

W. DAVID BALL
Santa Clara School of Law
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Santa Clara, CA 95053
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EXPERIENCE

PROFESSOR, Santa Clara Law School, Santa Clara, CA 2019-Present
Teach classes in Criminal Law, Criminal Procedure, Sentencing and Corrections, Criminal Law and Policy.

ASSOCIATE PROFESSOR, Santa Clara Law School, Santa Clara, CA 2015-2019
Teach classes in Criminal Law, Criminal Procedure, Sentencing and Corrections, Criminal Law and Policy.
Social Justice Professor of the Year, 2016

ASSISTANT PROFESSOR, Santa Clara Law School, Santa Clara, CA 2009-2015
1L Professor of the Year, 2013

VISITING PROFESSOR, Berkeley Law School, Berkeley, CA Spring 2013
Taught large section of first-year Criminal Law.

VISITING PROFESSOR, Stanford Law School, Stanford, CA Spring 2012
Taught seminar in Islamic Law.

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.

SOCIAL JUSTICE TEACHING FELLOW, Santa Clara School of Law, Santa Clara, CA 2007- 2008

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

EDUCATION

STANFORD LAW SCHOOL, Stanford, CA J.D. with Academic Distinction, 2006
Teaching Assistant in Constitutional Law, Dean Larry Kramer

OXFORD UNIVERSITY, Oxford, England BA/MA, 1994
Rhodes Scholar

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
Phi Beta Kappa, Morehead Scholar, National Merit Scholarship, North Carolina Fellows Program

WRITING

Published/Accepted Papers

Modeling Meaning: Causal Inference Under the California Racial Justice Act, Santa Clara L. Rev. (forthcoming, 2024).

Proving Actionable Racial Disparity Under the California Racial Justice Act, 75 U.C. Coll. of Law J. 1 (2023) (with Colleen Chien and William Sundstrom).

The Case Against Commercial Casebooks, 71 J. Legal Ed. 451 (2022) (with Michelle Oberman).

The Peter Parker Problem, 95 NYU L. Rev. 879 (2020).

The Plausible and the Possible: A Bayesian Approach to the Analysis of Reasonable Suspicion, 55 Am. Crim. L. Rev. 511 (2018).

Pay-for-Performance in Prisons: Using Healthcare Economics to Improve Criminal Justice, 94 U. Denver L. Rev. 452 (2017).

"A False Idea of Economy": Costs, Counties, and the Origins of the California Correctional System, 664 Ann. Am. Acad. Poli. Sci. 26 (March 2016).

Redesigning Sentencing, 46 McGeorge L. Rev. 817 (2014).

Why State Prisons? 33 Yale L. & Pol'y Rev. 75 (2014).

Defunding State Prisons, 50 Crim. L. Bull 1060 (2014).

Tough on Crime (on the State's Dime): How Violent Crime Does Not Drive California Counties' Incarceration Rates - And Why it Should, 28 Ga. St. L. Rev. 987 (2012).

The Civil Case at the Heart of Criminal Procedure: In re Winship, Stigma, and the Civil-Criminal Distinction, 38 Am. J. Crim. L. 117 (2011).

Normative Elements of Parole Risk, 22 Stan. L. & Pol'y Rev. 395 (2011).

E Pluribus Unum: Data and Operations Integration in the California Criminal Justice System, 21 Stan. L. & Pol'y Rev. 277 (2010).

Heinous, Atrocious, and Cruel: Apprendi, Indeterminate Sentences, and the Meaning of Punishment, 109 Colum. L. Rev. 893 (2009).

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 (2007).

Other Publications

W. David Ball, Michelle Oberman, et al., *Criminal Law Casebook (H2O)*, 4th ed. 2024.

W. David Ball & Michelle Oberman, *Criminal Law Supplemental Materials (H2O)*, 2020.

Michelle Oberman & W. David Ball, "When we Talk About Abortion, Let's Talk About Men," *New York Times*, June 2, 2019.

W. David Ball, "A Better Bail Bond System," *Daily Journal* Sep. 29, 2016.

W. David Ball, "Design thinking and mass incarceration (or why we need a prison tax)," *Casetext.com*, 9/4/15.

W. David Ball, "Why marijuana is not the most interesting thing about my drug policy class," *Santa Clara Lawyer Magazine*, Spring 2015.

