

# CATHERINE M. GROSSO

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## EDUCATION

**University of Iowa College of Law**, J.D., 2001, with High Distinction

Honors: Order of the Coif

Distinguished Student Leader at the University of Iowa (2001)

Antonia “D.J.” Miller Award for Advancement of Human Rights (2001)

**Earlham College (Richmond, Ind.)**, B.A., 1990, International Studies (Middle East Concentration);  
College and Departmental Honors

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## ACADEMIC APPOINTMENTS

**Michigan State University College of Law**

Professor, July 2018-present, Associate Professor, July 2011-June 2018, Assistant Professor,  
August 2008-June 2011

Managing Editor, National Registry of Exonerations, September 2016-present

Treasurer, Society of American Law Teachers, January 2018-present

**Birzeit University**, Palestine, Visiting Professor of Law, September 2015-May 2016.

**University of Illinois College of Law**, Visiting Assistant Professor, September 2005–May 2008.

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## PUBLICATIONS & MANUSCRIPTS IN PRESS

*Book Review. Perfecting the Record on Appeal, A review of THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA BY RICHARD ROTHSTEIN.* Catherine M. Grosso & Brian Gilmore. *NEW ENGLAND L. REV.*, forthcoming 2019.

*The Death Penalty in the United States Military.* Catherine M. Grosso. In *ROUTLEDGE HANDBOOK ON CAPITAL PUNISHMENT* (2018).

*Jury Selection in the Post-Batson Era.* Catherine M. Grosso & Barbara O’Brien. In *CRIMINAL JURIES IN THE 21<sup>ST</sup> CENTURY: PSYCHOLOGICAL SCIENCE AND THE LAW*, Oxford University Press, forthcoming, 2018.

*Examining Jurors: Applying Conversation Analysis to Voir Dire in Capital cases, A First Look.* Barbara O’Brien, Catherine M. Grosso & Abijah Taylor. *107 J. OF CRIM. L. AND CRIMINOLOGY* 687 (2017).

*Book Review.* Catherine M. Grosso. *43 Michigan Historical Review* 108 (2017) (reviewing EUGENE WANGER, *FIGHTING THE DEATH PENALTY: A FIFTY-YEAR JOURNEY OF ARGUMENT AND PERSUASION* (2017)).

*Record Rules for Batson.* Barbara O’Brien & Catherine M. Grosso. *105 KY L. J.* 651 (2017).

*Grounding Criminal Procedure.* Catherine M. Grosso & Barbara O’Brien. *20 J. GENDER RACE & JUST.* 53 (2017).

- Untangling the Role of Race in Capital Charging and Sentencing in North Carolina, 1990-2009.* Barbara O'Brien, Catherine M. Grosso, George Woodworth, & Abijah Taylor. 94 N.C. L. REV. 1997 (2016).
- Race Discrimination and the Death Penalty: An Empirical and Legal Overview.* Catherine M. Grosso, Barbara O'Brien, Abijah Taylor, & George Woodworth. IN AMERICA'S EXPERIMENT WITH CAPITAL PUNISHMENT (Charles S. Lanier, Robert Bohm, and James Acker eds.) (Durham, N.C.: Carolina Acad. Press 3d ed., 2014).
- Beyond Batson's Scrutiny: A Preliminary Look at Racial Disparities in Prosecutorial Preemptory Strikes Following the Passage of the North Carolina Racial Justice Act.* Invited paper with Barbara O'Brien, 46 U.C. DAVIS L. REV. 1623 (2013).
- A Stubborn Legacy: The Overwhelming Importance of Race in Jury Selection in 173 Post-Batson North Carolina Capital Trials,* Catherine M. Grosso & Barbara O'Brien. 97 IOWA LAW REVIEW 1531 (2012).
- Statistical Proof of Racial Discrimination in the Use of Peremptory Challenges: The Impact and Promise of the Miller-El Line of Cases, As Reflected in the Experience of One Philadelphia Capital Case,* David C. Baldus (deceased at time of final drafting and publication), Catherine M. Grosso, Robert Dunham, George Woodworth & Richard Newell. 97 IOWA LAW REVIEW 1425 (2012).
- Confronting Race: How A Confluence of Social Movements Convinced North Carolina to Go Where the McCleskey Court Wouldn't,* Barbara O'Brien & Catherine M. Grosso. 2011 MICH. ST. L. REV. 463 (2011).
- In Tribute to Professor David C. Baldus,* Catherine M. Grosso & Barbara O'Brien. 2011 MICH. ST. L. REV. 445 (2011).
- Racial Discrimination in the Administration of the Death Penalty: The Experience of the United States Armed Forces (1984-2005),* David C. Baldus, George Woodworth, Catherine M. Grosso & Richard Newell. 101 J. CRIM. L. & CRIMINOLOGY 1227 (2011).
- The Role of Intimacy in the Prosecution and Sentencing of Capital Murder Cases in the United States Armed Forces, 1984-2005,* Catherine M. Grosso, David Baldus & George Woodworth. 40 N.M. L. REV. 273 (2010).
- The Impact of Civilian Aggravating Circumstances on the Military Death Penalty: Another Chapter in the Resistance of the Armed Forces to the Civilianization of Military Justice, 1984-2005,* Catherine M. Grosso, David C. Baldus & George Woodworth. 43 U. MICH. J.L. REFORM 569 (2010).
- Empirical Studies of Race and Geographic Discrimination in the Administration of the Death Penalty: A Primer on the Key Methodological Issues,* David Baldus, George Woodworth, Neil Alan Weiner, David Zuckerman, and Catherine M. Grosso. IN THE FUTURE OF AMERICA'S DEATH PENALTY: AN AGENDA FOR THE NEXT GENERATION OF CAPITAL PUNISHMENT RESEARCH (Charles S. Lanier, William J. Bowers, and James Acker eds.) (Durham, N.C.: Carolina Acad. Press 2009).
- James Skelly Wright,* ENCYCLOPEDIA OF THE SUPREME COURT (2008).
- Race and Proportionality Since McCleskey v. Kemp (1987): Different Actors with Mixed Strategies of Denial and Avoidance,* David C. Baldus, George Woodworth, and Catherine M. Grosso. 39 COLUM. HUM. RTS. L. REV. 143 (2007).

