

I. BENNETT CAPERS

Stanley D. and Nikki Waxberg Professor of Law

Fordham Law School

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ACADEMIC APPOINTMENTS

FORDHAM LAW SCHOOL, New York, NY

Stanley D. and Nikki Waxberg Professor of Law

and Director of the Center on Race, Law, and Justice

September 2020 to Present

Courses: Evidence Criminal Law
Criminal Procedure Race, Gender, and Crime

Service: Co-Chair, DEI Strategic Planning Committee, 2021-22
Member, Appointments Committee, 2022-23 and 2023-24

BROOKLYN LAW SCHOOL, Brooklyn, NY

The Stanley A. August Professor of Law – 2015 to July 31, 2020

Professor of Law –September 2012 to 2015

Courses: Evidence Criminal Law
Criminal Procedure Race, Gender, and Crime

Honors: Teacher of the Year, 2014-15

Teacher of the Year, 2015-16

Service: Chair, Appointments Committee, 2013-14
Member, Dean Search Committee, 2019-20

HOFSTRA UNIVERSITY SCHOOL OF LAW, Hempstead, NY

Professor of Law – August 2011 to August 31, 2012

Associate Dean of Intellectual Life—July 2010 to July 2011

Associate Professor of Law – August 2005 to July 2011

Honors: *Hofstra Law Review* Faculty Member of the Year, 2011-12

Teacher of the Year, 2006-07

Hofstra University Distinguished Lecturer, Fall 2006

Lawrence A. Stessin Prize for Outstanding Scholarly Publication, 2009

VISITING POSITIONS

COLUMBIA LAW SCHOOL, New York, NY

Visiting Professor, Fall 2023

Courses: Evidence

YALE LAW SCHOOL, New Haven, CT

Visiting Professor, Spring 2022

Courses: Criminal Law and Administration

BOSTON UNIVERSITY LAW SCHOOL, Boston, MA

Visiting Professor, Fall 2017

Courses: Evidence
Race, Gender, and Crime (seminar)

UNIVERSITY OF TEXAS LAW SCHOOL, Austin, TX

Visiting Professor, Fall 2016

Course: Evidence

BOOKS

THE PROSECUTOR'S TURN (Metropolitan Books, forthcoming, 2023)

CRITICAL RACE JUDGMENTS: REWRITTEN U.S. COURT OPINIONS ON RACE AND LAW (co-edited with Devon Carbado, Robin Lenhardt, and Angela Onwuachi-Willig) (Cambridge University Press, 2022)

FEMINIST JUDGMENTS: CRIMINAL LAW (co-edited with Sarah Deer and Cory Rayburn Yung) (Cambridge University Press, 2022)

CRIMINAL LAW: A CRITICAL APPROACH (with Roger Fairfax and Eric Miller) (Foundation Press, forthcoming, 2023)

EVIDENCE: A CRITICAL APPROACH (with Jasmine Harris and Julia Simon-Kerr) (work in progress)

ARTICLES AND ESSAYS

Policing "Bad" Mothers

___ HARVARD LAW REVIEW ___ (forthcoming, 2023) (book review)

Race, Gatekeeping, Magical Words, and Evidence

___ VANDERBILT LAW REVIEW ___ (forthcoming, 2023) (symposium essay)

Punishment Without the State

___ UNIVERSITY OF ILLINOIS LAW REVIEW ___ (forthcoming, 2023) (symposium essay)

Race-ing Antitrust

121 MICHIGAN LAW REVIEW 523 (2022) (with Gregory Day)

Bringing up the Bodies,

2022 UNIVERSITY OF CHICAGO LEGAL FORUM 83 (2022) (symposium essay)

Still Against Prosecutors

13 CALIFORNIA LAW REVIEW ONLINE 95 (2022) (symposium essay)

- Foreword: Subversive Lawyering*,
90 FORDHAM LAW REVIEW LAW 1945 (2022) (symposium introduction) (with
Bruce Green)
- Future Sex*,
76 NYU ANNUAL SURVEY OF AMERICAN LAW 293 (2022) (symposium
contribution)
- Afrofuturism and the Law*,
9 CRITICAL ANALYSIS OF THE LAW 1 (2022) (Introduction, invited guest editor of
symposium issue)
- Free-ing Criminal Justice*
120 MICHIGAN LAW REVIEW 999 (2022) (book review)
- The Law School as a White Space?*
106 MINNESOTA LAW REVIEW 7 (2021)
- The Racial Architecture of Criminal Justice*
74 SMU LAW REVIEW 405 (2021) (symposium contribution)
- Against Prosecutors*,
105 CORNELL LAW REVIEW 1561 (2020)
- Talking About Black Lives Matter and #MeToo*,
32 Wis. J. L. Gender & Soc'y 1 (2019) (conversation with several scholars)
- Afrofuturism, Critical Race Theory, and Policing in the Year 2044*,
94 NYU LAW REVIEW 1 (2019)
- Evidence Without Rules*,
94 NOTRE DAME LAW REVIEW 867 (2018)
- Criminal Procedure and the Good Citizen*,
118 COLUMBIA LAW REVIEW 653 (2018)
- Policing, Technology, and Doctrinal Assists*,
69 FLORIDA LAW REVIEW 723 (2017)
- Race, Policing, and Technology*,
95 NORTH CAROLINA LAW REVIEW 1241 (2017)
- Rape, Truth, and Hearsay*,
40 HARVARD JOURNAL OF LAW AND GENDER 183 (2017)
- The Under-Policed*,
51 WAKE FOREST LAW REVIEW 589 (2016) (symposium contribution)
- The Prosecutor's Turn*,
57 WILLIAM & MARY LAW REVIEW 1277 (2016) (symposium contribution)

