

## **W. DAVID BALL**

Stanford Criminal Justice Center  
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### **EDUCATION**

STANFORD LAW SCHOOL, Stanford, CA J.D. with Academic Distinction, 2006  
Teaching Assistant in Constitutional Law, Dean Larry Kramer  
Pro Bono Distinction; Kirkwood Moot Court Quarterfinalist; Volunteer Attorney Program  
Creative Commons (Fourthwall Project: released independent film, script, and all footage under a Creative Commons license)

OXFORD UNIVERSITY, Oxford, England BA/MA, 1994  
Rhodes Scholar  
Philosophy, Politics and Economics (PPE); Top quarter of class  
Concentrations in Development Economics, Public Economics, and International Economics

THE UNIVERSITY OF NORTH CAROLINA, Chapel Hill, NC B.A. 1992  
B.A. with Highest Distinction: Major in History, Minor in Japanese, Honors in Creative Writing  
Academic Honors: Phi Beta Kappa, Morehead Scholarship, National Merit Scholarship, Robert Byrd Scholarship, Thomas Watson Scholarship  
North Carolina Fellows Program  
Samuel Selden Playwriting Award

### **EXPERIENCE**

ASSISTANT PROFESSOR, Santa Clara Law School, Santa Clara, CA 2009-Present  
Teach classes in Criminal Law, Criminal Procedure, Islamic Law, Sentencing and Corrections.

RESEARCH FELLOW, Stanford Criminal Justice Center, Stanford, CA 2007-2009  
Inaugural full-time Research Fellow at SCJC: responsible for program development and supervising and coordinating legal and policy research. Conceptualized, programmed, and facilitated five quarterly Executive Sessions on Sentencing and Corrections, bringing together judges, DA's, law enforcement, probation, parole, and corrections officials from across the state to discuss ways in which data and operations integration can improve policies and outcomes. Specific programs focused on pre-sentence reports and case management; coordination among municipal, county, and regional agencies; and the first 72 hours of release from prison. Planned and ran meetings, wrote reports distributed to 1800 officials across the state. Also co-facilitated Stanford Fellows Program (faculty presentations, job talk moots, and support for Fellows on the job market).

SOCIAL JUSTICE TEACHING FELLOW, Santa Clara School of Law, Santa Clara, CA 2007- 2008  
Taught two original courses in Spring 2008: the California Prison System and Introduction to Islamic Law. Received outstanding student evaluations in both (average rating of 1.3 on a 5-to-1 scale, where 1 is outstanding; evaluations available on request). Supervised several students fulfilling writing requirements; guest lectured in other classes on prisons and Islamic law.

LAW CLERK, The Honorable John T. Noonan, Jr., U.S. Court of Appeals for the Ninth Circuit, San Francisco, CA 2006-07

SUMMER ASSOCIATE, Morrison & Foerster, Palo Alto, CA Summer 2005

LEGAL INTERN, Habeas Corpus Resource Center, San Francisco, CA Summer 2004  
Assisted staff attorneys on three state habeas corpus death penalty appeals. Drafted 86-page reply brief on denial of defendant's Sixth Amendment rights to confrontation and effective assistance of counsel. Researched and wrote 60-page social history of West Oakland in the 1960's for development of mitigation in penalty phase. Analyzed key witness testimony for use in appeal.

## **SCHOLARLY WRITING**

### **Published/Accepted Papers**

*E Pluribus Unum: Data and Operations Integration in the California Criminal Justice System*, Stanford Law and Policy Journal (forthcoming). California is moving slowly but steadily towards an integrated criminal justice system, whereby the thousands of disparate criminal justice agencies across the state will share information and coordinate activity, cooperating across jurisdictional and agency lines to promote common public safety goals. This Article charts out some of the challenges and opportunities that await, based on the Stanford Criminal Justice Center's (SCJC's) year-long series of Executive Sessions on data and operations integration in California's criminal justice system.

*California Sentencing*, Justice Research and Policy (forthcoming). This Article describes the state of California sentencing and corrections, using results from the Stanford Criminal Justice Center's (SCJC's) year-long series of Executive Sessions on data and operations integration in California's criminal justice system.