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*Arbitrariness and Discrimination in the Administration of the Death Penalty: A Legal and Empirical Analysis of the Nebraska Experience (1973–1999)*, David C. Baldus, George Woodworth, Catherine M. Grosso, and Aaron M. Christ. 81 NEB. L. REV. 486 (2002).

*International Law in the Domestic Arena: The Case of Torture in Israel*, Catherine M. Grosso. 86 IOWA L. REV. 305 (2000).

*Mapping Work and Outcomes: Participatory Evaluation of the Farm Preservation Advocacy Network*, Cornelia Butler Flora & Catherine M. Grosso. 1 SOC. PRAC. 133–155 (1999).

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## WORKS IN PROGRESS

*Lawyers and Jurors: Interrogating Voir Dire Strategies by Analyzing Conversations*, with Barbara O'Brien. Under review at JOURNAL OF EMPIRICAL LEGAL STUDIES (Jan. 2019).

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## RECENT GRANTS

Information Seeking in Voir Dire: How Stereotype Maintenance Processes Explain Stark Racial Disparities in North Carolina Death Penalty Proceedings, National Science Foundation Law and Social Science Grant, Proposal No. 1252055, \$299,956, Awarded July 2013.

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## GENERAL EMPLOYMENT

**Wilmer, Cutler, Pickering, Hale & Dorr, LLP** (now WilmerHale LLP), Associate, Litigation Department, Washington, D.C., October 2002–October 2004

**Judge Frank E. Schwelb, District of Columbia Court of Appeals**, Judicial Clerk, Washington, D.C., August 2001–August 2002

**Wilmer, Cutler, & Pickering** (now WilmerHale LLP), Summer Associate, Washington, D.C., May 2000–August 2000

**Council of the District of Columbia, Committee on Consumer and Regulatory Affairs, Councilmember Sharon Ambrose**, Summer Legislative Clerk, Washington, D.C., May 1999–August 1999

**North Central Regional Center for Rural Development, Iowa State University**, Research Associate, Ames, Iowa, September 1997–August 1998

**Human Rights Action Project, Birzeit University**, Project Coordinator, West Bank, Palestinian Authority, November 1994–August 1997

**Middle East Council of Churches, Jerusalem Liaison Office**, Liaison, East Jerusalem, January 1993–October 1994

**Middle East Institute, Middle East Journal**, Editorial Assistant, Washington, D.C., August 1990–December 1992

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## SELECTED PRESENTATIONS

Lawyers and Jurors: Interrogating Voir Dire Strategies with Conversation Analysis (presentation), American Psychology Law Society Annual Meeting, Memphis, 7 March 2018

Invited Participation in Researchers Strategy Meeting re Death Penalty Narrowing Challenges under *Furman v. Georgia*, Phoenix, Arizona. 10-11 May 2018.

