

Steven Dow, J.D., Ph.D.

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EDUCATION

Ph.D., University of Michigan, 1999 (Political Science: Public Law, Political Theory, and American Politics) Dissertation: *Insufficient Accounts: Forgery and Efficiency in the Common Law*

M.A., University of Michigan, 1989 (Political Science: Political Theory)

J.D., The Ohio State University College of Law, 1978

B.L.S., Bowling Green State University, 1973, *Magna Cum Laude*
(Political Science, English)

TEACHING AND ADMINISTRATIVE EXPERIENCE

Associate Professor, College of Social Science, School of Criminal Justice, Michigan State University (1998 - present)

Courses taught: undergraduate courses in Criminal Law Process, Introduction to Criminal Justice, Corrections Law, Historical and Comparative Criminal Justice, and Law and Criminal Justice Policy, Comparative Constitutional Law, Advanced Comparative Law; graduate courses in Legal Issues in Criminal Justice, and Law and Social Science

Program Founder and Leader of Comparative Law and Legal Systems in the Caribbean study abroad program: 2012, 2013, 2015, 2017

Courses taught: undergraduate courses in Comparative and Historical Criminal Justice, Comparative Constitutional Law, and Advanced Comparative Law

Visiting Professor, Department of Political Science, University of Michigan (Winter 2000, Fall 2000, Fall 2001, and Winter 2003, Winter 2004)

Courses taught: undergraduate courses in The Politics of Civil Rights/Civil Liberties and Constitutional Politics; graduate Seminar in Law and Social Science

Visiting Associate Professor, Legal Studies Group, University of Michigan Business School (1996 - 1997)

Courses taught: undergraduate courses in Legal Environment of Business and the Law of Enterprise Organization, M.B.A. courses in Legal Environment of Business, the Law of Marketing, and the Law of Enterprise Organization

Associate Professor, Business, Law, & Public Policy Area, Department of Finance, Michigan State University (1985 - 1996, 1997-1998)

Courses taught: undergraduate courses in Law and Society, Legal Environment of Business, Commercial Transactions, and Legal Theory; graduate courses in Legal Environment of Business

Program Leader for the M.S.U. Business Law Program at Erasmus Universiteit, The Netherlands (1986)

Assistant Professor, Department of General Business-Business Law, Michigan State University (1980-1985)

Courses taught: undergraduate courses in Law and Society, Commercial Paper and Secured Transactions, Travel and Lodging Law, Contracts and Sales; graduate courses in Legal Environment of Business

Lecturer, Department of Business Law and Office Administration, Michigan State University, (1979-1980)

Courses taught: undergraduate courses in Law and Society

PRACTICE EXPERIENCE

Attorney, DeSelm, DeSelm & Baker, Attorneys at Law (1979) Cambridge, Ohio

Duties: legal research, interviewing clients, court appearances, advising clients, writing briefs and memoranda

RESEARCH AND PUBLICATION

Books

Wolfe, Dow, Dobson, Nesteruk, Understanding the Law: Principles, Problems, and Potentials of the American Legal System (West Pub. Co. 1995)

Articles and Reviews

Constitutional Law

“Turning the Fourth Amendment on Its Head: The Use and Abuse of *Buie* Protective Sweeps,” *accepted* by the **Criminal Law Bulletin** (2019) (with Malkin)

“An Illusory Choice for the Poor: The Rise of Heightened Judicial Scrutiny in Equal Protection Challenges to Money Bail,” Vol. 55 **The Criminal Law Bulletin**, pages 509-546 (2019) (lead article)

“Muddling Through the Problem of Constructive Entry: Comments on *United States v. Allen*, 813 F.3d 76 (2nd Cir. 2016), and Warrantless Doorway Arrests,” Vol. 79 **University of Pittsburgh Law Review**, pages 243-83 (2017)

“Navigating Through the Problem of Mootness in Corrections Litigation,” Vol. 43 **Capital University Law Review**, pages 651-77 (2015)

“Sovereign Immunity and Corrections Litigation: The Impact of the Eleventh Amendment on the Religious Land Use and Institutionalized Persons Act.” Vol. 37 **New England Journal of Criminal and Civil Confinement**, pages 247-65 (2011)

“‘Step Outside, Please’: Warrantless Doorway Arrests and the Problem of Constructive Entry,” Vol. 45 **New England Law Review**, pages 7-38 (2010) (lead article)

Cited by the United States Court of Appeals for the Second Circuit in *United States v. Allen*, 813 F.3d 76 (2016)

