

## WAYNE A. LOGAN

Florida State University College of Law  
425 West Jefferson Street  
Tallahassee, Florida 32306-1601  
Phone: 850-644-7215; e-mail: [wlogan@law.fsu.edu](mailto:wlogan@law.fsu.edu)

### LEGAL ACADEMIC APPOINTMENTS

---

Florida State University College of Law, Tallahassee, Florida

- Associate Dean for Academic Affairs (2008-2011)
- Gary and Sallyn Pajcic Professor of Law (2007-present)
- Courses: Criminal Law; Criminal Procedure I & II; Sentencing; Death Penalty; Torts

College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia

- Visiting Professor of Law (fall 2006)

William Mitchell College of Law, St. Paul, Minnesota

- William Mitchell Research Professor of Law (2005-2007)
- Professor of Law (2004-2005, awarded early tenure); Associate Professor of Law (2000-2004)
- Selected by Student Body as Professor of the Year (2005-2006); Runner-up (2004-2005); Faculty Graduation Speaker (2004)

### ARTICLES AND ESSAYS

---

*Police Mistakes of Law*, 61 EMORY LAW JOURNAL 69 (2011)

*"Mosaic Theory" and Megan's Laws*, 2011 CARDOZO LAW REVIEW DE NOVO 95

*Erie and Federal Criminal Courts*, 63 VANDERBILT LAW REVIEW 1243 (2010)

*The Adam Walsh Act and the Failed Promise of Administrative Federalism*, 78 GEORGE WASHINGTON LAW REVIEW 993 (2010)

*Contingent Constitutionalism: State and Local Criminal Laws and the Applicability of Federal Constitutional Rights*, 51 WILLIAM & MARY LAW REVIEW 143 (2009)

*Confronting Evil: Victims' Rights in an Age of Terror*, 96 GEORGETOWN LAW JOURNAL 721 (2008)

*Constitutional Collectivism and Ex-Offender Residence Exclusion Laws*, 92 IOWA LAW REVIEW 1 (2006)

*Crime, Criminals and Competitive Crime Control*, 104 MICHIGAN LAW REVIEW 1733 (2006)

*The Political Economy of Application Fees for Indigent Criminal Defense*, 47 WILLIAM & MARY LAW REVIEW 2045 (2006) (with Ronald F. Wright)

*Creating a “Hydra in Government”:* *Federal Recourse to State Law in Crime Fighting*, 86 BOSTON UNIVERSITY LAW REVIEW 65 (2006)

*Horizontal Federalism in an Age of Criminal Justice Interconnectedness*, 154 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 257 (2005)

*Civil and Criminal Recidivists: Extraterritoriality in Tort and Crime*, 74 CINCINNATI LAW REVIEW 1609 (2005)

*Democratic Despotism and Constitutional Constraint: An Empirical Analysis of Ex Post Facto Claims in State Courts*, 12 WILLIAM & MARY BILL OF RIGHTS JOURNAL 439 (2004)

*Criminal Law Sanctuaries*, 38 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 221 (2003)

*Substantive Due Process and the Involuntary Confinement of Sexually Violent Predators*, 35 CONNECTICUT LAW REVIEW 319 (2003) (with Eric S. Janus)

*Casting New Light on an Old Subject: Death Penalty Abolitionism for a New Millennium*, 100 MICHIGAN LAW REVIEW 1336 (2002)

*Street Legal: The Court Affords Police Constitutional Carte Blanche to Arrest*, 77 INDIANA LAW JOURNAL 419 (2002)

*The Shadow Criminal Law of Municipal Governance*, 62 OHIO STATE LAW JOURNAL 1409 (2001)

*An Exception Swallows a Rule: Police Authority to Search Incident to Arrest*, 19 YALE LAW & POLICY REVIEW 381 (2001), reprinted in 19 SEARCH AND SEIZURE LAW REPORT (West January/February 2002)

*Federal Habeas in the Information Age*, 85 MINNESOTA LAW REVIEW 147 (2000)

*Opining on Death: Witness Sentence Recommendations in Capital Trials*, 41 BOSTON COLLEGE LAW REVIEW 517 (2000)

