

M. Eve Hanan

University of Nevada, Las Vegas
William S. Boyd School of Law
4505 South Maryland Parkway
Las Vegas, NV 89154-1003

EXPERIENCE

WILLIAM S. BOYD SCHOOL OF LAW, UNIVERSITY OF NEVADA, LAS VEGAS, July 2017 - present

Associate Professor of Law

Courses: Criminal Procedure, Criminal Law, Misdemeanor Defense Clinic

MARYLAND OFFICE OF THE PUBLIC DEFENDER, Baltimore, MD, July 2016 to April 2017

Assistant Public Defender

- Provided state-wide litigation support to trial attorneys in complex areas of law and forensics
- Developed and implement strategic litigation aimed at addressing pervasive criminal justice issues

UNIVERSITY OF BALTIMORE, SCHOOL OF LAW, Baltimore, MD, April 2013 to June 2016

Clinical Fellow, Juvenile Justice Project and Mediation Clinic for Families

Juvenile Justice Project:

- Co-created and taught in new clinic that provides representation to clients sentenced as juveniles to life in prison in their applications for release on parole and in motions for re-sentencing hearings
- Supervised student attorneys in client interviewing and counseling, fact investigation, case theory development, legal research and writing, and oral advocacy.
- Developed legislative advocacy project for students in collaboration with juvenile justice organizations

Mediation Clinic for Families:

- Taught and supervised student attorneys representing low-income clients in family law cases
- Co-taught Mediating Family Disputes seminar that included lecture, discussion, simulation exercises, and legal research and writing
- Planned and supervised student mediation presentations in schools, community settings, and jail

COMMUNITY CONFERENCING CENTER, Baltimore, MD, July 2010 – April 2013

Conflict Resolution Facilitator and Outreach Coordinator

- Facilitated multi-party restorative justice meetings for Baltimore youth charged in juvenile court
- Trained and supervised conflict resolution facilitators in Maryland and New York
- Conducted outreach with school police, defense attorneys, prosecutors, and the juvenile bench

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA, Appellate Division

Washington, D.C., February 2004 -July 2007

Appellate Attorney

Represented clients in their direct appeals and collateral attacks of felony convictions

COMMITTEE FOR PUBLIC COUNSEL SERVICES, Trial and Special Litigation Divisions

Boston, MA, March 1999-February 2004

Trial Attorney

- Represented people accused of felonies at trial in the District and Superior Courts of Suffolk County
- Represented former sex offenders in suits against the Sex Offender Registry Board and the police

TEACHING AND RESEARCH INTERESTS

Primary Interests: Criminal Law Clinics – Criminal and Juvenile Law
Criminal Procedure Evidence

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Other Interests: Eighth Amendment Sentencing and Plea Bargaining
Restorative Justice Forensic Psychology and the Law

LEGAL EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL, Ann Arbor, Michigan

JD, December 1998

Class rank: 8/337

Honors: Henry M. Bates Memorial Scholarship, the Law School's highest honor
S. Anthony Benton Memorial Award for Excellence in International Law
Certificate of Merit Award (Book Award) in Criminal Law
Certificate of Merit Award (Book Award) in Evidence
Certificate of Merit Award (Book Award) in International Law
Legal Practice Program Merit Certificate for Best Oral Argument
Recipient of the Foreign Language Area Studies Fellowship for Arabic
(Awarded by the U.S. Dept. of Education), 1997-1998

Clinics: **Poverty Law Clinic**

Represented clients in Social Security benefits and family law cases

Advanced Clinic

Litigated political asylum cases and assisted in defense of client sentenced to death

Summers: **U.S. Dept. Of State, Office of the Legal Advisor, Dept. of Human Rights & Refugees**, 1998

Wrote memoranda, diplomatic talking points, and cables addressing human rights concerns

D.C. Public Defender Service, 1998

Researched and wrote legal memoranda for trial attorney in felony division

Palestine Peace Project in Ramallah, Palestinian Territories, 1997

Investigated human rights claims and co-authored a human rights action guide

OTHER EDUCATION

DREXEL UNIVERSITY, Philadelphia, PA, September 2007-June 2010

MA in Creative Arts in Therapy, June 2010

Thesis: EMBODYING IDENTITY: DANCE/MOVEMENT THERAPY WITH PEOPLE TRANSITIONING GENDERS

Internships: 1,200 clinical hours serving adult and adolescent psychiatric in-patients (2007-2009)

