

Shon Hopwood
GEORGETOWN UNIVERSITY LAW CENTER
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TEACHING AND RESEARCH INTERESTS

Criminal Law and Procedure, Civil Rights, Federal Courts, and Appellate Practice

PUBLICATIONS

Books

SHON HOPWOOD WITH DENNIS BURKE: LAW MAN: MY STORY OF ROBBING BANKS, WINNING SUPREME COURT, CASES AND FINDING REDEMPTION (Crown Publishing 2012)

SHON HOPWOOD, LAW MAN: MEMOIR OF A JAILHOUSE LAWYER (Prison Professors 2017)

Articles

Canonizing the Historical Rule of Lenity, 95 N.Y.U. L. REV. __ (2020) (work in progress)

The Misplaced Trust in DOJ's Expertise on Criminal Justice Policy, __ MICH. L. REV. __ (2020) (work in progress)

Second Looks & Second Chances, 41 CARDOZO L. REV. 83 (2019)

The Effort to Reform the Federal Criminal Justice System, 128 YALE L.J. FORUM 791 (2019)

Beyond First Steps: How to Reform the Federal Bureau of Prisons, 31 FED. SENT. R. 119 (2018)

Improving Federal Sentencing, 87 U.M.K.C. L. REV. 79 (2018)

Clarity in Criminal Law, 54 AM. CRIM. L. REV. 695 (2017)

William Blake, Hans Hacker, & Shon Hopwood, *Seasonal Affective Disorder: Clerk Training and the Success of Supreme Court Certiorari Petitions*, 49 LAW AND SOCIETY REVIEW 973 (2015)

The Not So Speedy Trial Act, 89 WASH. L. REV. 709 (2014)

Failing to Fix Sentencing Mistakes: How the System of Mass Incarceration May Have Hardened the Hearts of the Federal Judiciary, 43 GEO. L.J. ANN. REV. CRIM. PROC. iii (2014)

Slicing Through the Great Legal Gordian Knot: Ways to Assist Pro Se Litigants in Their Quest for Justice, 80 FORDHAM L. REV. 1229 (2011)

A Sunny Deposition: How the In Forma Pauperis Statute Provides an Avenue for Indigent Prisoners to Seek Depositions Without Accompanying Fees, 46 HARV. C.R.-C.L. L. REV. 195 (2011)

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER 2017
L.L.M. Clinical Advocacy (with distinction)

UNIVERSITY OF WASHINGTON SCHOOL OF LAW 2014
J.D.
Graduated with Honors in Law
Gates Public Service Law Scholar (three-year full scholarship)

BELLEVUE UNIVERSITY 2011
B.S. | Magna Cum Laude

EMPLOYMENT AND LEGAL EXPERIENCE

GEORGETOWN UNIVERSITY LAW CENTER Washington D.C.
Associate Professor of Law 2017-Present

GEORGETOWN APPELLATE LITIGATION PROGRAM Washington D.C.
Graduate Teaching Fellowship 2015-2017

**UNITED STATES COURT OF APPEALS,
DISTRICT OF COLUMBIA CIRCUIT** Washington D.C.
Judicial Clerk to the Honorable Janice Rogers Brown 2014–2015

**OFFICE OF THE FEDERAL PUBLIC DEFENDER,
WESTERN DISTRICT OF WASHINGTON** Seattle, WA
Internship 2013

UNITED STATES DISTRICT COURT, W.D. OF WASHINGTON Seattle, WA
Judicial Intern to the Honorable John C. Coughenour 2012

COCKLE LEGAL BRIEFS
U.S. Supreme Court Consultant

Omaha, NE
2008–2011

UNITED STATES NAVY Manama, Bahrain | 1994–1996
Served two years and was honorably discharged. Received the Joint Meritorious Unit Medal, Navy Unit Commendation Medal, Southwest Asia Service Medal, and National Defense Medal

OTHER WRITINGS AND LEGISLATIVE TESTIMONY

Other Essays

Book Review: *Caught: The Prison State and the Lockdown of American Politics*, by Marie Gottschalk, 66 J. LEGAL EDUC. 455 (2016)

Krista A. Dolan & Shon Hopwood, *Kentucky's Penal Code Prognosis: Is Further Treatment Necessary?*, KENT. BENCH & BAR Vol. 3 (2015)

Masters of the Craft: The Top Five Questions Presented from the 2010 Supreme Court Term, THE GREENBAG ALMANAC AND READER (2012)

Online Articles

Reinstate Pell Grants for Prisoners, NATIONAL REVIEW (Jun. 10, 2019) (co-written with Emily Mooney)

