

STEVEN F. SHATZ

Professor of Law, Emeritus
University of San Francisco School of Law
Ignatian Heights - Kendrick Hall
San Francisco, California 94117
shatzs@usfca.edu

EDUCATION:

Legal: Harvard Law School, 1966-1969, J.D. *cum laude*
Honors: Harvard Legal Aid Bureau

College: University of California (Berkeley), 1963-1966, A.B.
Honors: *magna cum laude*, Phi Beta Kappa,
Regents Scholar

LAW TEACHING:

1972-2015:

Philip and Muriel Barnett Professor, University of San Francisco
School of Law 1987-2015 (previously, Assistant Professor 1972-75,
Associate Professor 1975-77, Professor 1977-87)

Courses taught:

Criminal Law, Criminal Procedure, Federal Courts, Death
Penalty Law, Employment Discrimination, Remedies

Director, Keta Taylor Colby Death Penalty Project (2001-2013)

The Project was created in 2001 to involve students in work
directed at the interim reform, and ultimate abolition, of the
death penalty in America. The Project's principal activity
has been the summer internship program, which sends Bay Area
students to the South to work with capital defense attorneys.
As director, I selected and trained the internship students
and arranged and reviewed their placements. The Project also
has supported students in writing and publishing papers about
death penalty law and practice in the South, and, to date,
five students have published law review comments on issues
encountered during their internships.

Director, U.S.F. Law Clinic (1986-92): The Clinic was an in-house
law firm staffed by four faculty members and approximately 24
students per semester handling criminal, civil and
administrative cases. In addition to being responsible for
administration and fundraising for the Clinic, I supervised 4-
6 students each semester handling federal civil rights cases
or criminal appeals.

Co-counsel of record for Teddy Sanchez, a California prisoner under sentence of death, on his state appeal and petition for habeas corpus (1989-1996)

Co-author of *amicus* briefs in *Davis v. Bandemer*, 478 U.S. 109 (1986) and *United Brotherhood of Carpenters v. Scott*, 463 U.S. 825 (1983)

Pro bono counsel to individual migrant farm workers and to the United Farm Workers of America, AFL-CIO in various cases, including *United Farm Workers v. Superior Court*, 16 Cal.3d 499 (1976) (1973-1983)

Co-founder and former supervising attorney, U.S.F. Criminal Law Clinic (supported by a CLEPR grant) (1972-73)

Fall, 1993, 1994

Lecturer, University of California School of Law (Boalt Hall)
I taught a first-year section of Criminal Law

May, 1991

Visiting Professor, East China Institute of Politics and Law, Shanghai, China
I taught a course in American Labor and Employment Law to Chinese post-graduate students. I also delivered a series of lectures on Anglo-American Criminal Law attended by faculty and students.

Spring, 1991

Visiting Professor, Hastings College of Law
I directed the Criminal Justice Clinic and planned the restructuring of the Clinic for the 1991-92 academic year. In the Clinic, I taught a 3-hour course in criminal practice, and I supervised the students' field placements in prosecution and defense agencies.

PUBLICATIONS :

Books

CASES AND MATERIALS ON THE DEATH PENALTY (1st, 2nd, 3rd, 4th and 5th eds) (Thomson/West) (first three editions with Nina Rivkind, fourth and fifth editions with Nina Rivkind, Sam Kamin and Justin Marceau)

CALIFORNIA CRIMINAL LAW: CASES AND PROBLEMS (1st, 2nd and 3rd eds) (Lexis Publishing), (4th and 5th eds) (Carolina Academic Press) (three editions as sole author, fourth and fifth editions with Scott Howe and Amy Flynn)

Book Chapters

Chivalry is Not Dead: Murder, Gender, and the Death Penalty in Peter Hodgkinson (Ed.) THE INTERNATIONAL LIBRARY OF ESSAYS ON CAPITAL PUNISHMENT, V.1, 64-112 (Ashgate Publishing, 2013) (with Naomi R. Shatz). This is an abridged version of the article of the same name listed below.

Death Penalty Internships in the American South in Peter Hodgkinson (Ed.) CAPITAL PUNISHMENT: NEW PERSPECTIVES, 167-177 (Ashgate Publishing, 2013)

Law Review Articles

Race, Ethnicity, and the Death Penalty in San Diego County: The Predictable Consequences of Excessive Discretion, 51 COL.HUM.RTS L.REV. 1070 (2020) (Glenn L. Pierce and Michael L. Radelet)

The Meaning of "Meaningful Appellate Review" in Capital Cases: Lessons from California, 56 SANTA CLARA L.REV. 79 (2016)

Challenging the Death Penalty with Statistics: Furman, McCleskey, and a Single County Case Study, 34 CARDOZO L. REV. 1227 (2013) (with Terry Dalton)