Honors: Recipient of the "Outstanding Achievement in Dance/Movement Therapy Research" Award

Recipient of the "Outstanding Overall Achievement in Dance/Movement Therapy" Award

JOHN HOPKINS UNIVERSITY, Baltimore, MD, July - September 2008

Completed courses in Addictions Counseling and Family & Couple Therapy

UNIVERSITY OF CHICAGO, Chicago, IL, Summer 1995

Summer Arabic Language Intensive

ARABIC TEACHING INSTITUTE, Damascus, Syria, September 1994 - May 1995

Certificate of Completion for full-time, year-long course in study of classical Arabic

METROPOLITAN STATE COLLEGE OF DENVER, Denver, Colorado

BA *summa cum laude*, May 1994

Thesis: FROM THE OUTSIDE IN: NEW DIRECTIONS FOR FEMINIST LEGAL THEORY

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Major: Multicultural Women's Studies, *Minor:* Middle Eastern Studies

Honors: Outstanding Woman Award for Contribution to the Education of Women & Girls

Certificate of Award for Academic Excellence

American Association of University Women Award

Outstanding Delegate Award for the Model League of Arab States

Post-Graduation: Designed and taught undergraduate Introduction to Arabic Language course (1996)

LAW REVIEW PUBLICATIONS

M. Eve Hanan, *Decriminalizing Violence: A Critique of Restorative Justice and Proposal for Diversionary Mediation*, 46 N.M. L. REV. 123 (2016).

In an effort to reduce reliance on criminal sanctions, prosecutors divert some cases involving violent crime to criminal specialty courts and restorative justice programs. While these diversionary alternatives appear to function as a kind of quasi-decriminalization, they often accomplish the opposite by coercing defendants into participation through the threat of prosecution. Restorative justice in particular is increasingly perceived to be a viable and enlightened alternative to the criminal justice system. Enthusiasm for restorative justice, however, should be tempered. Its emphasis on therapeutic healing and offender accountability masks due process concerns and coercive power differentials. Diversion efforts in cases of violent crime should be refocused towards mediation programs such as those offered in the civil context but coupled with robust procedural protections that address the dangers unique to criminal prosecution.

M. Eve Hanan, *Remorse Bias*, 83 Missouri L. Rev. 301 (2018).

This article explores the previously unexamined relationship between implicit bias and the judicial decision whether to credit defendants' displays of remorse at sentencing. It accomplishes this through a side-by-side analysis of two areas of scholarship that have not previously been compared: (1) scholarship on the role of remorse in criminal sentencing and (2) social science research on implicit racial bias. The article concludes that unconscious cognitive assumptions about race and criminality lead judges to discredit African American displays of remorse, an error that contributes to racial disparity in sentencing. The article rejects several popular suggestions for reducing the impact of implicit bias in sentencing, such as cabining judicial discretion through sentencing guidelines. Instead, it recommends judicial training and oversight designed to foster continued, conscious awareness of the danger of implicit racial bias in remorse assessments in every case.

Eve Hanan, *Big Law, Public Defender Style: Aggregating Resources to Ensure Uniform Quality of Representation*, 74 Wash. & Lee L. Rev. Online 420 (2018).

This Essay considers the problem of inadequate criminal legal representation within the context of the essay's charge to respond to Benjamin Edwards' central argument in *The Professional Prospectus: A Call for Effective Professional Disclosure*. I reject the proposition that access to more information about attorneys' past performance would result in better representation, and, instead, advocate improving the infrastructure for public defense.

WORKS IN PROGRESS

It's Always Miller Time: Sentencing and the Premise of Change

Cultural beliefs about the permanence of personality and behavior are a major impediment to “smart on crime” policies. As others have observed, criminal justice reform has been limited to children and first-time nonviolent offenders while we continue to hold fast to a practice of permanent incapacitation for people deemed to be part of a criminal class. Yet established and emerging neuroscience and social science studies challenge our folk belief that adult personality and behavior is fixed, and that “nothing works” to change adults. Incorporating scientific research which demonstrates that adults continue to change throughout life has surprising and useful implications for the theory and practice of punishment. This article pulls a thread from the Supreme Court’s integration of adolescent brain science in its cases limiting juvenile punishment – *Roper*, *Graham*, and *Miller*, to demonstrate how increased confidence in adult capacity to change can and should change the theory and practice of sentencing for adults as well as adolescents.

