

John Francis Pfaff

Fordham Law School
150 West 62nd Street
New York, NY 10023

212.636.7661
jpfaff@law.fordham.edu

Education

PhD, University of Chicago, Department of Economics (2005)

- Dissertation: *The Continued Vitality of Structured Sentencing Following Blakely: The Effectiveness of Voluntary Guidelines*
- Fields of Study: Law and Economics, Economics of Crime, Game Theory, Public Choice
- Dissertation Committee: Gary Becker (chair), Bernard Harcourt, Steven Levitt, Eric Posner

JD with Honors and Order of the Coif, University of Chicago School of Law (2003)

AB with Honors in Economics and General Honors, University of Chicago (1997)

- National Merit Scholar
- Phi Beta Kappa

Professional Experience

Fordham Law School

Professor of Law 2013 - present
Associate Professor of Law 2005 – 2013

Northwestern University School of Law

John M. Olin Fellow in Law 2004 – 2005

United States Court of Appeals for the District of Columbia Circuit

Clerk for the Hon. Stephen F. Williams 2003 – 2004

Fellowships, Honors, and Awards

Fordham Law School

Defining Wisdom Grant Recipient 2008 – 2010
Faculty Fellowship Leave Spring 2013

University of Chicago, Department of Economics

National Science Foundation Graduate Research Fellowship 1998 – 2002
Recipient, Wayne C. Booth Graduate Student Prize for Excellence in Teaching 2003

University of Chicago Law School

Bradley Foundation Economics Fellowship 2002 – 2003
1999 – 2001
Olin Foundation Fellowship in Law and Economics 1999 – 2001
University of Chicago Law Review, Vols. 69 – 70 2002 – 2003

Publications

Scholarly Publications

- SENTENCING LAW AND POLICY, Foundation Press (forthcoming 2013)
- The Impact of Federal Grants on County Punitiveness*, __ HASTINGS L J __ (forthcoming 2015) (invited symposium piece)
- The War on Drugs and Prison Growth: Limited Importance, and Limited Legislative Options*, __ HARV J LEGIS __ (forthcoming 2015)
- Escaping from the Standard Story: Why the Conventional Wisdom on Prison Growth is Wrong, and Where We Can Go From Here*, 26 FED SENT RPTR 265 (2014)
- Waylaid by a Metaphor: A Problematic Account of Prison Growth*, 111 MICH L REV 1087 (2013) (invited book review)
- The Micro and Macro Cause of Prison Growth*, 28 GA STATE L REV 1237 (2012) (invited symposium piece)
- The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program*, 13 AM L & ECON REV 491 (2011) (peer review)
- The Durability of Prison Populations*, 2010 U CHI LEGAL FORUM 73 (invited symposium piece)
- The Future of Appellate Sentencing Review: Booker in the States*, 93 MARQUETTE LAW REVIEW 683 (2009) (invited symposium piece)
- The Challenge of Designing Quality Guidelines for Observational Research*, AUSTRALASIAN EVALUATION SOCIETY CONFERENCE PROCEEDINGS (2009).
- "Gary Becker," in PIONEERS IN LAW AND ECONOMICS, edited by Joshua Wright and Lloyd Cohen (2009)
- The Empirics of Prison Growth: A Critical Review and Path Forward*, 98 J CRIM L & CRIMINOLOGY 547 (2008) (peer review)
- The Vitality of Voluntary Guidelines in the Wake of Blakely v Washington: An Empirical Assessment*, 19 FED SENT RPTR 202 (2007)
- The Continued Vitality of Structured Sentencing Following Blakely: The Effectiveness of Voluntary Guidelines*, 54 UCLA L REV 235 (2006)
- Cited in reply brief for Petitioner in *Gall v United States*, 552 US 38 (2007).
 - Cited in testimony before the US Sentencing Commission by Professors Rachel Barkow and Ronald Wright; and by Carol Brook, Executive Director of the Federal Public Defenders' Office for Northern District of Illinois.
- The Continued Vitality of Structured Sentencing Following Blakely: The Effectiveness of Voluntary Guidelines*, Doctoral dissertation, University of Chicago, Department of Economics (2005)

Popular Publications

- "Reform School: Five Myths About Prison Growth Dispelled." *Slate*, February 19, 2009 (available on-line at <http://www.slate.com/id/2211585/>)
- "It's the Media, Not Juveniles, Who Are Delinquent: A Panic About Names." *Huffington Post*, February 3, 2009 (available on-line at http://www.huffingtonpost.com/john-pfaff/its-the-media-not-juvenil_b_163642.html)
- Numerous post at prawfsblawg.com examining how the sciences produce knowledge and how to improve the law's use of scientific evidence (consolidated at <http://law.fordham.edu/faculty/9720.htm>)
- "Could an 'Explicit Wisdom Perspective' Advance Interdisciplinary Research?" *Defining Wisdom Network*, March 31, 2009 (available on-line at <http://wisdomresearch.org/forums/t/287.aspx>)

Works in Progress/Under Review

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis

A Plea for More Aggregation: The Looming Threat to Empirical Legal Scholarship Actuarial Science and Adversarial Law