Chivalry is not Dead: Murder, Gender, and the Death Penalty, 27 BERKELEY J. GEN., LAW & JUSTICE 64 (2012) (with Naomi R. Shatz)

The Eighth Amendment, the Death Penalty, and Ordinary Robbery-Burglary Murderers: A California Case Study, 59 FLA. L. REV. 719 (2007)

The California Death Penalty: Prosecutors' Use of Inconsistent Theories Plays Fast and Loose with the Courts and the Defendants, 36 U.S.F. L. REV. 853 (2002) (with Lazuli Whitt)

The California Death Penalty: Requiem for Furman? 72 N.Y.U. L. REV. 1283 (1997) (with Nina Rivkind)

The Strip Search of Children and the Fourth Amendment, 26 U.S.F. L. REV. 1 (1991) (with Molly Donovan and Jeanne Hong)

The Second Death of 42 U.S.C. Section 1985(3): The Use and Misuse of History in Statutory Interpretation, 27 B.C. L. REV. 911 (1986)

Picketing Injunctions in California: A Study of the Role of the Courts in Farm Labor Disputes, 28 HAST. L.J. 801 (1977)

California Criminal Discovery: Eliminating Some Anachronistic Limitations Imposed on the Defendant, 9 U.S.F. L. REV. 259 (1974)

Other Writings

How Endogenous System Bias Can Distort Decision-Making in Criminal Justice Systems, 36 SOCIAL JUSTICE RESEARCH 192-224 (2023) (with Glenn Pierce, Eric Rodriguez-Whitney, Kevin Drakulich and Michael Radelet)

Book review: *The American Death Penalty: Past, Present, and Future*, 53 TULSA L. REV. 349 (2018)

Book review of Kenneth Williams, *Most Deserving of Death? An Analysis of the Supreme Court's Death Penalty Jurisprudence*, <http://clcjbooks.rutgers.edu/> (2014)

Misconstruction of Reconstruction, Legal Times, April 5, 1993, at p. 26

Who Was Lynched? The Recorder, October 28, 1991, at p. 8

The State of State Immunity Under the Eleventh Amendment, 1 Fed. Lit. 155 (1986)

TESTIMONY:

People v. Lewis, No. 2012 CrR 4743 (Denver Co.) (2014) -- I was qualified and testified in a Colorado capital case as an expert witness on empirical studies of the death penalty.

Ashmus v. Wong, No. 93-CV-00594-TEH (N.D. Cal.) (2010) and *People v. Erskine*, No. SCD161640 (San Diego Sup. Ct.) (2004) - I was qualified as an expert witness in California criminal

law and testified in court about my empirical research on the California death penalty.

I have been an expert witness by affidavit in more than 175 California capital cases on the subject of my empirical research regarding the California death penalty. (1997-present)

California Commission on the Fair Administration of Justice (2008) - At the invitation of the Commission, I testified before the Commission and submitted written materials concerning death-eligibility under the California death penalty scheme. (See <http://www.ccfaj.org/rr-dp-expert.html>)

I was retained by plaintiffs' counsel as an expert on California criminal law and submitted written testimony in the *Glendale Metrolink Derailment Cases*, No. BC 332426 (L.A. Sup. Ct.). (2008)

LAW PRACTICE:

1990:

Of counsel to Remcho, Johansen & Purcell, Oakland, California

The firm practiced in the area of political law. My principal activity was to work on the trial and on the post-trial briefing in *Service Employees v. Fair Political Practices*, 747 F. Supp. 580 (E.D. Cal. 1990) (a First Amendment challenge to a campaign reform initiative). In addition, I worked on projects or cases involving the Voting Rights Act, reapportionment and various initiatives.

1978-1980:

Directing Attorney of the Farm Worker Division of Evergreen Legal Services, Sunnyside, Washington

I administered a 12 person legal services office representing migrant and seasonal farm workers in civil proceedings and supervised six less experienced attorneys in a broad range of litigation, primarily: civil rights and employment discrimination actions, suits under federal worker protective legislation, tort suits and administrative appeals.

1971-1972:

Partner in Rader & Shatz, Huntington Beach, California

The firm engaged in a general practice emphasizing criminal defense, general civil litigation, administrative law, labor law and employment discrimination law.

1969-1971:

Reginald Heber Smith Community Lawyer Fellow with the Legal Aid Foundation of Long Beach, Long Beach, California

I represented indigent persons in civil litigation with an emphasis on landlord-tenant problems and civil rights issues.

BAR ADMISSIONS:

State of California, 1970

State of Washington, 1979

U.S. Supreme Court, 1996

U.S. Court of Appeals for the Ninth Circuit, 1971

U.S. District Courts in California and Washington