A Qualitative Turn: Considering How the Subjective Experience of Punishment Should Change Sentencing

Sentencing decisions calculate the severity of punishment numerically, in terms months and years of imprisonment. As others have argued, this purely quantitative view of punishment provides insufficient information to the legal decision-maker, who must decide whether a prison sentence is fair and proportional to the crime. Outside of the courtroom, research on the qualitative experience of punishment has grown increasingly deep and expansive. The question remains: Are research findings on the qualitative experience of punishment relevant to the legal questions involved in sentencing decisions? To address this question, I analyze how specific research findings may be relevant to (1) discretionary sentencing decisions made by trial courts, and (2) appellate review of sentences that are challenged as constitutionally excessive. I conclude that at least some findings on the qualitative experience of punishment can and should serve as empirical prompts to shift the intuitions that underly sentencing decisions, particularly with regard to whether a given prison sentence is fair, proportional, and in accordance with the dignity principle.

SOCIAL SCIENCE PUBLICATION

M. Eve Hanan, *Embodied Therapy for People Expressing Gender Variation: Using Creative Movement to Explore and Express Body Image Concerns*. EXPRESSIVE THERAPIES FOR SEXUAL ISSUES 1, 1-38 (Sana Loue, ed., 2013).

Narratives of transgender experience usually include the perception that the body does not adequately reflect the internal experience of gender, yet the concept of body image is inadequately and imprecisely defined within the existing literature. This chapter provides health care professionals with a more nuanced understanding of the subjective experience of body image based on my qualitative study of dance/movement therapy with transgender adults who identified as “transitioning.” Of particular note was the degree to which participants’ body image was influenced by acceptance or rejection by other people, as well as the manner in which study participants perceived their bodies as useful agents in the process of transition. The clinical implications include endorsement of the use of nonverbal techniques, guided support groups that

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involve experiential, creative activities, and more nuanced discussions of the syntonic aspects of body image during transition.

PRESENTATIONS AND LECTURES

Panelist: *Social Justice Conversations: Local Law Enforcement and Their Collaboration with ICE*, Boyd Law School, October 2018

Presentation: *It's Always Miller Time: The Implications of Adult Developmental Neuropsychology on the Lawfulness of Long Prison Sentences*, Rocky Mountain Junior Scholars Forum at the University of Utah, Salt Lake City, October 2018

Presentation: *Remorse Bias and Big Law, Public Defender-Style*, Scholarship Showcase, Boyd Law School, October 2018

Presentation: *It's Always Miller Time: The Implications of Adult Developmental Neuropsychology on the Lawfulness of Long Prison Sentences*, Boyd Law School, October 2018

Presentation of work-in-progress: *It's Always Miller Time: The Implications of Adult Developmental Neuropsychology on the Lawfulness of Long Prison Sentences*, Southwest Criminal Law Scholars Forum, Las Vegas, October 2018

Presentation of work-in-progress: *A Qualitative Turn, Considering How the Subjective Experience of Punishment Should Change Sentencing*, CrimFest at Cardozo Law School, New York City, July 2018

Presentation: *It's Always Miller Time: The Implications of Adult Developmental Neuropsychology on the Lawfulness of Long Prison Sentences*, Law and Society Association Annual Conference, Toronto, June 2018

Panelist: *When one door closes, do we jump through the window? Teaching law students to advocate in unfamiliar forums*, AALS Annual Conference on Clinical Legal Education, Chicago, May 2018.

Panelist: *"Change with Continuity": Maintaining Pedagogical Goals in the Midst of Clinical Change, addressing how law professors teaching in clinical settings balance changing community legal needs and student learning objectives*, AALS Annual Conference on Clinical Legal Education, Chicago, May 2018.

