

RESUME

DANIEL CHARLES RICHMAN

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EMPLOYMENT

- 9/09 – present Paul J. Kellner Professor of Law, Columbia University School of Law
- 7/07 – present Professor of Law, Columbia University School of Law
 Courses: Criminal Procedure, Evidence, Federal Criminal Law,
 Sentencing Seminar (with Judge Richard Sullivan),
 Cybersecurity, Data Privacy, and Surveillance Law
 Seminar (with Matthew Waxman)
- 5/06 – 7/07 Brendan Moore Chair in Advocacy, Fordham Law School
- 9/92 – 7/07 Professor (tenured in 1998; promoted to full professor in 2000),
 Fordham University School of Law
 Courses: Criminal Procedure, Evidence,
 Evidence Seminar, Federal Criminal Law
- 9/02 - 12/02 Visiting Professor, Columbia University School of Law
 Courses: Criminal Procedure,
 Federal Criminal Law and Enforcement
- 8/96 - 6/97 Visiting Associate Professor of Law
 University of Virginia, School of Law
 Courses: Criminal Procedure, Evidence,
 Evidence Seminar, Federal Criminal Law
- 1/1987 - 6/92 Assistant United States Attorney, Southern District of New York:
 Chief Appellate Attorney (9/91-6/92)
 Deputy Chief Appellate Attorney (6/90-9/91)
 Organized Crime Unit (8/89-6/90)
 Narcotics Unit (9/87-8/89)

General Crimes Unit (1/87-9/87)

10/1986 - 1/1987 Associate, Patterson, Belknap, Webb & Tyler
New York, New York

1985-1986 Law Clerk, Justice Thurgood Marshall
Supreme Court of the United States, Washington D.C.

1984-1985 Law Clerk, Chief Judge Wilfred Feinberg
Second Circuit Court of Appeals
New York, New York

EDUCATION

Yale Law School, J.D. 1984
Note Editor, Yale Law Journal
Note, Antitrust Standing, Antitrust Injury, and the Per Se Standard, 93 **Yale L. J.** 1309
(1984).

Oxford University, St. Edmund Hall, England, 1980-1981
Seventeenth Century English History graduate studies, funded in part by British
Government research grant.

Harvard College, A.B. 1980, summa cum laude in History
Phi Beta Kappa

OTHER ACTIVITIES

Advisor, Office of the Director, Federal Bureau of Investigation, 2015-2017

Faculty Advisor, Center for the Advancement of Public Integrity, 2014-2020

Instructor, Trial Advocacy Program, District Attorney of New York County, 2013

White Collar Task Force, District Attorneys Association of the State of New York, 2013

Consultant, Bureau of Ocean Energy Management, Regulation and Enforcement, Department of
the Interior (Deepwater Horizon Investigation and Review Unit), 2010-2011

Member, Homeland Security Policy Advisory Committee, Governor-Elect Eliot Spitzer, 2006

Chairman, Local Conditional Release Commission for the City of New York, 10/2004- 9/2005

(appointed by Mayor Michael Bloomberg).

Independent Expert under the National Basketball Ass'n/ National Basketball Players Ass'n Anti-Drug Program, 2000-

Peer Reviewer, National Institute of Justice, U.S. Department of Justice, 2000-2007

Faculty, Columbia Law School Program at University of Leiden, The Netherlands, 2002, 2008

Consultant, Department of Justice, Office of the Inspector General, 1997-2000.

Special Assistant United States Attorney, Southern District of New York, 1992-94.

Consultant, Treasury Department, Waco Administrative Review, 1993-1994 (helped write *Report on the ATF Investigation of Vernon Wayne Howell aka David Koresh*).

Instructor, Trial Advocacy Program, New York City Law Department, 1993-96, 1998, 2000.