- On 'Violence Against Women,'*
13 OHIO ST. JOURNAL OF CRIMINAL LAW 347 (2016) (symposium contribution)
- Unsexing the Fourth Amendment,*
48 U.C. DAVIS LAW REVIEW 101 (2015)
*Reprinted in SEARCH AND SEIZURE LAW REPORT, Vol. 43, No. 2 (2016)
- Critical Race Theory and Criminal Justice,*
12 OHIO STATE JOURNAL OF CRIMINAL LAW 1 (2014) (Introduction, invited guest editor of symposium issue)
- Reading Michigan v. Bryant, "Reading" Justice Sotomayor,*
123 YALE L.J. FORUM 427 (2014) (symposium contribution)
- The Fourth Problem,*
49 TULSA LAW REVIEW 101 (2013) (book review, invited contribution)
- Real Women, Real Rape,*
60 UCLA LAW REVIEW 826 (2013) (lead article)
- Crime, Surveillance, Communities,*
40 FORDHAM URBAN LAW JOURNAL 101 (2013) (invited contribution)
*Reviewed on JOTWELL (The Journal of Things We Like (Lots))
- Enron, DOMA, and Spousal Privileges: Rethinking the Marriage Plot,*
81 FORDHAM LAW REVIEW 715 (2012) (symposium contribution)
- Blind Justice,*
24 YALE JOURNAL OF LAW AND THE HUMANITIES 179 (2012) (symposium contribution)
- Introduction and Crime, Legitimacy, Our Criminal Network, and The Wire,*
8 OHIO STATE JOURNAL OF CRIMINAL LAW 431, 459 (2011) (introduction and symposium essay)
- Real Rape Too,*
99 CALIFORNIA LAW REVIEW 1259 (2011)
*Reviewed on JOTWELL (The Journal of Things We Like (Lots))
- Home Is Where the Crime Is,*
109 MICHIGAN LAW REVIEW 979 (2011) (book review)
- Rethinking the Fourth Amendment: Race, Citizenship, and the Equality Principle,*
46 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2011) (lead article)
*Reprinted in SEARCH AND SEIZURE LAW REPORT, Vol. 39, No. 10 (NOV. 2012)
- The Unintentional Rapist,*
87 WASHINGTON UNIVERSITY LAW REVIEW 1345 (2010)
- Crime Music,*
7 OHIO STATE JOURNAL OF CRIMINAL LAW 749 (2010)

- Notes on Minority Report*,
42 SUFFOLK LAW REVIEW 795 (2009) (symposium contribution)
- Policing, Place, and Race*,
44 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 43 (2009)
- Cross Dressing and the Criminal*,
20 YALE JOURNAL OF LAW AND THE HUMANITIES 1 (2008) (lead article)
- Crime, Legitimacy, and Testifying*,
83 INDIANA LAW JOURNAL 835 (2008)
- Reading Back, Reading Black*,
35 HOFSTRA LAW REVIEW 9 (2006) (invited contribution)
- On Justitia: Race, Gender, and Blindness*,
12 MICHIGAN JOURNAL OF RACE AND THE LAW 203 (2006)
- The Trial of Bigger Thomas: Race, Gender, and Trespass*,
31 NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 1 (2006) (lead article)
- On Andy Warhol's Electric Chair*,
94 CALIFORNIA LAW REVIEW 243 (2006)
- Flags*,
48 HOWARD LAW JOURNAL 121 (2004)
- Note, *Sex(ual Orientation) and Title VII*,
91 COLUMBIA LAW REVIEW 1158 (1991)

BOOK CHAPTERS, SHORTER WORKS, OP-EDS

- Judging While Black, Judging While Female*, in
BLOOMBERG NEWS, March 2, 2022 (op-ed)
- The Inequality, Frustration, Suffering, and Work that Led to 2020's Protetsts*, in
WASHINGTON POST, December 10, 2021 (book review)
- How to Reform Police Liability*, in
WASHINGTON POST, August 17, 2020 (op-ed) (with Ben Zipursky and John Goldberg)
- Citizenship Talk*, in
THE FUTURE OF POLICING IN AMERICA: SECURITY, DIGNITY, DEMOCRACY
(forthcoming 2019)
- Katz v. United States*, in
CRITICAL RACE JUDGMENTS: REWRITTEN U.S. COURT OPINIONS ON RACE AND
LAW (Oxford University Books, forthcoming 2019)

