

# John D. Bessler

## Associate Professor

### University of Baltimore School of Law

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#### CURRENT EMPLOYMENT

**Associate Professor, University of Baltimore School of Law** (2011 – present; tenured 2014)

- University System of Maryland Board of Regents' Faculty Award – Research, Scholarship and Creative Activity (2018)

- Courses: Civil Procedure I, Contracts II, Introduction to Lawyering Skills, Capital Punishment Seminar, International Human Rights Law, Moot Court

- Chair, Excellence in Teaching Committee (2018-2019); Chair, Career Services Committee (2013-2017); Faculty Advisor, Moot Court Board (2015-); Director, Region III – National Moot Court Competition (2015-2017); Member – Faculty Research and Development Committee (2012-2015) and Promotion and Tenure Committee (2014-); Subcommittee Chair, Promotion and Tenure Committee (2016); Member, Dean's Advisory Committee (2016-2017); and Member/Mentor, Fannie Angelos Program for Academic Excellence (2013-)

**Adjunct Professor, The Georgetown University Law Center, Washington, DC** (2010-present)

- Capital Punishment Seminar

**Of Counsel, Berens & Miller, P.A., Minneapolis, MN** (Jan. 2016 – present)

- Law firm practice handling principally complex, commercial litigation

#### OTHER AFFILIATIONS

**Visiting Scholar/Research Fellow, Human Rights Center at the University of Minnesota Law School, Walter F. Mondale Hall** (Minneapolis, MN) (Spring 2018 semester)

**Summer Instructor - University of Aberdeen School of Law, Aberdeen, Scotland** (2017) (taught Comparative Crime and Punishment course in ABA-approved study abroad program sponsored by University of Maryland Francis King Carey School of Law, University of Baltimore School of Law, and University of Aberdeen); **Rutgers School of Law, Camden, NJ** (2015) (taught Capital Punishment Seminar); **University of Baltimore School of Law, Baltimore, MD** (2013-2015) (taught Capital Punishment Seminar)

**Visiting Associate Professor, University of Baltimore School of Law** (2009 – 2011)

- Courses: Civil Procedure I, Contracts II, Introduction to Lawyering Skills

**Visiting Associate Professor** (2007 – 2009)

**The George Washington University Law School, Washington, DC**

- Courses: Civil Procedure I, Civil Procedure II, Death Penalty Seminar, Writing Fellows
- Writing Center Director, Legal Research and Writing Program (2008-2009)

**Adjunct Professor, University of Minnesota Law School, Minneapolis, MN**

- Taught Death Penalty Seminar (1998 – 2006)

#### PRIOR LAW FIRM EXPERIENCE

**Partner, Kelly & Berens, P.A., Minneapolis, MN**

- Attorney at firm (1998 – 2007) handling a variety of complex civil litigation matters
- Represented broker in action against insurer to recover under fidelity bond.

*See RBC Dain Rauscher, Inc. v. Federal Ins. Co.*, 370 F. Supp.2d 886 (D. Minn. 2005)

- Co-counsel for plaintiff in high-profile case over television broadcast rights for Major League Baseball team. *See Fox Sports Net North, L.L.C. v. Minnesota Twins Partnership*, 319 F.3d 329 (8th Cir. 2003)

- Co-counsel for plaintiff in multi-million dollar reinsurance dispute. *See Allianz Life Ins. Co. of North America v. American Phoenix Life and Reassurance Co.*, No. Civ. 99-802 (DWF/AJB), 2000 WL 34333013 (D. Minn., Mar. 28, 2000)

- Named “Rising Star” by *Minnesota Law & Politics*

**Associate, Faegre & Benson, LLP, Minneapolis, MN**

- Member of labor and employment and construction law groups (1991-1996)

#### JUDICIAL CLERKSHIP

**Law Clerk, U.S. Magistrate Judge John M. Mason, St. Paul, MN**

- United States District Court, District of Minnesota (1996 – 1998)

## EDUCATION

**Oxford University**, Oxford, United Kingdom, M.St. 2008

- Master of Studies, International Human Rights Law (High Pass)

**Indiana University School of Law - Bloomington**, J.D. 1991, *cum laude*

- Senior Managing Editor, *Indiana Law Journal*

**University of Minnesota**, College of Liberal Arts, Minneapolis, MN

- B.A. 1988 (political science; history minor). Graduated in three years.