W. David Ball, *Categorizing Nebraska suit to invalidate Colorado marijuana law*, *JURIST - Academic Commentary*, Mar. 17, 2015, <http://jurist.org/academic/2015/03/david-ball-marijuana-law.php>.

W. David Ball, "Bring Back the Opium Den," *USA Today*, 2/11/2015.

W. David Ball & Robert Weisberg, *The New Normal? Prosecutorial Charging in California After Public Safety Realignment* (2014).

W. David Ball, *A New Approach to Marijuana Regulation: In Support of a Potency Tax*, *JURIST - Forum*, Apr. 17, 2014, <http://jurist.org/forum/2014/04/w-david-ball-marijuana-potency.php>.

W. David Ball & Robert Weisberg, *Criminal Justice Information Sharing: A Legal Primer For Criminal Justice Practitioners In California* (2010), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2141523.

W. David Ball, "Time for Cost-Benefit Analysis on Crime," *Daily Journal*, 10/15/2010.

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.

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.

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.

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.

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.

EXTERNAL PRESENTATIONS

PANELIST, “RJA Data” Santa Clara Law Review Symposium, Santa Clara, CA	March 2024
PANELIST, “RJA Data Tool” Berkeley Law School Symposium, Berkeley, CA	February 2024
PANELIST, “Open Educational Resources” AALS Annual Meeting, San Diego, CA	January 2023
CO-ORGANIZER AND PANELIST, “Defunding Casebooks Conference” Online academic conference	February 2021
DISCUSSANT, “Prisons Roundtable” Online academic conference	March 2021
PANELIST, Co-creating an Open-Source Law School Casebook as a Path to Inclusive Pedagogy International Open Access Week (online)	October 2020
PANELIST, “Criminal Justice” Congressional Black Caucus, Annual Conference (online)	September 2020
MODERATOR, “Islamic Law and the Idea of Mass Incarceration” Islamic Law Section, AALS Annual Conference, Washington, D.C.	January 2020
PANELIST, “Data and Rationing” Symposium, New York University Law School, New York, NY	October 2019
PANELIST/CONSULTANT, Bail Reform Minneapolis Foundation, Minneapolis, MN	June 2019
PANELIST, “Crime Control” CrimFest, New York, NY	July 2018
DISCUSSANT/HOST Southwest Criminal Law Workshop, Santa Clara, CA	March 2018
PANELIST, Presidential Panel Western Society of Criminologists, Annual Meeting, Long Beach, CA	February 2018
PANELIST, “Bail Reform” Journal of Criminal Law and Criminology, Chicago, IL	February 2018

PANELIST, “Criminal Justice Metrics” AALS mid-year meeting, Washington, DC	June 2017
FACILITATOR, Access to Justice Through Technology Workshop Mountain View, CA	May 2017
PANELIST, “Cannabis Law” California Association of Appellate Lawyers, Pasadena, CA	April 2017
PANELIST, “Katz at 50” American Criminal Law Review Symposium, Washington, DC	March 2017
PANELIST, “Justice Reinvestment at the State Level” University of Denver Law School Justice Reinvestment Symposium, Denver, CO	February 2017
ATTENDEE, White House Convening on Criminal Justice Washington, D.C.	November 2016
PRESENTER, Southwest Criminal Law Workshop UNLV Boyd School of Law, Las Vegas, NV	November 2016
ATTENDEE, Bail Reform Strategy Meeting Sacramento, CA	September 2016
PANELIST, “Pretrial: Conditions/Bail/Fines and Fees” UCLA Law School Prisoners’ Rights Conference, Los Angeles, CA	September 2016
PANELIST, Bail Reform Assembly Select Committee on the Status of Boys and Men of Color in California, Oakland, CA	July 2016
PANELIST, Rationing Criminal Justice Law & Society Annual Meeting, New Orleans, LA	June 2016
PANELIST, The Horizontal-Federalism Implications of Marijuana Legalization Law & Society Annual Meeting, New Orleans, LA	June 2016
PRESENTER, “Pay-for-Performance in Prisons: Using Healthcare Economics to Improve Criminal Justice” Stanford Criminal Justice Roundtable, Stanford, CA	April 2016
WITNESS TESTIMONY, Santa Clara Bail and Pretrial Working Group Santa Clara, CA	February 2016
PRESENTER, Bail Assemblymember Rob Bonta Annual Staff Retreat, Oakland, CA	December 2015
SPEAKER, “Redesigning Sentencing” Stanford Law School, Stanford, CA	October 2015
PANELIST, Forum with Michael Krasny: “State Lawmakers Pass Bills to Regulate Medical Marijuana” KQED, San Francisco, CA	September 2015
PANELIST, Forum with Michael Krasny: “What if California Legalized Marijuana?” KQED, San Francisco, CA	April 2015
MODERATOR, Blue Ribbon Commission on Marijuana Law and Policy UCLA, Los Angeles, CA	April 2015
GUEST, The Jim Bohannon Show, “Defunding State Prisons” (Nationally Syndicated)	March 2015