- While We're Talking About Rape, in*
CRIMINAL JUSTICE, ABA MAGAZINE, Winter 2017, Vol. 31 No. 4
- Moving Beyond Stop-and-Frisk, in*
NEW YORK TIMES, August 12, 2013 (featured op-ed)
- Giving Blessing to Bias, in*
NEW YORK TIMES, June 29, 2011 (Room for Debate contribution)
- Critical Race Theory, in*
OXFORD HANDBOOK OF CRIMINAL LAW (Oxford University Press, 2014)
- Law of Police Seizures and Exercise of Discretion, in*
ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE (Springer Press, 2014)
- Defending Life, in*
LIFE WITHOUT PAROLE: THE NEW DEATH PENALTY, Charles Olgetree, Jr. and Austin Sarat. eds., (NYU Press, 2012)
- The Crime of Loving: Loving, Lawrence, and Beyond, in*
LOVING V. VIRGINIA IN A POST-RACIAL WORLD: RETHINKING RACE, SEX, AND MARRIAGE, Kevin Noble Maillard & Rose Cuison Villazor eds., (Cambridge University Press, 2012)
*Reviewed on JOTWELL (The Journal of Things We Like (Lots))
- Reading Back, Reading Black, and Buck v. Bell, in*
AFRICAN AMERICAN CULTURE AND LEGAL DISCOURSE, Lovalerie King et al. eds., (Palgrave MacMillan, 2009)
- On Racially-Based Jury Nullification, in*
CRIMINAL LAW CONVERSATIONS, Paul Robinson et al. eds., (Oxford University Press, 2009)
- Derrick Bell's Children,*
2 COLUMBIA JOURNAL OF RACE AND THE LAW (Special Feature) 6 (2012)
- Shall I Play Mother?,*
HARVARD JOURNAL OF LAW AND GENDER (Special Feature of responses to Darren Rosenblum's "Unsex Mothering") (2012)

SELECTED JUDICIAL CITATIONS

- People v. Regan*, __ N.E.3d __ (NY Ct. App. 2023) (citing *Real Women, Real Rape*, 60 UCLA L. Rev. 826 (2013))
- Regina v Kirkpatrick*, 2022 S.C.C. 33 (Sup. Ct. of Canada) (citing *The Unintentional Rapist*, 87 Wash. U. L. Rev. 1345 (2010))
- State v. Price-Williams*, 973 N.W.2d 556 (Iowa Sup. Ct. 2022) (citing *Policing, Race, and Place*, 44 Harv. C.R.-C.L. L. Rev. 43 (2009))

United States v. Knights, 989 F.3d 1281 (11th Cir. 2021) (citing *On Justitia: Race, Gender, and Blindness*, 12 Mich. J. Race & L. 203 (2006))

United States v. Weaver, 975 F.3d 94 (2d Cir. 2020) (citing *Criminal Procedure and the Good Citizen*, 118 Colum. L. Rev. 653 (2018))

State v. Lewis, 333 Con. 543 (Conn. 2019) (citing *Rethinking the Fourth Amendment: Race, Citizenship, and the Equality Principle*, 46 Harv. C.R.-C.L. L. Rev. 1 (2011))

State v. Brown, 930 N.W.2d 840 (Iowa Sup. Ct. 2019) (citing *Crime, Legitimacy, and Testilying*, 83 Ind. L.J. 835 (2008) and *Policing, Race, and Place*, 44 Harv. C.R.-C.L. L. Rev. 43 (2009))

Thomas v. Clark, 364 F.Supp.3d 178 (E.D.N.Y. 2019) (citing *Criminal Procedure and the Good Citizen*, 118 Colum. L. Rev. 653 (2018))

United States v. Tanguay, 819 F.3d 1 (1st Cir 2019) (citing *Criminal Procedure and the Good Citizen*, 118 Colum. L. Rev. 653 (2018))

Navtej Singh Johar v. Union of India, 10 SCC 1 (Supreme Court of India) (citing *Sex(ual Orientation) and Title VII*, 91 Colum. L. Rev. 1158 (1991))

Thompson v. Clark, 2018 WL 3128975 (E.D.N.Y. 2018) (citing *Criminal Procedure and the Good Citizen*, 118 Colum. L. Rev. 653 (2018))

Dyal v. Adams, 2018 WL 2103202 (E.D.N.Y. 2018) (citing *Criminal Procedure and the Good Citizen*, 118 Colum. L. Rev. 653 (2018))

State v. Thomas, 847 N.W.2d 438 (Iowa 2014) (citing *Crime, Legitimacy, and Testilying*, 83 Ind. L.J. 835 (2008))

Betts v. City of Chicago, Ill., 784 F.Supp.2d 1020 (N.D. Ill. 2011) (citing *Policing, Race, and Place*, 44 Harv. C.R.-C.L. L. Rev. 43 (2009))

SELECTED PRESENTATIONS

Listening to Defendants, Faculty Workshop, University of Miami Law School, Miami, FL, February 15, 2023

