

LEIGH BUCHANAN BIENEN

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EDUCATION:

J.D. Rutgers School of Law, Newark, N.J., June, 1975; M.A., Writers Workshop, State University of Iowa, Iowa City, Iowa, 1963; Graduate work in Economics, Massachusetts Institute of Technology, Cambridge, Massachusetts, Fall Semester, 1960-61; B.A. with Honors in English, College of Arts and Sciences, Cornell University, Ithaca, New York, 1960.

BAR ADMISSIONS:

Supreme Court of New Jersey, 1975; Supreme Court of Pennsylvania, 1977; Supreme Court of the United States, 1982; Court of Appeals State of New York, 1982; District of Columbia Court of Appeals, 1983; United States Court of Appeals for the 3rd Circuit, 1985; Supreme Court of Illinois, 1996.

PROFESSIONAL EMPLOYMENT:

January 1995 - Present	Senior Lecturer, Northwestern University School of Law;
January 1991 - January 1995	Lecturer and Administrative Director, Undergraduate Program, Woodrow Wilson School of Public and International Affairs, Princeton University;
Fall, 1977 to January, 1991	Assistant Deputy Public Defender, Director, Special Projects Section, New Jersey Department of the Public Advocate, Trenton, N.J.;
1976-1977	Law Associate, Boalt Hall, University of California (Berkeley) School of Law;
1975-1976	Research Attorney, Center of Rape Concern, Philadelphia General Hospital, Philadelphia, PA.;

1982-1990	Lecturer, Woodrow Wilson School of Public and International Affairs, Princeton University;
Spring, 1981	Lecturer, University of Pennsylvania School of Law;
Fall, 1977	Lecturer, Politics Department, Princeton University;

GRANTS AND AWARDS:

Research grant for Florence Kelley Project: Sidley Austin, LLP, 2006;

Research grants for Chicago Historical Homicide Project: The McCormick Tribune Foundation; The MacArthur Foundation; The Joyce Foundation; The Joyce Foundation

Graduation Prize, The Fidelity Union Trust Company Award for outstanding performance in the field of Trusts and Estates, Rutgers Law School, 1975;

Awarded, Research Grant, The American Philosophical Society, Philadelphia, PA., 1981-1982; Awarded, Research Grant, The Wallace-Eljabar Fund (The Fund for New Jersey), 1974;

Writing Awards: Fiction Award, Story included in O'Henry Prize Stories, 1983; Honorable Mention, Best American Short Stories, 1982;

Resident Writing Fellow Artist, The MacDowell Colony; Resident Artist, YADDO.

PUBLICATIONS IN LAW:

"Capital Punishment in Illinois the Aftermath of the Ryan Commutations: Reforms, Economic Realities, and a New Saliency for Issues of Cost," Journal of Criminal Law and Criminology, Vol. 100, No. 4 (2010).

"Murder and Its Consequences," Northwestern University Press (2010).

"Anomalies: Ritual and Language in Lethal Injection Regulations," Fordham Urban Law Journal Article, Volume 35, Issue No 4 (June 2008).

"Not Wiser After 35 Years of Contemplating the Death Penalty," Studies in Law, Politics and Society, Volume 42 (2008).

"The Record Keepers," TriQuarterly, No. 124, April 2006.

Overview and Introduction, "Learning From the Past, Living in the Present—Patterns in Chicago Homicides, 1870-1930," Journal of Criminal Law and Criminology, Symposium Issue, Fall 2002 (with Brandon Rottinghaus, Northwestern University, Ph.D. candidate).

Center for the Study of Disability Ethics Community Board Forum; Execution of the Mentally Disabled: A Discussion of Medical and Legal Perspectives, "New England Journal of Criminal and Civil Confinement, Vol. 27: No. 2, Summer 2001.

Linda Emanuel and Leigh Bienen, Editorial: "Physician Participation in Executions: Time to Eliminate Anonymity Provisions and Protest the Practice, Annals of Internal Medicine, Vol. 135, No. 10, November 20, 2001 (pp.922-924).

"Incest Laws," Encyclopedia of Criminology & Deviant Behavior, published in November 2000, (pp. 177-181).

"What We Write About When We Write About the Death Penalty—A Review of Recent Books and Literature on Capital Punishment," (Book Review) Journal of Criminal Law and Criminology, Vol. 89, No. 2, Winter 1999, pp. 751-770.

"The Quality of Justice in Capital Cases: Illinois as a Case Study," Law and Contemporary Problems, Duke University, Vol. 61, No. 4, Autumn 1998, pp. 193-217

Gilbert Geis and Leigh Bienen, Crimes of the Century, (Northeastern University Press, 1998).

"Defining Incest," Northwestern University Law Review, Vol. 92, No. 4, Summer 1998, pp. 1501-1640.

Editor: "Socially Assisted Dying: Media, Money and Meaning," Cornell Journal of Law and Public Policy, 1998.

