

STEPHEN F. SMITH

2915 York Road
South Bend, IN 46614
(574) 631-3097 (o)
(574) 217-8460 (h)
(434) 227-2263 (c)
ssmith31@nd.edu

Academic and Legal Employment (in reverse-chronological order)

Notre Dame Law School

Professor of Law (Summer 2009-present)

Visiting Professor of Law (Fall 2008)

University of Virginia School of Law

John V. Ray Research Professor (2006-2009)

Professor of Law (2006-2009)

Associate Professor of Law (2000-2006)

Columbus School of Law, Catholic University of America

Visiting Professor of Law (Spring 2007)

George Mason University School of Law

Adjunct Professor (1997-2000)

Sidley & Austin, Washington, D.C.

Associate, Civil, Criminal, and Constitutional Litigation Section (1995-2000)

Jones Day Reavis & Pogue, Washington, D.C.

Associate, Issues and Appeals Section (1994-95)

Interim Associate (Summer 1993)

Supreme Court of the United States

Law Clerk to Justice Clarence Thomas (October 1993 Term)

U.S. Court of Appeals for the D.C. Circuit

Law Clerk to Judge David B. Sentelle (1992-93)

Summer Associate – all in Washington, D.C. except as noted

Williams & Connolly, Skadden Arps Slate Meagher & Flom, Mayer Brown
& Platt, Hunton & Williams (Richmond, Va.), Mays & Valentine
(Richmond, Va.)

Administrative Experience (in reverse-chronological order)

Member, Executive Committee, Piedmont Family YMCA (2008-2009)

Member, Executive Committee, Multiple Sclerosis Society of the Blue Ridge (2007-2009)

Founding Member, Board of Directors, Haiti Outreach Foundation, Inc. (2007-2010)

Member, Board of Directors, Tucker Foundation, Dartmouth College (2007-present)

Member, Board of Trustees, Dartmouth College (2007-present)

Founding Member, Board of Directors, Haiti Healthcare Foundation (2003-07)

Member, Board of Trustees, Multiple Sclerosis Society of the Blue Ridge (2006-2009)

Member, Board of Directors, Piedmont Family YMCA (2002-2009)

Member, Executive Committee, United Way for Thomas Jefferson Area (2002-2009)

Member, Program Review & Funding Committee, United Way for Thomas Jefferson Area (2002-05)

Member, Board of Directors, United Way for Thomas Jefferson Area (2001-2009)

Chairman, Civil Rights Reviewing Authority, U.S. Department of Education (2001-2004)

Representative Selection of Publications to Date and Works in Progress

Articles (in reverse-chronological order)

"Innocence" and the Guilty Mind (in progress)

Taking Strickland Claims Seriously, --- Marq. L. Rev. --- (2010) (symposium issue)

Clarence X?: The Black Nationalist Behind Justice Thomas's Constitutionalism,
--- N.Y.U. J. L. & Liberty --- (2010) (symposium issue)

Proportional Mens Rea, 46 Am. Crim. L. Rev. 127 (2009)

January 2010

The Supreme Court and the Politics of Death, 94 Va. L. Rev. 283 (2008)

Proportionality and Federalization, 91 Va. L. Rev. 879 (2005)

Activism as Restraint: Lessons from Criminal Procedure, 80 Tex. L. Rev. 1057 (2002)

Essays/Book Reviews (in reverse-chronological order)

Criminal Procedure After Rehnquist (book chapter, in progress)

Jail for Juvenile Child Pornographers? A Reply to Professor Leary, 15 Va. J. Soc. Pol'y & Law 505 (2009)

Cultural Change and "Catholic Lawyers," 1 Ave Maria L. Rev. 31 (2003) (solicited piece for inaugural issue)

"*We the Protestants*," First Things: The Journal of Religion in Public Life, Dec. 2002 issue, at 43 (reviewing SEPARATION OF CHURCH AND STATE by Philip Hamburger)

The Rehnquist Court and Criminal Procedure, 73 U. Colo. L. Rev. 1337 (2002) (symposium)

Taking Lessons from the Left? Judicial Activism on the Right, 1 Geo. J. L. & Pub. Pol'y 57 (2002) (solicited piece for inaugural issue)

**Selected Invited Presentations (2000-Present)
(in reverse-chronological order)**

Criminal Appeals Conference, Marquette University School of Law (June 2009)–
presentation on claims of ineffective assistance of counsel in criminal cases

The Madison Program, Princeton University–made lead presentation on Chief Justice William Rehnquist's legacy in constitutional criminal procedure (Feb. 2009)