Listening to Defendants, Goldstock-Jacobs Colloquium, NYU Law School, New York, NY, January 18, 2023

Unracing Evidence, Evidence Symposium, Vanderbilt Law School, Nashville, TN
Cleveland, OH, November 4, 2022

Law Schools, Antiracism, and Tamping Down the Rage, Law and Society Conference, “Black Rage” panel, Lisbon, Portugal, July 15, 2022

On Afrofuturism, Invited Lecture, Centre for Ethics, University of Toronto, Toronto, Canada, May 13, 2022

Listening to Defendants, Public Lecture, Criminal Justice Forum Lecture Series, Marshall-Cleveland College of Law, Cleveland, OH, April 13, 2022

Future Evidence, The Death of Eyewitness Testimony and the Rise of Machine Evidence Conference, Duquesne Law School, Pittsburgh, PA, April 8, 2022

Punishment Without the State, The Law of the People? Rethinking Criminal Justice Through Virtual Spaces Symposium, U of Illinois Law Review Symposium, U of Illinois Law School, Champagne, IL, March 25, 2022

Listening to Defendants, Virtual Criminal Law Workshop, U. Penn. Law School, Philadelphia, PA, March 9, 2022

Listening to Defendants, Faculty Workshop, Hofstra Law School, Hempstead, NY, February 23, 2022

Listening to Defendants, Faculty Workshop, Cardozo Law School, New York, NY, February 21, 2022

On Afrofuturism, Invited Lecture, Laboratoire de Cyberjustice, University Montreal, Montreal, Canada, Feb. 3, 2022

Panelist, "*Abolition and Technology*," Toward an Abolitionist Future Symposium, UCLA Law School, Los Angeles, CA, January 29, 2022

Panelist, "*Reimagining Police Surveillance*," Michigan Journal of Law Reform Symposium, Michigan Law School, Ann Arbor, MI, January 21, 2022

The Law School as a White Space, podcast interview as part of the Minnesota Law Review podcast series, on January 19, 2022

Panelist, "*Critical Evidence Reform: How Do We Change Prior Conviction Impeachment in the U.S.*," AALS Annual Meeting, January 5, 2022

On Technology, Public Safety, Crime, and Legal Education, Keynote Speaker, Center on Community Safety, Policing, and Inequality at UConn Law, Hartford, CT, November 16, 2021

Listening to Defendants, Faculty Workshop, Syracuse Law School, Syracuse, NY, November 12, 2021

Listening to Defendants, Faculty Workshop, Wayne State Law School, Detroit, MI, November 8, 2021

Bringing Up the Bodies, The "Body" Symposium, U. of Chicago Law School, Chicago IL, November 5, 2021

The Law School as a White Space, Law & Inequality Colloquium Presentation, University of Pennsylvania Law School, Philadelphia, PA, March 11, 2021.

Future Sex, Law and Gender Colloquium, Northwestern Law School, Chicago, IL, February 24, 2021.

Panelist, *Unpacking Doctrinals: Interweaving Race in the Criminal Law Curriculum*, Michigan Law School, via Zoom, February 23, 2021.

Panelist, *Law in Space: Afrofuturist Perspectives on Legal Practice*, Paul Robeson Conference, Columbia Law School, via Zoom, February 19, 2021.

Panelist, *Race and Criminal Justice: Where Do We Go From Here?*, University of Pennsylvania Journal of International Law Symposium, University of Pennsylvania Law School, Philadelphia, PA, February 18, 2021.

Panel Discussion, *Feminist Critique of Police Stops*, Howard Law School, via Zoom, February 16, 2021.

The Law School as a White Space, Faculty Workshop, Arizona State University School of Law, Phoenix, AZ, February 15, 2021.

Panelist, *Gentrification and Policing*, Louisiana Fair Housing Action Center, via Zoom, Jan. 21, 2021.

Panelist, *Unregulated Evidence*, AALS Evidence Section Panel, via Zoom, January 8, 2021.

Panel Discussion, *Navigating the Path to Tenure and Promotion*, AALS Workshop for Pretenured Teachers of Color, via Zoom, January 8, 2021.

Panelist, *How the Law Underdeveloped Minorities in the United States*, Columbia Journal of Race and Law's 10th Annual Symposium, Columbia Law School, via Zoom, November 21, 2020.

Panelist, *Technology, Policing, and Earning the Public Trust*, American University School of Law, via Zoom, November 20, 2020.

Panelist, *On Surveillance, Law Enforcement, and Race*, Symposium: Technology Law as a Vehicle for Anti-Racism, UC-Berkeley, via Zoom, November 13, 2020.

Invited Lecture, *Afrofuturism, Critical Race Theory, and Policing in the Year 2044*, Microsoft, Zoom presentation as part of Microsoft's CELA Speaker Series, October 19, 2020.

Future Sex, Criminal Law in Context Colloquium, U. of Colorado Law School, via Zoom, October 18, 2020.