*Heinous, Atrocious, and Cruel: Apprendi, Indeterminate Sentences, and the Meaning of Punishment*, 109 Colum. L. Rev. 893 (2009). *Apprendi* scholarship has heretofore focused almost exclusively on the prospective sentence imposed by the judge, paying almost no attention to the actual sentence imposed by prison officials and parole boards. Parole boards in California repeatedly deny parole for eligible prisoners based on their finding that the crime was "heinous, atrocious, or cruel," even though a judge who sentenced a felon to life without parole upon his or her own finding of cruelty or atrocity would violate the felon's Sixth Amendment jury trial right. While the Supreme Court has never applied *Apprendi* to indeterminate sentences, the rehabilitative and punitive components of indeterminate sentences provide a means for understanding exactly which interests the jury right promotes and protects. (Draft available upon request.)

*Mentally Ill Prisoners in the California Department of Corrections and Rehabilitation: Strategies for Improving Treatment and Reducing Recidivism*, 24 J. Contemp. Health L. & Pol'y 1. The movement towards least-restrictive community-based mental health care has been completely self-defeating: most of the indigent mentally ill are now treated in prisons and jails in an environment of punishment, control and coercion. Tens of thousands of prisoners in the California prison and parole system alone suffer from mental illnesses. This paper diagnoses the challenges they face during intake, incarceration, and release, and proposes changes in policy that could decrease suffering and recidivism. The paper made SSRN's top ten most downloaded list in both Sentencing and Corrections and Health Economics.

### **Works in Progress**

*A Legal Primer on California Data Sharing* (co-authored). This Article summarizes the legal and regulatory framework surrounding criminal justice information sharing and operational collaboration. Specifically, the article looks to the ways in which statutes, torts, and regulations in fields as varied as privacy, contract, intellectual property, healthcare, and freedom of information and/or public records acts combine to govern the sharing of data. This Article is being produced in response to specific requests by law enforcement officials from across the state of California.

## **OTHER PUBLICATIONS**

W. David Ball, *Criminal Justice Information Sharing: Enhancing Early Intervention, Measuring Results*, available at [http://www.law.stanford.edu/program/centers/scjc/pdf/120707\\_Report\\_and\\_Analysis\\_Ir.pdf](http://www.law.stanford.edu/program/centers/scjc/pdf/120707_Report_and_Analysis_Ir.pdf).

W. David Ball & Kara Dansky, *Coordination at the Front-End of Sentencing: The Judiciary, Probation, and the Pre-Sentencing Report*, [http://www.law.stanford.edu/program/centers/scjc/pdf/Crim\\_030708\\_Report\\_Ir\\_071008.pdf](http://www.law.stanford.edu/program/centers/scjc/pdf/Crim_030708_Report_Ir_071008.pdf).

W. David Ball, *County to County, Agency to Agency: Information Sharing and Operational Collaboration in the Bay Area and Southern California*, available at [http://www.law.stanford.edu/program/centers/scjc/pdf/June\\_Report\\_for\\_web\\_Ir.pdf](http://www.law.stanford.edu/program/centers/scjc/pdf/June_Report_for_web_Ir.pdf).

W. David Ball et al., *The First 72 Hours of Re-Entry: Seizing the Moment of Release*, available at [http://www.law.stanford.edu/program/centers/scjc/pdf/Seizing\\_the\\_Moment\\_Release\\_091208.pdf](http://www.law.stanford.edu/program/centers/scjc/pdf/Seizing_the_Moment_Release_091208.pdf).

W. David Ball et al., *Catch and Release: Using Risk-Needs Assessment to Manage Local Custodial Populations*, available at [http://www.law.stanford.edu/program/centers/scjc/pdf/Dec\\_2008\\_report.pdf](http://www.law.stanford.edu/program/centers/scjc/pdf/Dec_2008_report.pdf).

