

LYNN S. BRANHAM

Visiting Professor of Law
Florida State University College of Law
lbranham@fsu.edu

EDUCATION AND TRAINING

UNIVERSITY OF CHICAGO LAW SCHOOL. Chicago, Illinois. J.D.

INTERNATIONAL INSTITUTE FOR RESTORATIVE PRACTICES. Bethlehem, Pennsylvania.
Master of Science in Restorative Practices.

INTERNATIONAL INSTITUTE FOR RESTORATIVE PRACTICES. Bethlehem, Pennsylvania.
Training for Trainers: Introduction to Restorative Practices, Facilitating Restorative Conferences,
and Using Circles Effectively.

CENTER FOR CONFLICT RESOLUTION. Chicago, Illinois. Certificate of Completion of 40-Hour
Performance-Based Mediation Skills Training.

UNIVERSITY OF ILLINOIS. Champaign, Illinois. B.A., *Summa Cum Laude*.

SELECTED HONORS

Walter Dunbar Award (for "outstanding contributions" to the American Correctional
Association's accreditation process)

Member of University of Chicago Law Review

University of Illinois Bronze Tablet Award

Phi Beta Kappa

PUBLIC AND PROFESSIONAL SERVICE

Member and Former Chair and Vice-Chair of the Board of Trustees of the International Institute for
Restorative Practices

Faculty Member at Twenty-Two Workshops Sponsored by the Federal Judicial Center for Federal
Judges and Court Staff

American Bar Association

Project Leader, Resolution to End the Use of Stigmatizing Labels for Justice-Involved People
(approved by the House of Delegates in 2023)

Chairperson of the Pretrial Justice Committee's Subcommittee on Cash Bail

Chairperson of the Corrections Committee's Subcommittee on Accreditation

Member of the Civil Detention Standards Advisory Task Force

Co-chairperson of the Corrections Committee of the ABA's Criminal Justice Section

Member of the Criminal Justice Section Council

Co-Executive Director of the Criminal Justice Section's Equal Justice Division (Division committees include Juvenile Justice, Military Justice, Problems of the Elderly, Race and Racism, Victims, and Women in Criminal Justice)

Co-Executive Director of the Criminal Justice Section's Specialized Practice Division (Division committees include Amicus Practice, Appellate and Habeas, Cyber-crime, Homeland Security, Immigration, and International)

Co-chairperson of the Legislative and Policy Committee

Chairperson of the Prison Litigation Reform Act Task Force

Chairperson of the Subcommittee on Effective Prison Oversight of the ABA's Corrections Committee

Chairperson of the Criminal Justice Section's Implementation Working Group

Chairperson of the Fiscal Crisis Task Force (drafted a "Blueprint for Cost-Effective Pretrial-Detention, Sentencing, and Corrections Systems" approved by the ABA House of Delegates)

Chairperson of the Task Force on Inmate Litigation

Member of the American Bar Association's Ad Hoc Committee on Criminal Justice Improvements

Chairperson of the Subcommittee on Victim-Offender Mediation Programs of the ABA's Corrections and Sentencing Committee

Chairperson of the Corrections and Sentencing Committee of the American Bar Association's Criminal Justice Section

Member of the Long-Range Planning Committee of the ABA's Criminal Justice Section

Vice-Chairperson of the American Bar Association's Ad Hoc Committee on AIDS and the Criminal Justice System

Member of the Commission on Accreditation for Corrections for sixteen years, fourteen as the American Bar Association's representative

Chairperson of the Task Force on Quality Assurance

Chairperson of the Accreditation Mission Statement Task Force

Chairperson of the Strategic Planning Committee

Chairperson of the Ad Hoc Committee to Review CEA Standards

American Correctional Association

Vice-Chairperson of the Constitution and By-Laws Committee

Chairperson of the Proactive Correctional Management Task Force

Member of the Youthful Offenders in Adult Jails and Prisons Task Force

Member of the Standards Committee

Member of the Legal Issues Committee

Member of the Task Force on Alternatives to Incarceration of the Michigan House of Representatives

