

# SHIMA BARADARAN BAUGHMAN

*Professor of Law and Distinguished Fellow*

Brigham Young University Law School; Wheatley Institute

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## EMPLOYMENT

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### **Brigham Young University, J. Reuben Clark Law School, 2023-present**

*Woodruff J. Deem Professor of law and Distinguished Fellow Wheatley Institute*

Courses: Criminal law, Pursuit of Happiness Seminar

### **University of Utah College of Law, 2013-2023**

*Associate Dean; Professor of Law and Presidential Scholar*

Courses: Criminal law, Criminal Procedure I and II, Evidence, Advanced Criminal Procedure, Advanced Topics in Criminal Law, Making a Murderer Seminar

Honors: Presidential Scholar 2017-2020 (chosen as one of five professors from over 100 departments at the University of Utah for exceptionally promising scholarship); Deans Scholar 2015-2017; Associate Dean 2020-2022

### **Brigham Young University, J. Reuben Clark Law School, 2010-2013**

*Associate Professor*

### **Fulbright Scholar, 2008-2010**

Malawi, Africa

## SELECTED PUBLICATIONS

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*Systemic Absolution*, 99 S. CAL. L. REV. \_\_ (forthcoming 2026).

*Punishing Violence*, 75 AM. U. L. REV. 11 (2025).

*Prosecution Deferred*, 76 FLORIDA L. REV. 1139 (2025)

*Do Prosecutorial Declination Trends Provide Hope for Reducing Mass Incarceration?*  
60 GONZAGA L. REV. 255 (2025)

*Is it Time to Reconsider a Fairytale Marriage*, NEWSWEEK (May 28, 2025)

*Eliminating Pretrial Detention*, 104 B.U. L. REV. 1669 (2024)

*Dimensions of Prosecutor Decisions: Revealing Hidden Factors with Correspondence Analysis*, 15 U.C. IRVINE L.R. 215 (2024) (with Megan Wright and Cindy Cain)

CRIMINAL LAW EXAMPLES AND EXPLANATIONS (9th Ed Wolters Kluwer 2024)

CRIMINAL LAW CASES AND CONTROVERSIES (6th Ed Aspen 2024) (with Paul Robinson and Michael Cahill)

*Taming Dangerousness*, 112 GEORGETOWN L.J. 215 (2023)

*Fixing Disparate Prosecution*, 108 MINNESOTA LAW L. REV. 101 (2023) (with Jensen Liliquist)

*Inside the Black Box of Prosecutor Discretion*, 55 U.C. DAVIS L. REV. 2133 (with Megan Wright and Chris Robertson) (2022)

*Reforming State Bail Reform*, 75 SMU L. REV. 447 (2022) (with Lauren Boone and Nathan Jackson)

*Crime and the Mythology of Police*, 99 WASH. UNIV. L. REV. 65 (2021)

*Prosecutors and Mass Incarceration* 94 S. CAL. L. REV. 1123 (2021) (with Megan Wright)

*How Effective Are Police? The Problem of Clearance Rates and Criminal Accountability*, 72 ALAB. L. REV. 47 (2020)

*Dividing Bail Reform*, 105 IOWA L. REV. L. 101 (2020)

*Do Race and Class Affect Prosecutorial Decisions? A Randomized Experiment*  
16 J. EMPIR. LEG. STUD. 807 (2019) (with Chris Robertson and Megan Wright)

THE BAIL BOOK: A COMPREHENSIVE LOOK AT BAIL IN AMERICA'S CRIMINAL JUSTICE SYSTEM  
(Cambridge Univ. Press 2018)

CRIMINAL LAW EXAMPLES AND EXPLANATIONS (7th Ed Wolters Kluwer 2018) (with  
with Richard G. Singer and John Q. LaFond)

*The History of Misdemeanor Bail*, 98 BOSTON U. L. REV. 837 (2018) (symposium)

*Subconstitutional Checks*, 92 NOTRE DAME L. REV. 1071 (2017)

*Costs of Pretrial Detention*, 97 BOSTON U. L. REV. 1 (2017)

*Blinding as a Solution to Implicit Racial Bias in Prosecutorial Decision Making*  
1 BEHAVIORAL SCIENCE & POLICY 69 (2016) (peer reviewed journal, coauthored with Chris  
Robertson and Sunita Shah)