## **PRESENTATIONS**

- PRESENTER, Northern District of California CJA Panel Conference, San Francisco, CA June 2009  
Discussed past year's U.S. Supreme Court decisions dealing with criminal law.
- PRESENTER, California Information Sharing Task Force, Sacramento, CA May 2009  
Presented draft results of research into the legal and regulatory barriers to information sharing in California to a task force of state and local law enforcement officials.
- PANELIST, School to Prison Pipeline/Pushout, Mid-Peninsula ACLU, Palo Alto, CA May 2009  
Discussed recent sociological and criminological research about juveniles, crime, and barriers to employment.
- MODERATOR, "Neuroscience and Criminal Procedure"  
Stanford Law and Technology Review Symposium, Neuroscience and the Courts February 2009  
Discussed recent developments in neuroscience research and methods and the ways in which they might impact the protections of criminal procedure.
- PANELIST, "Sentencing Policy for Mentally Ill Offenders"  
National Association of Sentencing Commissions Annual Conference, San Francisco, CA August 2008  
Discussed ways in which operational and informational silos affect sentencing, treatment, and release of mentally ill criminal offenders, with a focus on local and state-wide efforts to improve collaboration and information sharing.
- MODERATOR, "Capacity and the Nationalization of Prison Overcrowding"  
National Association of Sentencing Commissions Annual Conference, San Francisco, CA August 2008  
Examined ways in which the national "market" for prison beds affects state sentencing policy, institutional reform litigation, and re-entry.
- PANELIST, "Islamic Jurisprudence and American Law"  
National Association of Muslim Lawyers Annual Conference, San Francisco, CA November 2007  
Presentation, "Ijtihad as Draft," argued that questions about Islamic law need not be formulated perfectly, and that American-trained lawyers can and should engage with Islamic law rather than cede its development and explication to others.
- PANELIST, "Can Copyright Bring Filmmaker and Audience Together?"  
South by Southwest Interactive Festival, Austin, TX March 2004  
Discussed Creative Commons licensing of feature film and ways in which it maximized distribution and creative possibilities for filmmaking.
- SPEAKER, "Creating an Open Source Film," IMAGE, Palo Alto, CA March 2004  
Discussed "open sourcing" all media used in creation of film (Honey), and how changes in copyright could encourage new forms of collaboration.

## **OTHER PROFESSIONAL EXPERIENCE**

- ADVISORY BOARD MEMBER, Bill of Rights Defense Committee 2009-present  
Advise grassroots civil liberties organization on organizing strategy.
- BOARD MEMBER, Bay Area Association of Muslim Lawyers (BAAML), San Francisco, CA 2007-present  
Member of professional bar association; liaison with other minority bar groups campaigning against Proposition 8 (California ballot initiative which would eliminate the right of same-sex couples to marry).
- CO-FOUNDER and PRESIDENT, Muslims AGAINST Terrorism (MAT), New York, NY 2001-2002  
Co-founded organization of New York City Muslims in response to attacks of September 11<sup>th</sup>, 2001. Responsibilities included "in-reach" strategy to address intolerance within the Muslim community, non-profit incorporation, web content, and alliances with other organizations. MAT was the youngest organization invited to Muslim Roundtable with President Bush in late 2001.
- NOVELIST, The Surprise You See Coming 2000-2002  
Wrote and edited 100,000 word manuscript analogizing pre-trial discovery to the mutually-exclusive constructed histories of divorcing spouses.

DIRECTOR, Honey, New York, NY 1998-2000  
Wrote, produced and directed feature length film (84 minutes). Hired and supervised actors, crew, and post-production staff; found locations, ran rehearsals, scheduled the shoot. ("Best film of past 2 years", Rob Nilsson, Res, 10/05/02). Selected as one of top unreleased American independent films for festival by the Harvard Film Archive (July 2007).

CO-FOUNDER and CO-DIRECTOR, Student Environmental Action Coalition (SEAC), Chapel Hill, NC 1989-1990  
Co-founded national student environmental organization now based in Philadelphia. Directed organization's growth from student group to 501(c)3 corporation: wrote bylaws, tripled membership, established national office and hired staff. Supervised national conference attended by 7,000 members and administered network of 1200 high school and college groups.

PERFORMER AND BUSINESS MANAGER, the Pollyannas Improv Comedy Troupe, New York, NY 1992-2000  
Performed wholly-improvised ninety-minute plays based on audience suggestions. Taught improvisational techniques to students in the Summerbridge Program and in Prof. Michael Useem's Leadership Class at the Wharton School of Business.