Sixth Annual William Howard Taft Supreme Court Review (July 2008)–panel discussion along with Professors Martin Lederman, Ronald Rotunda, and Michael Seidman

American Enterprise Institute–panel presentation during conference on "Higher Education Governance: Stewardship or Sham?" (Apr. 2008)

January 2010

Catholic University of America—delivered comment at international conference on presentation by Harvard Professor Michael Sandel on the ethic of “giftedness” (Mar. 2008)

Symposium, Virginia Journal of Law and Public Policy (Mar. 2008)—panel discussion on using child pornography laws to address “sexting” by minors

American Council of Trustees and Alumni—panel presentation on recent Dartmouth governance issues (Sept. 2007)

Judicial Conference, U.S. Court of Appeals for the Armed Forces—lecture on recent developments in the Supreme Court’s jurisprudence concerning effective assistance of counsel in criminal cases (May 2007)

University of Notre Dame School of Law (Dec. 2006) (presented “*The Supreme Court and the Politics of Death*”)

Columbus School of Law, Catholic University of America—presentation as member of panel on the role of religion in American legal education (Sept. 2006)

University of California (Davis) School of Law (Apr. 2006) (presented “*The Supreme Court and the Politics of Death*”)

Pepperdine University School of Law (presented “*Innocence*” and *the Guilty Mind*) (Feb. 2006)

Columbus School of Law, Catholic University of America (presented “*Innocence*” and *the Guilty Mind*) (Feb. 2006)

University of San Diego School of Law (presented “*Innocence*” and *the Guilty Mind*) (Dec. 2005)

University of Michigan School of Law Legal Theory Workshop (Sept. 2005) (presented *Proportionality and Federalization*)

Second Annual William Howard Taft Supreme Court Review (July 2004)—panel discussion along with Judge Kenneth Starr, General Walter Dellinger, and Professor Michael Seidman

Bill of Rights Institute Conference on the Fourth Amendment—lecture to high school government teachers from across the country (June 2004)

University of Minnesota School of Law Faculty Workshop (March 2004) (presented early version of *Proportionality and Federalization*)

January 2010

University of St. Thomas School of Law Faculty Workshop (March 2004) (presented *The Guilt/Blame Divide in Federal Criminal Law*)

Georgetown University Law Center Colloquium on Constitutional Law and Theory (Feb. 2004) (presentation regarding race and the Warren Court revolution in criminal procedure)

University of Virginia Faculty Research Conference (Jan. 2004) (presented comment on *Habeas Bargaining* by Professor Anup Malani)

Supreme Court of Virginia Judicial Conference (Aug. 2003)–lecture for General District Court judges from across Virginia regarding major recent cases decided by the U.S. Supreme Court

Bill of Rights Institute Conference for Teachers–lecture to high school government teachers on constitutional criminal procedure (June 2003)

University of Michigan School of Law Legal Theory Workshop (Feb. 2002) (presented *Activism as Restraint: Lessons from Criminal Procedure*)

Ave Maria School of Law Faculty Workshop (Feb. 2002) (presented *Activism as Restraint: Lessons from Criminal Procedure*)

University of Chicago Federalist Society (Jan. 2002) (debate with Prof. Al Alschuler)

University of Virginia Faculty Retreat (Jan. 2002) (early presentation of *Activism as Restraint: Lessons from Criminal Procedure*)

Conference on Conservative Judicial Activism, Byron R. White Center for the Study of American Constitutional Law, University of Colorado School of Law (Oct. 2001) (presented early version of *The Rehnquist Court and Criminal Procedure*)

Student Presentations

UVA American Constitution Society (multiple presentations)

UVA Black Law Student Association (multiple presentations)

UVA Conference on Public Service and the Law (multiple presentations)

UVA Federalist Society (multiple presentations)

UVA Law Christian Fellowship (multiple presentations)

UVA Public Interest Law Association (multiple presentations)

UVA St. Thomas More Society (multiple presentations)

January 2010

Courses Offered (asterisks indicate 2009-10 offerings)

Appellate Advocacy

Appellate Litigation: Principles & Practice

Criminal Adjudication (also known as “Bail to Jail” or “Advanced Criminal Procedure”)*

Criminal Law*

Federal Criminal Law*

Seminar in Ethical Values

Student Counseling and Advice

Admitted Student Recruiter (UVA)

Directed Student Research (seven students since 2002)

Faculty Advisor, UVA Criminal Law Society (2003-present)

Faculty Advisor, UVA Innocence Project (2005-2006)

Faculty Advisor, UVA Post-Conviction Assistance Project (2000-04)

Faculty Advisor, UVA St. Thomas More Society (2000-present)

