

TREVOR G. GARDNER II

Treiman Professor of Law

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ACADEMIC POSITIONS

Washington University in St. Louis, School of Law, St. Louis, MO

Treiman Professor of Law, 2021 – Present
Assistant Professor of Law, 2019 – 2021
Affiliated Faculty, *Department of Sociology*
Faculty Fellow, *Center for the Study of Race, Ethnicity & Equity*

University of Chicago Law School, Chicago, IL

Visiting Professor of Law, Fall 2021

University of Washington School of Law, Seattle, WA

Assistant Professor of Law, 2016 – 2019

New York University School of Law (NYU), New York, NY

Faculty Fellow, 2014 – 2016

EDUCATION

Harvard Law School, Cambridge, MA

JD, June 2003
Co-Editor-in-Chief, *Harvard BlackLetter Law Journal*

University of California, College of Letters & Sciences, Berkeley, CA

PhD, Sociology, Fall 2014
Dissertation: “The Safest Place: Immigrant Sanctuary in the Homeland Security Era”
Berkeley Empirical Legal Studies Fellowship (BELS)
Center for Ethnographic Research Fellowship
Institute for the Study of Societal Issues Fellowship (ISSI)
Youth Violence Prevention Graduate Fellowship
National Science Foundation Graduate Research Fellowship
Herbert Blumer Prize (UC Berkeley, Department of Sociology)
Allan Sharlin Memorial Award (UC Berkeley, Institute for the Study of Societal Issues)
Mike Synar Graduate Research Fellowship (UC Berkeley, Institute for the Study of Governmental Issues)

University of Michigan, College of Literature, Science, and the Arts, Ann Arbor, MI
BA with High Distinction, Sociology, May 1999

PUBLICATIONS

LAW REVIEW ARTICLES & ESSAYS

Less: A Normative Anchor for Criminal Law (in progress).

On the Racial Disparities in Criminal Law (in progress).

The Case Against Criminal Nationalism (in progress).

Punishing Labor: An Alternative History of Crime and Punishment in the U.S. (monograph) (in progress).

Racist Policing as Paradox, AM. HIST. REV. (reviewing MATTHEW GUARIGLIA, POLICE AND THE EMPIRE CITY: RACE & THE ORIGINS OF MODERN POLICING IN NEW YORK (2024)) (forthcoming 2005).

The Reach of Legal Cynicism: A Comment on Tommie Shelby's "The Idea of Abolition," CRIM. LAW PHILOS. (forthcoming 2024).

Police Diversity Theory, THE J. CRIM. L. & CRIMINOLOGY (forthcoming 2024).

[*The Conflict Among African American Penal Interests: Rethinking Racial Equity in Criminal Procedure*](#), 171 U. PA. REV. 1699 (2023).

[*Regulating Police Chokeholds*](#) (with Esam Al-Shareffi), 112 THE J. CRIM. L. & CRIMINOLOGY ONLINE (2022).

[*By Any Means: A Philosophical Frame for Rulemaking Reform in Criminal Law*](#), 130 YALE L.J. FORUM (2021).

[*Law and Order as the Foundational Paradox of the Trump Presidency*](#), 73 STAN. L. REV. ONLINE 141 (2021).

[*Police Violence and the African American Procedural Habitus*](#), 100 B. U. L. REV. 849 (2020).

[*Immigrant Sanctuary as the "Old Normal": A Brief History of Police Federalism*](#), 19 COLUM. L. REV. 1 (2019).

[*Right at Home: Modeling Sub-Federal Resistance as Criminal Justice Reform*](#), 46 FLA. ST. U. L. REV. 527 (2019) (profiled in *Jotwell*: <https://crim.jotwell.com/local-resistance-and-criminal-law-reform/>).

[*The Promise and Peril of the Anti-Commandeering Rule in the Homeland Security Era: Immigrant Sanctuary as an Illustrative Case*](#), 34 ST. LOUIS U. PUB. L. REV. 313 (special issue on "The New Civil War") (2015).

The Political Delinquent: Crime, Deviance, and Resistance in Black America, 20 HARV. BLACKLETTER L.J.

141 (2004).

OTHER WRITING

The Promise of Radical Crime Policy, JOTWELL (January 11, 2022) (<https://crim.jotwell.com/the-promise-of-radical-crime-policy/>)

What Would MLK Do?: A Civil Rights Model of “Good Citizenship” in Criminal Procedure, JOTWELL (September 9, 2020) (<https://crim.jotwell.com/?s=Bennett+capers>).

Crime Policy and Federalism in FEDERALISM IN AMERICA: AN ENCYCLOPEDIA (2018) (with Lisa L. Miller).