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- Lawyers and Jurors: Interrogating Voir Dire Strategies with Conversation Analysis (presentation w/Barb O'Brien), Law and Society Annual Meeting, Toronto, 7-10 June 2018
- Information Seeking on Voir Dire: Selective Deployment of Aggressive Questioning Techniques and Its Impact on Juror Responses (presentation w/Barb O'Brien), Law and Society Annual Meeting, Toronto, 7-10 June 2018
- Lawyers and Jurors: Interrogating Voir Dire Strategies with Conversation Analysis (poster presentation w/Barb O'Brien), International Conference on Conversation Analytics, Loughborough, 7-14 June 2018
- Furman v Georgia, 45 Years Later – Still Broad, Still Arbitrary, Still Biased (presentation with David Baldus (deceased), George Woodworth, Michael Laurence, and Jeffrey Fagan), Conference on Empirical Legal Studies, Ann Arbor, 9-10 November 2018.
- “Open and Closed: The Impact of Non-Directive Questions on the Quality and Amount of Juror Response,” Presentation with Barbara O'Brien at the Law and Society Association Annual Meeting, Mexico City, June 19-23, 2017.
- “Examining Jurors: Using Conversation Analysis to Explore the Influence of Race on Prosecutor Speech in North Carolina Capital Jury Selection,” Presentation with Barbara O'Brien at the 2016 Conference on Empirical Legal Studies, Duke Law, 17 November 2016.
- “Examining Jurors: Using Conversation Analysis to Explore the Influence of Race on Prosecutor Speech in North Carolina Capital Jury Selection,” Presentation with Barbara O'Brien at Journal of Criminal Law and Criminology Symposium: The Death Penalty's Numbered Days?, Northwestern Law, 11 November 2016
- “Batson and the Court Record,” Presentation with Barbara O'Brien at Journal of Criminal Law and Criminology Symposium: The Death Penalty's Numbered Days?, Northwestern Law, 11 November 2016
- “Batson and the Court Record,” Presentation with Barb O'Brien, Symposium: 25<sup>th</sup> Anniversary of Batson v. Kentucky, Kentucky Law Journal, Kentucky Law, 3 Nov. 2016
- “Voir Dire Conversations: How Prosecutor speech profiles vary by race in North Carolina capital jury selection.” Non-presenting co-author. Law and Society Association Annual Meeting, New Orleans, June 2-5, 2016.
- “Abolitionist Strategies in the Middle East: Notes from the Field,” Michigan Journal of Law Reform Symposium, University of Michigan, Ann Arbor, 6 February 2016
- “Talking to Jurors: Using Conversation Analysis to Understand Bias in Jury Selection.” Presentation with Barbara O'Brien at the Law and Society Annual Conference, Seattle. May/June 2015.
- “Transforming a Skewed Sample: A Critique of Lawyers' Shared View of Police Investigation.” Presentation with Barbara O'Brien at the Law and Society Annual Conference, Seattle. May/June 2015.
- “Talking to Jurors: Using Conversation Analysis to Understand Bias in Jury Selection.” Invited presentation with Barbara O'Brien, at Juries and Lay Participation: American Perspectives and Global Trends, IIT Chicago-Kent College of Law. October 10, 2014.

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- Does Measurement Matter to Criminal Justice Reform in America? A Multidisciplinary Forum on Measurement in the Health Care, Environment, and Education Sectors. Invited Forum Participant. Radcliffe Institute for Advanced Study, Harvard University. February 27-March 1, 2014.
- “Finding Data: The Politics and Magic of Accessing Capital Punishment Data.” Invited presentation with Mona Lynch and Barbara O’Brien at American Academy for the Advancement of Science Annual Conference, Chicago. February 13-16, 2014.
- “Information Seeking in Jury Selection: How Stereotype Maintenance Processes Explain Stark Racial Disparities in North Carolina Death Penalty Proceedings.” Presentation at Law and Society Annual Conference, Boston. May/June 2013.
- “Deconstruct and Reconstruct: Reexamining Bias in the Legal System; Searching for New Approaches.” Invited participant. AALS Crosscutting Program. AALS Annual Meeting (scheduled January 6, 2013).
- “Unconvincing Protestations: The Persistent Role of Race in Capital Charging and Sentencing in North Carolina, 1990-2009.” Selected under peer-review for presentation at the 2012 Conference on Empirical Legal Studies (scheduled November 9-10, 2012).
- “Information Seeking in *Voir Dire*: Could Limiting or Modifying Juror Questioning Reduce the Racial Disparities Observed in Jury Selection?” Presentation at Midwest Law & Society Retreat at University of Wisconsin, Institute for Legal Society, Madison, WI, September 21-22, 2012.
- “Race and the Death Penalty: A Tribute to the Life and Work of David C. Baldus.” Invited speaker on panel celebrating the opening of David Baldus’s archive at the University at Albany. Hosted by School of Criminal Justice and University Libraries. April 20, 2012 (Albany, NY).
- “Proportionality Review and the Military Death Penalty.” Invited presentation. 2012 Judicial Conference and Continuing Legal Education Program of the United States Court of Appeals for the Armed Forces, Washington, DC (March 7-8, 2012).
- “A Stubborn Legacy: The Overwhelming Importance of Race in Jury Selection in 173 Post-Batson North Carolina Capital Trials.” Talk presented with Barbara O’Brien at *Batson at Twenty-Five: Perspectives on the Landmark, Reflections on its Legacy*, University of Iowa Law Review Symposium. October 20, 2011 (Iowa City, IA).
- “Statistical Proof of Racial Discrimination in the Use of Peremptory Challenges: The Impact and Promise of *Miller-El v. Cockrell* (2003) with an Application in One Philadelphia Capital Case”: Talk presented on behalf of David Baldus with Robert Dunham and George Woodworth at *Batson at Twenty-Five: Perspectives on the Landmark, Reflections on its Legacy*, University of Iowa Law Review Symposium. October 20, 2011 (Iowa City, IA).
- “A Significant Factor: Evidence of Discrimination Against Native American Capital Defendants in North Carolina, 1990-2009”: Talk presented with Barbara O’Brien at Law and Society Association Annual Conference, June 1-4, 2011 (San Francisco).
- “Ready to Listen: The North Carolina General Assembly’s Decision to Go Where *McCleskey* Wouldn’t and *Batson* Couldn’t”: Talk presented with Barbara O’Brien at Law and Society Association Annual Conference, June 1-4, 2011 (San Francisco).
- “Ready to Listen: The North Carolina General Assembly’s Decision to Go Where *McCleskey* Wouldn’t and *Batson* Couldn’t”: Talk presented with Barbara O’Brien at Michigan State Law