Presentation: *It's Always Miller Time: The Implications of Adult Developmental Neuropsychology on the Lawfulness of Long Prison Sentences*, University of New Mexico Junior Scholar Exchange in Albuquerque, April 2018

Panelist: *Advancing social justice through ADR*, the American Bar Association Dispute Resolution Section's Spring Conference in Washington, D.C., April 2018.

Panelist: *Reducing the school to prison pipeline through restorative justice: What to do and not to do in forming a partnership with a restorative justice provider*, National Counsel of Juvenile and Family Court Judges National Conference on Juvenile Justice, San Diego, March 2018.

Presentation: *Remorse Bias*
Rocky Mountain Junior Scholars Forum, BYU, Provo, UT, November 2017

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Panelist: *Restorative Approaches in Clinics and Communities*
AALS Clinical Conference, Baltimore, MD, April 2016

Discussant for Professor Erika Zunkel, *Fighting Fire with Kimbrough (Judicial Modification of Mandatory Minimum Sentences)*
AALS Clinical Conference Works in Progress, Baltimore, MD, April 2016

Host/Moderator: *Baltimore Action Legal Team Teach-In*
AALS Clinical Conference, Baltimore, MD, April 2016

Guest Lecture: *Prosecutorial Ethics & the Freddie Gray Case (Professional Responsibility class)*
University of Baltimore School of Law, Baltimore, MD, April 2016

Panelist: *What Does Community Accountability Look Like: Alternative Responses to Sexual Assault*
Community event hosted by the University of Baltimore, MD, March 2016

Panelist: *Restorative Justice and Intimate Partner Violence*
Innovations in Family Dispute Resolution Conference
University of Maryland Law School, Baltimore, MD, November 2015

Presentation: *Preparing Legal Professionals to Reduce Reliance on Punitive Justice Systems*
Global Alliance for Justice Education, Esksehir, Turkey, July 2015

Presentation: *Out of the Frye-ing Pan and Into the Fire: Defenders in Restorative Justice*
AALS Clinical Conference Works in Progress, Rancho Mirage, CA, May 2015

Presentation of work-in-progress: *Decriminalizing Violence*
Mid-Atlantic Clinical Writers Workshop, Washington, D.C., January 2015

Guest Lecture: *Opening Statements in Mediation (presented to Mediation Skills class)*
University of Baltimore School of Law, Baltimore, MD, January 2015

Presentation: *Effective Communication: What Mediation and Mirror Neurons Teach Us*
University of Baltimore School of Law, Baltimore, MD, November 2013 and May 2014

Presentation of work-in-progress: *Decriminalizing Violence*
New York University Clinical Writer's Workshop, New York, NY, September 2014

Guest Lecture: *Restorative Justice as a Diversion from Juvenile Court (presented to Juvenile Justice class)*
University of Baltimore School of Law, Baltimore, MD, April 2014

Panel Moderator: *The Health Consequences of Gendered Roles*
7th Annual Applied Feminism Conference, Baltimore, MD, March 2014

Guest Lecture: *An Overview of ADR (presented to Civil Procedure I class)*
University of Baltimore School of Law, Baltimore, MD, November 2013

Guest Lecture: *Mental Health Law and Legal Aspects of Mental Health Practice*

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Drexel University School of Nursing and Health Sciences, Philadelphia, PA
Annual engagement, 2010 – 2017

Guest Lecture: *Gender and Movement: Understanding the Nonverbal Experience of Gender*
Goucher College, Baltimore, MD, Annual engagement, 2009-2014

Guest Lecture: *Nonverbal Aspects of Conflict Resolution*
Goucher College, Baltimore, MD, Annual engagement, 2011-2014

Guest Lecture: *Gender Variation and Transgender Identity in Dance/Movement Therapy Settings*
Drexel University School of Nursing and Health Sciences, Philadelphia, PA, May 2013

Presentation: *Creating a Statewide Network of Restorative Justice Programs*
Association of Conflict Resolution, Annual Conference, New Orleans, LA, September 2012

Presentation: *Embodying Gender Identity: Dance/Movement Therapy with Transgender Adults*
Expressive Therapies Summit, Annual Conference, New York, NY, November 2010