**Hamline University**, St. Paul, MN

- Master of Fine Arts in Writing, 2005

## BOOKS

**THE BARON AND THE MARQUIS: LIBERTY, TYRANNY, AND THE ENLIGHTENMENT MAXIM THAT CAN REMAKE AMERICAN CRIMINAL JUSTICE** (Durham, NC: Carolina Academic Press, 2019)

**THE CELEBRATED MARQUIS: AN ITALIAN NOBLE AND THE MAKING OF THE MODERN WORLD** (Durham, NC: Carolina Academic Press, 2018)

- Winner, 2018 Next Generation Indie Book Award (Autobiography/Biography)
- Finalist, National Indie Excellence Awards (Biography General)
- Finalist, 2018 Best Book Awards – American Book Fest (Biography General)
- Finalist, 2018 Foreword INDIES Book of the Year Awards (Biography)

**THE DEATH PENALTY AS TORTURE: FROM THE DARK AGES TO ABOLITION** (Durham, NC: Carolina Academic Press, 2017)

- Bronze, 2017 *Independent Publisher* Book Award (World History category)
- Finalist, 2018 Eric Hoffer Book Awards

**AGAINST THE DEATH PENALTY** (Washington, DC: Brookings Institution Press, 2016)  
(editor of book reprinting and annotating Justice Stephen Breyer's dissent in *Glossip v. Gross*)

**THE BIRTH OF AMERICAN LAW: AN ITALIAN PHILOSOPHER AND THE AMERICAN REVOLUTION** (Durham, NC: Carolina Academic Press, 2014)

- First Prize, 2015 Scribes Book Award, The American Society of Legal Writers
- First Prize, 2015 American Association for Italian Studies Book Award (18<sup>th</sup>/19<sup>th</sup> century)
- Gold Winner, 2014 IndieFab Book of the Year Award (history)

**CRUEL AND UNUSUAL: THE AMERICAN DEATH PENALTY AND THE FOUNDERS' EIGHTH AMENDMENT** (Boston: Northeastern University Press, 2012)

- Silver, 2012 *Independent Publisher* Book Award (U.S. History category)
- Finalist, 2012 *ForeWord Reviews* Book of the Year Award (History category)

**WRITING FOR LIFE: THE CRAFT OF WRITING FOR EVERYDAY LIVING** (Minneapolis: Bottlecrap Books, 2007)

- Winner, 2007 *Independent Publisher* Book Award (Writing/Publishing category)
- Silver, 2007 *ForeWord Magazine* Book of the Year Award (Writing category)
- 2007 Midwest Book Awards finalist (Reference/How-to categories)

**LEGACY OF VIOLENCE: LYNCH MOBS AND EXECUTIONS IN MINNESOTA** (Minneapolis: University of Minnesota Press, 2003)

- 2004 Minnesota Book Award finalist

**KISS OF DEATH: AMERICA'S LOVE AFFAIR WITH THE DEATH PENALTY** (Boston: Northeastern University Press, 2003)

**DEATH IN THE DARK: MIDNIGHT EXECUTIONS IN AMERICA** (Boston: Northeastern University Press, 1997)

- 1998 Minnesota Book Award finalist
- Honorable Mention, Outstanding Books – The Gustavus Myers Program for the Study of Bigotry and Human Rights in North America

**BOOK  
CHAPTERS**

“From the Founding to the Present: An Overview of Legal Thought and the Eighth Amendment’s Evolution,” in Meghan Ryan & William W. Berry III, eds., *The Eighth Amendment and Its Future in a New Age of Punishment* (forthcoming from Cambridge University Press)

“The American Death Penalty: A Short (But Long) History,” in Robert M. Bohm & Gavin Lee, eds., *Routledge Handbook on Capital Punishment* (New York: Routledge, 2017)

“Beccaria in America: How the Italian Enlightenment Shaped American Law,” in Lorenzo Picotti, ed., *Alle radici del diritto penale moderno: l’illuminismo giuridico di Cesare Beccaria di fronte al potere di punire* (Napoli: Edizioni Scientifiche Italiane, 2015) & Lorenzo Picotti (Hg.), *An den Wurzeln des modernen Strafrechts: Die juristische Aufklärung Cesare Beccarias und die Strafgewalt* (Zürich: Lit Verlag GmbH & Co., 2017)