Instructor, U.S. State Department Criminal Justice Executive Forum (co-sponsored by the Bureau of Counter-Terrorism Assistance and the FBI), 1997

Of counsel, consultant, or expert witness in various federal, international, and state criminal and civil matters, 1992-

PUBLICATIONS

Percoco v. United States – Navigating Between ‘Politics As Usual’ and Sacks of Cash, **Yale Law Journal Forum** (forthcoming)

Does Donald Trump Have to Attend His Own Trial?, Lawfare, Aug. 8, 2023, available at <https://www.lawfaremedia.org/article/does-donald-trump-have-to-attend-his-own-trial>

The (Immediate) Future of Prosecution, 50 **Fordham Urban Law Journal** (2023) (forthcoming)

Policing With Less and Less Policing, Lawfare, Sept. 12, 2022, available at <https://www.lawfareblog.com/policing-less-and-less-policing#>

Actual Knowledge, Willful Blindness and the Jan. 6 Hearings, Lawfare, June 21, 2022, available at <https://www.lawfareblog.com/actual-knowledge-willful-blindness-and-jan-6-hearings#>

Foreign Equities and Informational Restraints on U.S. Prosecutors, Lawfare, June 1, 2022, available at <https://www.lawfareblog.com/foreign-equities-and-informational-restraints-us-prosecutors#>

Defining Crime, Delegating Authority - How Different are Administrative Crimes?, 39 **Yale J. on Regulation** 304 (2022).

How Federalism Built the FBI, Sustained Local Police, and Left Out the States (with Sarah Seo), 17 **Stan. J. Civ. Rights & Civ. Lib.** 421 (2022).

Police Reform Won't Work Unless It Involves Federal and State Governments, Wash. Post, July 7, 2020 (with Sarah A. Seo).

Law Enforcement Organization Relationships, in **Oxford Handbook of Prosecutors and Prosecution** (Ronald F. Wright, et al., eds. 2021).

Partisan Politics and Federal Law Enforcement: The Promise and Corruption of Reconstruction (book review), Lawfare, July 22, 2019, available at <https://www.lawfareblog.com/partisan-politics-and-federal-law-enforcement-promise-and-corruption-reconstruction>

Defining Federal Crimes (with Kate Stith & William J. Stuntz) (2d Edition 2018) (Aspen Casebook Series)

Getting Encryption onto the Front Burner, Lawfare Oct. 26, 2017, available at <https://www.lawfareblog.com/getting-encryption-front-burner>

Accounting for Prosecutors, in **Prosecutors and Democracy: A Cross-National Study**, ed. Maximo Langer & David Sklansky (Cambridge Univ. Press, 2017)

A Quarter Century of Supreme Court Criminal Procedure Work: Three Constitutional Brushes, in **Nouveaux Regards sur de Modèles Classiques de Démocratie Constitutionnelle: États-Unis, Europe** (ed. Eleonora Bottini, et al. 2018).

Understanding Recent Spikes and Longer Trends in American Murders (with Jeffrey Fagan), 117 **Columbia Law Review** 2035 (2017)

Informants and Cooperators, in **BRIDGING THE GAP: A REPORT ON SCHOLARSHIP AND CRIMINAL JUSTICE REFORM** (Erik Luna ed., 2017).

Disaggregating the Criminal Regulatory State, in **The New Criminal Justice Thinking** (Sharon Dolovich & Alexandra Natapoff, eds., 2017)

Bribery Conspiracies, Foreign and Domestic: Ocasio v. United States and Its Implications for FCPA Complicity Theories (with Shu-en Wee), *Compliance & Enforcement Blog* (2016), https://wp.nyu.edu/compliance_enforcement/2016/08/15/bribery-conspiracies-foreign-and-domestic-ocasio-v-united-states-and-its-implications-for-fcpa-complicity-theories/

Rewarding Subtlety: McDonnell v. United States (with Jennifer Rodgers), *Compliance & Enforcement Blog* (2016), https://wp.nyu.edu/compliance_enforcement/2016/07/05/rewarding-subtlety-mcdonnell-v-united-states/

Corporate Headhunting, 8 *Harvard Law & Policy Review* 901 (2014).