Cited by the Wisconsin Supreme Court (concurring opinion) in *State v. Felix*, 332 Wis. 2d 804, 798 N.W.2d 319 (2011)

“The Constitutionality of the Religious Land Use and Institutionalized Persons Act: The Next Step After *Cutter v. Wilkinson*,” Vol. 33, No. 2, **Corrections Compendium**, pages 4-8 and 33-34 (2008)

“(Re)Drawing the Line: A Commentary on *Overton v. Bazzetta*,” Vol. 29, No. 2, **Corrections Compendium**, pages 1-5 (2004) (lead article)

“The Revitalization of the Eighth Amendment: A Warning to Corrections,” Vol. 27, No. 8, **Corrections Compendium**, pages 1-5, 29-31 (2002) (with Smith) (lead article)

“Criminal Justice and the 2000-2001 U.S. Supreme Court Term,” Vol. 79 **University of Detroit Mercy Law Review**, pages 189-227 (2002) (with Smith)

Administrative Law

“A New Look at Criminal Liability for Selling Dangerous Vehicles: Lessons From General Motors and Toyota,” 15 **Hastings Business Law Journal** pages 1-54 (2018) (with Ellis)(lead article)

“Use of FIRREA to Impose Liability in the Wake of the Global Financial Crisis: A New Weapon in the Arsenal to Prevent Financial Fraud,” Vol. 18 **University of Pennsylvania Journal of Business Law** pages 119-62 (2015)(with Ellis and Safavian)

“Attaching Criminal Liability to Credit Rating Agencies: Use of the Corporate Ethos Theory of Criminal Liability,” Vol. 17 **University of Pennsylvania Journal of Business Law** pages 167-226 (2014)(with Ellis)

Legal Education and Training

“Acquiring Lawyering Skills in the United States and France: A Comparative Study,” *in press* at **Tulane Journal of International and Comparative Law** (2020) (with Fontaine)

“Rethinking Legal Research: Preparing Law Students for Using Empirical Data.” 2011 **Michigan State University Law Review** 523-40

“Breaking the Cycle: Scientific Discourse in Legal Education.” Vol. 26 **Temple Journal of Science, Technology & Environmental Law**, pages 191-222 (2007)(with Corbin)

“There’s Madness in the Method: A Commentary on Law, Statistics, and the Nature of Legal Education,” Vol. 57 **University of Oklahoma Law Review**, pages 579-99 (2004)

“Review of *Statistics for Lawyers*, 2nd ed., by Michael O. Finkelstein & Bruce Levin,” Vol. 48 **Journal of Forensic Sciences**, pages 698-99 (2003) (with DeJong)

Comparative Law

“The Doctrine of *Price v. Neal* in English and American Forgery Law: A Comparative Analysis,” Vol. 6 **Tulane Journal of International and Comparative Law**, pages 113-81 (1998)

Cited by the Common Pleas Court of Philadelphia County in Victory Clothing, Inc. V. Wachovia Bank, 59 U.C.C. Rep. Serv. 2d 376 (2006)

"Restitution of Payments on Cheques With Forged Drawer’s Signatures: An Analysis of Loss Allocation Under English Law,” Vol. 4 **Restitution Law Review** [United Kingdom], pages 27-59 (1996)

Commercial Law

“The Impostor Rule and the Nature of Forgery Under the Revised Uniform Commercial Code: A Doctrinal Analysis and Some Suggestions for the Drafting Committee,” Vol. 39 **American Business Law Journal**, pages 25-56 (2001)

Cited by the Appellate Court of Illinois, First Division in Advocate Health & Hospitals Corp. v. Bank One, 348 Ill. App. 3d 755, 761 (2004)

“The Impostor Rule and the Problem of Agency Under the Revised Uniform Commercial Code: New Risks for Bank Customers?” Vol. 106 **Commercial Law Journal**, pages 199-219 (2001)

"Banks and Their Customers Under the Proposed Revisions to Uniform Commercial Code Articles 3 and 4: Allocation of Losses Resulting From Forged Drawer's Signatures," Vol. 25 **Loyola of Los Angeles Law Review**, pages 57-79 (1991) (with Ellis)

"The Payor Bank's Right to Recover Mistaken Payments: Survival of Common Law Restitution Under Proposed Revisions to Uniform Commercial Code Articles 3 and 4," Vol. 65 **Indiana Law Journal**, pages 779-844 (1990) (with Ellis)