“Cesare Beccaria et les débuts de la réforme pénale américaine,” in Michel Porret & Elisabeth Salvi, eds., *Cesare Beccaria, la controverse pénale, XVIIIème-XXIème siècles* (Presses Universitaires de Rennes, 2015) (translated by Pascal Bastien - université du Québec, Montréal)

“The American Enlightenment: Eliminating Capital Punishment in the United States,” in Lill Scherdin, ed., *Capital Punishment: A Hazard to a Sustainable Criminal Justice System?* (Surrey, U.K.: Ashgate, 2014)

“Capital Punishment Law and Practices: History, Trends, and Developments,” in James R. Acker, Robert M. Bohm and Charles S. Lanier, eds., *America’s Experiment with Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction* (Durham, NC: Carolina Academic Press, 3d ed. 2014)

**LAW REVIEW  
ARTICLES**

*A Century in the Making: The Glorious Revolution, the American Revolution, and the Origins of the U.S. Constitution’s Eighth Amendment* (forthcoming in 2019 in *William & Mary Bill of Rights Law Journal*)

*The Long March Toward Abolition: From the Enlightenment to the United Nations and the Death Penalty’s Slow Demise* (forthcoming in 2019 in *University of Florida Journal of Law and Public Policy*)

*The Marquis Beccaria: An Italian Penal Reformer’s Meteoric Rise in the British Isles in the Transatlantic Republic of Letters* (forthcoming in 2019 in *Diciottesimo secolo*)

*Taking Psychological Torture Seriously: The Torturous Nature of Credible Death Threats and the Collateral Consequences for Capital Punishment*, 11 NE. U. L. REV. 1 (2019)

*Torture and Trauma: Why the Death Penalty Is Wrong and Should Be Strictly Prohibited by American and International Law*, 58 WASHBURN L.J. 1 (2019)

*The Abolitionist Movement Comes of Age: From Capital Punishment as a Lawful Sanction to a Peremptory, International Law Norm Barring Executions*, 79 MONT. L. REV. 7 (2018)

*The Concept of “Unusual Punishments” in Anglo-American Law: The Death Penalty as Arbitrary, Discriminatory, and Cruel and Unusual*, 13 NW. J. L. & SOC. POL’Y 307 (2018)

*What I Think About When I Think About the Death Penalty*, 62 ST. LOUIS U. L.J. 781 (2018)

*The Law’s Evolution: From Medieval Executions to a Peremptory, International Law Norm Against Capital Punishment*, 3 BECCARIA: REVUE D’HISTOIRE DU DROIT DE PUNIR 255 (2017)

*The Italian Enlightenment and the American Revolution: Cesare Beccaria’s Forgotten Influence on American Law*, 37 MITCHELL HAMLINE L.J. OF PUBLIC POL’Y & PRACTICE, Iss. 1, Art. 1 (2016)

*The Inequality of America’s Death Penalty: A Crossroads for Capital Punishment at the Intersection of the Eighth and Fourteenth Amendments*, 73 WASH. & LEE L. REV. ONLINE 487 (2016)

*The Economist and the Enlightenment: How Cesare Beccaria Changed Western Civilization*, 42 EUR. J. LAW & ECON., No. 2 (Oct. 2016)

*The Death Penalty in Decline: From Colonial America to the Present*, 50 CRIM. L. BULL. 245 (2014)

*The Anomaly of Executions: The Cruel and Unusual Punishments Clause in the 21st Century*, 2 BRIT. J. AM. LEG. STUDIES 297 (2013)

*Tinkering Around the Edges: The Supreme Court's Death Penalty Jurisprudence*, 49 AM. CRIM. L. REV. 1913 (2012)

*Revisiting Beccaria's Vision: The Enlightenment, America's Death Penalty and the Abolition Movement*, 4 NW. J. L. & SOC. POL'Y 195 (2009)