PANELIST, "California Sentencing Commission Symposium" McGeorge School of Law, Sacramento, CA	November 2014
PANELIST, "Realigning California Corrections" U.C. Irvine, Irvine, CA	October 2014
DISCUSSANT, "Prison Law & Policy Roundtable" UCLA School of Law, Los Angeles, CA	October 2014
PANELIST, Insight with Beth Ruyak Radio Show: "Mass Incarceration and Sacramento District Attorney Race Issues" Capital Public Radio, Sacramento, CA	June 2014
PANELIST, "The Emerging Role of County Criminal Justice Systems: Opportunities and Challenges for Reform" Making Use of Alternatives to Custody (Technical Assistance for LA Officials), Los Angeles, CA	November 2013
PANELIST, Your Call Radio Show: "What are the best ways to reduce California's prison population?" KALW Radio, San Francisco, CA	November 2013
PANELIST, "Best Practices: an Overview of Reentry and Realignment Research" Reentry and Reintegration: New Hope (State Sens. Loni Hancock and Bill Quirk), Oakland, CA	October 2013
PANELIST, "Civic Innovation" Office of Mayor Eric Garcetti, Los Angeles, CA	October 2013
PANELIST, "Evaluating the California Criminal Justice Realignment" West Coast Law & Society Retreat, Seattle, WA	September 2013
DISCUSSANT, Southwest Criminal Law Workshop U.C. Davis School of Law, Davis, CA	September 2013
PANELIST, "Pathways to the Legal Academy" Stanford Law School, Stanford, CA	April 2013
PRESENTER, "Defunding State Prisons" U. of Michigan Prison Scholarship Rountable, Ann Arbor, MI	January 2013
DISCUSSANT, "Prosecutorial Elections, Mistakes, and Appeals" Conference on Empirical Legal Studies, Stanford, CA	November 2012
PRESENTER, "Tough on Crime (on the State's Dime)" Loyola Law School, Los Angeles, CA	October 2012
PRESENTER, "Tough on Crime (on the State's Dime)" Public Policy Institute of California, San Francisco, CA	April 2012
MODERATOR, "Effects of Realignment on the Court System" and "Realignment - How Are We Measuring Success?" Association of Criminal Justice Researchers, Sacramento, CA	March 2012
PRESENTER, "Tough on Crime (on the State's Dime): What California Counties' Prison Usage from 2000-09 Tells Us About How to Implement Realignment." Partnership for Community Excellence, Sacramento, CA	February 2012
PANELIST, "Prison Populations & Sentencing Reform" Georgia State Law Review Symposium, Atlanta, GA	January 2012
PRESENTER, "Tough on Crime (on the State's Dime)" University of Utah School of Law, Salt Lake City, UT	November 2011
MODERATOR, "Three Strikes and You're Out?" U.C. Davis School of Law, Davis, CA	October 2011

