

**BRUCE P. SMITH**  
University of Illinois College of Law  
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## **ACADEMIC EMPLOYMENT**

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, Champaign, Illinois  
Professor of Law (2006-present)  
Co-Director, Illinois Legal History Program (2004-present)  
Associate Professor of Law and Corman Scholar (2004-06)  
Assistant Professor of Law (2001-04)  
Instructor, International and Comparative IP Law Summer Program  
St. Peter's College, University of Oxford, England (2003, 2005, 2007)  
University of Victoria, Canada (2004, 2006)

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, D.C.  
Visiting Professor of Law (Spring 2007)

## **OTHER PROFESSIONAL EMPLOYMENT**

COVINGTON & BURLING, Washington, D.C. (Associate, Litigation Group, 1996-2001)

## **EDUCATION**

YALE UNIVERSITY, GRADUATE SCHOOL OF ARTS & SCIENCES, New Haven, Connecticut  
Ph.D., History (1996), M.Phil., History (1993), M.A., History (1993)  
Thesis: "Circumventing the Jury: Petty Crime and Summary Jurisdiction  
in London and New York City, 1790-1855"  
Honors: Mellon Fellowship in the Humanities; Distinction in General Exams

YALE LAW SCHOOL, New Haven, Connecticut  
J.D. (1992)  
Honors: *Yale Law Journal* (Member, 1990-92; Senior Editor, 1991-92)

UNIVERSITY OF CAMBRIDGE, Cambridge, England  
M.A., History (1992), B.A., History (1988)

WILLIAMS COLLEGE, Williamstown, Massachusetts  
B.A., History (1986)  
Honors: *summa cum laude*; Highest Honors in History; Phi Beta Kappa; Herchel  
Smith Fellowship; Erastus C. Benedict (Class of 1821) Prize for Distinction in  
Historical Study (First Prize); Arthur B. Graves (Class of 1858) Essay Prize for  
Distinction on Honors Thesis (History); Dean's List (all semesters)

## **SELECTED PUBLICATIONS**

### **Journal Articles:**

*The Emergence of Public Prosecution in London, 1790-1850*, 18 YALE JOURNAL OF LAW & THE HUMANITIES 29 (2006)

*The History of Wrongful Execution*, 56 HASTINGS LAW JOURNAL 1185 (2005)

*Hacking, Poaching, and Counterattacking: Digital Counterstrikes and the Contours of Self-Help*, 1 JOURNAL OF LAW, ECONOMICS & POLICY 171 (2005) (symposium)

*The Presumption of Guilt and the English Law of Theft, 1750-1850*, 23 LAW & HISTORY REVIEW 133 (2005)

*Did the Presumption of Innocence Exist in Summary Proceedings?*, 23 LAW & HISTORY REVIEW 191 (2005)

### **Book Chapters:**

*The Myth of Private Prosecution in England, 1750-1850*, in MODERN HISTORIES OF CRIME AND PUNISHMENT (Markus Dirk Dubber and Lindsay Farmer eds.) (2007)

*Negotiating Law on the Frontier: Potawatomi and Settler Responses to Accusations of Murder in Illinois, 1810-25*, in THE BOUNDARIES BETWEEN US: NATIVES AND NEWCOMERS ALONG THE FRONTIERS OF THE OLD NORTHWEST TERRITORY, 1750-1850 (2006)

### **Review Essays:**

*English Criminal Justice Administration, 1650-1850: A Historiographic Essay*, 25 LAW & HISTORY REVIEW 593 (2007)

*Plea Bargaining and the Eclipse of the Jury*, 1 ANNUAL REVIEW OF LAW & SOCIAL SCIENCE 131 (2005)

### **Book Reviews:**

*The Fourth Amendment, 1789-1868: A Strange History*, 5 OHIO STATE JOURNAL OF CRIMINAL LAW 663 (2008) (reviewing ANDREW E. TASLITZ, RECONSTRUCTING THE FOURTH AMENDMENT: A HISTORY OF SEARCH AND SEIZURE, 1789-1868 (2006))

*Imperial Borrowing: The Law of Master and Servant*, 25 COMPARATIVE LABOR LAW & POLICY JOURNAL 447 (2005) (reviewing MASTERS, SERVANTS, AND MAGISTRATES IN BRITAIN & THE EMPIRE, 1562-1955 (Douglas Hay & Paul Craven eds., 2004))

