

# CATHERINE M. GROSSO

661 BEECH STREET • EAST LANSING, MI 48823  
(517) 432-6962 • GROSSO@LAW.MSU.EDU

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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  
Associate Editor, National Registry of Exonerations, September 2016-present  
Co-President, Society of American Law Teachers, January 2020-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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## 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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## PUBLICATIONS & MANUSCRIPTS UNDER REVIEW or IN PRESS

*Commentary: Coker v. Georgia*. FEMINIST JUDGEMENTS: CRIMINAL LAW, with Barbara O’Brien  
(forthcoming 2021).

*Perfecting the Record on Appeal, A Review of THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR  
GOVERNMENT SEGREGATED AMERICA BY RICHARD ROTHSTEIN*, with Brian Gilmore, NEW  
ENGLAND LAW REVIEW (forthcoming 2021).

*Response: Expanding the Record* by Scott Phillips and Justin Marceau, 55 HARV. C.R.-C.L. REV.  
667 (2020) (w/Barbara O’Brien).

*Local History, Practice, and Statistics: A Study on the Influence of Race on the Administration of  
Capital Punishment in Hamilton County, Ohio (January 1992-August 2017)*. Catherine M.  
Grosso, Barbara O’Brien & Julie C. Roberts. 51 COL. H.R. L. REV. 905 (2020).<sup>1</sup>

*Criminal Trials and Reforms Intended to Reduce the Impact of Race: A Review*. Catherine M.  
Grosso & Barbara O’Brien. ANN. REV. LAW SOC. SCI. 2020 16: 117-130 (2020).

*Latinx Defendants, False Convictions, and the Difficult Road to Exoneration*. Catherine M. Grosso,  
Barbara O’Brien, Klara Stephens & Maurice Possley. 66 UCLA L. REV. 1682 (2019)

*Death by Stereotype: Race, Ethnicity, and California’s Failure to Implement Furman’s Narrowing  
Requirement*, Catherine M. Grosso, David Baldus (deceased), George Woodworth,  
Michael Laurence & Jeffrey Fagan. 66 UCLA L. REV. 1394 (2019).

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<sup>1</sup> Vita lists Grosso first for convenience only. Order varies. Grosso & O’Brien formally alternate.

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- Furman at 45: Constitutional Challenges from California's Failure to (Again) Narrow Death Eligibility.* David Baldus (deceased), George Woodworth, Catherine M. Grosso, Michael Laurence, & Jeffrey Fagan. 16 J. OF EMP. LEGAL STUD. 693 (2019).
- Lawyers and Jurors: Interrogating Voir Dire Strategies by Analyzing Conversations.* Catherine M. Grosso & Barbara O'Brien. 16 J. OF EMP. LEGAL STUD. 515 (2019).
- 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 2020.
- 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 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).
- 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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## 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

## SELECTED PRESENTATIONS

“Local History, Practice and Statistics: A Study on the Influence of Race on the Administration of Capital Punishment in Hamilton County, Ohio (1992-2017),” (w/Barbara O’Brien). Big10 Law Virtual Series on Perspectives in Race and Law. 8 September 2020.

“Reforming Jury Selection: Washington Style” (w/Barbara O’Brien). Law and Society Annual Conference (virtual conference). 31 May 2020.

“Expanding the Record: Who the State Kills, A Comment on Scott Phillips & Justin Marceau, Whom the State Kills” (w/Barbara O’Brien). Harvard Civil Rights-Civil Liberties Law Review Anniversary Symposium. 6 March 2020.

Preliminary Report: The Influence of Race on the Administration of Capital Punishment in Hamilton County, Ohio (January 1992-August 2017) (w/Barbara O’Brien & Julie C. Roberts). Presentation to Ohio Federal Defenders. 1 November 2019.

“Local History, Practice, and Statistics: A Study on the Influence of Race on the Administration of Capital Punishment in Hamilton County, Ohio (January 1992-August 2017) (w/Barbara O’Brien & Julie C. Roberts). Columbia University Human Rights Law Review Symposium. 11 October 2019. *[I did not attend at the last minute.]*

Effective Teaching Strategies for Criminal Law and Criminal Procedure Faculty, Criminal Law and Criminal Procedure Workshop. SEALS. 30 July 2019.

“How Do Death Qualifying Conversations Enable Racism in Capital Jury Selection” (w/Barbara O’Brien). Law and Society Annual Meeting, Washington, DC, 31 May 2019.

Panel Participant: Understanding Consent. Sister Survivors Event. Michigan State Museum. 12 February 2019.

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- “When Furman Fails: Racial Effects in California’s Expanding Capital Punishment Scheme (w/Michael Laurence and Jeffrey Fagan), U.C.L.A. Law Review Symposium, 8 February 2019.
- “Latinx Defendants, False Convictions, and the Difficult Road to Exoneration” (presentation w/Klara Stephens), U.C.L.A. Law Review Symposium, 8 February 2019
- “Furman v. Georgia, 45 years Later – Still Broad, Still Arbitrary, Still Biased” (presentation). Conference on Empirical Legal Studies, University of Michigan Law School, November 2018
- “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
- “Lawyers and Jurors: Interrogating Voir Dire Strategies with Conversation Analysis” (presentation), American Psychology Law Society Annual Meeting, Memphis, 7 March 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

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- “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.
- 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 Live 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).

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- “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 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.

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“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.

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**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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