A Challenge For Presented State Supreme Courts," Stetson Law School, March 1985.

"Arbitrariness and Discrimination in Capital Sentencing: The Georgia Experience," Fortunoff Criminal Justice Colloquium, N.Y.U. Law School, May 1985.

"Statistical Proof in Employment Discrimination Litigation: An Overview", State of Washington Judicial Conference, Tacoma, Washington, August, 1985.

"Arbitrariness and Discrimination in Capital Sentencing" Symposium on Capital Punishment, Columbia Law School, December 1985.

"Capital Punishment -- A Tragic Choice?" Mount Mercy College, Cedar Rapids, Iowa, April 1986.

"Consistency and Evenhandedness in Federal Death Sentencing Under Proposed Legislation," testimony before House Criminal Justice Subcommittee, Washington, D.C., May 1986.

"The Impact of Prosecutorial Discretion on Arbitrariness and Discrimination," American Criminology Society, Atlanta, GA, November 1986.

"Death Penalty Cases: The Role of Empirical Data," National Judicial College of San Diego, February 10, 1987.

"Individual Rights and the Constitution: Issues and Trends in the Death Penalty," Controversy & The Constitution Conference, Ames, Iowa, February 12, 1987.

"Equal Justice in Proposed Federal Death-Sentencing Legislation: lessons from the states," Testimony before the United States Sentencing Commission, Hearing on the Commission's responsibility regarding promulgation of sentencing guidelines for federal capital offenses, Washington, D.C., February 17, 1987.

"Usable Knowledge from the Social Sciences: A Lawyer's Perspective," University of Nebraska College of Law, April 10, 1987.

"Equal Justice and the Death Penalty: Some Empirical Evidence," University of Nebraska College of Law, April 10, 1987.

"McCleskey v. Kemp: A methodological critique," Law and Society Association, Washington, D.C., June 12, 1987.

"Law and Statistics in Conflict: Reflections on McCleskey v. Kemp," University of Bristol (March 4, 1988), University of Durham (March 16, 1988), Hebrew University (April 17, 1988), University of Reading (May 6, 1988), University of Oxford (May 27, 1988).

"Arbitrariness and Discrimination in the Imposition of the Death Penalty," Testimony before Senate Judiciary Committee, Washington, D.C., October 2, 1989.

"Arbitrariness and Racial Discrimination in Post-Furman Death Sentencing: Implications for the Racial Justice Act and Proposed Federal Death-Penalty Legislation," Testimony before the Constitutional and Civil Rights Subcommittee, House Judiciary Committee, Washington, D.C., May 3, 1990.

"The Proportionality Review of Death Sentence: New Jersey's Options," New Jersey Bar Assembly, Headquarters, New Brunswick, New Jersey, April 23, 1992.

"Proportionality Review of Death Sentences: New Jersey's Options," Law and Society Association, Philadelphia, May 24, 1992.

"Regulating the Quantum of Damages for Personal Injuries through Enhanced Additur-Remittitur Review," Law and Society Association, Philadelphia, May 28, 1992.

"Proportionality Review of Death Sentences" & "Race Discrimination in the Use of the Death Penalty," University of Michigan Law School, January 1993.

"Reflections on the Reinstatement of the Death Penalty in Iowa," Public Lecture, Coe College, April 1993.

"Discretion and Disparity in the Administration of the Death Penalty" & "Racial and Ethnic Bias in the Criminal Law: Some Trends and Prospects," AALS Workshop on Criminal Law, Washington, D.C., October 29 & 30, 1993.

"Improving Judicial Oversight of Jury Damages Assessments: A Proposal for the Comparative Additur/Remittitur Review of Awards for non-pecuniary harms and punitive damages," Conference of Chief Justices, Williamsburg, Virginia, January 1993; Department of Pediatrics, University of Iowa Medical School, February, 1993; Conference on Civil Justice Reform, NYU Law School, October 1993.

