

## CURRICULUM VITAE

Ronald J. Allen

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Northwestern University School of Law  
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### EDUCATION:

#### **Undergraduate:**

Marshall University, Huntington, W. Va.,  
B.S. 1970, magna cum laude.

#### **Law School:**

University of Michigan, Ann Arbor, Michigan,  
J.D. 1973, magna cum laude, Order of the Coif.

### EMPLOYMENT (since 1973):

The John Henry Wigmore Professor of Law, Northwestern University (since 1992).  
Professor of Law, Northwestern University (since 1984).  
Visiting Professor of Law, Northwestern University (winter 1984).  
Professor of Law, Duke University (winter, 1983).  
Professor of Law, University of Iowa (1979-84).  
Visiting Professor of Law, University of Michigan (summer, 1982).  
Visiting Professor of Law, University of Iowa (1978-79).  
Assistant Professor of Law, State University of New York at Buffalo (1974-77);  
Associate Professor (1977-79).  
Visiting Professor of Law, University of Nebraska (1973-74).

**CONSULTING:** Strategic and tactical advice on complex civil litigation ranging from discrete evidentiary and procedural issues to global management of nationwide litigation, with a special emphasize on scientific or otherwise complex evidentiary/procedural problems, and on managing sprawling litigation, such as the asbestos litigation. Clients include many Fortune 500 businesses, such as Sears, Ford, Koch Industries, and Philip Morris. Recent work has focused on various aspects of damages, such as expert testimony on economic approach to punitive damages and on constitutional limits on noneconomic damages.

### PUBLICATIONS:

**Books:**

1. Constitutional Criminal Procedure: An Examination of the Fourth, Fifth and Sixth Amendments and Related Areas. Little, Brown and Company (1st ed., 1985, 2nd ed. 1991, with Kuhns; 3rd ed., 1995, with Kuhns and Stuntz) (annual supplements).
2. Teacher's Manual, Constitutional Criminal Procedure: An Examination of the Fourth, Fifth and Sixth Amendments and Related Areas. Little, Brown & Company (1st ed., 1985, 2nd ed. 1991 with Kuhns; 2nd ed., 1995, with Kuhns and Stuntz).
3. An Analytical Approach to Evidence: Text, Problems, and Cases. Little, Brown & Company (1st ed., 1989, with Kuhns; 2nd ed., 1997, with Kuhns and Swift).
4. Federal Rules of Evidence With Legislative History and Case Supplement. Little, Brown & Company (1989, with Kuhns; 1996, with Kuhns and Swift).
5. Teacher's Manual, An Analytical Approach to Evidence. Little, Brown & Company (1st ed., 1989 with Kuhns; 2nd ed., 1996, with Kuhns and Swift).
6. Arthritis of the Hip and Knee: The Active Person=s Guide to Taking Charge. Peachtree Press (with Brander & Stulberg) (1998).
7. Comprehensive Criminal Procedure. Aspen (with Stuntz, Hoffman & Livingston) (1<sup>st</sup> ed. 2001, 2<sup>nd</sup> ed. 2005) (annual supplements).
8. Teacher=s Manual, Comprehensive Criminal Procedure. Aspen. (with Stuntz, Hoffman & Livingston) (2001).
9. Evidence, Text, Cases, and Problems. Aspen (with Kuhns & Swift) (2002).
10. Teacher=s Manual, Evidence: Text, Cases, and Problems. Aspen (with Kuhns & Swift) (forthcoming 2002).
11. Criminal Procedure: Investigation and Right to Counsel (with Hoffman, Livingston & Stuntz) (2005) (with annual supplements).
12. The Nature of Juridical Proof (In preparation).

**Articles:**

1. Retribution in a Modern Penal Law: The Principle of Aggravated Harm, 25 Buffalo Law Review 1-35 (1975).
2. The Police and Substantive Rulemaking: Reconciling Principle and Expediency, 125 Pennsylvania Law Review 62-118 (1976).
3. Mullaney v. Wilbur, the Supreme Court, and the Substantive Criminal Law--An Examination of the Limits of Legitimate Intervention, 55 Texas Law Review 269-301 (1977).

