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University of Maryland Francis King Carey School of Law
Distinguished University Professor (2024 to present)
T. Carroll Brown Professor of Law (2016 to present)
Professor (1999 to 2016)
Associate Dean (2002 to 2006; 2017)
Associate Professor (1993 to 1999)
Assistant Professor (1990 to 1993)
Visiting Associate Professor (1989 to 1990)

Brooklyn Law School
Visiting Professor (1996 to 1997)

City University of New York School of Law
Assistant Professor (1987 to 1990)
Visiting Assistant Professor (1986 to 1987)

Northern Illinois University College of Law
Assistant Professor (1984 to 1987)

Legal Action Center of the City of New York, Inc.
Staff Attorney (1982 to 1984)

Education

Yale Law School, New Haven, CT
J.D., 1982
Editor, YALE LAW AND POLICY REVIEW

Columbia College, New York, New York
A.B., 1979, *summa cum laude*
Phi Beta Kappa

Articles

Interference with the Democratic Process as Public Nuisance, 84 MARYLAND LAW REVIEW Issue 4 (forthcoming 2025) (with Donald Gifford)

Conditional Release and Consent to Treatment, 48 LAW & PSYCHOLOGY REVIEW 100 (2024)

When Originalism Failed: Lessons from Tort Law, 51 FLORIDA STATE UNIVERSITY LAW REVIEW 1 (2024) (with D. Gifford and C. Robinette)

Uneasy Alignments: A Multidisciplinary Exploration of Mental Health and Legal Systems Entanglements, 27 JOURNAL OF HEALTH CARE LAW & POLICY 1 (2024) (with C. Shdaimah)

Mental Health Care and Intimate Partner Violence: Unasked Questions, 25 JOURNAL OF HEALTH CARE LAW & POLICY 225 (2022) (with D. Anderson)

Constitutional Structure, Institutional Relationships and Text: Revisiting Charles Black's White Lectures, 54 LOYOLA L.A. L. REV. 675 (2021)

Criminalization and Normalization: Some Thoughts about Offenders with Serious Mental Illness, 71 FLORIDA LAW REVIEW FORUM 229 (2021).

Community Health Workers and Behavioral Health Care, 23 JOURNAL OF HEALTH CARE LAW & POLICY 1 (2020) (with E. Chung).

Emergency Detention and Involuntary Hospitalization: Assessing the Front End of the Civil Commitment Process, 10 DREXEL LAW REVIEW 1 (2018).

Constitutional Incorporation: A Consideration of the Judicial Function in State and Federal Constitutional Interpretation, 76 MARYLAND LAW REVIEW 309 (2017) (with D. Friedman).

The "Voluntary" Inpatient Treatment of Adults under Guardianship, 60 VILLANOVA LAW REVIEW 1 (2015).

Perspectives on Outpatient Commitment, 49 NEW ENGLAND LAW REVIEW 39 (2014).

Problem-Solving Courts and Pragmatism, 73 MARYLAND LAW REVIEW 1120 (2014).

Decisional Minimalism and the Judicial Evaluation of Gun Regulations, 71 MARYLAND LAW REVIEW 1177 (2012).

Adolescent Decision Making: Legal Issues with Respect to Treatment for Substance Misuse and Mental Illness, 15 JOURNAL OF HEALTH CARE LAW & POLICY 75 (2012).

Drug Policy in Context: Rhetoric and Practice in the United States and the United Kingdom, 62 SOUTH CAROLINA LAW REVIEW 261 (2010).

Confidentiality of Alcohol and Other Drug Abuse Treatment Information for Emergency Department and Trauma Center Patients, 20 HEALTH MATRIX: JOURNAL OF LAW-MEDICINE 325 (2010).

The “Tomahawk” and the “Healing Balm” : Drug Treatment Courts in Theory and Practice, 9 UNIVERSITY OF MARYLAND LAW JOURNAL OF RACE, RELIGION, GENDER & CLASS 45 (2010).