Member of the Advisory Board of the Edna McConnell Clark Foundation's Justice Program

Member of the Champaign County Community Justice Task Force

Member of the Champaign County Racial Justice Task Force

Advisor to the Peoria County Jail Population Management Task Force

Member of the Editorial Board, *Correctional Law Reporter*

Member of the Advisory Board, *Corrections and Sentencing Law and Policy Abstracts*, Social Science Research Network

Contributing Editor for *Preview of United States Supreme Court Cases*

PUBLICATIONS

Books, Manuals, and Monographs

THE LAW AND POLICY OF SENTENCING, 11th edition (West Academic Publishing, 2025)

THE LAW AND POLICY OF SENTENCING, 10th edition (West Academic Publishing, 2018)

THE LAW AND POLICY OF SENTENCING AND CORRECTIONS IN A NUTSHELL, 11th edition (West Academic Publishing, 2022), 10th edition (West Academic Publishing, 2017), 9th edition (Thomson Reuters/West, 2013), 8th edition (Thomson Reuters/West, 2010), 7th edition (Thomson Reuters/West, 2005)

THE LAW AND POLICY OF SENTENCING AND CORRECTIONS, 9th edition (Thomson Reuters/West, 2013), 8th edition (Thomson Reuters/West, 2009), 7th edition (Thomson Reuters/West, 2005)

THE LAW OF SENTENCING, CORRECTIONS, AND PRISONERS' RIGHTS, 6th edition (West Group, 2002), 5th edition (West Publishing Company, 1997), 4th edition (West Publishing Company, 1990)

SENTENCING, CORRECTIONS, AND PRISONERS' RIGHTS IN A NUTSHELL, 6th edition (West Group, 2002), 5th edition (West Group, 1998), 4th edition (West Publishing Company, 1994)

LIMITING THE BURDENS OF *PRO SE* INMATE LITIGATION: A TECHNICAL-ASSISTANCE MANUAL FOR COURTS, CORRECTIONAL OFFICIALS, AND ATTORNEYS GENERAL (American Bar Association, 1997)

THE USE OF INCARCERATION IN THE UNITED STATES: A LOOK AT THE PRESENT AND THE FUTURE (American Bar Association, 1992)

Book Chapters and Law Review Articles and Essays

"Pointing the Way . . . In the Wrong Direction: The *Model Penal Code: Sentencing*'s Errant Approach to Restorative Justice and its Role in Sentencing," 33 *Cornell Journal of Law and Public Policy* 313 (2024)

"The Overlooked Victim Right: According Victim-Survivors a Right of Access to Restorative Justice," 98 *Denver Law Review Forum* 1 (2021)

"'Stealing Conflicts' No More?: The Gaps and Anti-Restorative Elements in States' Restorative-Justice Laws," 64 *Saint Louis University Law Journal* 145 (2020)

"Eradicating the Label 'Offender' From the Lexicon of Restorative Practices and Criminal Justice," 9 *Wake Forest Law Review Online* 53 (2019)

"Plowing in Hope: A Three-Part Framework for Incorporating Restorative Justice into Sentencing and Correctional Systems," 38 *William Mitchell Law Review* 1261 (2012)

"'The Mess We're In': Five Steps Towards the Transformation of Prison Cultures," 44 *Indiana Law Review* 703 (2011)

"Accrediting the Accreditors: A New Paradigm for Correctional Oversight," 30 *Pace Law Review* 1656 (2010)

"'The Devil Is in the Details': A Continued Dissection of the Constitutionality of Faith-Based Prison Units," 6 *Ave Maria Law Review* 409 (2008)

"'Go and Sin No More': The Constitutionality of Governmentally Funded Faith-Based Prison Units," 37 *University of Michigan Journal of Law Reform* 291 (2004)

"Of Mice and Prisoners: The Constitutionality of Extending Prisoners' Confinement for Filing Frivolous Lawsuits," 75 *Southern California Law Review* 1021 (2002)

"Toothless in Truth? The Ethereal Rational Basis Test and the Prison Litigation Reform Act's Disparate Restrictions on Attorney's Fees," 89 *California Law Review* 999 (2001)