Review of LAW, CRIME AND ENGLISH SOCIETY, 1660-1830 (Norma Landau ed., 2002), 22 LAW & HISTORY REVIEW 648 (2004)

Other Works:

*Legal Regulation of New Technologies: Reflections on Liberty, Control, and the Limits of Law*, 2 UNIVERSITY OF ILLINOIS JOURNAL OF LAW, TECHNOLOGY & POLICY 281 (2002) (symposium introduction)

*Cybersmearing and the Problem of Anonymous Online Speech*, 18 COMMUNICATIONS LAWYER 3 (2000) (essay)

*Guidelines Fact-Finding: A Comparative Law Perspective*, 7 FEDERAL SENTENCING REPORTER 44 (1994) (essay)

**WORKS IN PROGRESS**

Books:

HISTORY OF THE COMMON LAW: THE DEVELOPMENT OF ANGLO-AMERICAN LEGAL INSTITUTIONS (with John H. Langbein and Renée Lettow Lerner) (Aspen Publishing, forthcoming 2008)

SUMMARY JUSTICE: MAGISTRATES, CRIME, AND THE LAW IN LONDON AND THE URBAN ATLANTIC WORLD, 1760-1860

Journal Articles:

*Miranda's Prehistory*

*A New Verdict on Criminal Jury Trial in Antebellum America*

*Habitual Offenders and the Law in Iowa, c. 1880-1920*

Review Essays:

*Problem-Solving Justice: A Historical Perspective*

## Book Reviews:

Review of CAROLYN A. CONLEY, *CERTAIN OTHER COUNTRIES: HOMICIDE, GENDER, AND NATIONAL IDENTITY IN LATE NINETEENTH-CENTURY ENGLAND, IRELAND, SCOTLAND, AND WALES* (2007) (solicited by *Victorian Studies*)

Review of ARTHUR H. CASH, *JOHN WILKES: THE SCANDALOUS FATHER OF CIVIL LIBERTY* (2006) (solicited by *Continuity & Change*)

Review of STUART BANNER, *HOW THE INDIANS LOST THEIR LAND: LAW AND POWER ON THE FRONTIER* (2005) (solicited by *Annals of Iowa*)

## **HONORS AND RECOGNITIONS**

*UIUC Campus Award for Excellence in Graduate and Professional Teaching* April 2008

- Awarded one of two all-campus prizes recognizing overall teaching performance, impact on students, pedagogical innovation, and advancement of scholarship related to teaching and learning

*Interdisciplinary Law & Humanities Junior Scholar* June 2004

- Selected by paper competition to participate in two-day seminar on interdisciplinary legal scholarship at UCLA School of Law, co-sponsored by Columbia Law School, Georgetown University Law Center, UCLA School of Law, USC Law School, and USC Center for Law, History & Culture

*J. Willard Hurst Fellow* June 2003

- Selected to participate in two-week J. Willard Hurst Summer Institute in Legal History at the University of Wisconsin-Madison, co-sponsored by the American Society for Legal History and the Institute for Legal Studies of the University of Wisconsin Law School

*Yale Legal History Fellow* 1992-93

- Appointed to direct Yale Legal History Program

*Andrew W. Mellon Fellow in the Humanities* 1990-92

- Received two-year award of full tuition and stipend from Woodrow Wilson National Fellowship Foundation to support J.D./Ph.D. studies at Yale University

*Herchel Smith Fellow* 1986-88

- Received two-year award of full tuition and stipend from Williams College to support studies at Emmanuel College, University of Cambridge

## **GRANTS AWARDED**

- William Nelson Cromwell Foundation Research Grant* 2004  
Granting Body: William Nelson Cromwell Foundation  
Amount: \$5,000  
Subject: Cautions and Confessions Before *Miranda*: Pretrial Interrogation in London and New York City, 1780-1860
- William and Flora Hewlett International Research Travel Grant* 2004  
Granting Body: University of Illinois at Urbana-Champaign  
Amount: \$4,000  
Subject: Cautions and Confessions: Pretrial Interrogation in England, 1780-1860
- State Historical Society of Iowa Research Grant* 2004  
Granting Body: State Historical Society of Iowa  
Amount: \$1,000  
Subject: Habitual Criminals and the Law in Iowa, c. 1880-1920
- Mellon Dissertation-Year Fellowship* 1994  
Granting Body: Woodrow Wilson National Fellowship Foundation  
Amount: \$15,000  
Subject: Dissertation-related writing
- Mellon Research/Travel Grant* 1994  
Granting Body: Yale University  
Amount: \$4,000  
Subject: Dissertation-related research
- Littleton-Griswold Grant for Research in American Legal History* 1994  
Granting Body: American Historical Association  
Amount: \$750  
Subject: Dissertation-related research