*In the Spirit of Ubuntu: Enforcing the Rights of Orphans and Vulnerable Children Affected by HIV/AIDS in South Africa*, 31 HAST. INT'L & COMP. L. REV. 33 (2008)

*The "Midnight Assassination Law" and Minnesota's Anti-Death Penalty Movement, 1849-1911*, 22 WM. MITCHELL L. REV. 577 (1996)

*The Public Interest and the Unconstitutionality of Private Prosecutors*, 47 ARK. L. REV. 511 (1994)

*Televised Executions and the Constitution: Recognizing a First Amendment Right of Access to State Executions*, 45 FED. COMM. L.J. 355 (1993)

*Defining "Co-Party" Within Federal Rule of Civil Procedure 13(g): Are Cross-Claims Between Original Defendants and Third-Party Defendants Allowable?*, 66 IND. L.J. 549 (1991)

## BOOK REVIEWS

WESTERN HISTORICAL QUARTERLY (Summer 2017) (reviewing Michael L. Radelet, *The History of the Death Penalty in Colorado* (University Press of Colorado, 2017))

THE AMERICAN HISTORICAL REVIEW (April 2012) (reviewing David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition* (The Belknap Press of Harvard University Press, 2010))

*'Til Death Do Us Part: A Battered Woman's Capital Murder Case Reexamined*, H-NET REVIEWS IN THE HUMANITIES AND SOCIAL SCIENCES (published on H-Law, Jan. 2008) (reviewing Kathleen A. Cairns, *The Enigma Woman: The Death Sentence of Nellie May Madison* (University of Nebraska Press, 2007))

## OTHER WRITINGS

*It's Time to Stop Executing People with Severe Mental Illness*, NATIONAL L.J., June 6, 2018 (op-ed)

*Cesare Beccaria: A 26-Year-Old Who Enlightened Our Founding Fathers*, ITALIAN AMERICA (Summer 2015)

*The Methods to the Madness: The Electric Chair, Lethal Injection and Now Nitrogen Gas*, JURIST, Apr. 30, 2015 (op-ed)

*Actually, the Founders Rejected the Death Penalty*, NATIONAL L.J., Oct. 27, 2014 (op-ed)

*"Interpreted As It Ought To Be": Toward a Principled Eighth Amendment*, The Constitution Project, Oct. 29, 2014 (blog post)

*In Closing*, BALTIMORE LAW (University of Baltimore School of Law magazine) (Fall 2014)

*The Birth of American Law: An Italian Philosopher and the American Revolution*, American Constitution Society blog post (Sept. 16, 2014) (ACS Book Talk)

*The Botched Hanging of William Williams: How Too Much Rope and Minnesota's Newspapers Brought an End to the Death Penalty in Minnesota*, THE RAKE (Mar. 2004)

*Injustice Casts Shadow on History of State Executions*, STARTRIBUNE (Minneapolis), Dec. 3, 2003

*America's Death Penalty: Just Another Form of Violence*, 82 PHI KAPPA PHI FORUM 13 (2002)

## SELECTED PRESENTATIONS

Invited Speaker, "The Death Penalty as Torture," Capital Punishment Center, The University of Texas at Austin School of Law (Mar. 8, 2019)

Presenter, Annual Conference, Southeastern Association of Law Schools (Aug. 2018)  
(panels on the death penalty and the U.S. Constitution's Eighth Amendment)

Presentation, "The Celebrated Marquis: An Italian Noble and the Making of the Modern World"  
Human Rights Center, University of Minnesota Law School (Apr. 26, 2018)

Invited Panelist, Thurgood Marshall: 50th Anniversary Celebration, The Judge Alexander  
Williams, Jr. Center for Education, Justice & Ethics, University of Maryland (Oct. 27, 2017)

Invited Panelist, Richard J. Childress Memorial Lecture, *Saint Louis University  
Law Journal* (Oct. 13, 2017) (panel on the death penalty)

Panelist, Constitution Day Program, The Italian Influence on the American Constitution  
(Sept. 15, 2017), Co-Sponsored by the U.S. District Court for the Western District of  
Pennsylvania and the Honorary Consul of Italy/Pittsburgh

Invited Presenter, "Should the Death Penalty Be Categorized as Torture?" International Law &  
Society Meeting, Mexico City (June 20, 2017)