"The Prison Litigation Reform Act's Enigmatic Exhaustion Requirement: What It Means and What Congress, Courts, and Correctional Officials Can Learn From It," 86 *Cornell Law Review* 483 (2001)

"'Keeping the 'Wolf Out of the Fold': Separation of Powers and Congressional Termination of Equitable Relief," 26 *Notre Dame Journal of Legislation* 185 (2000)

"A Federal Comprehensive Community-Corrections Act: Its Time Has Come," 12 *Thomas Cooley Law Review* 399 (1995)

"Prisoners' Rights Litigation," in *CRIMINAL DEFENSE TECHNIQUES* (Matthew Bender, 1992)

"Out of Sight, Out of Danger?: Procedural Due Process and the Segregation of HIV-Positive Inmates," 17 *Hastings Constitutional Law Quarterly* 293 (1990)

"Opening the Bloodgates: The Blood Testing of Prisoners for the AIDS Virus," 20 *Connecticut Law Review* 763 (1988)

"Implementing and Ignoring the Dictates of the Supreme Court: A Comparative Study of Michigan and Illinois Prison Disciplinary Proceedings," 12 *New England Journal on Criminal and Civil Confinement* 197 (1986)

"Offers of Judgment and Rule 68: A Response to the Chief Justice," 18 *John Marshall Law Review* 341 (1985)

"State Parole Decisions: The Scope of Immunity Accorded Parole Board Members Under 42 U.S.C. § 1983," 1983 *Southern Illinois University Law Journal* 281 (1984)

Other Publications

"Does the First Step Act's Reduction of Stacked Mandatory-Minimum Sentences Apply at a Post-Act Resentencing for Pre-Act Section 924(c) Offenses?," 52 *Preview of United States Supreme Court Cases*, Issue No. 4 (Jan. 2025)

"Is a Dismissal Without Prejudice of a Civil Action Brought by an Incarcerated Person a 'Strike' Within the Meaning of 28 U.S.C. § 1915(g)?" , 47 *Preview of United States Supreme Court Cases*, Issue No.5 (Feb. 24, 2020)

"Ch-ch-ch-ch-Changes in Prison Cultures: Seven of the Steps to Accomplish What Seems Impossible," XXI *Corrections Managers' Report* 26 (August/September 2015)

"Follow the Leader: The Advisability and Propriety of Considering Cost and Recidivism Data at Sentencing," 24 *Federal Sentencing Reporter* 169 (Feb. 2012)

"Introduction and Overview: Symposium on the Aftermath of *Padilla v. Kentucky*: A New Era for Plea Bargaining and Sentencing?," 31 *Saint Louis University Public Law Review* 3 (2012)

"'The Mess We're In': Five Steps to Get Out," Yale Law School's *Arthur Liman Program Public Interest Newsletter* (Fall 2010)

"As Plain as . . . Day? The Exemption from FTCA Liability for Unlawful Detention of Property," *Preview of United States Supreme Court Cases*, 2007-08 Term, Issue No.2 (Oct. 29, 2007)

"The PLRA's Exhaustion Requirement: Back to the Drawing Board?," *Preview of United States Supreme Court Cases*, 2006-07 Term, Issue No. 2 (October 30, 2006)

"Does the PLRA's Exhaustion Requirement Contain a Procedural Default Rule?," *Preview of United States Supreme Court Cases*, 2005-06 Term, Issue No. 6 (March 20, 2006)

"In Hot Water: ACA Standards on the Confinement of Youthful Offenders in Adult Correctional Facilities," 62 *Corrections Today* 16 (December 2000)

"If It 'Feels Like a Prison, Looks Like a Prison,' Can It Really Be Civil Confinement?," *Preview of United States Supreme Court Cases*, 2000-01 Term, Issue No. 2 (October 23, 2000)

"Statutory Stays of Courts' Remedial Orders: Congressional Regulation or Usurpation?," *Preview of United States Supreme Court Cases*, 1999-2000 Term, Issue No. 7 (April 4, 2000)