## **PRESENTATIONS**

### Papers:

“A New Verdict on Criminal Jury Trial in Antebellum America,” Chicago Legal History Seminar, Chicago, Illinois (May 6, 2008)

“Explaining Summary Jurisdiction,” Conference on *Criminal Justice in the British Atlantic World, 1500-1850*, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, Illinois (Feb. 29, 2008)

“*Miranda*’s Prehistory,” University of Michigan Law School, Ann Arbor, Michigan (Jan. 31, 2008)

- “Rethinking the Origins of Plea Bargaining in England,” American Society for Legal History Annual Meeting, Tempe, Arizona (Oct. 25, 2007)
- “A New Verdict on Criminal Jury Trial in Antebellum America,” UCLA Legal History Workshop, Los Angeles, California (Mar. 7, 2007)
- “*Miranda’s* Paradoxical Prehistory: Pretrial Interrogation in England, 1750-1850,” Conference on *Cautions and Confessions: Miranda v. Arizona (1966) after 40 Years*, Byron R. White Center for American Constitutional Law, University of Colorado Law School, Boulder, Colorado (Oct. 20, 2006)
- “The History of Wrongful Execution,” Innocence Network Conference, University of Washington School of Law, Seattle, Washington (Mar. 18, 2006)
- “*Miranda’s* Paradoxical Prehistory,” Yale Legal History Forum, Yale Law School, New Haven, Connecticut (Oct. 18, 2005)
- “Cautions and Confessions: Pretrial Interrogation in Early Nineteenth-Century London,” North American Conference on British Studies Annual Meeting, Denver, Colorado (Oct. 8, 2005)
- “*Miranda’s* Paradoxical Prehistory,” Center for Law and History, Washington & Lee University School of Law, Lexington, Virginia (Sept. 9, 2005)
- “Metal Theft and the Law in England, 1750-1850,” Conference on *Prevention v. Detection*, European Centre for the Study of Policing, Open University, Milton Keynes, England (July 15, 2005)
- “The Myth of Private Prosecution in England, 1790-1850,” Workshop on *Modern Histories of Crime and Punishment*, Baldy Center for Law & Social Policy, University at Buffalo Law School, Buffalo, New York (June 11, 2005)
- “The Problem of Wrongful Execution,” Indiana University School of Law – Indianapolis, Indianapolis, Indiana (Feb. 25, 2005)
- “The Transformation of the Preliminary Inquiry in England, 1800-1850,” American Society for Legal History Annual Meeting, Austin, Texas (Oct. 29, 2004)
- “Hackers, Poachers, and Counterattackers,” George Mason University Tech Center Critical Infrastructure Protection Project, George Mason University School of Law, Arlington, Virginia (Sept. 10, 2004)
- “The Myth of Private Prosecution in England,” University of Illinois College of Law Faculty Retreat, Champaign, Illinois (May 14, 2004)
- “Wrongful Conviction and the Eighteenth-Century Law of Evidence,” Pacific Coast Conference on British Studies Annual Meeting, Berkeley, California (Mar. 26, 2004)