4. Dialogue on Police Rulemaking: K. C. Davis, Police Rulemaking on Selective Enforcement: A Reply, 125 Pennsylvania Law Review 1167 (1977); R. Allen, The Police and Substantive Rulemaking: A Brief Rejoinder, 125 Pennsylvania Law Review 1172-1181 (1977).
5. The Restoration of In re Winship: A Comment on Burdens of Persuasion in Criminal Cases After Patterson v. New York, 76 Michigan Law Review 30-63 (1977).
6. The National Initiative Proposal: A Preliminary Analysis, 58 Nebraska Law Review 965-1052 (1979).
7. Structuring Jury Decisionmaking in Criminal Cases: A Unified Constitutional Analysis of Evidentiary Devices, 94 Harvard Law Review 321-368 (1980).
8. Presumptions in Civil Actions Reconsidered, 66 Iowa Law Review 843-867 (1981) (reproduced in Imwinkelried & Weissenberger, An Evidence Anthology (1996)).
9. More on Constitutional Process of Proof Problems, 94 Harvard Law Review 1795-1806 (1981).
10. Presumptions, Inferences and Burden of Proof in Federal Civil Actions--An Anatomy of Unnecessary Ambiguity and a Proposal for Reform, 76 Northwestern Law Review 892-912 (1982).
11. The Constitutional Requirement of Proof Beyond Reasonable Doubt in Criminal Cases: A Comment Upon Incipient Chaos in the Lower Courts, 20 American Criminal Law Review 1-30 (1982) (with DeGrazia).
12. Mayhem, 3 Encyclopedia of Crime and Justice 1027 (1983).
13. Rationality and Accuracy in the Criminal Process: A Discordant Note on the Harmonizing of the Justices' Views on Burdens of Persuasion in Criminal Cases, 74 Journal of Criminal Law and Criminology 1147-70 (1983).
14. Evidentiary Problems in--and Solutions for--The Uniform Commercial Code, 1984 Duke Law Journal 92-119 (with Hillman).
15. The Nature of Discretion, 47 Law and Contemporary Problems 1-13 (Spring 1984).
16. The Explanatory Value of Analyzing Codifications by Reference to Organizing Principles Other Than Those Employed in the Codification, 79 Northwestern Law Review 1080-1096 (1984-85).
17. Heath v. Alabama: A Case Study of Doctrine and Rationality in the Supreme Court, 76 Journal of Criminal Law and Criminology 801-831 (1985) (with Ratnaswamy).
18. Preserving the Confidentiality of Internal Corporate Investigations, 12 Journal of Corporation Law 355-381 (1986) (with Hazelwood).

Reprinted at 31 Corporate Practice Commentator 75 (1989).

19. A Reconceptualization of Civil Trials, 66 Boston University Law Review 401-437 (1986). Reprinted in Peter Tillers & Eric D. Green (eds.) Probability and Inference in the Law of Evidence 21-60. Kluwer Academic Press (1988).
20. Analyzing the Process of Proof: A Brief Rejoinder, 66 Boston University Law Review 479-486 (1986). Reprinted in Peter Tillers & Eric D. Green (eds.) Probability and Inference in the Law of Evidence 103-111. Kluwer Academic Press (1988).
21. Rationality, Mythology, and the "Acceptability of Verdicts" Thesis, 66 Boston University Law Review 541-562 (1986).
22. The German Advantage in Civil Procedure: A Plea for Fewer Generalities and Greater Detail in Comparative Law Scholarship , 82 Northwestern Law Review 705-762 (1988) (with Rosen, Koch & Reichenberg).
23. Idealization and Caricature in Comparative Law Scholarship, 82 Northwestern Law Review 785-807 (1988).
24. Unexplored Aspects of the Theory of the Right to Trial by Jury, 66 Washington Law Quarterly 33-45 (1988), reprinted in Eugene W. Hickock, Jr, (ed.), The Bill of Rights: Original Meaning and Current Understanding (1990).
25. A Positive Theory of the Attorney-Client Privilege and the Work Product Doctrine, 19 Journal of Legal Studies 359-397 (1990) (with Grady, Polsby and Yashko).
26. The Pressures and Prospects for Change, 81 Journal of Criminal Law & Criminology 1-8 (1990).
27. Evidence, Inference, Rules, and Judgment in Constitutional Adjudication: The Intriguing Case of Walton v. Arizona, 81 Journal of Criminal Law & Criminology 726-758 (1991).
28. A Positive Theory of the Employment Discrimination Cases, 16 Journal of Corporation Law (1991) 173-209 (with Julie Allen & Mayer Freed).
29. NITA and the University, 66 Notre Dame Law Review 705-720 (1991).
30. On the Significance of Batting Averages and Strikeout Totals: A Clarification of the "Naked Statistical Evidence" Debate, the Meaning of "Evidence," and the Requirement of Proof Beyond Reasonable Doubt, 65 Tulane Law Review 1093-1110 (1991).
31. Procedural Due Process of Law, Criminal, The Encyclopedia of the American Constitution, Supplement, 1991.
32. The Nature of Juridical Proof, 13 Cardozo Law Review 373-422 (1991).
33. The State of Mind Necessary for a Juridical Verdict, 13 Cardozo Law