Panel Discussion, *Police Prosecutions and Qualified Immunity*, Policing in America Colloquium, Harvard Law School, via Zoom, October 16, 2020.

The Origins of Public Prosecution and Prosecution Today, Motion for Justice, Vera Institute, Zoom presentation to approximately 500 prosecutors, October 7, 2020.

Panel Discussion, *Qualified Immunity*, Metropolitan Black Bar Association, via Zoom, September 30, 2020.

Invited Lecture, *A New Country: Afrofuturism, Critical Race Theory, and Policing in the Year 2044*, University of Toronto, Center for Ethics, via Zoom, September 15, 2020

Commentator, *Evidence Workshop at Vanderbilt*, via Zoom, August 6, 2020

Commentator, *John Mercer Langston Workshop at UC Berkeley*, via Zoom, July 9-10, 2020

Panelist, *Black Lives Matter: Racism in America and Its Implications for Africa*, Fordham Law School, via Zoom, June 29, 2020

Panelist, *Black Lives Matter: Protests, Police Violence, and the Pandemic*, Fordham Law School, via Zoom, June 10, 2020

Commentator, *Jerome Culp Colloquium at Stanford Law School*, via Zoom, June 8, 2020

Revisiting Evidence, Presentation Before NYS Administrative Law Judges, via Zoom, May 28, 2020

Panelist, *Examining Teaching Materials: Exploring Issues of Diversity and Inclusion*, Brooklyn Law School, Brooklyn, NY, March 9, 2020

Panelist, “*Criminal Law as a System of Racialized Social Control*,” Boston University Law School Conference on “Racial Bias, Disparities Oppression in the 1L Curriculum: A Critical Approach to the Canonical First Year Law School Subjects,” Boston, MA, February 28, 2020

The Prosecutor’s Turn, University of Georgia Law School, Faculty Workshop, Athens, GA, February 10, 2020

Panelist, *Race-ing Justice, En-Gendering Power: Black Lives Matter, #MeToo, and the Role of an Intersectional Legal Analysis*, Wisconsin Law School, Madison, WI, April 12, 2019

Panelist, *Agency and Race in the Criminal System*, Wisconsin Law School, Madison, WI, December 5, 2019

The Prosecutor’s Turn, University of Nevada at Las Vegas Law School, Faculty Workshop, Las Vegas, NV, October 22, 2019

Panelist, Symposium on Rachel Barkow’s *Prisoners of Politics*, NYU Law School, New York, New York, October 21, 2019

The Prosecutor's Turn, Temple Law School, Faculty Workshop, Philadelphia, PA, October 1, 2019

The Prosecutor's Turn, Albany Law School, Faculty Workshop, Albany, NY, September 25, 2019

The Prosecutor's Turn, New York Law School, Faculty Workshop, New York, NY, September 24, 2019

The Prosecutor's Turn, George Washington Law School, Faculty Workshop, Washington, DC, August 28, 2019

Podcast Guest, *Afrofuturism and Critical Race Theory*, Ipse Dixit Podcast (hosted Brian Frye, Kentucky Law School), August 5, 2019, <https://shows.acast.com/ipse-dixit/episodes/bennett-capers-on-afrofuturism-critical-race-theory>

Commentator, John Mercer Langston Workshop, Howard University Law School, Washington, DC, July 19, 2019

Commentator, Evidence Summer Workshop, Vanderbilt Law School, via Zoom, July 9-10, 2019

Panelist, Law and the #MeToo Movement, Fordham Law School, New York, NY April 5, 2019

The Prosecutor's Turn, New York University Law School, Policing Colloquium, New York, NY, February 22, 2019

The Prosecutor's Turn, Suffolk University Law School, Faculty Workshop, Boston, MA, February 13, 2019

Panelist, "*Rape and Sexual Assault in the Era of #MeToo*," AALS Annual Meeting, New Orleans, LA, January 4, 2019

Panelist, "*Rape and Sexual Assault in the Era of #MeToo*," AALS Annual Meeting, New Orleans, LA, January 4, 2019

Panelist, Forum on "The Cadaver King," Junk Science, and Wrongful Convictions, NYU Law School, New York, NY, September 12, 2018

Evidence Without Rules, Law and Society Conference, "Truth in the Law" panel, Toronto, Canada, June 9, 2018

Evidence Without Rules, Federal Bar Council—Second Circuit Courts Committee, New York, NY, May 14, 2018

Race, Policing, and Technology, Racial Profiling Symposium, Northern Kentucky Law School, Highland Heights, KY, March 2, 2018

Author Talk: *Criminal Procedure and the Good Citizen*, Columbia Law School, New York, NY, Feb. 22, 2018

Criminal Procedure, The Police, and The Wire as Dissent, University of Chicago Legal Forum Annual Symposium, University of Chicago School of Law, Chicago, IL, Nov. 3, 2017

Evidence Without Rules, Boston University Law School, Faculty Workshop, Boston, MA, October 26, 2017

Techno-Policing, Big Data and Policing Roundtable, Ohio State Law School, Columbus, OH, Sept. 29, 2017