The Senate Must Pass the First Step Act, OMAHA WORLD HERALD (Dec. 5, 2018)

The Misguided Call for Harsher Punishments at the Heart of the Judge Persky Recall Effort, INJUSTICE TODAY (Feb. 2, 2018)

Give Former Prisoners a Second Chance, THE SEATTLE TIMES (Jan. 10, 2013)

I Got a Second Chance After Robbing Banks—And Others Should, Too, THE ATLANTIC.COM (Dec. 21, 2012)

Giving Prisoners a Second Chance Means Removing the Barriers to Reentry, HUFFINGTON POST (Aug. 20, 2012)

Opinion Analysis: The Court Goes Back to School, SCOTUSblog (Mar. 1, 2012)

Argument Recap: Contending with Old Precedent, SCOTUSblog (Nov. 14, 2011)

Preemption under the Locomotive Inspection Act, SCOTUSblog (Nov. 8, 2011)

Legislative Testimony and Reports

Testified before the U.S. House of Representatives Small Business Committee in support of the Prison to Proprietorship Act (Oct. 23, 2019)

Testified before the Florida State Senate Appropriations Subcommittee on Criminal & Civil Justice about the Florida First Step Act (Jan. 23, 2019)

Written Report to President Donald J. Trump on the Prison Reform and Redemption Act (Jan. 19, 2018)

Written Statement of Professor Shon Hopwood on Collateral Consequences before the United States Commission on Civil Rights (July 17, 2017)

Written Testimony to the U.S. Senate Judiciary Committee, supporting The Justice Safety Valve Act of 2013 (Sept. 2013)

Testified before the Public Safety Committee of the Washington State House of Representatives about Sentencing Reform (Jan. 22, 2014)

Testified before the Public Safety Committee of the Washington State House of Representatives about Prison Reentry (Nov. 22, 2013)

REPRESENTATIVE CASES

Served as the primary person researching and writing the briefs, either for other attorneys or prisoners in all cases listed below.

U.S. Supreme Court Cases

- *Fellers v. United States*, cert. granted 538 U.S. 905 (2003) (prepared pro se petition for certiorari) (judgment reversed and vacated by unanimous opinion, 540 U.S. 519 (2004))
- *Davis v. United States*, 543 U.S. 1099 (2005) (prepared pro se petition for certiorari) (writ of certiorari granted, Eighth Circuit opinion vacated, and remanded)
- *Lagos v. United States*, No. 16-1519 (2018) (filed an amicus curiae brief in a federal restitution case)

Federal Circuit Court Cases

- *Maxwell v. United States*, No. 19-5312 (2020) (court reversed for client and held that the district court abused its discretion in denying the client's request for counsel and resentencing under the First Step Act)

- *Price v. U.S. Dep't of Justice Attorney Office*, 865 F.3d 676 (D.C. Cir. 2017) (court reversed for client and held that the defendant could not waive his FOIA rights in a guilty plea)
- *Griffith v. United States*, No. 15-3122 (8th Cir. 2016) (court granted the request for authorization to file a second 28 U.S.C. § 2255 petition)
- *O'Dell v. Plumley*, No. 15-6247 (4th Cir. 2016) (court summarily reversed in favor of habeas petitioner)
- *Lane v. Anderson*, No. 15-2153 (4th Cir. 2016) (court reversed for client raising qualified immunity, sovereign immunity, and *Rooker-Feldman* issues)
- *Cruz v. Marshall*, No. 15-6130 (4th Cir. 2016) (court reversed district court judgment finding defendant's federal habeas petition was untimely)
- *In re Shelton*, 295 F.3d 620 (6th Cir. 2002) (prepared pro se briefs) (judgment reversed) (cited with approval in *Castro v. United States*, 540 U.S. 375 (2003))

Washington State Supreme Court

- *In re Tarra Denelle Simmons*, No. 201, 671-5 (Wash. S. Ct. 2018) (unanimous opinion in favor of Simmons' application to obtain a law license)

EXPERT TESTIMONY IN FEDERAL COURT

U.S. District Court for the Northern District of Iowa (2017)

SELECTED PRESENTATIONS

Speaker with Judge Stephanos Bibas, *A Modern Look at Criminal Justice Reform*, Federalist Society, Penn Law School (Feb. 27, 2020)

Speaker with Judge Amul Thapur, *Criminal Justice Reform*, Federalist Society, Yale Law School (Nov. 21, 2019)

Keynote Speaker, *Prisoners of Politics*, NYU Law Review Symposium (Oct. 21, 2019)