- Review 485-493 (1991).
34. The Double Jeopardy Clause, Constitutional Interpretation, and the Limits of Formal Logic, 26 Valparaiso Law Review 281-310 (1992).
  35. The Hearsay Rule as a Rule of Admission, 76 Minnesota Law Review 797-812 (1992).
  36. The Myth of Conditional Relevancy, 25 Loyola L. Rev. 871-884 (1992).
  37. Work Product Revisited: A Comment on Rethinking Work Product, 78 Virginia Law Review 949-955 (1992).
  - 37(a). Tribute to James Haddad, 83 J. Crim. L. & Crim. 264 (1992).
  38. Protection of Legal Work Product: A Comment on Carlton Cranes Ltd v. Consolidated Hotels Ltd, 23 Victoria University of Wellington Law Review 1-10 (1993).
  39. The Common Law Theory of Experts: Deference or Education?, 87 Northwestern Law Review 1131-1147 (1993) (with Joe S. Miller). Reprinted in J.F. Nijboer, C.R. Callen & N. Kwak (eds.), *Forensic Expertise and the Law of Evidence* (1993).
  40. Constitutional Adjudication, the Demands of Knowledge, and Epistemological Modesty, 88 Northwestern Law Review 436-456 (1993).
  41. Factual Ambiguity and a Theory of Evidence, 88 Northwestern Law Review 604-640 (1994).
  42. Burdens of Proof, Uncertainty and Ambiguity in Modern Legal Discourse, 17 Harvard Journal of Law and Public Policy 627-646 (1994).
  43. Expertise and Daubert, 84 Journal of Criminal Law & Criminology 1157-85 (1994).
  44. The Expert as Educator: Enhancing the Rationality of Verdicts in Child Sex Abuse Prosecutions, 1 Psychology, Public Policy and Law 323-338 (1995) (with J. Miller).
  45. Rules, Logic, and Judgment, 16 Mississippi College Law Rev. 61-75 (1995).
  46. Probability and Proof in State v. Skipper, 35 Jurimetrics Journal. of Law, Science and Technology 277 (1995).
  47. The Simpson Affair, Reform of The Criminal Justice Process, and Magic Bullets, 67 Col. L. Rev. 989 (1996).
  48. Two Puzzles of Proof, 1997 The Canadian Bar Review 65-90 (with the Hon. Gerald Seniuk).
  49. Rationality, Algorithms, and Juridical Proof: A Preliminary Inquiry, 1997 International Journal of Evidence and Proof (Special Issue) 254-275.

50. Reasoning and Its Foundation: Some Responses, 1997 International Journal of Evidence and Proof (Special Issue) 343-347.
51. Factual Ambiguity and a Theory of Evidence Reconsidered: A Dialogue Between Statistician and a Law Professor, 31 Israel L. Rev. 464-505 (1997) (with Carriquiry).
52. Montana v. Egelhoff--Reflections on the Limits of Legislative Imagination and Judicial Authority, 87 J. Crim. L. & Crim. 633-654 (1997).
53. Evidence and the Structure of Juridical Proof, in Sources of Law and Legislation, III Proceedings of the International Association of Philosophy of Law and Social Philosophy (IVR) (E. Atwooll & P. Comanducci, eds.) (1998) 30-40.
54. Truth and Its Rivals, 49 Hastings Law Journal 309-319 (1998).
55. The Expert as Educator, in Stephen Ceci & Helene Hembrooke, eds. Expert Witnesses In Child Abuse Cases (1998) (with J. Miller).
56. The Fourth Amendment and the Limits of Theory: Local v. General Theoretical Knowledge, 72 St. John=s Law Review 1149 (1998) (with R. Rosenberg).
57. Clarifying Entrapment, International Commentary on Evidence (1998) (<http://www.law.qub.ac.uk/ice/>) (with Luttrell and Solomon).
58. Clarifying Entrapment, 89 Journal of Criminal Law and Criminology 407 (1999) (with Luttrell and Solomon).
59. Death, Reason, And Judgment: the American Experience, Sito Italiano Web per la Filosofia (<http://lgxserver.uniba.it/lei/filpol/filpole/homefpe.htm>) (1998) (English and Italian versions).
60. A Tribute to Fred Inbau, 89 J. Crim. L. & Crim. 1271-1274 (1999).
61. Mort, Raison et Jugement, in I. Papadopoulos & J. Robert, La peine de Mort 17-28 (Editions Pantheon Assas, 2000).
62. Clarifying the Burden of Persuasion and Bayesian Decision Rules: A Response to Professor Kaye, 4 Int. J. of Evidence and Proof 246-259 (2000).
63. Forward: The Judicial Role in Criminal Proceedings, The Judicial Role in Criminal Proceedings, Sean Doran & John Jackson (eds.) (Hart Publishers, Oxford, 2000).
64. Two Aspects of Law and Theory, 37 U. San Diego L. Rev.743-752 (2000).
65. Common Sense, Rationality, and the Legal Process, 22 Cardozo L. Rev.1417-1431 (2001)
66. Professor Israel, the Due Process Clause, and the Lessons of History, 45 St. Louis U. L. J. 467-476 (2001).
67. Artificial intelligence and the evidential process: The Challenges of Formalism and Computation, 9 Artificial Intelligence & Law 99-114 (2001).
68. Naturalized Epistemology and the Law of Evidence, 87 Virginia L. Rev.1491-1550 (2001) (with Brian Leiter).