PRESENTER, "What Does Islamic Law Say About ____? (What is Islamic Law, Anyway, and How Can it Say Anything?)" Stanford Law School, Stanford, CA	October 2011
PRESENTER, "State Prisons" ABA/AALS Academic Roundtable, Washington, D.C.	October 2011
MODERATOR, "Jihad Re-examined: Islamic Law and International Law" Santa Clara Law School, Santa Clara, CA	February 2011
DISCUSSANT, "Roundtable Discussion: Religion and International Law" Santa Clara Law School, Santa Clara, CA	February 2011
PRESENTER, "Cream of the Crop: Striving for Excellence" Young American Muslim Leadership Conference, San Ramon, CA	November 2010
PRESENTER, "The Case Against State Prisons" University of Oregon School of Law, Eugene, OR	October 2010
PRESENTER, "Civil, Criminal, or Mary Jane," Southwest/West Junior Law Faculty Workshop, Arizona State University, Tempe, AZ	March 2010
PRESENTER, "Civil, Criminal, or Mary Jane," USF School of Law, San Francisco, CA	November 2009
PRESENTER, "Going on the Job Market" Stanford Law School Fellows Program, Stanford, CA	October 2009
PRESENTER, "Supreme Court Criminal Cases: the Year in Review" Northern District of California CJA Panel Conference, San Francisco, CA	June 2009
PRESENTER, "Criminal Justice Information Sharing" California Criminal Justice Information Sharing Task Force, Sacramento, CA	May 2009
DISCUSSANT, "DNA Profiling Task Force" Ella Baker Center for Human Rights, Oakland, CA	April 2009
MODERATOR, "Neuroscience and Criminal Procedure" Stanford Law and Technology Review Symposium, Neuroscience and the Courts	February 2009
PANELIST, "Sentencing Policy for Mentally Ill Offenders" National Association of Sentencing Commissions Annual Conference, San Francisco, CA	August 2008
MODERATOR, "Capacity and the Nationalization of Prison Overcrowding" National Association of Sentencing Commissions Annual Conference, San Francisco, CA	August 2008
PANELIST, "Islamic Jurisprudence and American Law" National Association of Muslim Lawyers Annual Conference, San Francisco, CA	November 2007
<u>INTERNAL PRESENTATIONS</u>	
PANELIST, "Open-Source Casebooks" Santa Clara University, Santa Clara, CA	October 2020
MODERATOR, "What is Data?" Predicting Justice Symposium, Santa Clara Law School, Santa Clara, CA	October 2019
PANELIST, "Prison Abolition" Santa Clara Law School, Santa Clara, CA	September 2019

PANELIST, “Criminal Justice Reform” Santa Clara Law School, Santa Clara, CA	September 2019
SPEAKER, “Criminal Justice Reform” Santa Clara Law School, Santa Clara, CA	March 2019
SPEAKER, “Report from Guantanamo” Santa Clara Law School, Santa Clara, CA	March 2017
SPEAKER, Markkula Center, Ethics Discussion Group, “Marijuana Legalization” Santa Clara University, Santa Clara, CA	October 2016
PANELIST, "Gideon: 50 Years Later" Santa Clara Law School, Santa Clara, CA	March 2014
PRESENTER, “Islamic Law” Santa Clara Law School, Santa Clara, CA	September 2011
MODERATOR, “Yasir Afifi and GPS Surveillance” Santa Clara Law School, Santa Clara, CA	October 2010
<u>MOOTS, REVIEWS, AMICUS BRIEFS</u>	
CO AUTHOR, <i>In re: Kowalczyk Amicus Brief on Behalf of CSSJ</i>	October 2023
CO AUTHOR, <i>In re: Humphrey Amicus Brief on Behalf of CSSJ</i>	October 2018
PEER REVIEWER, “ <i>Identifying Effective County Correctional Strategies: The Need for Data</i> ” Public Policy Institute of California, San Francisco, CA	December 2013
PEER REVIEWER, “ <i>A Reexamination of the Bail Reform Debate in California</i> ” Public Policy Institute of California, San Francisco, CA	March 2013
<u>OTHER PROFESSIONAL EXPERIENCE</u>	
CO-CHAIR, Corrections Committee, American Bar Association Criminal Justice Section	2010-present
MEMBER, RJA Data and Research Consortium	April 2024-present
MEMBER, Santa Clara County Alternatives to Incarceration Task Force	March 2022-October 2023
FELLOW, Justice Collaborative Institute	2019-2020
MEMBER, Religious Dean Search Committee, Stanford University	2018-2019
CHAIR, Research Committee, Bail and Pretrial Working Group	2016-2017
LEGAL OBSERVER, Guantanamo Bay	September 2016
CHAIR, Public Safety Working Group, Blue Ribbon Commission on Marijuana Law and Policy	2014-2015
DIRECTOR, Santa Clara Summer Program in Istanbul	2012-2015
ADVISORY BOARD MEMBER, Bill of Rights Defense Committee	2009-2014
BOARD MEMBER, Bay Area Association of Muslim Lawyers (BAAML), San Francisco, CA	2007-2011