*A Study in “Actuarial Justice”: Sex Offender Classification Practice and Procedure*, 3 BUFFALO CRIMINAL LAW REVIEW 593 (2000) (peer reviewed)

*When Balance and Fairness Collide: An Argument for Execution Impact Evidence in Capital Trials*, 33 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 1 (2000)

*Liberty Interests in the Preventive State: Procedural Due Process and Sex Offender Community Notification Laws*, 89 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1167 (1999)

*Declaring Life at the Crossroads of Death: Victims' Anti-Death Penalty Views and Prosecutors' Charging Decisions*, 18 CRIMINAL JUSTICE ETHICS 41 (Fall 1999) (peer reviewed)

*Through the Past Darkly: A Survey of the Uses and Abuses of Victim Impact Evidence in Capital Trials*, 41 ARIZONA LAW REVIEW 143 (1999), reprinted in THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND SOCIETY, VOLUME I, CAPITAL PUNISHMENT (Austin Sarat ed., Ashgate Publishing, 2005); VICTIMS: A JURIDICAL APPROACH (A. Sabitha ed., Amicus Books, 2008)

*The Ex Post Facto Clause and the Jurisprudence of Punishment*, 35 AMERICAN CRIMINAL LAW REVIEW 1261 (1998)

*Frank Miller and the Decision to Prosecute*, 69 WASHINGTON UNIVERSITY LAW QUARTERLY 159 (1991) (with Frank J. Remington)

*A Proposed Check on the Charging Discretion of Wisconsin Prosecutors*, 1990 WISCONSIN LAW REVIEW 1695

## **BOOKS**

---

KNOWLEDGE AS POWER: CRIMINAL REGISTRATION AND COMMUNITY NOTIFICATION LAWS IN AMERICA (Stanford University Press, 2009)

VOLUMES 10, 10A MINNESOTA JURY INSTRUCTION GUIDE-CRIMINAL (5<sup>th</sup> ed. Thomson West, 2006) (with Stephen E. Forestell)

NORTH CAROLINA TORTS, SECOND EDITION (Carolina Academic Press, 2004); FIRST EDITION (Carolina Academic Press, 1996 & Supp. 1999) (both with David A. Logan)

CRIMINAL LAW (Aspen Press, 2000) (with James R. Acker & David C. Brody)

## **BOOK CHAPTERS AND ENTRIES**

---

*Victims, Survivors and the Decisions to Seek and Impose Death*, in WOUNDS THAT DO NOT BIND: VICTIM-BASED PERSPECTIVES ON THE DEATH PENALTY 161 (James R. Acker & David R. Karp, eds., Carolina Academic Press) (2006); Second Edition (2009)

*Duress as a Defense to Criminal Liability*, ENCYCLOPEDIA OF CRIMINOLOGY (J. Miller & R. Wright eds., Routledge) (2005)

*Sex Offender Registration and Community Notification: Emerging Legal and Research Issues*, in SEXUALLY COERCIVE BEHAVIOR: UNDERSTANDING AND MANAGEMENT 337 (Annals of the New York Academy of Sciences) (2003)