"Racial Discrimination in Capital Sentencing: Reflections on its Inevitability and the Impossibility of its Prevention and Cure," Symposium on Racism in the Criminal Law, Washington and Lee Law School, March 11, 1994.

"Racial Discrimination in Mortgage Lending," Department of Housing and Urban Development, January 19, 1994.

"The Death Penalty Dialogue Between Law and Social Science," Keynote Address, Symposium, Capital Jury Project, Indiana Law School, February 24, 1995.

"Reflections on the Failure to Reinstate the Death Penalty in Iowa" & "Claims of Arbitrariness and Discrimination Under State Law; recent trends." Legal Defense Fund Annual Conference on the Death Penalty, Airlie House, Virginia, July 28 & 29, 1995.

"Statistical Approaches to Title VII Discrimination Claims" Defense Lawyers Association, Des Moines, September 1995.

"The Marshall Hypothesis Revisited," University of Pittsburgh Law School, October 1995.

"When Symbols Clash, Reflections of Proportionality Review, Death Sentences," Luncheon speaker, Death Penalty Conference, Seton Hall Law School, Nov. 2, 1995.

"Law As Symbol: explaining the uses of the death penalty in America," DePaul Law School, Chicago, January 1996; Northwestern Law School, March 1996.

"Post-McCleskey Discrimination Claims: Law, Proof and Possibilities," Plenary Session, Legal Defense Fund Annual Conference on the Death Penalty, Georgetown University, July 26, 1996.

"Preliminary Finding from the Pennsylvania Capital Charging and Sentencing Study" and "Law As Symbol," American Criminology Society, November 1996.

"The Death Penalty and How It Might Affect the Iowa Practitioner," Iowa Bar Association Criminal Law Seminar, Des Moines, March 21, 1997.

"Race Discrimination and the Death Penalty: Recent Findings from Philadelphia" Plenary Session, Legal Defense Fund Annual Conference on the Death Penalty, Airlie House, Virginia, July 1997; Death Penalty Symposium; Cornell Law School March 1998; American Society of Criminology, Washington D.C. November 1998.

"The Death Penalty for Iowa: What Would It Bring," testimony before the Iowa House Judiciary Committee, March 1998.

"Race Discrimination and the Proportionality Review of Death Sentences," Yale Law School, March 1998; St. John's Law School, March 1999.

"The Use of Peremptory Challenges in Capital Murder Trials: A Legal and Empirical Analysis," Research Club, University of Iowa, December 17, 1999; Center for Socio-Legal Studies, University of Iowa, January 21, 2000; "Race, Crime, and the Constitution Symposium," University of Pennsylvania Law School, January 29, 2000; Law Dept., Erlangen University, Erlangen, Germany, July 18, 2000.

"Race Discrimination in the Administration of the Death Penalty," Senate Judiciary Committee, Pennsylvania Legislature, Harrisburg, Pa., January 22, 2000; The Governor's Race and the Death Penalty Task Force, Tallahassee, Florida, March 30, 2000.

"Reflections on the Use of Capital Punishment in Europe and the United States," Political Science Dept., Erlangen University, Erlangen, Germany, July 17, 2000.

"Race Discrimination in the Administration of the Death Penalty: Current Concerns and Possible Strategies for Addressing the Issue During a Moratorium on Executions," ABA's Call to Action: A Moratorium on Executions, ABA Conference, Carter Center, Atlanta, Georgia, October 12, 2001.

"Race and Gender Disparities in the Administration of the Death Penalty: Recent Finding From Philadelphia and Legislative and Judicial Strategies to Reduce Race and Gender

Effects,” Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System, Philadelphia, Pa. December 6, 2000.

“Race Discrimination in the Administration of the Death Penalty,” Death Penalty Symposium, NYU Law School, March 29, 2001.

“Reflections on the Use of the Death Penalty in Europe and the United States,” Capital Punishment Symposium, Ohio State Law School, March 31, 2001.