Framing the Prosecution, 87 *University of Southern California Law Review* 673 (2014).

Entries for SCOTUSblog on *Descamps v. United States* (2013):

preview: <http://www.scotusblog.com/?p=157139>

argument recap: <http://www.scotusblog.com/2013/01/argument-recap-court-struggles-with-classifying-prior-burglary-convictions-across-states-and-courtrooms/>

opinion: <http://www.scotusblog.com/2013/06/opinion-analysis-when-is-a-burglary-not-a-burglary/>

Federal White Collar Sentencing in the United States – A Work in Progress, 76 *Law & Contemporary Problems* 53 (2013)

Overcriminalization for Lack of Better Options: A Celebration of Bill Stuntz, in *The Political Heart of Criminal Procedure: Essays on Themes of William J. Stuntz* (Michael Klarman, David Skeel & Carol Steiker, eds. 2012).

Tribute to William Stuntz, 124 *Harvard Law Review* 1849 (2011).

Political Control of Federal Prosecutions – Looking Back and Looking Forward, 58 *Duke Law Journal* 2087 (2009) (Administrative Law symposium).

Federal Sentencing in 2007: The Supreme Court Holds – The Center Doesn't, 117 *Yale Law Journal* 1374 (2008).

Decisions about Coercion: The Corporate Attorney-Client Privilege Waiver Problem, 57 *DePaul Law Review* 295 (2008).

Judging Untried Cases, 156 *U. Pa. L. Rev. PENNUmbra* 219, 222 (2007), <http://pennumbra.com/responses/11-2007/Richman.pdf>

Institutional Competence and Organization Prosecutions,” 93 **Virginia Law Review In Brief** (2007), <http://www.virginialawreview.org/inbrief/2007/06/18/richman.pdf>.

Institutional Coordination and Sentencing Reform, 84 **Texas Law Review** 2055 (2006) (symposium on Punishment Law and Policy).

The Past, Present, and Future of Violent Crime Federalism, in 34 **Crime and Justice: A Review of Research** 377 (2006).

United States v. Salerno, in Carol S. Steiker, ed., **Criminal Procedure Stories** (Foundation Press 2006).

Al Capone’s Revenge: An Essay on the Political Economy of Pretextual Prosecution (with William J. Stuntz), 105 **Columbia Law Review** 583 (2005).

Future of American Sentencing: A National Roundtable on Blakely, 17 **Federal Sentencing Reporter** 115-133 (Dec. 2004) (panel comments).

The Right Fight: Local Police and National Security, **Boston Review** (Dec. 2004/ Jan. 2005) (with response to commentators).

“Rybicki”: The Intangible Rights Theory of Criminal Fraud, **New York Law Journal**, Jan 12, 2004, p. 4 (with Alan Vinegrad).

Professional Identity: Comments on Simon, 40 **American Criminal Law Review** 1609 (2003) (symposium on Problem Solving Courts).

Prosecutors and Their Agents, Agents and Their Prosecutors, 103 **Columbia Law Review** 749 (2003).

Review of Sitcom “A.U.S.A.,” **New York Law Journal**, Jan 30, 2003 (with Otto G. Obermaier).

Comments, Federal Criminal Justice System: A Roundtable on Expanding Research Opportunities, Law and Courts Newsletter (Am. Pol. Sci. Assn.), Winter, 2003.

“Project Exile” and the Allocation of Federal Law Enforcement Authority, in *Guns, Crime, and Punishment* (B. Harcourt, ed.), NYU Press, 2003.

“Project Exile” and the Allocation of Federal Law Enforcement Authority, 43 **Arizona Law Review** 369 (2001) (symposium issue, “Guns, Crime, and Punishment in America)

The Changing Boundaries Between Federal and Local Enforcement, in *Boundary Changes in*

Criminal Justice Organizations, vol. 2 of **Criminal Justice 2000** (National Institute of Justice, NCJ 182409, July 2000).