## **INVITED SYMPOSIUM CONTRIBUTIONS**

- Prospects for the International Migration of U.S.-Style Sex Offender Registration and Community Notification Laws*, 34 INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY 233 (spring 2011)
- Megan's Laws as a Case Study in Political Stasis*, 61 SYRACUSE LAW REVIEW 371 (2011)
- Litigating the Ghost of Gideon in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform*, 75 MISSOURI LAW REVIEW 885 (2010)
- Reasonableness as a Rule: A Paean to Justice O'Connor's Dissent in Atwater v. City of Lago Vista*, 79 MISSISSIPPI LAW JOURNAL 115 (2009)
- Criminal Justice Federalism and National Sex Offender Policy*, 6 OHIO STATE JOURNAL OF CRIMINAL LAW 51 (2008) (also served as symposium guest editor)
- Sex Offender Registration and Community Notification Policy: Past, Present, and Future*, 34 NEW ENGLAND JOURNAL OF CRIMINAL AND CIVIL CONFINEMENT 3 (2008) (keynote address)
- State Criminal Justice and the Challenge of Ex-Offender Mobility*, 4 OHIO STATE JOURNAL OF CRIMINAL LAW 587 (2007)
- Victim Impact Evidence in Federal Capital Trials*, 19 FEDERAL SENTENCING REPORTER 5 (2006)
- Civil Liberties in a Post-9/11 World*, 40 CRIMINAL LAW BULLETIN 547 (2004) (introduction)
- The Importance of Purpose in Probation Decision Making*, 7 BUFFALO CRIMINAL LAW REVIEW 171 (2003)
- Jacob's Legacy: Sex Offender Registration and Community Notification Laws, Practice and Procedure in Minnesota*, 29 WILLIAM MITCHELL LAW REVIEW 1287 (2003)
- Reflections on Kalven and Zeisel's The American Jury*, 39 CRIMINAL LAW BULLETIN 4 (2003) (introduction)
- Policing in an Intolerant Society*, 35 CRIMINAL LAW BULLETIN 334 (1999)
- Proportionality and Punishment: Imposing Life without Parole on Juveniles*, 33 WAKE FOREST LAW REVIEW 681 (1998)

## **POPULAR PRESS**

- Populism and Punishment: Sex Offender Registration and Community Notification in the Courts*, 26 CRIMINAL JUSTICE 37 (magazine of ABA Criminal Justice Section) (spring 2011)
- Federal Prosecution of State Sex Offenders*, NATIONAL LAW JOURNAL, Mar. 5, 2007, at 23

## **SELECTED PRESENTATIONS AND PANELS**

---

- “Warrantless Searches of Smartphones by Police,” Annual Meeting of the National Conference of State Legislatures, Tampa, Florida, Dec. 1, 2011
- “Megan’s Law as a Case Study in Political Stasis,” Annual Meeting of American Academy of Psychiatry and the Law, Boston, Massachusetts, Oct. 28, 2011
- “Police Mistakes of Law,” Vanderbilt Criminal Justice Roundtable, Vanderbilt Law School, Dec. 10, 2010
- Junior Scholars Roundtable, University of Florida School of Law, Dec. 3-4, 2010  
(commentator)
- “Developing Technologies and the Fourth Amendment,” ABA Criminal Justice Section, Criminal Justice Educators Colloquium, Washington, D.C., Nov. 5, 2010 (moderator and panel organizer)
- “Information Empowerment as Social Control,” Florida State College of Law/American Constitution Society, Constitution in 2020: The Future of Criminal Justice Conference, Oct. 8, 2010 (panelist)
- “Why Do We Have the Fourth Amendment?,” Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, Aug. 3, 2010 (panelist)
- “Author Meets Readers: KNOWLEDGE AS POWER: CRIMINAL REGISTRATION AND COMMUNITY NOTIFICATION LAWS IN AMERICA,” Annual Meeting of the Law and Society Association, Chicago, Illinois, May 30, 2010
- “Animal Rights, Registration Wrongs?,” University of Chicago Law School, May 11, 2010
- “Fourth Amendment Developments and Issues to Come,” Florida Bar Criminal Trial and Appellate Certification Program, Orlando, Florida, Apr. 22, 2010
- “The Fourth Amendment and the Values It Seeks to Serve,” Texas Tech University School of Law, Apr. 10, 2010 (moderator)
- “Social and Political Catalysts Driving Modern-Day Registration and Community Notification Laws,” University of Houston Law Center, Apr. 7, 2010
- “Litigating the Ghost of *Gideon* in Florida: Separation of Powers as a Tool to Achieve Indigent Defense Reform,” University of Missouri School of Law, Feb. 26, 2010
- “The Adam Walsh Act and the Failed Promise of Administrative Federalism,” ABA Section of Administrative Law & Regulatory Practice, 2009 Administrative Law Conference, Oct. 22, 2009