[*Racial Profiling as Collective Definition*](#), 2 SOCIAL INCLUSION 52 (2014) (peer-reviewed).

[*THE CAP EFFECT: RACIAL PROFILING IN THE ICE CRIMINAL ALIEN PROGRAM*](#), THE CHIEF JUSTICE EARL WARREN INSTITUTE ON LAW AND SOCIAL POLICY, BERKELEY LAW CENTER (2009) (with Aarti Kohli).

PROFESSIONAL AFFILIATIONS

American Sociological Review, Editorial Board
American Historical Review
Law and Society Association, Member
American Sociological Association, Member
Washington D.C. Bar Association, Member

OTHER EXPERIENCE

The Public Defender Service for the District of Columbia (PDS) (Washington, DC) – Fall 2003 to Fall 2006.

Staff Attorney: Litigated criminal cases from arraignment to disposition in the Juvenile and General Felony divisions of PDS from 2003 to 2006. Served as lead counsel in three jury trials and six bench trials. Served as junior counsel in homicide cases at the juvenile and adult levels. Led negotiations with the United States Attorney’s Office for various client matters including plea negotiation, discovery, and pre-trial release. Managed all aspects of witness preparation. Served as a member of the PDS Hiring Committee in 2005.

Alston and Bird, LLP (Washington, DC) – Summer 2002.

Summer Associate: Wrote legal memoranda on a variety of corporate regulatory issues including environmental protection, telecommunications, and corporate finance.

The Public Defender Service for the District of Columbia (PDS) (Washington, DC) –

Summer 2001.

Law Clerk: Assisted staff attorneys at the Felony I level in all aspects of criminal defense litigation.

NAACP Legal Defense and Educational Fund (LDF) (New York, New York) – Fall 1999 to Fall 2000.

Paralegal: Performed data analysis to assess racially polarized school districts and university admissions practices. Drafted reports based on transcripts from state congressional meetings and civil depositions. Conducted preliminary research to support the filing of civil rights lawsuits.

SELECTED PRESENTATIONS

“The Conflict Among African American Penal Interests: Rethinking Racial Equity in Criminal Procedure.” Cardozo Law School, Crime Policy Seminar. Fall 2023.

“Racism and the Bridge Between Social Theory and Criminal Law.” NYU Law School, Faculty Workshop. Fall 2023.

“Racism and the Bridge Between Social Theory and Criminal Law.” Penn Law School, Faculty Workshop. Fall 2023.

“The Case Against Criminal Nationalism.” CrimFest Annual Conference, Brooklyn Law School. Summer 2023.

“The Reach of Legal Cynicism: A Comment on Tommie Shelby’s ‘The Idea of Abolition.’” AALS 2023 Annual Meeting. Spring 2023.

“Rethinking Racial Equity in Criminal Procedure.” Paper presented at the Wash U Political Theory Workshop, Washington University in St. Louis. Fall 2022.

“Racial Equity in Criminal Procedure.” Paper presented at the Law of Police Conference, University of South Carolina. Summer 2022.

“Racial Equity in Criminal Procedure.” Paper presented at the Criminal Justice Roundtable, Stanford Law School. Summer 2022.

“Racial Equity in Criminal Procedure.” Paper presented at the University of Michigan Law School Faculty Workshop. Spring 2022.

“Racial Equity in Criminal Procedure.” Paper presented at the Denver Law School Faculty Colloquium (*virtual*). Spring 2022.

“Racial Equity in Criminal Procedure.” Paper presented at the University of Chicago Law School Faculty Workshop. Spring 2022.

“Police Violence and the African American Habitus.” Paper presented at the University of Colorado (Boulder) (*virtual*). Fall 2021.

“Are the Police the Key to Public Safety? The Case of the Unhoused.” Comments on Barry Friedman’s inaugural address for the Academy for Justice Distinguished Lecture. Fall 2021.

“Rethinking Police Diversity.” Paper presented at the 2021 Culp Colloquium at the University of Chicago Law School (*virtual*). Fall 2021.

“Regulating Police Chokeholds.” Paper presented at the Virtual Crim Workshop Series, University of Virginia School of Law (*virtual*). Summer 2021.

“Normative Criminal Federalism.” Paper presented at the Langston Writer’s Workshop, Berkeley Law (*virtual*). Summer 2021.

“The Two Faces of Law-and-Order.” Paper presented at Duke University School of Law, *Reckoning and Reformation: Reflections and Legal Responses to Racial Subordination and Structural Marginalization* (*virtual*). Fall 2020.