Presentation: *Embodying Gender Identity: Dance/Movement Therapy with Transgender Adults*
American Dance Therapy Association, Annual Conference, New York, NY, October 2010

Presentation: *Everything You Wanted to Know about the Cocaine in Your Client's Glove Compartment but Were Afraid To Ask: Effectively Litigating Fourth and Fifth Amendment Issues*
Criminal Defender Training Program, Washington, D.C., 2007

Massachusetts Continuing Legal Education, Boston, MA, 2001-2004

- Conducted statewide attorney trainings on the collateral consequences of convictions
- Co-lectured on a variety of aspects of trial practice for the criminal defense bar

CONSULTATIONS AND MEDIA APPEARANCES

- Appeared on Vegas PBS's Nevada Week to provide legal framework for debate on Nevada ballot question relating to constitutional provisions for victims' rights with the executive director of the Nevada ACLU and the director of Marsy's Law for Nevada, Fall 2018.
- Consulted on current and proposed pretrial justice procedures for the Las Vegas Justice Court, Fall 2018.
- Consulted with journalist Emilie Lucchesi on mens rea and defenses in criminal law for her article on postpartum psychosis that appeared in the Atlantic on September 6, 2018, *When Giving Birth Leads to Psychosis, Then Infanticide*, Summer 2018.
- Consulted with Associated Press' journalist Ken Ritter on criminal procedure issues related to the rape prosecution of Cristiano Ronaldo. Mr. Ritter's reporting had wide circulation, with my comments appearing in local print press and television, as well as nationally on Fox Sports, Spring 2018.

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SERVICE

Curriculum Committee, Boyd Law School, Las Vegas, NV
August 2018 to present

Faculty Enrichment Committee, Boyd Law School, Las Vegas, NV
August 2017 to August 2018

Clinic Committee, Boyd Law School, Las Vegas, NV
August 2017 to present

Faculty Adviser to the student **Criminal Law Society**, Boyd Law School, Las Vegas, NV
October 2017 to present

Juvenile Justice Oversight Commission (JJOC), Las Vegas, NV
Commissioner, October 2017 to present
Serve as commissioner in a twenty-five-person commission mandated by 2017 legislation (AB 472) to reform juvenile justice in Nevada.

Strategic Planning Committee of the JJOC, Las Vegas, NV
Committee Member, November 2017 to present
Serve on committee developing a five-year strategic plan that establishes measurable goals, timelines, and responsible parties to enhance the capacity of Nevada Department of Child and Family Services and departments of juvenile services to comply with evidence-based practice mandates, and determines protocols for quality assurance and the collection and transmission of data.

Law and Society Association, Law and Emotion CRN
2018 to present
Active in creating panels of Law and Emotion CRN presentations for annual LSA conference

UB Innocence Project and Maryland Office of the Public Defender, Baltimore, MD
Assigned Public Defender, April 2015 to present
Represent client convicted of murder in his post-conviction petitions for DNA testing and state *habeas corpus* relief.

Association of Conflict Resolution, Mesa, AZ
Co-Chair for the Restorative Justice Section, October 2013 to January 2016

Community Conferencing Center, Baltimore, MD
Member of Board of Directors, August 2013 to January 2016

Community Mediation, Baltimore, MD
Volunteer Mediator, 2013 to 2015
Mediated misdemeanor cases and re-entry disputes for incarcerated people returning home

Association of Dance/Movement Therapists of America, Columbia, MD
Chair of Government Affairs Committee for Mid-Atlantic Chapter, 2012 to 2016
Addressed systemic issues regarding licensure and insurance reimbursement for Association members

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Criminal History Systems Board for the Commonwealth of Massachusetts, Boston, MA

Alternative representative for the Committee for Public Counsel Services, 2003 to 2004

Advocated to limit private citizens' access to criminal history information of ex-offenders

Judicial Oversight Demonstration Initiative, Boston, MA

Alternative representative for the Committee for Public Counsel Services, 2000 to 2002

Assisted in securing in-court community liaisons for clients facing charges in domestic violence court

BAR ADMISSION

Massachusetts Bar, 2000 to present

New York Bar, 2004 to present

D.C. Bar, 2005 to present

Maryland Bar, 2014 to present

Nevada Certificate of Limited Practice, 2018 to present