- “Criminal Justice Federalism and National Sex Offender Policy,” Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, Aug. 3, 2009
- “Great Fourth Amendment Dissents: Justice O’Connor’s Dissent in *Atwater v. City of Lago Vista*,” National Center for Justice and the Rule of Law, University of Mississippi Law School, Oxford, Mississippi, Feb. 12, 2009
- “Victim Participation in the Proceedings of the International Criminal Court,” Florida State University International Center, Conference on International Criminal Tribunals, Jan. 30, 2009 (respondent)
- “Sex Offender Registries: Constitutionality and Federalism,” National Conference of State Legislatures, Atlanta, Georgia, Dec. 12, 2008
- “Pedagogy and Personalization: The Role of Empathy in Teaching Criminal Law,” Southeastern Association of Law Schools Annual Conference, Palm Beach, Florida, Aug. 1, 2008
- “Confronting Evil: Victims’ Rights in an Age of Terror,” Stanford University Law School Criminal Justice Center, Jan. 25, 2008
- “Sex Offender Policy: Past, Present, and Future,” New England College of Law, Symposium: Probation and Parole in Massachusetts,” *NEW ENGLAND JOURNAL OF CRIMINAL AND CIVIL CONFINEMENT*, Mar. 16, 2007 (keynote)
- “Confronting Evil: Victims’ Rights in an Age of Terror,” College of William and Mary, Marshall-Wythe School of Law, Williamsburg, Virginia, Oct. 18, 2006
- “Opining on Death: Witness Sentence Recommendations in Capital Trials,” Minnesota Advocates for Human Rights, Dorsey & Whitney, LLP, Minneapolis, Minnesota, Jan. 31, 2006
- “Horizontal Federalism in an Age of Criminal Justice Interconnectedness,” Marquette University School of Law, Oct. 25, 2005
- “Horizontal Federalism in an Age of Criminal Justice Interconnectedness,” *UNIVERSITY OF PENNSYLVANIA LAW REVIEW* Luncheon, Oct. 7, 2005
- “Civil and Criminal Recidivists: Extraterritoriality in Tort and Crime,” Hofstra University School of Law, Oct. 2004
- “The Public Policy Debate on Guns: The Minnesota Personal Protection Act,” William Mitchell College of Law, featuring John Lott, Ph.D. and David Lillehaug, Esq., Nov. 19, 2003 (panel moderator)

- “The Importance of Purpose in Probation Decision Making”, Criminal Law Center, State University of New York at Buffalo School of Law, “Model Penal Code: Sentencing,” Apr. 25-27, 2003
- “Extended Juvenile Jurisdiction and Blended Sentencing,” William Mitchell College of Law, Feb. 26, 2003 (panelist)
- “On the Homefront: Protecting Our National Security, Preserving Our Individual Liberties,” William Mitchell College of Law, Dec. 19, 2001 (panelist)
- “Civil Liberties Implications of the Terrorist Attacks of September 11, 2001,” William Mitchell College of Law, Oct. 3, 2001 (panelist)
- “Lessons from the Diallo Case: A Public Forum,” School of Criminal Justice, State University of New York at Albany, Feb. 28, 2000 (panelist)
- “Sex Offender Community Notification Laws: Process and Procedure,” Annual Meeting of the American Society of Criminology, Toronto, Canada, Nov. 1999
- “Victims with Disabilities Workshop: Hate Crime Laws,” National Research Council, National Academy Sciences, University of California at Irvine, Oct. 28-29, 1999
- “Hate Crimes: Their Definition and Measurement,” School of Criminal Justice, State University of New York at Albany, Apr. 22-23, 1999 (funded by the U.S. Bureau of Justice Statistics) (panelist and conference co-organizer)
- “Hate Crimes Legislation: Targeting Bias at the Expense of the Constitution?,” a Community forum sponsored by the School of Criminal Justice, State University of New York at Albany, featuring syndicated columnist Nat Hentoff, Apr. 22, 1999 (panel moderator)
- “Zero Tolerance Policing Initiatives: Legal and Policy Perspectives,” School of Criminal Justice, State University of New York at Albany, Apr. 24, 1998 (debate moderator)
- “Sexual Offenders and Sexual Assaults: Reforming New York’s Laws,” Warren M. Anderson Legislative Discussion Series, Government Law Center of Albany Law School, Mar. 11, 1998) (panel moderator)

