

KAY L. LEVINE
Professor of Law
Emory University
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EMPLOYMENT

Emory University School of Law – Professor of Law (present); Associate Dean of Faculty (2017-2020); Co-Associate Dean for Research (Fall 2022)
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 2018) (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

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

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

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 (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)

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.

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

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

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.

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.

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

- 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.

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.

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.

Kay L. Levine and Ronald F. Wright (2012) "Prosecution in 3-D," 102(4) JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1119-1180.

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 361-376.

Kay L. Levine (2008) "The External Evolution of Criminal Law," 45(3) AMERICAN CRIMINAL LAW REVIEW 1039-1100.

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).

Kay L. Levine (2007, with P.A. Patel, C.C. Meltzer, and H.S. Mayberg) "The Role of Imaging in US Courtrooms," in 17(4) *NEUROIMAGING CLINICS OF NORTH AMERICA: IMAGING OF THE MIND* (November 2007).

Kay L. Levine (2007) "Can Prosecutors Be Social Workers?" 40 *STUDIES IN LAW, POLITICS AND SOCIETY* 127-154.

Kay L. Levine (2006) "No Penis, No Problem," 33(2) *FORDHAM URBAN LAW JOURNAL* 357-405 (invited symposium volume).

Kay L. Levine (2006) "The Intimacy Discount: Prosecutorial Discretion, Privacy, and Equality in the Statutory Rape Caseload," 55(4) *EMORY LAW JOURNAL* 691-758.

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* 283-301 (invited symposium volume).

Kay L. Levine (2005) "The New Prosecution," 40(4) *WAKE FOREST UNIVERSITY LAW REVIEW* 1125-1214.

Kay L. Levine (2003) "Negotiating the Boundaries between Crime and Culture: A Sociological Perspective on Cultural Defense Strategies," 28(1) *LAW AND SOCIAL INQUIRY* 39-86.

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* 169-207.

Book Reviews & Encyclopedia Entries

Kay Levine (2015, with Malcolm M. Feeley) "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* 214-216.

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) 1245-46.

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

Kay Levine (2001, with Malcolm M. Feeley) "Assaults on the Adversarial Process: Rethinking American Criminal Justice," 3(4) PUNISHMENT AND SOCIETY 537-45.

Miscellaneous

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 731-50 (co-authored article with student for Supreme Court symposium volume).

WORKS IN PROGRESS

The Causes and Dangers of Chronic Underenforcement of Drug Crimes (with Elizabeth Griffiths, Josh Hinkle and Volkan Topalli)

The Unconstitutional Conditions Vacuum in Criminal Procedure (with Jonathan R. Nash and Robert Schapiro) (to be submitted spring 2023)

Community Outreach in Indigent Defense (with Russell Gold)

Against Finality (with Ronald F. Wright)

Second Look Sentencing in State Prosecutors' Offices (with Ronald F. Wright) – under consideration for \$500,000 grant with Arnold Ventures Foundation

SELECTED PRESENTATIONS

"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 Co-Associate Dean for Research (fall 2022)

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)

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.