Of Prosecutors and Special Prosecutors: An Organizational Perspective, 5 **Widener Law Symposium Journal** 79 (2000) (with H. Geoffrey Moulton).

Federal Criminal Law Enforcement, Cross-Examination, and Obstruction of Justice, in **Encyclopedia of Crime and Justice** (rev. ed. 2001)

Plugging Prosecutorial Leaks, **Legal Times**, Sept. 20, 1999, at S32-33.

Grand Jury Secrecy: Leaks from an Empty Bucket, 36 **American Criminal Law Review** 339 (1999).

Foreword to Symposium on the Changing Role of the Federal Prosecutor, 26 **Fordham Urban Law Journal** vii (1999).

Criminal Law, Congressional Delegation, and Enforcement Discretion, 46 **UCLA Law Review** 757 (1999).

The Challenges of Investigating Section 5K1.1 in Practice, 11 **Federal Sentencing Reporter**, No. 2, at 75 (Sept./Oct. 1998)

The Process of Terry-Lawmaking, 72 **St. John's University Law Review** 1043 (1998).

Fraud Loss Under the Sentencing Guidelines, chapter in Otto G. Obermaier & Robert G. Morvillo, eds., **White Collar Crime: Business and Regulatory Offenses** (1998)

Old Chief v. United States: Stipulating Away Prosecutorial Accountability, 83 **Virginia Law Review** 939 (1997)

Bargaining About Future Jeopardy, 49 **Vanderbilt Law Review** 1181 (1996)

Cooperating Clients (adaptation), 3 **Criminal Practice Law Reporter** 57 (1995).

Cooperating Defendants: The Costs and Benefits of Purchasing Information from Scoundrels, 8 **Federal Sentencing Reporter** 292 (1996)

Cooperating Clients, 56 **Ohio State Law Journal** 69 (1995).

Book Review of Andrew Ashworth, The Criminal Process: An Evaluative Study, 6 **Criminal Law Forum** 353 (1995).

Book Review of George P. Fletcher, With Justice for Some: Victims' Rights in Criminal Trials, **New York Law Journal**, Feb. 13, 1995.

Book Review of Gerald Gunther, Learned Hand: The Man and the Judge, **New York Law Journal**, Aug. 30, 1994.

Of Laws and Men: An Essay on Justice Marshall's View of Criminal Procedure, 26 **Arizona State Law Journal** 369 (1994) (with Bruce Green).

PROFESSIONAL ORGANIZATIONS

Association of the Bar of the City of New York (1992-2015).

Committees: Criminal Advocacy (1992-95)

Criminal Justice Council (1995-1996, 1997-99; 2006-10)

Thurgood Marshall Fellowship (2000-05) (chair)

Task Force on Town and Village Courts (2006-2007)

White Collar Criminal Law (2009-2013)

Federal Bar Council (until 2020)

American Law Institute (2011-2020)

Admitted to New York Bar, 1986.

Also admitted to practice in S.D.N.Y., E.D.N.Y., 2d Circuit, and U.S. Sup. Ct.

OTHER WRITINGS

Testimony before the Senate Subcommittee on Criminal Justice Oversight of the Judiciary Committee, May 13, 1999: Miranda and 18 U.S.C. § 3501.

Brief of Griffin B. Bell, and other former or present law enforcement officials, as *Amici Curiae* in Support of Petitioner in *Dickerson v. United States* (Miranda case), U.S. Sup. Ct. 2000 (co-author).

Testimony before the Senate Judiciary Committee, September 18, 2007: Justice Department policies relating to the corporate attorney-client privilege.

Written Statement on Validity of Fifth Amendment Privilege Assertion by Lois Lerner, submitted to the House Committee on Oversight and Government Reform, June 27, 2013.

AWARDS

Columbia University Presidential Award for Excellence in Teaching, 2015.