## **EXTERNAL SERVICE**

---

American Law Institute (elected 2004):

- Member, ALI Members Consultative Group for the Model Penal Code: Sentencing
- Member, ALI Members Consultative Group for the Restatement (Third) of Torts

Association of American Law Schools:

- Committee on Research: Chair, Awards & Recognition Subcommittee (2009-2011); Member (2009-present)

- Criminal Justice Section: Chair (2006-2007); Chair-elect (2005-2006); Secretary (2004-2005)

American Bar Association:

- Committee on Sentencing and Corrections (2009-present)

Co-Reporter, Minnesota Pattern Criminal Jury Instructions (Thomson West) (2001-2007)

Member, Supreme Court of Minnesota Advisory Committee on Rules of Criminal Procedure (2002-2005)

Symposium Editor, CRIMINAL LAW BULLETIN (Thomson West) (1998-2004)

Referee: Aspen Publishers; Oxford University Press; University of Chicago Press; CRIMINOLOGY & PUBLIC POLICY; NEW CRIMINAL LAW REVIEW; PSYCHOLOGY, CRIME & LAW; PUNISHMENT & SOCIETY; STANFORD LAW REVIEW

## **INTERNAL SERVICE**

---

Florida State University College of Law:

- Associate Dean for Academic Affairs (2008-2011); Faculty Representative to University Senate (spring 2010-present); President-Appointed Member, University Budget Crisis Committee (summer 2010-present); Chair, Academic Waivers Committee (2011-present); Chair, Student Affairs Committee (2010-2011); Chair, Judicial Clerkship Committee (2007-2008); Member, Faculty Appointments Committee (2007-2008); Member, Student Affairs Committee (2008-2009)

William Mitchell College of Law:

- Chair, Judicial Clerkship Committee (2005-2006); Chair, Tenure Review Committee, Lateral Candidate Professor Kimberly Dayton (2005-2006); Member, Strategic Plan and ABA Self-Study Committee (2003-2004); Member, Admissions Committee (2003-2004); Member, Faculty Appointments Committee (2001-2003); Member, Academic and Student Affairs Committee (2000-2001)

## **EDUCATION**

---

University of Wisconsin at Madison, J.D., 1991

- Senior Articles Editor, WISCONSIN LAW REVIEW; William Herbert Page Faculty Award (Best Student Work Published in the WISCONSIN LAW REVIEW); Research Assistant to Professor Frank J. Remington, Mortimer Jackson Professor of Law

State University of New York at Albany (Criminology), M.A., 1986

- Rockefeller College Graduate Fellow

Wesleyan University (Anthropology), B.A., 1983

- University and Departmental Honors; Frank H. Cushing Award for Distinguished Achievement

## **PRIOR EMPLOYMENT**

---

School of Criminal Justice, Rockefeller College of Public Affairs and Public Policy, State University of New York at Albany

- Assistant Professor (1997-2000)

Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.--Greensboro and Raleigh, North Carolina

- Litigation associate (1993-1997)

Honorable Robert R. Merhige, Jr., U.S. District Judge for the Eastern District of Virginia--Richmond, Virginia

- Law clerk (1992-1993)

Honorable Louis B. Meyer, Senior Associate Justice, N.C. Supreme Court--Raleigh, North Carolina

- Law clerk (1990-1992)

## **AMICUS BRIEFS**

---

*Carr v. United States*, No. 08-1301 (U.S. Supreme Court Fall 2009 Term) (with Professors Douglas Berman and Corey Yung) (Ex Post Facto Clause challenge of federal “failure to register” law)

*United States v. Gementera*, CA No. 03-10103 (9<sup>th</sup> Cir. 2004) (with Professors Erwin Chemerinsky et al.) (use of “shaming” sanctions in federal criminal sentences)

## **MEDIA INTERVIEWS**

ABA Journal, Chicago Tribune, New York Times, USA Today, among others

## **BAR ADMISSIONS (inactive)**

---

District of Columbia, North Carolina, Wisconsin