Juristocracy in the Trenches: Problem Solving Judges and Therapeutic Jurisprudence in Drug Treatment and Unified Family Courts, 65 MARYLAND LAW REVIEW 82 (2006) (with J. Singer)

Public Education as Public Space: Some Reflections on the Unfinished Work of Marc Feldman, 61 MARYLAND LAW REVIEW 13 (2002)

Evaluating Histories of Substance Abuse in Cases Involving the Termination of Parental Rights, 3 JOURNAL OF HEALTH CARE LAW & POLICY 135 (1999)

Rehabilitative Punishment and the Drug Treatment Court Movement, 76 WASHINGTON UNIVERSITY LAW QUARTERLY 1205 (1998)

A Study in Regulatory Method, Local Political Cultures, and Jurisprudential Voice: The Application of Federal Confidentiality Law to Project Head Start, 93 MICHIGAN LAW REVIEW 2325 (1995)

The Construction of Responsibility in the Criminal Law, 140 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 2245 (1992)

The Faces of Law in Theory and Practice: Doctrine, Rhetoric, and Social Context, 43 HASTINGS LAW JOURNAL 1111 (1992) (with M. Feldman)

Restitution, Criminal Law, and the Ideology of Individuality, 77 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 969 (1986)

Book Chapters

Drug Courts, in OXFORD BIBLIOGRAPHIES IN CRIMINOLOGY, Oxford University Press (Beth M. Huebner ed., 2019) (with J. Nolan).

Problem-Solving Courts, in ACADEMY FOR JUSTICE, A REPORT ON SCHOLARSHIP AND CRIMINAL JUSTICE REFORM (Erik Luna ed., 2017).

A Circumspect Look at Problem-Solving Courts, in PROBLEM-SOLVING COURTS: JUSTICE FOR THE TWENTY-FIRST CENTURY? (P. Higgins & M. Mackinem eds., 2009)

The Adversary System and Attorney Role in the Drug Treatment Court Movement, in DRUG COURTS: IN THEORY AND PRACTICE (J. Nolan, ed., 2001) (Volume in Social Problems and Social Issues Series, Joel Best, ed., Aldine de Gruyter, Publisher) (revised version of earlier article)

Book Reviews

Review of Enforcing Freedom: Drug Courts, Therapeutic Communities, and the Intimacies of the State, by Kerwin Kaye, LAW, CULTURE AND THE HUMANITIES (2021).

Excuse Theory through a Liberal Lens, CRIMINAL JUSTICE ETHICS (Winter/Spring 2006)

The Relationship Between Theory and Practice in the Study of Punishment, 7 CRIMINAL LAW FORUM 435 (1996)

Other Publications

Reasoned Judgment, 82 MARYLAND LAW REVIEW ONLINE 104 (2023)

Introduction: Obstacles to the Development and Use of Pharmacotherapies for Addiction, 13 JOURNAL OF HEALTH CARE LAW & POLICY 1 (2010)

Dickerson v. United States, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (David S. Tanenhaus, ed., 2008)

Selected Presentations

Health Care and Disability: Access, Autonomy, and Capacity, Panel on Access to Health Care, *Journal of Health Care Law & Policy* Symposium, University of Maryland Carey School of Law (spring 2025).

The History of Therapeutic Interventions in Law, Maryland Judicial College (spring 2024)

When Originalism Failed: Lessons from Tort Law, Legal Theory Workshop, University of Maryland Carey School of Law (fall 2023)

Uneasy Alignments: The Mental Health Turn in the American Legal System, Journal of Health Care Law & Policy Symposium, University of Maryland School of Social Work and University of Maryland Carey School of Law (Spring 2023).

Negotiating Trouble, Charm City Colloquium on Law and Bioethics, Berman Institute of Bioethics, Johns Hopkins University and University of Maryland Carey School of Law (Fall 2021).

Constitutional Structure, Institutional Relationships and Text: Revisiting Charles Black's White Lectures, Comparative Constitutional Democracy Colloquium, University of Maryland Carey School of Law (Spring 2021).