Cited by the United States Court of Appeals for the Eleventh Circuit in Bufman Organization v. Federal Deposit Ins. Corp., 82 F.3d 1020, 1030 (1996)

Cited by the U.S. Bankruptcy Court for the District of Minnesota in In re: Calstar, Inc., 159 B.R. 247, 257 (1993)

"Determining Bank Status in Article Four Check Collections," Vol. 49 **University of Pittsburgh Law Review**, pages 43-90 (1987)

Cited by the United States Court of Appeals for the Third Circuit in Universal Premium Acceptance Corp. v. York Bank & Trust, 69 F.3d 695, 702 (1995)

Cited by the Ohio Court of Appeals (First Appellate District) in National City Bank v. The Ohio National Life Assurance Corp., 111 Ohio App. 3d 387, 392 (1996)

"Damages and Proof in Cases of Wrongful Dishonor: The Unsettled Issues Under U.C.C. Section 4-402," Vol. 63 **Washington University Law Quarterly**, pages 237-283 (1985)

"Damages Under the Federal Electronic Fund Transfer Act: A Proposed Construction of Sections 910 and 915," Vol. 23 **American Business Law Journal**, pages 1-83 (1985) (lead article)

"The Proposed Uniform New Payments Code: Allocation of Losses Resulting From Forged Drawers' Signatures," Vol. 22 **Harvard Journal on Legislation**, pages 399-440 (1985) (with Ellis)

"The Impostor Problem and Forged Indorsements: New Risks Under the Revised Uniform Commercial Code," Vol. 23 **Journal of Security Administration**, pages 13-24 (2000)

"New Rules Increase Risk of Loss from Check Forgery: Loss Allocation Under the Revised Uniform Commercial Code," Vol. 22 **Journal of Security Administration**, pages 31-40 (1999)

Tort Law

"Liability of Security Firms for Negligent Hiring: Recent Developments," Vol. 25 **Journal of Security Administration**, pages 1-17 (2002) (*lead article*)

"Holding the Line? Liability of Security Firms for Employee Criminal Acts: A Commentary on *Maria D. v. Westec Residential Security, Inc.*," Vol. 24 **Journal of Security Administration**, pages 1-13 (2001) (*lead article*)

Encyclopedia articles

Facts on File, Encyclopedia of the United States Constitution (2009), "Harris v. New York," "Duncan v. Louisiana," "Florida v. J.L.," "Kyllo v. United States," "Minnesota v. Dickerson," "United States v. Lopez"

Routledge Encyclopedia of American Civil Liberties (2006), "Dickerson v United States," Vol. 1, p. 419; "Illinois v. Wardlow," Vol. 2, pp. 794-95; "Maryland v. Craig," Vol. 2, pp. 976-77; "Rochin v. California," Vol. 3, pp. 1366-67; "Speedy Trial," Vol. 3, pp. 1516-17

CONFERENCE PAPERS, PRESENTATIONS, AND PANEL DISCUSSIONS

"Police Behavior Post *Buie*: The Misuse of Protective Sweeps as Warrantless Searches," American Society of Criminology, November 2019

“A Law and Society Perspective on Bail Reform,” Law and Society Ass’n Annual Conference, June, 2019

“Comparative Law in the Caribbean.” Presentation at the Michigan State University Center for Latin American and Caribbean Studies Seminar Series, Jan. 2012

“Rethinking Legal Research: Preparing Law Students for Using Empirical Data.” Presentation in MSU College of Law symposium: Moving Beyond Racial Blindsight? The Influence of Social Science Evidence After the North Carolina Racial Justice Act, Apr. 7-8, 2011

“Commerce and Crime: The Scope of Federal Criminal Jurisdiction in Lower Federal Courts After *United States v. Lopez*: A Preliminary Study,” Law and Society Association Conference, June 2003

“Commerce, Crime, and the Future of Federal Criminal Jurisdiction: A Consideration of the Felon in Possession Statute After *United States v. Lopez*,” American Society of Criminology Conference, November 2002

Session Chair: “Reinventing Offender Treatment Through Research,” American Society of Criminology Conference, November 2002

“Why the Banks Came Out Ahead: A Comparative Sociolegal Analysis of English and American Forgery Law,” Law and Society Association Conference, May 2002

“Judicial Autonomy in Historical Perspective: Eighteenth-Century English Courts and Criminal Forgery Law,” Midwest Political Science Association Conference, April 2002