"Can the Death Penalty Be Administered Fairly— No," Spectrum –The Journal of State Government, Winter 1998, Vol. 71, No. 1, pp. 29-31.

Peter Blanck, Kristi Kirschner, and Leigh Bienen, Feature Article: "Socially-assisted Dying and People with Disabilities: Some Emerging Legal, Medical, and Policy Implications," Mental and Physical Disability Law Reporter, Vol. 21, No.4, pp. 538-543, July/August 1997.

"Proportionality Review of Capital Cases by State High Courts: Only 'The Appearance of Justice?'" Vol. 87, No. 1 Journal of Criminal Law and Criminology, (pp. 130-314) Fall, 1996;

"A Good Murder," 20 Fordham Urban Law Journal, 585 (1993);

"Helping Jurors Out: Post-Verdict Debriefing of Jurors in Emotionally Disturbing Trials," 68 Indiana Law Review 1333, 1993;

"Capital Punishment in the U.S.A.," Socio-Legal Bulletin, No. 7, La Trobe University, Australia, Spring 1992;

L. Bienen, N. Weiner, P. Allison and D. Mills, "The Reimposition of Capital Punishment in New Jersey: Felony-Murder Cases," 54 Albany Law Review 709, 1990;

L. Bienen, N. Weiner, D. Denno, P. Allison, and D. Mills, "The Reimposition of Capital Punishment in New Jersey: The Role of Prosecutorial Discretion," 41 Rutgers Law Review 27-372, 1988;

OPED, "No Savings in Lives or Money with Death Penalty," The New York Times, New Jersey Section, August 7, 1988;

Review Essay: "Capital Punishment, Is There Anything Left to Debate?" Journal of Criminal Law and Criminology, Vol. 79, No. 1, Spring 1988;

OPED, "Of Race, Crime and Punishment," The New York Times, New Jersey Section, June 21, 1987;

"The Law as Storyteller," book review essay, Harvard Law Review, Vol. 98, No. 2, December, 1984;

"A Question of Credibility: John Henry Wigmore's Use of Scientific Authority in Section 924a of the Treatise on Evidence," 19 California-Western Law Review 235 (1983);

"Rape Reform Legislation in the United States: A Look at Some Practical Effects," Victimology, Vol. 8, Nos. 1-2, 1983;

"An Appendix on the Incest Laws," in J. Herman, Father-Daughter Incest, Harvard University Press, 1981;

"Rape III: Recent National Developments in Rape Reform Legislation," Women's Rights Law Reporter, Vol. 6, No. 3 1981;

"Rape IV: A State by State Chart of the Sex Offense Statutes," Special Supplement, Women's Rights Law Reporter, Vol. 6, No. 3, 1981;

Jurors and Rape: A Study in Psychology and the Law, (H. Feild, co-author), Lexington Press, D.C. Heath & Co., 1980;

"Mistakes," Philosophy & Public Affairs, Vol. 7, No.3, (1978), pp. 224-245;

"Rape II," Women's Rights Law Reporter, Vol. 3, No. 3, 1977;

"Rape I," Women's Rights Law Reporter, Vol. 3, No. 2, 1976;

"Determining Criminal Insanity in Western Nigeria," The Journal of Modern African Studies, Cambridge University Press, June 1976;

Criminal Homicide in Western Nigeria, 1966-72," The Journal of African Law, Vol. 18, No. 1, University of London School of Oriental and African Studies, London, 1975, Spring 1974;

L. Bienen, A. Ostriker, and J. Ostriker, "Sex Discrimination in the Universities: Faculty Problems and No Solution," Women's Rights Law Reporter, March, 1975, reprinted in Glazer and Waehrer, editors, *Women in a Man-Made World*, Rand McNally, 1976.

OTHER PUBLICATIONS:

Fiction: "Art and the Art of Teaching," TriQuarterly 134 (also Editor of Special Issue); The Left-Handed Marriage, (a novella and collection of stories) Ontario Review Press, June 2001 (a short fiction); TriQuarterly 104, "Technician" (a short novel); other short stories published in: The Mississippi Review; Panache; The Ontario Review; U.S. 1 Anthology; "To China", TriQuarterly 98; McCarter Theatre's Winter's Tales '94 (The Ontario Review, 1994);

Published

Interviews: "An Interview with Cassandra Medley" (playwright) African Commentary; "Playwrighting as an Evolving Process: "An Interview with David Rabe on Those the River Keeps," New England Theatre Journal (1994); "An Interview with Emily Mann" in Speaking on Stage: Interviews with Contemporary American Playwrights, University of Alabama Press (P. Kolin and C. Kullman, eds.), (1996).
"Women and Men in Robert Falls' 2666" published on HowlRound Theatre Commons on October 13, 2016 and October 18, 2016 in *Women in Theatre journal* online.
"Hang" published July 25, 2018 at *Women in Theatre journal* online.