Comments on "The Problem of Problem-Solving Courts," National Criminal Justice Roundtable (Spring 2020)

Comments on "The Influence of the United States Supreme Court on Judicial Review in Europe," Comparative Constitutional Democracy Colloquium, University of Maryland Carey School of Law (Spring 2020).

Mental Health, Mental Health Courts, and the Criminal Justice System, U. S. Commission on Civil Rights, District of Columbia Advisory Committee (Fall 2019).

Providing Services for Individuals with Mental Health Concerns, Inter-disciplinary Panel Sponsored by National Alliance on Mental Illness, University of Maryland Baltimore (Spring 2019).

Justice and Health: Current Challenges and Opportunities for Law & Bioethics, Panel on Opioids and Pain, Johns Hopkins Berman Institute of Bioethics (Spring 2018)

Anchor Event: The Legal Grey Area Surrounding Consent, University of Maryland Carey School of Law (Spring 2018)

Transforming Approaches to Substance Use Disorders: Ethics and Addiction, Fourth Annual Inter-professional Forum on Ethics and Religion in Health Care, Institute for Jewish Continuity; the University of Maryland Schools of Medicine, Nursing, Pharmacy, and Social Work; the UMB Graduate School, and the Maryland Healthcare Ethics Committee Network (Fall 2017)

Problem-Solving Courts and Criminal Justice Reform, Bridging the Gap: A Conference on Scholarship and Criminal Justice Reform, Sandra Day O'Connor College of Law, Arizona State University (Spring 2017)

Problem Solving Courts: A Promising Reform or a New Problem?, American Association of Law Schools Joint Program Co-Sponsored by Law and Mental Disability Section and Alternative Dispute Resolution Section, New York, NY (Spring 2016)

Constitutional Incorporation: A Consideration of the Judicial Function in State and Federal Constitutional Interpretation, University of Maryland Constitutional Law Schmooze (Spring 2016)

Are Drug Courts Effective? Legal Controversies in Alcohol and Drug Policy in the United States, University of Maryland Baltimore County Honors Seminar (Fall 2015)

Love and Death in the Supreme Court, Constitution Day Panel Presented by the League of Women Voters of Maryland and the University of Maryland Carey School of Law (Fall 2015)

Restorative Justice and Sentencing Alternatives, Advanced Topics in Sentencing, Judicial Institute of Maryland (Spring 2015)

Reassessing the Criminal Offender, ABA Criminal Justice Section's Sixth Annual Fall Institute: Sentencing, Reentry, Juvenile Justice, Washington D.C (Fall 2013)

Mental Illness and Guns, Attorney General's Forum on Gun Violence, University of Maryland Carey School of Law (spring 2013)

Mental Illness and the Criminal Justice System, Greenwall Fellowship Program in Bioethics and Health Policy, Johns Hopkins University Berman Institute of Bioethics (Spring 2012)

Balancing Public Health and Individual Liberties: Exploring New Options in Outpatient Treatment, University of Maryland Schools of Law, Medicine, and Social Work (Spring 2011)

Roundtable on Adolescent Decision-Making, The University of Maryland School of Law, Law & Health Care Program and the Johns Hopkins Berman Institute of Bioethics (Spring 2011)

Commenter, *Reader Meets Author: "Suing the Tobacco and Lead Pigment Industries: Government Litigation as Public Health Prescription,"* University of Maryland School of Law (Spring 2011)

The "Tomahawk" and the "Healing Balm": Statistical and Observational Data on Outcomes in Drug Treatment Courts and Other Problem-Solving Courts, University of Maryland Law Journal of Race, Religion, Gender and Class Symposium on Problem-Solving Courts (Fall 2009)

Looking Forward: Civil Liberties in the Obama Administration: Drug Policy and Patients' Rights, University of Hawaii Richardson School of Law, Davis Levin First Amendment Conference, Distinguished Lecture Series (2009)

Judging Genes: Implications of the Second Generation of Genetic Tests in the Courtroom, University of Maryland School of Law, Law and Health Care Program (2008)