Actuarial Science and Adversarial Law

Presentations

Scholarly Presentations

The Impact of Federal Grants on County Punitiveness, paper to be presented at the symposium on Federal Sentencing Reform at the Hastings Law School, February 2015

Variations in County-Level Punitiveness, paper to be presented at the William & Mary Law School Faculty Workshop, January 2015

Variations in County-Level Punitiveness, paper presented at the Faculty Scholarship Retreat, Fordham Law School, May 2014

The War on Drugs and Prison Growth: Limited Importance, and Limited Legislative Options, presentation at the Harvard Journal of Legislation's conference on drug policy, Harvard Law School, February 2014

Variations in County-Level Punitiveness, paper presented at the Criminal Law Colloquium, SMU Law School, January 2014

Improving Our Use of Observational Data, paper presented at the 2013 American Society of Criminology annual conference, Atlanta, Georgia, November 2013

Variations in County-Level Punitiveness, paper presented at the 2013 American Society of Criminology annual conference, Atlanta, Georgia, November 2013

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis, paper presented at the American Association of Law School's 2013 Mid-Year Conference on Criminal Justice, June 2013

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis, paper presented at the 2012 American Society of Criminology annual conference, Chicago, Illinois, November 2012

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis, paper presented at the 2012 American Law and Economics Association meeting, Stanford Law School, May 2012

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis, paper presented at the 2012 Criminal Justice Roundtable, Columbia Law School, May 2012

The Centrality of Prosecutors to Prison Growth: An Empirical Analysis, paper presented at the faculty workshop at Florida State Law School, February 2012

The Micro and Macro Causes of Prison Growth, paper presented at the Georgia State University Law School's conference on "Criminal Justice System in a Time of Economic Meltdown: Crisis or Opportunity for Reform," January 27, 2012

Quality Guidelines for Non-Randomized Studies, poster presentation at the 2010 Annual Meeting of American Evaluation Association, November 10, 2010

Quality Guidelines for Non-Randomized Studies, paper presented at the 2010 Joint Colloquium of the Cochrane and Campbell Collaborations, October 19, 2010

The Durability of Prison Populations, paper presented at the University of Chicago Legal Forum's conference on Crime, Criminal Law, and the Recession, Chicago, October 24, 2009

Assessing the Quality of Observational Studies, talk given at the Australasian Evaluation Society 2009 International Meeting, Canberra, Australia, September 3, 2009

The Future of Appellate Sentencing Review: Booker in the States, paper presented at the Marquette University Law School's Criminal Appeals Conference, June 16, 2009

Actuarial Science and Adversarial Law, paper presented at the Fordham Law School faculty workshop series, May 7, 2009

Model Uncertainty and the Effects of Incarceration on Crime: A Bayesian Analysis, paper accepted for presentation at the annual meeting of the American Society of Criminology (presented by co-author Jeffrey Fagan), November 13, 2008

Model Uncertainty and the Effects of Incarceration on Crime: A Bayesian Analysis, paper presented at the annual meeting of the Association for Public Policy Analysis and Management, November 7, 2008

The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program, paper presented at the University of Texas Law School's Law and Economics Workshop, October 27, 2008

The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program, paper presented at the University of Michigan Law School's Law and Economics Workshop, September 25, 2008

The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program, paper presented at the Conference on Empirical Legal Scholarship, September 12, 2008

The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program, paper presented at the Fordham Scholarship Retreat, May 21, 2008

Improving How the Law Uses Empirical Evidence, work-in-progress presentation at the New York City Junior Faculty Colloquium, March 28, 2008

The Empirics of Prison Growth: A Critical Review and Path Forward, paper presented at the University of Chicago Colloquium on Criminal Justice, April 26, 2007

Public Law and Evidence Based Policy, paper presented at Fordham Law School faculty workshop series, January 11, 2007

The Continued Vitality of Structured Sentencing Following Blakely: The Effectiveness of Voluntary Guidelines, paper presented at the University of Chicago Criminal Justice Roundtable, May 12-13, 2006

The Continued Vitality of Structured Sentencing Following Blakely: The Effectiveness of Voluntary Guidelines, paper presented at the Northwestern University School of Law faculty workshop, March 8, 2005

Conference and Panel Participation

Commentator, Author Meets Critic Panel, for Hadar Aviram's CHEAP ON CRIME, Law & Society Annual Meeting, May 2015

Roundtable participant, Drug Law and Policy Roundtable, Vanderbilt Law School, March 2015

Keynote Address, Third Annual Institutional Corrections Research Network/National Corrections Reporting Program Data Providers Meeting, sponsored by the Bureau of Justice Statistics, the National Institute of Corrections, and the Crime and Justice Institute, Denver, Colorado, April 2014

Panelist, *The Prison Industrial Complex*, Fordham Law School's Stein Scholars program, March 2014

Panelist, *The Coming Decarceration*, with Paul Butler, Marie Gottschalk, Patricia Ocen, Jonathan Simon, and Carol Steiker, held at the 2014 Annual Meeting of the American Association of Law Schools, January 2014

Moderator, *Jailing for Dollars: Moral Costs of Privatizing Justice*, 2013 Annual Conference of the Fordham University Center for Ethics Education, April 23, 2013.