Keynote Address, *Harnessing Technology: Race, Technology, and the Future of Policing*, Racial Democracy Crime and Justice Network, 15th Annual Conference, Rutgers University, July 14, 2017

Plenary Panelist, *The Future of Policing*, AALS Mid-Year Meeting of the Criminal Justice Section, American University, Washington, D.C., June 12, 2017

Panelist, *On Implicit Biases in the Courtroom*, New York State Appellate Division Seminar, New York, NY, May 9, 2017

Podcast Guest, *Rape, Truth, and Hearsay*, Excited Utterance Podcast (hosted by Edward Cheng, Vanderbilt Law School), April 10, 2017, <https://www.excitedutterancepodcast.com/listen/2017/4/10/28-bennett-capers>

Criminal Procedure and the Good Citizen, Presentation, Boston University Law School, Boston, MA, February 24, 2017

Criminal Procedure and the Good Citizen, Faculty Workshop, Cornell Law School, Ithaca, NY, February 10, 2017

Criminal Procedure and the Good Citizen, Featured Speaker, Center for the Study of Race, Law, and Justice at Fordham Law School, New York, NY, January 24, 2017

The Under-Policed, Symposium on Mass Incarceration: Implementing De-Incarceration Strategies, Wake Forest Law School, Winston-Salem, NC, April 1, 2016

Rape Shields, Rape Judgments, Drexel Law School, Faculty Workshop, Philadelphia, PA, January 27, 2016

Rape Shields, Rape Judgments, AALS Symposium on Violence Against Women, Rape Panel, AALS Annual Meeting, New York, NY, January 9, 2016

Panelist, “AALS Arc of Career Program: Scholarly Engagement Post Tenure,” AALS Annual Meeting, New York, NY, January 7, 2016

After Lafler and Frye: The Prosecutor’s Turn, Symposium on Plea Bargaining Regulation: The Next Criminal Procedure Frontier, William & Mary Law School, Williamsburg, VA, February 21, 2015

The Fourth Amendment in a Brave New World, University of Texas Law School, Faculty Workshop, Austin, TX, January 30, 2015

Panelist, *Sexual Assault and Violence Against Women*, A Symposium Honoring the Work of Myrna Raeder, Southwestern Law School, Los Angeles, November 14, 2014

The Fourth Amendment in a Brave New World, Chicago-Kent Law School, Faculty Workshop, Chicago, IL, September 16, 2014

Panelist, *NYS's Hate Crime Statute*, Prosecutor's Committee of the Asian American Bar Association of New York, King's County D.A.'s Office, New York, NY, April 29, 2014

Unsexing the Fourth Amendment, UC Berkeley, Critical Race Theory Colloquium, Berkeley, CA, April 10, 2014

Moderator, *The Wisdom of Capital Punishment*, Texas Tech Criminal Law Symposium, Lubbock, TX, April 4, 2014

Panelist, *Cities and Surveillance*, Smart Law for Smart Cities Symposium, Fordham Law School, February 28, 2014

Panelist, *Reading Michigan v. Bryant*, "Reading" Justice Sotomayor, Justice Sotomayor Symposium, Yale Law School, Feb. 3, 2014

Panelist, AALS Hot Topic/Bridge Program—*Stop and Frisk as a Policing Tactic: The Situation Post-Floyd*, AALS Annual Meeting, New York, NY, January 3, 2014

Sexy Searches, Iowa Law School, Faculty Workshop, Iowa City, IA, November 14, 2013

F.R.E. 803(10), Proposed Amendment, New York County Lawyer's Association, New York, NY, October 19, 2013

Sexy Searches, Temple Law School, Faculty Workshop, Philadelphia, PA, October 16, 2013

Sexy Searches, Cardozo Law School, Faculty Workshop, New York, NY, September 16, 2013

Sexy Searches, Connecticut Law School, Faculty Workshop, Hartford, CT, September 11, 2013

Moderator, *A Man's Castle?: The State, Crime, and the Home* panel, AALS Mid-Year Conference on Criminal Justice, San Diego, CA, June 12, 2013

Moderator, *Fresh Ideas for Intractable Problems* panel, AALS Mid-Year Conference on Criminal Justice, San Diego, CA, June 11, 2013

Sexy Searches, Washington University Law School, Law, Identity, and Culture Workshop, St. Louis, MO, March 18, 2013

Commentator, *Rethinking Sexual Offenses* workshop, Minnesota Law School, Minneapolis, MN, April 6, 2013

Panelist, "Reviewing the Supreme Court's 2011-12 Term, and Looking Ahead," 2013 Annual Meeting Program, NYS Bar Association Committee on Attorneys in Public Service, New York, NY, January 22, 2013

Panelist, "Pre-Tenure Professors of Scholarship Workshop," Northeast Professors of Color Conference, Suffolk University Law School, Boston, MA, October 28, 2012

Crime, Surveillance, and Communities, Cooper-Walsh Colloquium on Urban Policing, Fordham Law School, New York, NY, October 19, 2012