69. Legal Phenomena, Knowledge, and Theory: A Cautionary Tale of Hedgehogs and Foxes, 77 Chi. Kent L. Rev. 683-734 (2002) (with Ross Rosenberg).
70. The Philadelphia Two Proposal, The Democracy Foundation: The National Initiative for Democracy (2002) (<http://www.democracysymposium.org/>).
71. The Juridical Management of Factual Uncertainty, 7 Int. J. of Evidence and Proof 1-30 (2003) (with Craig Callen).
72. Expertise and the Supreme Court: What is the Problem?, 34 Seton Hall L. Rev. 1-13 (2003).
73. The Relations Between Parties, Judges, and Lawyers in the USA, XII World Conference on Procedural Law 9-22 (with M. Redish).
74. Teaching a Bloody Instructions: Civil Presumptions and the Lessons of Isomorphism 18 Quinnipiac L. Rev. 933-960 (2003) (with Craig Callen).
75. The Myth of the Law-Fact Distinction, 97 Nw. U. L. Rev. 1769-1807 (2003) (with Michael Pardo).
76. Burdens of Persuasion in Civil Cases: Algorithms v. Explanations, 2003 MSU L. Rev. 893-944 (2004) (with Sarah Lively).
77. The Fifth Amendment Explained and Its Future Predicted, 94 J.Crim. L. & Crim. 243-294 (2004) (with Kristin Mace).
78. The Error of Expected Loss Minimization, 2 Law, Probability & Risk 1-7 (2003).
79. Facts in Law, Facts of Law 7 I. J. of Evidence and Proof 153-171 (2003) (with Michael Pardo).
80. Naturalized Epistemology and the Law of Evidence: A Reply to Redmayne, 2003 MSU-DCL L. Rev. 885-892 (2003) (with Leiter).
81. In Praise of Yale Kamisar, But Not the Procedural Revolution He Inspired, 2 OSU C.L. Rev. 9-28 (2005).
82. The Jurisprudential and Political Foundation of Criminal Procedure, in Yang, ed., Reform and Prospect of Criminal Pretrial Procedure 505-522 (2005).
83. Further Reflections on the Guillotine, 95 Journal of Crim. L. & Crim. 625-636 (2005) (with A. Shavell).
84. What is the Role of Heuristics in Litigation, in C. Engel & G. Gigerenzer, ed., Heuristics and the Law \*\*\*\* (25 pages).
85. Evidence, the Rule of Law, and the Jurisprudential and Political Foundation of Criminal Procedure, \*\*\* Academic Journals of Jilin University \*\*\* (30 pages).
86. The American Constitutional Structure, \*\*\* Academic Journal of Jilin University \*\*\* (2006).

87. No Plausible Alternative to a Plausible Story of Guilt as the Rule of Decision in Criminal Cases, in Laudan, ed., \*\*\* (15 pages).
88. The Unconstitutionality of Standardless Compensatory Damages (in progress).
89. From *Winship* to *Apprendi* to *Booker*: Constitutional Command or Constitutional Blunder?, 58 Stanford L. Rev. 195-215 (2005).
90. *Miranda*'s Hollow Core, 100 Northwestern Univ. L. Rev. (2005).
91. Legal Decision as Contrastive Explanations (in progress).