- “The New Midwestern Legal History,” Association of American Law Schools Annual Meeting, Atlanta, Georgia (Jan. 6, 2004)
- “Summary Proceedings and the Myth of Private Prosecution in England,” Toronto Legal History Group, Toronto, Canada (Nov. 26, 2003)
- “The ‘Campden Wonder’ and the Problem of the Missing Body,” American Society for Legal History Annual Meeting, Washington, D.C. (Nov. 15, 2003)
- “Summary Justice and the Myth of Private Prosecution in England,” North American Conference on British Studies Annual Meeting, Portland, Oregon (Oct. 25, 2003)
- “Summary Proceedings, Lawyerization, and Bounded Discretion,” Midwest Conference on British Studies Annual Meeting, Bloomington, Illinois (Oct. 18, 2003)
- “Accounting for Possession: Petty Theft and Summary Proceedings in Late Eighteenth- and Early Nineteenth-Century London,” Institute of Historical Research, University of London, London, England (Mar. 12, 2003)
- “The Presumption of Guilt and the English Law of Theft, 1740-1840,” Research Seminar Programme, University College Northampton, Northampton, England (Mar. 5, 2003)
- “The Presumption of Guilt and the English Law of Theft, 1740-1840,” Northwestern University School of Law Faculty Workshop, Chicago, Illinois (Nov. 21, 2002)
- “Petty Crime and Criminal Procedure in Early Nineteenth-Century London,” American Society for Legal History Annual Meeting, Chicago, Illinois (Nov. 10, 2001)
- “Circumventing the Jury: Petty Crime and Summary Jurisdiction in London and New York City, 1790-1860,” Yale Legal History Forum, Yale Law School, New Haven, Connecticut (May 7, 1996)

Lectures:

- “The History of Criminal Jury Trial,” American History Teachers’ Collaborative, Urbana, Illinois (July 26, 2006)
- “Cybercrime and Computer Security in the U.S.,” Faculty of Law, University of Palermo, Buenos Aires, Argentina (June 29, 2006)
- “The Internet and Intellectual Property Law in the U.S.,” Faculty of Law, University of Palermo, Buenos Aires, Argentina (June 27, 2006)
- “Computer Law,” Lecture to Beijing Municipality Delegation, University of Illinois at Urbana-Champaign, Champaign, Illinois (Jan. 23, 2006)

“The Ethics of E-Discovery,” Panel on “Doing Battle in the 21st Century: Avoiding and Exploiting the Litigation Landmines Created by Doing Business Electronically,” Conference on *Doing Business and Doing Battle in the Digital Age: Rewards and Risks of e-Advances in Transactions and Litigation*, Jenner & Block, Chicago, Illinois (May 20, 2005)

“Proof of Prior Convictions: Historical Reflections on the Roles of Judge and Jury,” Roundtable on *The Impact of Booker: A Dialogue Between Scholars and Practitioners*, University of Illinois College of Law, Champaign, Illinois (Apr. 28, 2005)

“Internet Law,” Bank of China Legal Department, University of Illinois at Urbana-Champaign, Champaign, Illinois (Sept. 21, 2004)

“Internet Law,” Beijing Municipality Delegation, University of Illinois at Urbana-Champaign, Champaign, Illinois (June 11, 2004)

“Copyright Law, the *Napster* Case and Beyond,” University of Illinois Intensive English Institute, University of Illinois at Urbana-Champaign, Champaign, Illinois (Apr. 8, 2002)

Commentary:

Commentator, “Combatting the ‘Crime Wave’: Policing in Late Eighteenth-Century London,” North American Conference on British Studies Annual Meeting, San Francisco, California (Nov. 9, 2007)

Commentator, “Setting the Historical Stage for the 20th Century, From Apprentices to Academics,” Conference on *Globalization & the U.S. Law School: Comparative and Cultural Perspectives*, Suffolk University Law School, Boston, Massachusetts (Jan. 25-26, 2007)

Commentator, “Protecting the Vulnerable in Eighteenth- and Nineteenth-Century England,” American Society for Legal History Annual Meeting, Baltimore, Maryland (Nov. 19, 2006)

Commentator, Conference on *Owning Knowledge: The History of Modern U.S. Intellectual Property Law*, University of Wisconsin Law School, Madison, Wisconsin (Nov. 13, 2004)

Commentator, 26th Annual UIUC Philosophy Graduate Student Conference, University of Illinois at Urbana-Champaign, Champaign, Illinois (Apr. 10, 2004)

### Panels Chaired:

“Poor Relief and Marriage: Two Case Studies in Comparative Social and Religious Discipline,” Conference on *Law, Religion, and Social Discipline in the Early Modern Atlantic World*, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, Illinois (Oct. 6, 2006)

“Widows and the Law,” American Society for Legal History Annual Meeting, Cincinnati, Ohio (Nov. 11, 2005)

“The Ideology of Citizenship: Strategic Identities,” Conference on *Membership in Communities and States in the Early Modern Atlantic World: Legal Rules, Social Judgments, and the Negotiation of Citizenship*, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, Illinois (Oct. 14, 2005)