“Holding the Line? Liability of Security Firms for Employee Criminal Acts: A Commentary on *Maria D. v. Westec Residential Security, Inc.*,” Michigan State University School of Criminal Justice “Brownbag” presentation, March 2002

“Commerce and Crime: The Supreme Court and the Future of Federal Criminal Jurisdiction,” American Society of Criminology Conference, November 2000

“The Wedge of Law: English Criminal Forgery Law and Theories of Judicial Autonomy,” Law and Society Association Conference, May 2000

“Paradox Within a Paradox: Eighteenth-Century English Criminal Forgery Law and the Enforcement of the ‘Bloody Code,’” American Society of Criminology Conference, November 1999

Session Chair: “Historical and Comparative Perspectives on Courts,” American Society of Criminology Conference, November 1999

“The Evolution of Evolutionary Theories in Law and Economics, Or, the “Formal,” Mathematical (Re)Discovery of Marc Galanter,” Law and Society Association Conference, May 1999

“Interest Groups and Posner’s Theory of Institutional Competence,” Midwest Business Administration Ass’n Conference, March 1999

“The Invisible Hand of the Law: A Critique of the Chicago School Evolutionary Models of Common Law Development,” Law and Society Association Conference, June 1998

“The Wedge of Law: English Criminal Forgery Law and Judicial Autonomy,” Michigan State University School of Criminal Justice Research Presentation, October 1997

“Insufficient Accounts: A Theoretical Critique of Posner’s Positive Law and Economics,” Academy of Legal Studies in Business Conference, August 1997

Presentation in Research Symposium, “Interdisciplinary Research in Law, Business, and Public Policy,” Academy of Legal Studies in Business Conference, August 1997

Introduction and Presentation in Integrating ADR Workshop, “Understanding Law Within the Dispute Environment,” Academy of Legal Studies in Business Conference, August 1997

“Ethics and Efficiency in Nineteenth Century English Legal Discourse,” Law and Society Association Conference, June 1997

Presentation in Executive Development Program, Developing and Maintaining Transportation Relationships, “Contract Characteristics and Legal Implications” (in conjunction with Marketing Dept. faculty), November 1996

Session Chair: “Beyond Doctrine: Exploring Legal and Ethical Contexts,” Academy of Legal Studies in Business Conference, August 1996

“The Economic Context of English and American Forgery Doctrine: A Comparative Analysis,” Academy of Legal Studies in Business Conference, August 1996

Presentation in Research Symposium, “Integrating Traditional Legal Research With Social Science Methods,” Academy of Legal Studies in Business Conference, August 1996

Presentation in Teaching Symposium, “Integrating Interdisciplinary Readings Into Conventional Business Law and Legal Environment Courses,” Academy of Legal Studies in Business Conference, August 1996

“Forgery and the Protection of Wealth and Commerce: A Comparative Study of English and American Law in the Eighteenth and Nineteenth Centuries,” Law and Society Association Conference, July 1996

“Forgery, Commerce, and Courts: A Comparative Study of English and American Law,” Midwest Political Science Ass’n Conference, April 1996

Invited presentation in the Business Law Seminar Series at The University of Michigan Business School, January 1996

Moderator for round table discussion on “Research Methodology in Legal Studies in Business,” Tri-State Academy of Legal Studies in Business Conference, November 1995

Introduction for workshop on “Understanding and Using Statistics in Legal Research,” Academy of Legal Studies in Business Conference, August 1995

Panel Chair and presentation, "State of the Discipline: The Research Paradigm,"
Academy of Legal Studies in Business Conference, August 1995

"Non-traditional Legal Research: Relationship Between Legal & Social Science
Research," Academy of Legal Studies in Business Conference, August 1995

"Allocating Losses Resulting From Forged Drawers' Signatures Under English Law: An
Historical Analysis," Tri-State Regional Business Law Ass'n Conference, October 1994

"Sunset Laws and the Legislative Process," Academy of Legal Studies in Business
Conference, August 1992

"The Doctrine of Price v. Neal in American Law: An Historical Perspective," American
Bus. Law Ass'n Conference, August 1991

Panel member presentation in Junior Faculty Research Consortium, American Bus. Law
Ass'n Conference, August 1990

Panel member presentation in Junior Faculty Research Consortium, American Bus. Law
Ass'n Conference, August 1989

Panel member presentation in Junior Faculty Research Consortium, American Bus. Law
Ass'n Conference, August 1988