**Book Reviews:**

1. Of: Norval Morris, The Future of Imprisonment, 73 Michigan Law Review 1517-1531 (1975).
2. Of: A. Moenssens, R. Moses & F. Inbau, Scientific Evidence in Criminal Cases, 25 Buffalo Law Review 441-444 (1976).
3. Of: J. Cederbaums & S. Arnold, Scientific and Expert Evidence in Criminal Advocacy, 25 Buffalo Law Review 444-449 (1976).

UNIVERSITY SERVICE

Ad Hoc Committee for the Revision of the Faculty Senate By-Laws Providing for Election to and Representation in the Faculty Senate (Buffalo, 1976-77).

Counsel to Judicial Commission Hearing Panel in the Oaks Case (Iowa, 1979).

University Faculty Senate (Iowa, 1980-84).

Vice-President, University Faculty Senate (Iowa, 1980-81).

Ad Hoc Legislative Action Committee, Chair (Iowa, 1980-81).

Presidential Candidate Screening Committee (Iowa, 1981-82).

President, University Faculty Senate (Iowa, 1981-82).

Academic Council (Duke, 1983).

General Faculty Committee (Northwestern University, 1991-94).

Committee on Athletics and Recreation (Northwestern University, 1993-2002).

Presidential Search Committee (Northwestern University, 1993-94).

Program Review Council (Northwestern University, 1994-97).

Adviser, Journal of Criminal Law & Criminology (1985-1993; 2002-).

Research Ethics Review Committee (Northwestern Medical School 1994-99).

Committee on Integrity in Athletics (Northwestern University, 1999-2000).

Various Law School Committees.

## OTHER PROFESSIONAL ACTIVITY

### **Professional Organizations and Activities:**

Nebraska State Bar Association (since 1974).

American Bar Association (since 1979).

Iowa Bar Association (since 1979).

Illinois Bar Association (since 1986).

Member, Committee on Rules of Criminal Procedure and Evidence, Criminal Justice Section, ABA.

Member, American Law Institute (since 1986).

Commissioner of the Supreme Court of Illinois, serving on the Inquiry Board of the Attorney Registration and Disciplinary Commission (1989-1992), and on the Hearing Board (1992).

Lecturer, Federal Judicial Center, 1987, The Self-Incrimination Clause, and Searches and Seizures.

Sixth Circuit Workshop, 1988, The Fifth Amendment.

Liaison to American Bar Association Standing Committee on the Federal Judiciary for the purpose of appraising the judicial record of Supreme Court nominees (1989-1993).

Psychology, Public Policy, and Law (Board of Consulting Editors, 1995-).

Journal of Criminal Law and Criminology (Faculty Advisor, 1988-93, 2001-); Board of Advisers (1995-).

International Commentary on Evidence (Advisory Board, 1997-).

International Journal of Evidence and Proof, (Advisory Board, 2000-).

International Criminal Law Review (Advisory Board, 2001-).

### **Admitted to Practice:**

Nebraska.

Iowa.

Illinois.

Supreme Court of the United States.

United States Courts of Appeals for the Eighth and Eleventh Circuits.

U.S. District Court for the Northern District of Illinois.

### **Grants, Awards and Fellowships:**

University of Iowa Faculty Scholar, 1980-84.

Nellie Ball Trust Fund, Research Grant, 1980-84.

Northwestern University Corporate Counsel Center Research Grant, 1985-87.

Citizen of the Year, Constitutional Rights Foundation (1990).

Stanford Clinton, Jr., Research Professor, 1990-91.

University Distinguished Visiting Scholar, University of Adelaide, South Australia, 1991.

Distinguished Lecturer, Marshall University, 1991.  
Distinguished Alumnus, Marshall University, 1994.  
Fellow, Northwestern University Center for the Humanities, 1994-95.

**Miscellaneous:**

Constitutional Rights Foundation-Chicago, Board of Directors (1992-).  
Yeager Society of Scholars, Marshall University, Board of Directors (1992-); President (1999-2001).  
John Thomas Graziano Fund, Children's Memorial Hospital, Board of Directors (1993-8).  
Saddle & Cycle Club, Board of Governors (1993-2002), Vice President, 1996-98; President (1999-2001).  
Joffrey Ballet of Chicago, Board of Directors (2003-), Chair, Joffrey Circle Committee (2001-2003); Chair, Education and Outreach Committee (2003-).  
Who's Who in America, and numerous other Who's Who listings.  
Dean's Teaching Award, 2002-2003; 2004-2005.