“By Any Means: A Philosophical Frame for Rulemaking Reform in Criminal Law.” Remarks offered at the Yale Law Journal Legal Scholarship Workshop, Yale Law School (*virtual*). Fall 2020.

“Criminal Nationalism in a Federalist Society.” Paper presented at the Cardozo School of Law, Criminal Justice Workshop (*virtual*). Spring 2020.

“Criminal Nationalism in a Federalist Society.” Paper presented at the 2020 *Culp Colloquium* at Stanford Law School (*virtual*).

“Police Violence and the African-American Habitus.” Paper presented at the Constitutional Law Colloquium, University of Illinois, College of Law in Champaign, Illinois. Spring 2020.

“Police Violence and the African-American Habitus.” Paper presented at Fordham School of Law, Fordham Law Faculty Workshop in Manhattan, New York. Spring 2020.

“Police Violence and the African-American Habitus.” Paper presented at Boston University Law Review 2019 Symposium, *Beyond Bad Apples: Exploring the Legal Determinants of Police Violence* in Boston Massachusetts.

“The Trouble with Police Diversity.” Paper presented at the 2019 *Culp Colloquium* at Duke University School of Law in Durham, North Carolina.

“The Trouble with Police Diversity.” Paper presented at the 2019 Yale Law Criminal Justice Roundtable in New Haven, Connecticut.

“Immigrant Sanctuary as the ‘Old Normal’: A Brief History of Police Federalism.” Paper presented at the UC Berkeley Institute for the Study of Social Issues in Berkeley, California. Spring 2019.

“Immigrant Sanctuary as the ‘Old Normal’: A Brief History of Police Federalism.” Paper presented at the 2018 Vanderbilt Law Criminal Justice Roundtable in Nashville, Tennessee.

“Immigrant Sanctuary as the ‘Old Normal’: A Brief History of Police Federalism.” Paper presented at William and Lee School of Law in Lexington, Virginia. Fall 2018.

“Immigrant Sanctuary as the ‘Old Normal’: A Brief History of Police Federalism.” Paper presented at the 2017 Rocky Mountain Junior Scholar Forum at Brigham Young University School of Law in Provo, Utah.

“A Brief History of Criminal Federalism.” Paper presented at the 2017 *Culp Colloquium* at Duke University School of Law in Durham, North Carolina.

“A Brief History of Criminal Federalism.” Paper presented at the 2017 *Law and Society Association Annual Meeting* in Mexico City, Mexico.

“Right at Home: Sub-Federal Resistance as the Present and Future of Criminal Justice Reform,” Paper presented at the 2016 *UW/SU Junior Faculty Exchange* at Seattle University School of Law.

“Right at Home: Sub-Federal Resistance as the Present and Future of Criminal Justice Reform,” Paper presented at the 2016 Rocky Mountain Junior Scholar Forum at the University of Utah College of Law in Salt Lake City, Utah.

“Immigrant Sanctuary as Independent Crime Governance.” Paper presented at the 2016 *Law and Society Association Annual Meeting* in New Orleans, Louisiana.

“The American Sanctuary: Where Combative Federalism Meets Criminal Justice Reform.” Paper presented at the 2015 *Culp Colloquium* at Duke University School of Law in Durham, North Carolina.

“Immigrant Sanctuary and the Return of Federalist Penology.” Paper presented at the 2015 *Law and Society Association Annual Meeting* in Seattle, Washington.

“Promoting Police Transparency in ‘Excessive Force’ Cases.” Remarks offered at the Institute of Judicial Administration Public Policy Series at New York University School of Law. Spring 2015.

“A Conversation on Police and Community Relations.” Remarks offered at White & Case, LLP, in New York, New York. Spring 2015.

“Immigrant Sanctuary and the Nullification of Enforcement in American Social Life.” Paper presented at the 2013 *Annual Meeting of the American Sociological Association* in New York, New York.

“Immigrant Sanctuary as Collective Enforcement-Noncooperation: Rethinking the Consequences of Illegitimacy in Criminal Administration.” Paper presented at the 2013 *Law and Society Association Annual Meeting* in Boston, Massachusetts.

“Federalism and the American Penal State.” Paper accepted for presentation at the 2012 *Annual Conference of the Social Science History Association*.

“Federalism and the American Penal State.” Paper presented at the 2012 *Annual Meeting of the American Sociological Association* in Denver, Colorado.

Thematic Session on Race and Racial Justice. Presider. 2012 *Annual Meeting of the American Sociological Association* in Denver, Colorado.

“Policing a Nation: Federalist Governance and Criminal Administration in America.” Paper presented at the 2012 *Annual Meeting of the American Society of Criminology* in Washington, D.C.