"Juvenile Delinquency: A Preliminary Assessment of Risk and Protective Factors in Champaign County" (1999) (155-page needs assessment)

"Lawyers, Money, and Civil Rights: Deciding Whether and How to Apply New Limitations on Attorney's Fees in Pending Cases," *Preview of United States Supreme Court Cases*, 1998-99 Term, Issue No. 6 (March 15, 1999)

"When Signing a Parole-Release Form, Read the Fine Print: Applying the Fourth Amendment to Searches of Parolees' Homes," *Preview of United States Supreme Court Cases*, 1997-98 Term, Issue No. 6 (March 12, 1998)

"Amazing Grace (With or Without Due Process?) and Executive Clemency," *Preview of United States Supreme Court Cases*, 1997-98 Term, Issue No. 3 (November 21, 1997)

"Another Piece in the Qualified-Immunity Puzzle: Must Unconstitutional Retaliation Be Proven by Clear and Convincing Evidence?", *Preview of United States Supreme Court Cases*, 1997-98 Term, Issue No. 3 (November 21, 1997)

"Bad to the Bone: The Constitutionality of Sexually Violent Predator Acts," *Preview of United States Supreme Court Cases*, 1996-97 Term, Issue No. 3 (November 18, 1996)

"What the Heck Did *Heck v. Humphrey* Mean? Exhausting State Court Remedies Before Mounting a Federal Challenge to the Loss of Prisoners' Good-Time Credits," *Preview of United States Supreme Court Cases*, 1996-97 Term, Issue No. 2 (October 15, 1996)

"Free at Last? Revocation of Prison-Overcrowding Release Credits and the *Ex Post Facto* Clause," *Preview of United States Supreme Court Cases*, 1996-97 Term, Issue No. 2 (October 15, 1996)

"The Law and Corrections: The Good, the Bad, and the Ugly," in THE STATE OF CORRECTIONS: 1995 PROCEEDINGS, AMERICAN CORRECTIONAL ASSOCIATION ANNUAL CONFERENCES 143-48 (1996)

"*Minnesota v. Murphy*: Probation Interviews and the Fifth Amendment Privilege Against Self-Incrimination," 3 *Community Corrections Report* 1 (Jan.-Feb. 1996)

"Readin', Writin' . . . and Court Access: The Right of Illiterate Inmates to Legal Assistance," *Preview of United States Supreme Court Cases*, 1995-96 Term, Issue No. 3 (November 17, 1995)

"'Give Me Some Credit' (Towards My Federal Prison Sentence): The Sentencing Consequences of Confinement in a Halfway House," *Preview of United States Supreme Court Cases*, 1994-95 Term, Issue No. 7 (April 7, 1995)

"Give Me Liberty or Give Me Due Process: The Disciplinary Segregation of Prison Inmates," *Preview of United States Supreme Court Cases*, 1994-95 Term, Issue No. 5 (February 10, 1995)

"Get Tough on . . . the Constitution? Delayed Parole Hearings and the *Ex Post Facto* Clause," *Preview of United States Supreme Court Cases*, 1994-95 Term, Issue No. 4 (December 22, 1994)

"Probation Revocation Under 18 U.S.C. § 3565(a): One Third of the Original Sentence = ?", *Preview of United States Supreme Court Cases*, 1993-94 Term, Issue No. 4 (January 3, 1994)

"When and Where Statutory Changes Can Be Challenged: Parole and the *Ex Post Facto* Clause," *Preview of United States Supreme Court Cases*, 1993-94 Term, Issue No. 2 (October 29, 1993)

"Accreditation: Making a Good Process Better," 57 *Federal Probation* 11 (June 1993)

Book Review: PRISON POPULATION AND CRIMINAL JUSTICE POLICY IN CALIFORNIA by Franklin E. Zimring & Gordon Hawkins, 8 *Criminal Justice* 49 (Summer 1993)

"Exhaustion of Administrative Remedies Under the Federal Tort Claims Act: What is the Letter of the Law?", *Preview of United States Supreme Court Cases*, 1992-93 Term, Issue No. 8 (April 30, 1993)