“Arbitrariness and Discrimination in the Administration of the Death Penalty: the Nebraska Experience,” Judiciary Committee, Nebraska Legislature, October 18, 2001; University of Nebraska Law School, February 22, 2002.

“Reflections on Comparative Proportionality Review” and “Race Discrimination and the Death Penalty: the post-1990 research,” John Jay School of Criminal Justice, New York City, November 11, 2002.

“Proving Systemic Systemic Disparate Treatment in Capital Charging and Sentencing and in the Use of Peremptory Challenge” and “Understanding Equal Justice and the Death Penalty: the Role of Social Science,” Yale Law School, New Haven, Conn., April 24, 2003.

“Race Discrimination and the Legitimacy of Capital Punishment: Reflections on the Interaction of Fact and Perception,” DePaul Law Review Capital Punishment Symposium, Chicago Ill, Oct. 23, 2003.

“Excessiveness and Race Discrimination in the Military Death Penalty: Lessons from Civilian Courts Since *Furman v. Georgia* (1972),” Judicial Conference of the Court of Appeals For The Armed Forces, Columbus School of Law, Washington, D.C. May 19, 2004.

“Questions and Answers Concerning Evidence of Racial Disparities in the Administration of the Death Penalty,” CLE Panel, NAACP Convention, Milwaukee, WI, July 11, 2005.

Miscellaneous

Member: American Bar Association; American Law Institute; American Society of Criminology; Law and Society Association.

Board of Editors: Evaluation Quarterly (1976-79); Law & Policy Quarterly (1978-79); Law and Human Behavior (1984-); Psychology, Public Policy and Law (1994-).

Board of Trustees, Law and Society Association (1992-94).

Grant Recipient, N.S.F. Law and Social Science Program
1974-75--“Quantitative Proof of Discrimination.”

Invited Participant, N.S.F. Sponsored Conference on the Use of Scientific Evidence in Judicial Proceedings, November 1977.

Invited Participant, ABA--AAAS Conference on Cross Education of Lawyers and Scientists, Airlie House, Virginia, May 1978.

Reporter, Roscoe Pound Am. Tr. Lawyers Foundation Conf. On Capital Punishment, Harvard University, June 1980.

Grant Recipient, National Institute of Justice, 1980-81, "The Impact of Procedural Reform on Capital Sentencing: the Georgia Experience."

Consultant, Delaware Supreme Court, April 1981 and South Dakota Supreme Court, November 1981, on the proportionality review of death sentences.

Member, Special Committee of the Association of the Bar of New York on Empirical Data in Legal Decision Making and the Judicial Management of Large Data Sets (1980-82).

Grant Recipient, NSF Law & Social Science Program. "A Longitudinal Study of Homicide Case Processing" (1983).

Consultant, National Center for State Courts project on the proportionality review of death sentences (1982-84).

Expert witness in *McCleskey v. Kemp*, 105 S.Ct. 1756 (1987), a capital case challenging the constitutionality of Georgia's capital sentence process.

Recipient, Law and Society Association's Harry Kalven Prize for Distinguished Scholarship in Law and Society (with G. Woodworth & C. Pulaski) for our capital punishment research (June 11, 1987).

Grant recipient, State Justice Institute, 1988-1992, "Judicial Management of Judicial Awards for Noneconomic and Punitive Damages" (with Dr. J. MacQueen & J. Gittler).

Special Master for Proportionality Review of Death Sentences for the New Jersey Supreme Court: 1988-91.

Member, AALS Committee on Curriculum and Research (1994-97).

Recipient, "Michael J. Brody Award for Faculty Excellence in Service to the University of Iowa", October 1996.

Recipient, "Award For Faculty Excellence," Board of Regents, State of Iowa, October 18, 2000.

Grant recipient, Nebraska Crime Commission, "The Disposition of Nebraska Homicide Cases (1973-1999)" (2000)

Member, AAUP, Iowa Chapter (1969-___), Member, Executive Board (1992- ___), Member Committee A (1985-__)

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