“Secretly Obtained Evidence and Dilemmas of International Cooperation,” Conference on *Undercover Policing and Emerging Enforcement Powers: Perspectives from Two Sides of the Atlantic*, University of Illinois College of Law, Champaign, Illinois (Mar. 11, 2005)

“Anti-Circumvention Measures, License Restrictions, and the Scope of IP Protection: Protection from Copying or Protection from Competition?,” 2002 Chicago International IP Conference, Chicago, Illinois (Oct. 3, 2002)

### Workshops:

Invited Participant, Workshop on *Modern Histories of Crime and Punishment*, Baldy Center for Law & Social Policy, University at Buffalo Law School, Buffalo, New York (June 11, 2005)

Invited Participant, Roundtable on *Nietzsche and Normativity*, Institute of Law and Philosophy, University of Illinois at Urbana-Champaign, Champaign, Illinois (Sept. 5-6, 2003)

Invited Participant, *Law and History Workshop*, Green College, University of British Columbia, Vancouver, Canada (May 26-29, 2002)

## **CONFERENCES AND CONFERENCE PANELS ORGANIZED**

### Conferences:

*Criminal Justice in the British Atlantic World, 1500-1850*, Symposium on Comparative Early Modern Legal History, Newberry Library, Chicago, Illinois (Feb. 29, 2008)

*Cautions and Confessions: Miranda v. Arizona (1966) after 40 Years*, Byron R. White  
Center for American Constitutional Law, University of Colorado Law School,  
Boulder, Colorado (Oct. 20-21, 2006) (co-organized with Carolyn Ramsey)

*Chicago International IP Conference*, Chicago, Illinois (co-organized with John  
Colombo and Phil McConaughay) (Oct. 3-5, 2002)

Conference Panels:

“Punishment and the Law in Britain, c. 1650-1900,” American Society for Legal History  
Annual Meeting, Tempe, Arizona (Oct. 26, 2007)

“Law Reform in Nineteenth-Century England,” American Society for Legal History  
Annual Meeting, Austin, Texas (Oct. 29, 2004)

“Problems of Proof: Evidence Law in England and America, 1650-1900,” American  
Society for Legal History Annual Meeting, Washington, D.C. (Nov. 15, 2003)

“Summary Justice in Eighteenth- and Nineteenth-Century England,” North American  
Conference on British Studies Annual Meeting, Portland, Oregon (Oct. 25, 2003)

“Law, Crime, and Labor in England, 1800-1850,” Midwest Conference on British Studies  
Annual Meeting, Bloomington, Illinois (Oct. 18, 2003)

**PROFESSIONAL ASSOCIATIONS**

American Bar Association  
American Society for Legal History  
Law and Society Association  
North American Conference on British Studies  
Selden Society

**SERVICE TO COLLEGE AND UNIVERSITY**

University of Illinois College of Law:

Executive Committee (2007-08)  
Appointments Committee (Chair, 2007-08; Member, 2004-05)  
Career Services Committee (Fall 2006)  
Admissions Committee (2005-06)  
Technology Committee (Chair, Spring 2004; Member, 2001-04)  
Faculty Secretary (2003-04)

University of Illinois at Urbana-Champaign:

Faculty Senate (2005-present)  
Information Technology Committee (2006-present)  
Information Technology Advisory Board (2004-06)

**SERVICE TO PROFESSIONAL ASSOCIATIONS**

American Society for Legal History  
Local Arrangements Committee, Annual Meeting (1992)

North American Conference on British Studies  
Member, Nominating Committee (elective office) (2005-07)

**SERVICE TO JOURNALS AND SCHOLARLY PUBLICATIONS**

*University of Illinois Journal of Law, Technology & Policy*  
Faculty Editor (2004-07)  
Faculty Management Committee (2002-04)

*Law and History Review*  
Referee (2004-present)

*Law and Social Inquiry*  
Referee (2007)

**BAR ADMISSIONS**

District of Columbia (admitted 1995)  
Massachusetts (admitted 1994) (inactive status)  
Pennsylvania (admitted 1994) (inactive status)

**COURSES TAUGHT**

Property  
Intellectual Property  
Trademark and Unfair Competition  
The Law and Regulation of Cyberspace  
History of Anglo-American Criminal Procedure  
American Legal History