"Where There's Smoke, There's . . . A Lawsuit?", *Preview of United States Supreme Court Cases*, 1992-93 Term, Issue No. 4 (December 31, 1992)

"Divining Congressional Intent: Can Associations Sue In Forma Pauperis?", *Preview of United States Supreme Court Cases*, 1992-93 Term, Issue No. 1 (September 30, 1992)

"Dismissing Frivolous Complaints: Do Courts Know Them When They See Them?", *Preview of United States Supreme Court Cases*, 1991-92 Term, Issue No. 7 (March 27, 1992)

"Exhaustion of Remedies Requirement for Federal Prisoners: Separating Wheat From Chaff or Wheat From Wheat?", *Preview of United States Supreme Court Cases*, 1991-92 Term, Issue No. 4 (December 20, 1991)

"Significant Versus Insignificant Beatings: Does the Eighth Amendment Draw Such a Distinction?", *Preview of United States Supreme Court Cases*, 1991-92 Term, Issue No. 3 (November 22, 1991)

"It's a Deal . . . Or Is It? The Modification of Consent Decrees," *Preview of United States Supreme Court Cases*, 1991-92 Term, Issue No. 1 (September 30, 1991)

"Referring Prisoner Suits to Magistrates: When Is a Condition a Condition?", *Preview of United States Supreme Court Cases*, 1990-91 Term (April 19, 1991)

"When Are Prison Conditions Cruel and Unusual?", *Preview of United States Supreme Court Cases*, 1990-91 Term (February 19, 1991)

"AIDS Before the Bench: The ABA Guidelines Can Help You," *The Judges' Journal*, Vol. 29, No. 2, at 47 (Spring 1990)

"Does the Doctor Know Best?", *Preview of United States Supreme Court Cases*, 1989-90 Term, Issue No. 2 (October 20, 1989)

"For Whom Does the Statute of Limitations Toll?", *Preview of United States Supreme Court Cases*, 1988-89 Term, Issue No. 12 (March 31, 1989)

"Did You Pass the In Forma Pauperis Frivolousness Test?", *Preview of United States Supreme Court Cases*, 1988-89 Term, Issue No. 10 (February 24, 1989)

"State-Created Liberty Interests: Now You See Them, Now You Don't?", *Preview of United States Supreme Court Cases*, 1988-89 Term, Issue No. 9 (February 10, 1989)

"The Ratings Game: Are Letters More Important than Publications?", *Preview of United States Supreme Court Cases*, 1988-89 Term, Issue No. 5 (December 2, 1988)

"That Perennial Question - Municipal Liability Under § 1983," *Preview of United States Supreme Court Cases*, 1988-89 Term, Issue No. 4 (November 11, 1988)

"Ducking the Buck: The Privatization of Prison Health Services," *Preview of United States Supreme Court Cases*, 1987-88 Term, Issue No. 12 (April 8, 1988)

"Attaching Prisoners' Social Security Benefits: Putting Words in Congress's Mouth?" *Preview of United States Supreme Court Cases*, 1987-88 Term, Issue No. 10 (March 11, 1988)

"Presentence Reports and the Freedom of Information Act," *Preview of United States*

Supreme Court Cases, 1987-88 Term, Issue No. 8 (January 29, 1988) "The Scope of the Fourth Amendment Exclusionary Rule and Warrantless Searches," *Preview of United States Supreme Court Cases*, 1987-88 Term, Issue No. 4 (November 13, 1987)

"A Whipping in Time Saves Nine?", *We the People: A Handbook on Community Forums on the Constitution* (American Bar Association, 1987)

"Prisons and Prayers: The Religious Rights of Prisoners," *Preview of United States Supreme Court Cases*, 1986-87 Term, Issue No. 12 (April 10, 1987)

"Damned If You Do? Damned If You Don't?: 'Liberty' Interests Under Parole Statutes," *Preview of United States Supreme Court Cases*, 1986-87 Term, Issue No. 12 (April 10, 1987)