Keynote Speaker, *A Law Library Saved My Life*, American Association of Law Libraries (July 14, 2019)

Speaker, West Coast White Collar Seminar, National Association of Criminal Defense Lawyers (June 22, 2019)

Speaker, United States Court of Appeals for the Third Circuit Reentry Conference (May 9, 2019)

Speaker, United States Court of Appeals for the Eleventh Circuit Judicial Conference
(Apr. 24, 2019)

Panelist, *Prisoners of Politics*, Google & Justice Roundtable (Mar. 12, 2019)

Keynote Speaker, *Unlocking Employment Opportunities*, Baton Rouge, Louisiana
(Mar. 8, 2019)

Keynote Speaker, Goldmark Luncheon, The Legal Foundation of Washington
(Feb. 15, 2019)

Speaker, *Criminal Justice Reform in the Trump Era*, Yale Law School (Jan. 14, 2019)

Speaker, *Improving Federal Sentencing*, U.S. District Court for the Eastern District of
Pennsylvania (Dec. 10, 2018)

Keynote Speaker, *Reentry Courts and Rehabilitation*, U.S. District Court for the
Middle District of Tennessee (Nov. 1, 2018)

Keynote Speaker, *The Need for Criminal Justice Reform*, Nebraska State Bar
Association (Nov. 18, 2018)

Keynote Speaker, *Trends in Criminal Justice Reform*, U.S. District Court for the
District of New Hampshire (Oct. 25, 2018)

Panelist, *Earning Freedom: Working Toward Sentence Reduction*, Ohio State
University, Moritz College of Law (Oct. 4, 2018)

Panelist, *Threading the Needle on Justice Reform: Adding Commonsense Sentencing
Reforms to the FIRST STEP Act*, FAMM, at the Senate Judiciary Committee Room
(Aug. 22, 2018)

Opperman Speaker, *More Access to the Courts*, National Conference of Appellate
Court Clerks (July 29, 2018)

Panelist, *The 2017 U.S. Supreme Court term*, Maryland Bar Association (Jun. 15, 2018)

Keynote Speaker, *Second Chances and the Law*, Maryland Judicial Conference
(May 25, 2018)

*Criminal Justice in the Twenty-First Century: Reentry, Problem Solving
Court, and Alternatives to Incarceration*, Federal Judicial Center (May 4, 2018)

Resilience in the Face of Opposition, Hartford University (Apr. 26, 2018)

Update on Federal Criminal Justice Reform, The Pew Charitable Trusts
(Apr. 24, 2018)

A Time to Care: Why Everyone Should Support Criminal Justice Reform, Washington University School of Law (Feb. 8, 2017)

Criminal Justice and the Constitution, Georgetown Center for the Constitution
(Nov. 8, 2017)

Briefing on Prison Reform, U.S. House of Representatives (Nov. 2, 2017)

A Matter of Intent: Reigning in Overcriminalization in America, Advancing Justice Seminar (Oct. 26, 2017)

Clarity in Criminal Law, Florida State University College of Law (Oct. 2, 2017)

The Need for Criminal Justice Reform, Congressional Black Caucus (Sept. 21, 2017)
Why Our Criminal Justice System Needs Fixing, Shepherd University (Sept. 18, 2017)

The Need for Criminal Justice Reform in America, Brookings Institute (Aug. 28, 2017)

Federal Sentencing Reform, Institute for Humane Studies (July 18, 2017)

Prison Reform at a Crossroads, Aspen Institute at the U.S. Congress (June 23, 2017)

Using Time to Reduce Crime: Federal Prison Reform Briefing at Rayburn House Office Building (June 6, 2017)

Jeff Sessions and the Federal Criminal Justice System, The John Marshall Law School (Feb. 16, 2017)

Unnecessary Imprisonment and the Need for Sentencing Reform, University of Chicago Law School (Feb. 16, 2017)

How to Reform the Federal Criminal Justice System, Cornell Law School (Feb. 3, 2017)

The Need for Sentencing Reform, University of Nebraska College of Law (Nov. 14, 2016)

Law Man, My Story, University of Arizona School of Law (Apr. 20, 2016)

Keynote Speaker, Kamm Memorial Lecture on Law and Society, Wheaton College
(Feb. 29, 2016)

Do's, Don'ts & Heretofores, How to Write Appellate Briefs, Howard University School of Law (Oct. 27, 2015)

Limited Government Criminal Justice, George Mason University School of Law
(Jan. 21, 2015)

Commencement Speaker, Washington State Penitentiary (Jun. 5, 2014)

Talking Criminal Justice Reform and Legal Brief Writing, Washington State Bar
Association, Senior Lawyers Division (May 9, 2014)