Commentator, *The Market for Mules: Risk and Compensation of Cross-Border Drug Couriers*, 2011 Conference on Empirical Legal Scholarship, November 4, 2011

Commentator, *Punitive Police? Agency Costs, Law Enforcement, and Criminal Procedure*, 2011 Criminal Justice Roundtable, Yale Law School, April 29, 2011

Commentator, *Building Criminal Capital vs. Specific Deterrence: The Effect of Incarceration Length on Recidivism*, 2010 Conference on Empirical Legal Studies, November 6, 2010

Respondent and Moderator, *The Government's Role in a Recession*, debate sponsored by the Fordham Chapter of the Federalist Society, February 25, 2008

Respondent and Moderator, "Lethal Injection in the Media: A Discussion with the Press," at *The Lethal Injection Debate: Law & Science*, Fordham Urban Law Journal, March 8, 2008

Panelist, *The 2007-2008 Term of the United States Supreme Court*, Fordham Chapters of the American Constitutional and Federalist Societies, November 7, 2007

Panelist, *The 2006-2007 Term of the United States Supreme Court*, Fordham Chapters of the American Constitutional and Federalist Societies, November 1, 2006

Panelist, *Scenes from the Drug War—From Hearne, Texas, to Our Own Back Yard: A Look at Race, Community, and New York Drug Policy*, Lois Stein Center for Law and Ethics, October 19, 2005

Respondent, "Factfinder' Judgment Concerning Forensic Identification Science Testimony," Conference on Empirical Legal Scholarship, November 2007 (cancelled when paper was withdrawn shortly before the conference)

Moderator, *Colloquium on Conditions of Confinement*, Conference sponsored by the Fordham Law Prisoners' Rights Advocates, Fordham Urban Law Journal and Lois Stein Center for Law and Ethics, October 24, 2008

Moderator, *Responding to Corporations, Investors, and Security Markets*, Eugene P. and Delia S. Murphy Conference, Fordham Law School, October 19, 2007

Moderator, *The Contemporary Regulatory State*, Fordham Urban Law Journal, February 23, 2006

Moderator, *Responding to Corporate Misconduct: New Ideas*, Eugene P. and Delia S. Murphy Conference, Fordham Law School, November 4, 2005

Media Appearances and Interviews

Quoted in "What's wrong with making people post bail after trial," by Max Ehrenfreund. *Washington Post Wonkblog*, March 16, 2015.

Quoted in "How bail punishes the poor for their poverty," by Max Ehrenfreund. *Washington Post*, February 13, 2015.

Interviewed on the Martin Kilcoyne Show, 550 AM KTRS Saint Louis, MO, February 12, 2015.

Interviewed on Carl in the Morning, KXRY Radio, Portland, OR, February 11, 2015.

Interviewed on the Bill Carroll Show, KFI 640 AM, Los Angeles, CA, February 10, 2015.

Interviewed in "Why Are So Many Americans in Prison? A Provocative New Theory," by Leon Neyfakh. *Slate*, February 6, 2015.

Quoted in "U.S. Prisons Grapple With Aging Population," by Joe Palazollo. *Wall Street Journal*, January 28, 2015.

Appeared in the documentary *Champs*, starring Mike Tyson, Evander Holyfield, and Bernard Williams, and which premiered at the Tribeca Film Festival 2014

Interviewed by NTN24 International News concerning recent statistics revealing that a majority of federal inmates are now of Hispanic origin, September 9, 2011

Quoted in "US Jails Set to Empty as States Reduce Deficits," by Hal Weitzman. *Financial Times*, November 14, 2009

Guest, New York Nightly News with Chuck Scarborough, discussing potential threat posed by US prison inmates converting to Islam while in prison. Friday, May 22, 2009

Guest, Paltalk Radio (www.paltalk.com), discussing potential threat posed by US prison inmates converting to Islam while in prison. Friday, May 22, 2009

Other Professional Responsibilities

Chair, ABA Empirical Criminal Justice Working Group 2011 – present
Referee, *Criminology*, *Criminology & Public Policy*, *Journal of Law and Economics*, *Journal of Legal Studies*, *International Review of Law and Economics*, *American Law and Economics Review*, *Law and Social Inquiry*, *Law and Society Review*, *Journal of Empirical Legal Studies*

References

Shawn Bushway
Professor
School of Criminal Justice
University at Albany
135 Western Avenue
Albany, NY 12222
518.591.8738
sbushway@albany.edu

Jeffrey A. Fagan
Isidor and Seville Sulzbacher Professor of Law
Columbia Law School
435 W. 116th Street
Room 916, Box D-18
New York, NY 10027
212.854.2624
jfagan@law.columbia.edu

Robert Weisberg
Edwin E. Huddlston, Jr. Professor of Law
Stanford Law School
Stanford, CA 94305
415.723.0612
weisberg@stanford.edu