Panelist, "Queering Criminal Justice," Fall 2012 Queer Theory Workshop, Center for Gender and Sexuality Law, Columbia Law School, October 2, 2012

Panelist, "New Frontiers in Race and Criminal Justice," NYU Law School, New York, NY, April 17, 2012

Real Women, Real Rape, Boston University Law School, Gender, Law, and Policy Colloquium, Boston, MA, April 3, 2012

Panelist, *Defense of Marriage Act: Law, Policy, and the Future of Marriage*, Fordham Law School, New York, NY, March 30, 2012

Real Women, Real Rape, University of Miami Law School, Colloquium on Criminal Justice, Miami, FL, March 22, 2012

Real Women, Real Rape, American University School of Law, Faculty Workshop, Washington, DC, November 22, 2011

Moderator, *Teaching Rape, Reforming Rape Law* panel, AALS Annual Meeting, Washington, DC, January 7, 2011

Panelist, *Law and Sexual Orientation* panel, AALS Annual Meeting, Washington, DC, January 7, 2011

Real Women, Real Rape, American University School of Law, Faculty Workshop, Washington, DC, November 22, 2011

Real Women, Real Rape, William & Mary Law School, Faculty Workshop, Williamsburg, VA, October 19, 2011

Real Rape Too and *Real Women, Real Rape*, Brooklyn School, Faculty Workshop, Brooklyn, NY, October 11, 2011

Real Rape Too and *Real Women, Real Rape*, Buffalo Law School, Faculty Workshop, Buffalo, NY, April 15, 2011

Real Rape Too and Real Women, Real Rape, Suffolk Law School, Faculty Workshop, Boston, MA, February 25, 2011

Blind Justice, Courts: Representing and Contesting Ideologies of the Public Spheres Symposium, Yale Law School, New Haven, CT, February 4, 2011

Other Women, Women and Conspiracy Panel, Workshop on Criminal Justice, AALS Annual Meeting, San Francisco, CA, January 6, 2011

Defending Life, Life Without Parole: The New Death Penalty, Amherst College, Amherst, MA, December 3, 2010

Real Rape Too, Race and Sexuality Panel, AALS Mid-Year Workshop on Race, New York, NY, June 9, 2010

Crime, Legitimacy, and The Wire, Law and Society Conference, Chicago, IL, May 27, 2010

The Unintentional Rapist, UCLA Law School, Advanced Critical Race Theory Colloquium Series, April 2010

Real Rape Too, Willamette Law School, Faculty Workshop, Salem, Oregon, February 8, 2010

Commentator, *Young Scholars Roundtable*, Vanderbilt Law School, Nashville, TN, January 29-30, 2010

Race, Citizenship, and the Fourth Amendment, University of Chicago Law School, Criminal Justice Roundtable, Chicago, IL, May 1-2, 2009

Crime Music, Association for the Study of Law, Culture and the Humanities Conference, Suffolk School of Law, Boston, MA, April 3, 2009

Crime Music, University of Virginia Law School, Law and Humanities Workshop, Charlottesville, VA, February 16, 2009

Canaries, the Fourth Amendment, and the Equality Principle, Faculty Workshop, Fordham Law School, New York, NY, February 5, 2009

Canaries, the Fourth Amendment, and the Equality Principle, Faculty Workshop, Loyola-Los Angeles Law School, Los Angeles, CA, January 29, 2009

Canaries, the Fourth Amendment, and the Equality Principle, Faculty Workshop, University of Cincinnati Law School, Cincinnati, OH, January 23, 2009

Canaries, the Fourth Amendment, and the Equality Principle, Faculty Workshop, Chapman University Law School, Orange, CA, January 12, 2009

Notes on Minority Report, Legal Outsiders in American Film Panel sponsored by Section of Law and Humanities, AALS Conference, San Diego, CA, January 9, 2009.

Gender/Sexuality Issues in Criminal Law, Sexual Orientation and Gender Identity Issues
Panel sponsored by Section on Law and Sexuality, AALS Conference, San Diego,
CA, January 7, 2009

Policing, Race, and Place, Northeast People of Color Conference, Boston University,
Boston, MA, September 13, 2008.

Cross Dressing and the Criminal, Lavender Law Conference, San Francisco, CA,
September 6, 2008

Canaries, the Fourth Amendment, and the Equality Principle, Prawfest Conference,
Hofstra Law School, Hempstead, NY, July 25, 2008

Policing, Race, and Place, Hofstra Faculty Workshop, Hempstead, NY, June 25, 2008

Policing, Race, and Place, Law and Society Conference, Montreal, Canada, May 31,
2008

On Justitia: Race, Gender, and Blindness, Literature and Law Conference, John Jay
College of Criminal Justice, NY, NY, April 11, 2008

Policing, Race, and Place, San Diego University School of Law, San Diego, CA, April 4,
2008

Cross Dressing and the Criminal, Association for the Study of Law, Culture and the
Humanities Conference, University of California School of Law (Boalt Hall),
Berkeley, CA March 28, 2008