"With This Ring I Would Thee Wed . . . If the Warden Would Let Me," *Preview of United States Supreme Court Cases*, 1986-87 Term, Issue No. 7 (January 9, 1987)

"Interrupting a Crime?: A Return to the Overbreadth Conundrum," *Preview of United States Supreme Court Cases*, 1986-87 Term, Issue No. 11 (March 27, 1987)

"It's Not Our Fault!': Municipal Liability Under Section 1983," *Preview of United States Supreme Court Cases*, 1986-87 Term, Issue No. 2 (October 17, 1986)

"Standing Revisited: Your Boat . . . Your Marijuana . . . Your Rights?," *Preview of United States Supreme Court Cases*, 1985-86 Term, Issue No. 10 (March 14, 1986)

"To Shoot or Not To Shoot: A Constitutional Question," *Preview of United States Supreme Court Cases*, 1985-86 Term, Issue No. 5 (December 7, 1985)

"The Line Between Negligence and Due Process: Where Should It Be Drawn?," *Preview of United States Supreme Court Cases*, 1985-86 Term, Issue No. 4 (November 15, 1985)

"Immunity of Prison Disciplinary Committee Members: Absolute or Qualified?," *Preview of United States Supreme Court Cases*, 1985-86 Term, Issue No. 2 (October 18, 1985)

TESTIMONY, SPEECHES, AND PRESENTATIONS

Testimony

Judiciary Committee, Colorado House of Representatives

Subcommittee on Intellectual Property and Judicial Administration, Committee on the Judiciary, United States House of Representatives

Subcommittee on Crime and Criminal Justice, Committee on the Judiciary, United States House of Representatives

Illinois Task Force on Crime and Corrections

Speeches and Presentations

American Bar Association

American Correctional Association

China Executive Leadership Program, University of Illinois at Urbana-Champaign

Correctional Accreditation Managers Association

Georgetown University Law Center

Harvard Kennedy School's Program in Criminal Justice Policy and Management

Harvard Law School

IIRP World Conferences on Restorative Practices

International Conference on Literacy in Corrections

International Restorative Justice Conference

Justice and Public Safety Steering Committee, National Association of Counties

Michigan Correctional Association

National Association of Counties
National Commission on Correctional Health Care
National Conference of State Legislatures
National Sentencing Association
National Workshop for Appellate Staff Attorneys
National Workshops for District Judges I
National Workshops for District Judges II
National Workshops for District Judges III
National Workshop for U.S. Magistrate Judges
New York State Council of Probation Administrators
Nootbaar Institute on Law, Religion, and Ethics, Pepperdine University School of Law
Saint Louis University School of Law
Singapore Prison Service
University of St. Thomas School of Law
Video Seminar for Staff Attorneys of the U.S. Courts of Appeals
Workshop for Federal Judges from the Fifth Circuit
Workshop for Federal Judges from the Sixth and Eighth Circuits
Workshops on § 1983 Litigation for District and Magistrate Judges
Workshop for Federal Judges from the Seventh Circuit
Workshop for Federal Judges from the Seventh and Eighth Circuits
Workshop for Staff Attorneys from the Seventh Circuit
Workshop for Texas Magistrate Judges
Workshop for United States Court of Appeals Judges
Workshop for U.S. Magistrate Judges I
Workshop for U.S. Magistrate Judges II
Yale Law School

WORK EXPERIENCE

Visiting Professor of Law; Florida State University College of Law, University of Missouri School of Law, Saint Louis University School of Law, University of Iowa College of Law, and University of Illinois College of Law

Adjunct Professor of Law; Washington University School of Law

Visiting Senior Research Scientist; Institute of Government and Public Affairs; University of Illinois at Urbana/Champaign

Associate Dean, Professor, Associate Professor, and Assistant Professor of Law; Thomas M. Cooley Law School

Associate in the Law Firm of Nichols, Kruger, Starks, and Carruthers; Minneapolis, Minnesota

Adjunct Professor of Law; Hamline University School of Law

Law clerk for Honorable Harold A. Baker, United States District Court Judge, United States
District Court, Central District of Illinois