Research Agendas, Legal Scholarship, and Faculty Development, Loyola University Chicago, School of Law (2007)

Problem Solving Courts and Rehabilitative Punishment, University of Maryland Journal of Race, Religion, Gender and Class Symposium on the Justice Kennedy Commission's Recommendations on Community Justice Programs (2005)

The Rehabilitation of Rehabilitation: Drug Treatment Courts, Problem Solving Courts, and the Future of Rehabilitative Punishment, Association of American Law Schools Annual Meeting, Criminal Justice Section Program, San Francisco, CA. (2005)

Access to Treatment, Leadership Council Meeting, Physicians and Lawyers for National Drug Policy: A Public Health Partnership, Brown University Center for Alcohol and Addiction Studies (2004)

Juveniles, Mental Health Issues, and the Death Penalty, MARGINS 2004 Symposium on the Death Penalty in the United States, University of Maryland School of Law (2004).

Panel on Mass Torts, Symposium on *Calabresi's The Costs of Accidents: A Generation of Impact on Law and Scholarship*, University of Maryland School of Law (2004).

Traditional vs. Therapeutic Courts: Conflict or Continuity?, The Judicial Council of the Washington Bar Association, Washington, D.C. (2004)

The Great American Public, Mass Society, and the New Constitutional Order, 2003 Constitutional Law Schmooze, University of Maryland School of Law (2003).

Pretrial Services, Diversion Programs and Confidentiality, National Association of Pretrial Services Agencies, Washington, DC (2002).

Human Subject Research and the Law, Johns Hopkins University, Bayview Medical Center, Behavioral Pharmacology Research Unit, Baltimore, MD (2002).

Natural Law and Legal Theory, The Judicial Institute of Maryland, Annapolis, MD (2001).

The Practical, Legal and Ethical Issues of Disclosure of Addiction of Pharmacists and Other Healthcare Professionals, Seminar Sponsored by The Pharmacists' Education And Assistance Committee, Maryland Pharmaceutical Association, University of Maryland School of Pharmacy, and Maryland Society of Health System Pharmacists (2001).

Plenary Speaker, *Drug Treatment Courts*, National Association of Pretrial Services Agencies (2001).

The Francis X. Riley Endowed Lecture on Professionalism, *The Adversary System, Attorney Role and the Drug Treatment Court Movement*, Northern Illinois University College of Law,

DeKalb, IL (2000).

Drug Treatment, Welfare Reform and Confidentiality, Maryland Addictions Directors' Council, Ocean City, Maryland (2000).

Substance Abuse Treatment and the Americans with Disabilities Act, Walter P. Carter Center, University of Maryland Baltimore (1999).

Substance Abuse, Families and the Courts: Legal and Public Health Challenges, Law & Health Care Program, University of Maryland School of Law (1999).

A Matter of Substance: Preventing, Recognizing and Counseling for Alcohol and Drug Abuse, Association of American Law Schools Annual Meeting, New Orleans, Louisiana (1999)

The Law Governing Substance Abuse Treatment, Talbot County Health Department, Easton, Maryland (1998)

Legal Positivism, the Model Penal Code, and "Depraved Indifference" Murder, Brooklyn Law School (1997)

Federal Constitutional Law: Recent Developments, Judicial Institute of Maryland, Baltimore, Maryland (1996)

Confidentiality and Community Building for Women in Treatment
The Women's Treatment Center, Chicago, Illinois (1996)

Setting Up a Provider Network, Maryland Addictions Directors Council, Ocean City, Maryland (1995)

Confidentiality, Substance Abuse Treatment, and Pregnancy, Johns Hopkins Center for Addiction and Pregnancy, Baltimore, Maryland (1995)

Legal Teaching for Social Change, Boston College Law School, Newton, Massachusetts (1995)

Legal and Medical Perspectives on Responding To Substance Abuse, University of Maryland Dental School (1995)

Legal Issues in the Field of Substance Abuse: Identifying Issues and Integrating Them into Addictions Training and Education Curricula, First Annual Maryland Addictions Training Center Conference, Baltimore, Maryland (1994)