WEBSITE DEVELOPMENT INTERDISCIPLINARY PROJECTS:

Florence Kelley in Chicago 1891-1899 (<http://florencekelley.northwestern.edu>)
December 8, 2008.

Chicago Historical Homicide Project 1870-1930 (<http://homicide.northwestern.edu>)
June 7, 2004.

Illinois State Judges, 2016 (illinoisjudges.law.northwestern.edu)

Homicide in Chicago (homicide.northwestern.edu)

OTHER PROFESSIONAL ACTIVITIES:

Member of the Faculty Advisory Committee for the Program in Legal Studies, Northwestern University, Judd A. and Marjorie Weinberg College of Arts and Sciences (2010-present).

Appointed Member, Illinois State "Committee to Study the Reform of the Death Penalty" (2006-2010). Research on the incidence of homicide and the cost of capital punishment begun.

After publishing Rape I through Rape IV in the Women's Rights Law Reporter in the late 1970's, I served as an informal advisor to legislators and feminists lobbying for legal change in a number of states considering rape reform legislation. The Center for Rape Concern Model Sex Offense statute in Rape I was used as a proposed draft for reform legislation in several states. In New Jersey it was the model for the rape reform statute adopted when New Jersey introduced a comprehensive reform of its criminal code in 1978.

The empirical research conducted by the Public Defender Homicide Study was presented to the New Jersey Supreme Court in two reports: "The Reimposition of Capital Punishment in New Jersey: Preliminary Report (1987)" and "The Reimposition of Capital Punishment in New Jersey: Interim Report, Vol. I and II (1988)," both cited by the New Jersey Supreme Court in its first opinion interpreting the reenacted capital punishment statute, State v. Ramseur, 106 N.J. 123. The principal findings of these reports were published in 41 Rutgers Law Review 27 (1988). A second research report analyzing a subset of felony murders in the same data set was published in 54 Albany Law Review, 709 (1990).

Partly in response to these reports the New Jersey Supreme Court issued an Order in July of 1988 appointing Professor David C. Baldus, the Joseph B. Tye Professor of Law at the University of Iowa College of Law, as a Special Master for the purpose of collecting a data base and establishing an appropriate methodology for the proportionality review of capital cases. Professor Baldus' empirical studies of the Georgia capital punishment system after *Furman* formed the factual and scientific basis for the statistical arguments presented to the United States Supreme Court in McCleskey v. Kemp, 481 U.S. 279 (1987).

The July 29, 1988 Order of the N.J. Supreme Court gave the Special Master the authority to collect and analyze data, produce a data base and files on individual homicide cases, invite the participation of interested parties, develop a public data file, including a record of dispositions of all relevant homicide cases, conduct hearings, procure expert technical advice, call witnesses, and request public records and any other relevant information. After removing the identifiers for some variables, the Public Defender turned over to the Proportionality Review Project its data tapes on the 703 cases analyzed in 41 Rutgers L. Rev. 27 (1988) and 54 Albany L. Rev. 709 (1990).

A detailed description of the legislative history and the effect of the reenactment of capital punishment in New Jersey, can be found in the Woodrow Wilson School Policy Conference Final Report, (L. Bienen, Director) "A Decade of Capital Punishment in New Jersey," presented to the New Jersey Assembly Judiciary Committee at the Public Hearing on ACR No. 20, March 16, 1992 and to the New Jersey Senate Judiciary Committee on March 23, 1992, at the Public Hearing on S. 549. This Report is part of the official legislative history of ACR 20 [L.1992] and S. 549 [L.1992].

For three years, the Proportionality Review Project met regularly with interested parties to discuss the legal and factual issues raised by the search for all homicide cases in the jurisdiction since reenactment and the identification of those cases which were death eligible under the New Jersey capital statute, as that statute continued to be interpreted by the court. I participated in that Project from its beginning.

The Final Report of the New Jersey Proportionality Review Project was presented to the New Jersey Supreme Court on September 24, 1991. The Proportionality Review Project and its methodology are described in State v. Robert O. Marshall II, 613 A.D. 1059 (N.J. July 28, 1992), the first case in which the court conducted proportionality review. The legal history of proportionality review in New Jersey can be found in State v. Marshall I, 123 N.J. 1 (1991), the first death sentence to be upheld on direct appeal by the New Jersey Supreme Court. An analysis of this research and its interpretation by the New Jersey Supreme Court of New Jersey can be found in 87 Journal of Criminal Law and Criminology, 263-314. New Jersey abolished capital punishment partly in response to this research.

TEACHING AT NORTHWESTERN SCHOOL OF LAW:

Appointed as a senior lecturer as of January 1995, I have taught a variety of courses including first year criminal law (AJD's, 2009-2010) and other courses on crimes, homicide, research and legal history. In 1999 and 2005, I developed the first course at the law school on law related to animals. As a result of that course, the Northwestern Law School received a \$1 million grant from Bob Barker, host of 'The Price is Right'. All classes except first year criminal law resulted in a final reports and individual student papers.