Faculty Advisor, UVA Mock Trial Team (2003-present)

Faculty Mentor to ND student-athlete (2009-present)

Institutional Service to the Law School

Committee Assignments (asterisks indicate current assignments)

ND Admissions Committee*

UVA Admissions Committee (several appointments)

UVA Entry-Level Appointments Committee

ND Appointments Committee*

UVA Clerkship Committee (several appointments)

UVA Honor Committee Representative (several appointments)

UVA Order of the Coif Committee

UVA Public Service Center Search Committee

UVA Public Service Committee (Chair, 2000-01; member, 2003-present)

UVA Daniel J. Meador Lecture Committee (several appointments)

UVA Writing Prize Committee

Other

Keynote Presentation to Members of UVA Law School Alumni Council and Law School Foundation Board of Directors (2005)

January 2010

Admitted Students Weekend Presentation on Offerings in Criminal Law and Procedure (2003-2004)
Judge, UVA First-Year Moot Court (2000-2003)
Judge, William Minor Lile Moot Court Competition, Quarterfinals (2001-2009)
S.J.D. Dissertation Review Committee (2003)

University Institutional Service

UVA Liaison, FBI National Academy, Quantico, VA (2000-2009)
Advisor, National Criminal Justice Command College (sponsored by UVA's School of Continuing and Professional Education)
Member, Faculty Board of Advisors, St. Anselm Institute for Catholic Thought (UVA)
Commonwealth of Virginia Campaign for charity--Law School representative (2004-06), Law School Foundation representative (2006), University-wide Honorary Chairman (2005)
Faculty mentor, Notre Dame Athletics Department (2009-present)

Government Appointments (2000-present) (in reverse-chronological order)

Member, Indiana Criminal Code Evaluation Commission (appointed by governor in 2009)
Member, Albemarle County Police Citizens Advisory Committee (2005-present) (appointed by County Board of Supervisors; reappointed in 2008)
Community Representative, Charter School Review Committee, Albemarle County School Board (2002-present) (appointed by School Board)--review applications for approval for charter schools and make recommendation to School Board
Community Representative, Asst. Superintendent Search Committee, Albemarle County School Board (2002) (appointed by School Board)
Chairman, Civil Rights Reviewing Authority, U.S. Department of Education (2001-04) (appointed by Education Secretary Rodney Paige)
Special Counsel, Judicial Review Commission on Foreign Asset Control (2000-01)
Majority Counsel, House of Representatives Select Subcommittee on U.S. Involvement in Iranian Arms Transfers to Bosnia (1996-97)
January 2010

Community Service (Selected) in Charlottesville, Va. Area

Member, Advisory Board, "I Have a Dream" Foundation (2001-2009)
Member, Board of Directors, Haiti Healthcare Foundation (2003-07)
Member, Board of Directors, Haiti Outreach Foundation, Inc. (2007-2010)
Member, Board of Trustees, Multiple Sclerosis Society of the Blue Ridge (2006-2009)
Member, Executive Committee, Multiple Sclerosis Society of the Blue Ridge (2007-2009)
Member, Board of Directors, United Way for Thomas Jefferson Area (2001-2009)
Member, Executive Committee, United Way for Thomas Jefferson Area (2002-2009)
Member, Albemarle County Rotary Club (2002-2009)
Member, Knights of Columbus (1992-present)
Member, Order of the Holy Sepulchre (2004-present)
Member, Program Review & Funding Committee, United Way for Thomas Jefferson Area (2002-05)
Member, "Excellence in Non-Profit Leadership" Award Selection Committee, United Way of the Thomas Jefferson Area (2008-2009)

Education

J.D., University of Virginia School of Law (1992)
B.A., History and Philosophy, Dartmouth College (1988)
Gonzaga College High School, Washington, D.C. (1984-88)
Our Lady of Perpetual Help School, Washington, D.C. (1972-80)

Bar Admissions and Professional Associations

Edward Coke Appellate Inn of Court (Washington, D.C.)
Fourth Circuit Judicial Conference
U.S. Court of Appeals for the D.C. Circuit
U.S. Court of Appeals for the Federal Circuit
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Eleventh Circuit
Indiana State Bar (admission pending)
Virginia State Bar (admitted in 1995)

Academic References

Dean Nell Jessup Newton, Notre Dame Law School. (574) 631-6789
January 2010

Assoc. Dean Richard Garnett, Notre Dame Law School, (574) 631-6981
Professor David Martin, University of Virginia School of Law, (434) 924-7354
Professor Mildred Robinson, University of Virginia School of Law, (434) 924-7354

January 2010