Legal Issues in Working With Substance Abusing Families, National Conference of Head Start Parent and Child Centers, Fair Lakes, Virginia (1994)

The New Legal Formalism, Symposium on Experimental Law School Curriculum, Georgetown

University Law Center (1992)

The Drug War and Distorted Discourse in the Criminal Justice System, Critical Networks Conference, Northeastern University Law School (1992)

Curricular Reform, Visions of Practice, and Mandatory Pro Bono, Loyola University School of Law, Chicago (1991)

The Justice Mission of American Law Schools, Cleveland-Marshall College of Law, Cleveland State University (1991)

Substance Abuse Strategy Summit, Maryland Criminal Justice and Treatment Coalition, Salisbury State University, Salisbury, MD (1991)

Executive Committee Program on Academic Support, Association of American Law Schools Annual Meeting, Washington, DC (1991)

Confidentiality of Alcohol and other Drug Abuse Treatment Records, Institute of Alcoholism and Drug Studies, Salisbury State University, Salisbury, MD (1991)

Encouraging the Treatment Alternative: Emerging Legal Issues in Workplace Drug Testing, Forum on Cocaine Abuse: Science, Public Policy and the Law, University of Maryland, Baltimore (1990)

Confidentiality and Workplace Discrimination, National Conference of the Association of Labor-Management Administrators and Consultants on Alcoholism, New York, NY (1988)

Program in Professional Responsibility and Lawyer Roles, Yale Law School, New Haven, CT (1987)

Service

Manuscript Reviewer

- Columbia Law Review*
- Law & Social Inquiry*
- New Criminal Law Review*
- Yale Law Journal*

Contributor, Academy for Justice

Cooperating Counsel, Legal Action Center

Board Member, Behavioral Health Leadership Institute, Inc. (2014 to 2024)

PhD Dissertation Committee Member, UCLA Department of Social Welfare (2021 to 2022)

Leadership Council, Physicians and Lawyers for National Drug Policy: A Public Health Partnership, Brown University Center for Alcohol and Addiction Studies (2003-2006)

Member, National Due Process Committee, American Civil Liberties Union (1985 to 1995)

Service to the Law School

Faculty Advisor, *University of Maryland Law Journal of Race, Religion, Gender, and Class*

Faculty Promotions and Tenure Committee (Chair, 2012-2017)

University of Maryland Carey School of Law Dean Search Committee (Member, 2013-14; Chair, 1998-1999)

Faculty Appointments Committee (Chair, 2019-2020; 2022)

Curriculum Committee

Futures Committee

Faculty Development Committee

Student Awards Committee

Legislative Action Committee

Awards

University of Maryland Baltimore, Educator of the Year (2022)

Faculty Member of the Year, Student Bar Association, University of Maryland Carey School of Law (2020-2021)

Teacher of the Year, University of Maryland Carey School of Law, Black Law Students Association (1993-1994, 2019-2020).

Courses Taught

- Constitutional Law
- Constitutional Interpretation Seminar
- Criminal Law
- Criminal Law Seminar: Comparative Criminal Law
- Criminal Law Seminar: Theories of Responsibility
- Criminal Procedure
- Drug Policy and Public Health Strategies
- Federal Jurisdiction
- Justice at the Intersection of Social Work and the Law Seminar
- Legal Analysis and Writing
- Legal Profession
- Legal Theory and Practice
- Mental Disability Law
- Property
- State Constitutional Law Seminar
- Torts

Professional Associations

The American Law Institute (Elected Member)

The Association of the Bar of the City of New York

The Association of American Law Schools, Sections on Constitutional Law, Criminal Justice, Law and Mental Disability, Torts and Compensation Systems

Bar Admissions

- New York State, First Department (1983)
- Maryland (1991)
- U. S. District Court, Southern District of New York (1983)
- U. S. District Court, District of Maryland (1998)
- U. S. Court of Appeals, Fourth Circuit (2002)