Cross Dressing and the Criminal, Feminist Legal Theory and Feminisms Conference,
University of Baltimore School of Law, Baltimore, MD, March 7, 2008

Commentator/Moderator, *What Documentary Films Teach Us About The Criminal
Justice System*, University of Maryland School of Law, Baltimore, MD, February
29, 2008

Policing, Race, and Place, Junior Faculty Workshop, Hofstra University School of Law,
Hempstead, NY, February 13, 2008

Cross Dressing and the Criminal, Workshop on Regulating Family, Sex and Gender,
University of Chicago Law School, Chicago, Ill, January 31, 2008

Commentator, *Capital Mitigation Guidelines Conference*, Hofstra University School of
Law, Hempstead, NY, October 2007

Cross Dressing and the Criminal, Law and Literature Workshop, University of Toronto
School of Law, Toronto, Canada, November 8, 2007

Commentator, *Lawyering at the Edge: Unpopular Clients, Difficult Cases, Zealous
Advocates*, Hofstra University School of Law, Hempstead, NY, October 2007

Commentator, *Works in Progress*, Northeast People of Color Conference, Southern New England School of Law, North Dartmouth, MA, September 15, 2007.

Crime, Legitimacy, and Testifying, Law and Society Conference, Berlin, Germany, July 2007

Crime, Legitimacy, and Testifying, Hofstra Faculty Workshop, Hempstead, NY, July 2007

Reading Back, Reading Black, Association for the Study of Law, Culture and the Humanities Conference, Georgetown Law School, Washington, D.C., March 2007

Policing and Police: A Modest Proposal, Villanova Law School Faculty Workshop, Villanova, Pennsylvania, January 2007

On Justitia: Race, Gender, and Blindness, Hofstra School of Law Gender Colloquium Workshop, Hempstead, New York, October 2006

Policing and Police: A Modest Proposal, Northeastern People of Color Conference, Nassau, Bahamas, July 2006

The Trial of Bigger Thomas: Race, Gender & Trespass, Association for the Study of Law, Culture and the Humanities Conference, Syracuse Law School, New York, March 2006

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., Oct. 1991

Honors: Harlan Fiske Stone Scholar

Note: *Sex(ual Orientation) and Title VII*, 91 COLUMBIA LAW REVIEW 1158 (1991)

PRINCETON UNIVERSITY, Princeton, NJ

B.A., June 1988 *cum laude*

Major: English Literature

Honors: Class of 1983 Prize

BRITISH AND EUROPEAN STUDIES GROUP, London, England

Semester Abroad, Concentration in Victorian Literature

SCHOOL OF VISUAL ARTS, New York, NY

Study in Art History

JUDICIAL CLERKSHIP

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

New York, NY

Law Clerk to the Honorable John S. Martin, Jr. – Sept. 1991 to Oct. 1992

OTHER EXPERIENCE

WILLKIE, FARR, AND GALLAGHER, LLP, New York, NY
Senior Litigation Associate, July 2004 to July 2005

U.S. ATTORNEY'S OFFICE, S.D.N.Y., New York, NY
Assistant U.S. Attorney, Jan. 1995 to June 2004

CLEARY, GOTTlieb, STEEN & HAMILTON, New York, NY
Associate, Nov. 1992 – Nov. 1994
Summer Associate, Jun. 1990 – Sept. 1990

BAR ADMISSIONS

New York State, 1992
U.S. District Court, S.D.N.Y., 1993
U.S. Court of Appeals for the Second Circuit, 1995

OTHER PROFESSIONAL ACTIVITIES, AND SERVICE

Director of Research—Uniform Laws Commission's Criminal Justice Reform
Monitoring Committee (2018 to 2022)
Technology Fellow—NYU Policing Project (2018 to Present)
Outside Advisor—Facial Profiling Project, University of Miami (2019)
Commissioner—NYC Civilian Complaint Review Board (2014-2016)
Planning Committee—NEPOC/CAPALF Joint Conference 2017 (2016 to 2017)
Governor's Appointee—NYS Judicial Screening Committee, 2d Dep't (2015 to 2021)
Planning Committee—Association for the Study of Law, Culture & Humanities
conference (2016)
Governor's Appointee—NYS Judicial Screening Committee, NY Court of Claims (2012-
2015)
Chair—*Floyd v. City of New York* Academic Advisory Council (2013 to Present)
Member—AALS Professional Development Committee (2014 to 2016)
Chair—Planning Committee, AALS Mid-Year Conference on Criminal Justice (2012-13)
Chair—AALS Law and Humanities Section (2012-13)
Chair—AALS Criminal Justice Section (2011-12)
Executive Committee Member—AALS Criminal Justice Section (2012-13)
Planning Committee—AALS Planning Committee on Criminal Justice (2011)
Member, Board of Directors—Columbia Law School Alumni Association (2010)

OTHER ACADEMIC HONORS AND APPOINTMENTS

Co-Recipient of the Haywood Burns-Shanara Gilbert Award, NEPOC, 2014
Elected Member—American Law Institute (2012 to Present)