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Review Symposium, “Moving Beyond ‘Racial Blindsight’?: The Influence of Social Science Evidence After the North Carolina Racial Justice Act, April 8-7, 2011.

“The North Carolina Racial Justice Act Study: Preliminary Findings on the Role of Race in the North Carolina Capital Punishment System”: Invited presentation with Barbara O’Brien at American Society of Criminology 2010 Annual Meeting, November 17-20, 2010 (San Francisco).

“Reaching Around the Norm: State Movements to Abolish the Death Penalty and the Horizontality of Human Rights”: Presentation at Midwest Law & Society Retreat at University of Wisconsin, Institute for Legal Society, October 8-9, 2010.

“Reaching Around the Norm: State Movements to Abolish the Death Penalty and the Horizontality of Human Rights”: Presented at MSU College of Law Summer Research Workshop, June 18, 2010.

“The North Carolina Racial Justice Act Study: Preliminary Findings on the Role of Race in the North Carolina Capital Punishment System”: Talk presented with Barbara O’Brien at Law and Society Association Annual Conference, May 29, 2010 (Chicago).

“The Impact of U.S. (domestic) Criminal Procedure Law on the Ban on Torture”: Presented at MSU Journal of International Law Symposium, February 19, 2010.

“The North Carolina Racial Justice Act Projects”: Presented with Barbara O’Brien as part of MSU College of Law Faculty “Half-Baked” Workshop, February 16, 2010.

“Reaching Around the Norm: State Movements to Abolish the Death Penalty and the Horizontality of Human Rights”: Invited presentation at University of St. Thomas School of Law, January 29, 2010.

“Military Murder versus Civilian Murder: The Impact of Conventional Civilian Aggravators on Military Death Sentencing, 1984-2005”: Talk presented at Law and Society Association Annual Conference, May 28-31, 2009 (Denver).

“The Role of Intimacy in the Prosecution and Sentencing of Capital Murder Cases in the United States Armed Forces, 1984-2005”: Talk presented at Law and Society Association Annual Conference, May 29-June 1, 2008 (Montreal).

“Life and Death Decisions: Prosecutorial Discretion and Capital Punishment in Missouri”: Invited critique of an empirical research project at a conference of the same name, St. Louis University Law School, March 2, 2007.

“Equal Justice in the Administration of the Death Penalty: The Experience of the United States Armed Forces, 1984–2005”: Peer-reviewed paper presented, with David Baldus, at the First Annual Conference on Empirical Legal Studies, University of Texas School of Law, October 27–28, 2006.

“Equal Justice and the Death Penalty: The Experience of the United States Armed Forces: 1984–2005”: Talk presented by invitation, with David Baldus, at the Race and the Death Penalty Conference, Harvard Law School Institute for Race and Justice, May 5–6, 2006.

“Military Death Penalty: Initial Findings”: Talk presented, with David Baldus, at the University of Illinois College of Law, April 17, 2006.

**PROFESSIONAL MEMBERSHIPS**

Law and Society Association, Society for Empirical Legal Studies, Society of American Law Teachers (board member, 2018-present)

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**BAR MEMBERSHIP**

District of Columbia, Virginia (inactive)

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