Webinar Presenter, Pro Se Committee of the Ninth Circuit Court of Appeals
(May 1, 2014)

Introductions and Program Creator, *Reversing the Effects of Mass Incarceration*,
University of Washington School of Law (Apr. 29, 2014)

*Law Man: My Story of Robbing Banks, Winning Supreme Court Cases and Finding
Redemption*, Kentucky Bar Association Annual Convention (Jun. 21, 2013)

Trends in Certiorari Review: From the Burger Court to the Roberts Court,
Southwestern Political Science Convention (Apr. 18, 2013)

Criminal Justice Reform, Nebraska Criminal Defense Attorneys Association
Conference (Mar. 14, 2014)

Keynote Speaker, *The Need for Prison Reform*, ACLU of Nebraska & Nebraska
Criminal Defense Attorneys Association (Mar. 13, 2014)

Webinar Presenter, *Lawman: An Interview with Shon Hopwood*, U.S. District Court
for the District of Arizona (Feb. 28, 2014)

From Law Man to Law Clerk, University of Denver Sturm College of Law
(Feb. 21, 2014)

Criminal Justice Reform, Pepperdine School of Law (Feb. 14, 2014)

Criminal Law Society, University of Michigan School of Law (Nov. 8, 2013)

Keynote Speaker, *Redemption from Within*, Washington Appleseed Breakfast
(Oct. 15, 2013)

Speaker, *Mass Incarceration and the Jailhouse Lawyer*, New York University School
of Law (Mar. 27, 2013)

Handling Pro Se Litigants, U.S. District Court for the Southern District of New York
(Mar. 26, 2013)

Law Man, Drexel University School of Law (Oct. 26, 2012)

Freedom to Incarceration, U.S. District Court for the Western District of Washington
(Sept. 13, 2012)

The Innocence Project Presents, University of Virginia School of Law (Mar. 22, 2011)

Keynote Speaker, *The Plight of Pro Se Litigants*, Fordham Law Review Symposium
(Jan. 15, 2011)

Keynote Speaker, *ASU Lecture-Concert Series*, Arkansas State University
(Nov. 18, 2010)

Speaker, *Q&A with Seth P. Waxman and Shon R. Hopwood*, Harvard University
(Mar. 7, 2010)

SELECTED MEDIA

Kate Taylor, *Parents Paid to Open College Doors. Now They're Spending to Limit Prison Time*, NEW YORK TIMES (Oct. 2, 2019)

Karen Sloan, *Bank-Robber-Turned-Law-Prof Lands a Starring Role in Criminal Justice Reform*, LAW.COM (Apr. 2, 2019)

Elizabeth Olson, *Are Felons Fit to Be Lawyers? Increasingly, the Answer Is Yes*, NEW YORK TIMES (Jan. 19, 2018)

Redemption, 60 MINUTES (Oct. 15, 2017)

Susan Svrluga, *He robbed banks and went to prison. His time there put him on track for a new job: Georgetown law professor*, WASHINGTON POST (Apr. 21, 2017)

Adam Liptak, *Supreme Court's End-of-Summer Conference: Where Appeals 'Go to Die'*, NEW YORK TIMES (Aug. 31, 2015)

Mark Memmott, *The Incredible Case of the Bank Robber Who's Now a Law Clerk*, NATIONAL PUBLIC RADIO'S ALL THINGS CONSIDERED (Sept. 5, 2013)

Adam Liptak, *The Robber, the Judge, and the Case for Leniency*, NEW YORK TIMES (Aug. 26, 2013)

Adam Liptak, *A Mediocre Criminal, but an Unmatched Jailhouse Lawyer*, NEW YORK TIMES (Feb. 8, 2010)

BAR MEMBERSHIP AND COURT ADMISSIONS

Member, Bar of the District of Columbia

Member, Bar of Washington State (Inactive)

Admitted, U.S. Court of Appeals for the District of Columbia Circuit

Admitted, U.S. Court of Appeals for the Fourth Circuit

Admitted, U.S. Court of Appeals for the Sixth Circuit

Admitted, U.S. Court of Appeals for the Eighth Circuit

Admitted, U.S. Court of Appeals for the Ninth Circuit

Admitted, U.S. Court of Appeals for the Eleventh Circuit

PUBLIC SERVICE

Board of Directors, Families Against Mandatory Minimums (“FAMM”)

Board of Directors, Transcending Through Education Foundation

Board of Directors, Civil Survival

Member of the National Association of Criminal Defense Lawyers First Step
Implementation Taskforce

Director’s Circle, John Howard Association