"The Allocation of Losses Due to Forged Drawer's Signatures Under Proposed Revisions
to Uniform Commercial Code Articles Three and Four," American Bus. Law Ass'n
Conference, August 1988, reprinted in Selected Papers of the American Business Law
Ass'n National Proceedings, page 667 (1988) (with Ellis)

"The Final Payment Rule Under the Proposed Revisions of U.C.C. Articles 3 and 4,"
American Bus. Law Ass'n Conference, August 1987, reprinted in Vol. 2 Selected Papers of
the American Business Law Ass'n National Proceedings, page 1551 (1987) (with Ellis)

"Bank Status & Bank Liability in Article Four Check Collections," Tri-State Regional
Bus. Law Ass'n Conference, April 1987, reprinted in Selected Papers of the American
Business Law Ass'n Regional Proceedings: Tri-State Business Law Ass'n, page 75 (1987)

Panel member in discussion on publishing articles, American Bus. Law Ass'n Conference,
August 1986

"Determining Bank Status in Article Four Bank Collections," Southeast Regional Bus.
Law Ass'n Conference, October 1985

"What is a 'Consumer' Under the Federal Electronic Fund Transfer Act?" American Bus.
Law Ass'n Conference, August 1985

"Ruminations on the U.C.C.'s Final Payment Rule," Southeast Regional Bus. Law Ass'n
Conference, Oct. 1984, reprinted in Vol. II Selected Papers of the American Business Law
Ass'n Regional Proceedings: Southeast Regional Business Law Ass'n, page 68 (1984)

"Forged Drawer's Signature and the Abolition of Price v. Neal Under the Proposed Uniform New Payments Code," American Bus. Law Ass'n Conference, August 1984, reprinted in Selected Papers of the American Business Law Ass'n National Proceedings, page 891 (1984) (with Ellis)

"Wrongful Dishonor of a Check Under Uniform Commercial Code 4-402 and Proposed Uniform New Payments Code 101: A Comparison," Midwest Regional Bus. Law Ass'n Conference, March 1984, reprinted in American Business Law Ass'n Regional Proceedings, Tri-State and Midwest Business Law Ass'n, page 32 (1984)

"The Scope of Recovery in Cases of Wrongful Dishonor Under U.C.C. 4-402," Tri-State Regional Bus. Law Ass'n Conference, March 1984, reprinted in American Business Law Ass'n Regional Proceedings, Tri-State and Midwest Business Law Ass'n, page 17 (1984)

"The Impact of the Proposed Uniform New Payments Code on the Federal Electronic Fund Transfer Act," American Bus. Law Ass'n Conference, Aug. 1983, reprinted in Selected Papers of the American Business Law Ass'n National Proceedings, page 1008 (1983)

"Consequential Damages for Failure to Transfer Under the Federal Electronic Fund Transfer Act," American Bus. Law Ass'n Conference, August 1982

EDITORIAL EXPERIENCE

Reviewer for the Law and Society Review, 2010

Reviewer for Criminology and Public Policy, 2002

Reviewer for Journal of Contemporary Criminal Justice, 2002

Reviewer for the International Journal of Comparative and Applied Criminal Justice, 2000 to 2012

Reviewer for the American Business Law Journal, 1990 to present

Articles Editor of the American Business Law Journal, 1989 to 1990

Senior Staff Editor of the American Business Law Journal, 1988 to 1989

Staff Editor for the American Business Law Journal, Summer 1985

Reviewer for the American Business Law Journal as Staff Editor, 1985 to 1988

Reviewer for the American Business Law Journal as Referee, 1982 to 1985

PROFESSIONAL AFFILIATIONS, AWARDS & RECOGNITION

Professional Affiliations

Admitted to the Ohio Bar

Member of the Law and Society Association

Member of the Academy of Criminal Justice Sciences

Member of the American Society of Criminology

Member of Michigan State University College of Law Faculty Affiliate Program

Member of Phi Kappa Phi Honor Society

Awards and Recognition

Listed in *Who's Who in America*

Nominated by School Director for College Teaching Award (2002)

Research mentor in Academy of Legal Studies in Business Research Mentor Program, 1992-1999

Recipient of runner-up award for "Best Paper" at the annual meeting of the Tri-State Business Law Association, April 1987

Recipient of award for "Best Paper" at the annual meeting of the Tri-State Business Law Association, March 1984

REFERENCES

Professor Kim Lane Scheppele
Laurance S. Rockefeller Professor of Sociology and International Affairs
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Princeton University
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Department of Law and Social Responsibility
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