Invited Speaker, *Against the Death Penalty* Presentation (May 1, 2017)  
Jack Mason Law & Democracy Initiative of Books for Africa, Minneapolis, MN

Invited Speaker, *The Death Penalty as Torture* Presentation (Apr. 25, 2017)  
Baltimore Bar Library, Mitchell Courthouse, 1000 North Calvert St., Baltimore, MD

Keynote Speaker, *The Death Penalty as Torture* Presentation (Mar. 21, 2017)  
The Creative Writing Program and Human Rights Program at the University of Minnesota

"*Dead Man Walking: An Opera for Our Times*," The Aspen Institute, Washington, D.C. (Mar. 8, 2017)

Panelist, "Does the Death Penalty Violate the Constitution?" (Dec. 15, 2016)  
Bill of Rights Book Festival, National Constitution Center, Philadelphia, PA

Panelist, "Race and the Death Penalty," Harvard Law School, Cambridge, MA,  
The Supreme Court and Capital Punishment conference (Nov. 18, 2016)

Keynote speaker, The Oslo International Symposium on Capital Punishment, University  
of Oslo (Oslo, Norway) – "Should the death penalty be categorized as torture?" (June 20, 2016)

Invited Panelist, Law & Society Association Annual Meeting, New Orleans, LA (June 3, 2016)  
(panel organized by Prof. Emeritus Gene Shreve on law as an academic discipline)

Keynote Speaker, "The Long March Toward Abolition: From the Enlightenment to the  
United Nations," Oslo, Norway (Dec. 7, 2015)

Speaker, International Neighbors Club 1, National Archives, Washington, D.C.  
(Sept. 16, 2015) (presentation on *The Birth of American Law*)

Teleforum, "Execution Methods and Deciding Implementation of the Death Penalty,"  
The Federalist Society, Washington, D.C. (July 13, 2015)

Panelist, "Interdisciplinary Legal Scholarship: Practice, Process, and Future" –  
Law & Society Association Annual Meeting, Seattle, WA (May 30, 2015)

Speaker, "Italian Enlightenment and Early American Constitutions and Laws" –  
Washington, D.C. (Apr. 7, 2015) (sponsored by The Constitutional Sources Project)

Symposium Speaker/Panelist, "The Death Penalty Debate in America," Hamline  
University, St. Paul, MN (Mar. 27, 2015)

Speaker, "Beccaria et Etats-Unis" - Paris, France (Jan. 5, 2015) (presentation on *The Birth of American Law*)

Panelist, Aspen Institute Italia - Rome, Italy (Nov. 26, 2014) (presentation on Cesare Beccaria)

Invited Speaker, The George Washington University Law School – Washington, D.C.  
(Nov. 12, 2014) (presentation on *The Birth of American Law*)

Panelist, University of Verona – Verona, Italy (Oct. 24, 2014)  
(presentation on the 250th anniversary of Cesare Beccaria’s treatise, *Dei delitti e delle pene*)

Keynote Speaker, University of Parma – Parma, Italy (Oct. 23, 2014)  
(presentation on the 250th anniversary of Cesare Beccaria’s treatise, *Dei delitti e delle pene*)

American Constitution Society - Georgetown University Law Center – Washington, D.C.  
(Sept. 24, 2014) (presentation on the Eighth Amendment)

50th Anniversary Law and Society Association Annual Meeting, Minneapolis, MN  
(May 29-June 1, 2014) (presentation on the Eighth Amendment)

Nobel Peace Prize Forum, Minneapolis, MN (Mar. 1, 2014) (sponsored by The Nobel Institute,  
Augsburg College and the University of Minnesota)

Presenter and Panel Moderator, The Death Penalty and Torture, 5th World Congress  
Against the Death Penalty - Madrid, Spain (June 14, 2013)

Presenter, Cesare Beccaria: Reception et Heritage – Geneva, Switzerland (Feb. 22, 2013)

Presenter, The 2nd Oslo International Symposium on Capital Punishment - Oslo, Norway (Dec. 8, 2012)

**BAR ADMISSIONS**

State of Minnesota, District of Columbia, U.S. Supreme Court

**OTHER**

Finisher – Twin Cities Marathon (1987); Charlottesville Marathon (2010)