*Drugs and Violence*, 88 S. CAL. L. REV. 227 (2015)

*Funding Terror*, 162 UNIV. OF PENN. L. REV. 477 (2014) (coauthored with  
JC Sharman, Daniel Nielson, and Michael Findley)

*The Presumption of Punishment*, 8 CRIMINAL LAW & PHILOSOPHY 391 (2014)  
(Peer reviewed journal)

*Race, Prediction and Pretrial Detention* 10 J. EMPIRICAL LEGAL STUD. 471 (2013) (coauthored  
with Frank McIntyre) (Peer reviewed Journal)

*Rebalancing the Fourth Amendment* 102 GEORGETOWN L. J. 1 (2013)

*Does International Law Matter?* 97 MINNESOTA L. REV. 743 (2013) (coauthored with  
JC Sharman, Daniel Nielson, and Michael Findley)

*Sources of Criminal Law (Statutes, Case Law, Ordinances, Regulations) in THE ENCYCLOPEDIA OF CRIMINOLOGY AND CRIMINAL JUSTICE (WILEY BLACKWELL ED 2013) (coauthored with Aaron Arnson) (book chapter)*

*Race, Prediction & Discretion*, 81 GEORGE WASH. L. REV. 157 (2012)

*Predicting Violence*, 90 TEXAS L. REV. 497 (2012) (coauthored with Frank McIntyre)

*Fair Trade and Child Labor*, COLUMB. HUMAN RIGHTS L. REV. (2011) (with Stephanie Barclay)

*The State of Pretrial Detention*, THE STATE OF CRIMINAL JUSTICE, AMERICAN BAR ASSOCIATION (2011)

*The Right Way to Shrink Prisons*, N.Y. TIMES (May 30, 2011)

*Restoring the Presumption of Innocence*, 72 OHIO STATE L.J. 723 (2011)

*The Presumption of Innocence and Pretrial Detention in Malawi*, 4 MALAWI L.J. 124 (2010)

#### SELECTED PRESENTATIONS

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- Religion and Human Flourishing Panel, International Law & Religion Conference, Oct 2025 (Moderator)
- Federal Half-way House FHE (Aug 2025)
- Religion Annual Review – moderated two panels: Forgiveness and the Public Square; Religion & Human Flourishing (June 17 BYU)
- One America Summit 2025 Panel “What do they think of us? The Secular World and our Faith Traditions (May 2025, Oklahoma)
- Human Dignity: A Legal Perspective for Diplomacy of the Heart (14 countries represented) in Uzbekistan (April 2025)

*Pretrial Liberty Penumbra*, Stanford Law Criminal Justice Roundtable (April 2022)

Guest on All-In Podcast for Lds Living (2022) discussing the importance of conversion of one's heart to the gospel of Jesus Christ over public policy. <https://www.ldsiving.com/all-in/shima-baughman-whats-more-powerful-than-public-policy> and related articles <https://www.ldsiving.com/magnify/s/10498> and <https://www.ldsiving.com/how-a-mothers-imprisonment-led-her-daughter-to-devote-her-career-to-helping-the-incarcerated/s/10973>

Guest on Magnify Podcast Lds Living/Deseret Book (2023) on meekness being our strength (discussing President Nelson's admonition to be peacemakers) <https://www.ldsiving.com/magnify-the-podcast/meekness-is-strength-with-shima-baughman>

Article in Deseret News and Deseret Magazine about Faith-based rehabilitation programs (2022) <https://www.deseret.com/2022/12/30/23508268/faith-based-rehabilitation-programs-prison>

Contributor on KSL Studio 5 on a series called LEAD (2023-24). It is a series on leadership for women where I have discussed traits of good leaders, gratitude, family mission statements and will continue to discuss faith and leadership throughout the year. <https://studio5.ksl.com/meet-shima-baughman-contributor-series-lead/>

*The Right of the People to be Secure*, Ohio State Law Journal Symposium (February 2022)

*Crime and the Mythology of Police*, Duke Law Works in Progress Series (April 2021)

*NACOLE Academic Symposium*, University of Texas (March 2020)

*Controlled Substances Act at 50*, Arizona State University (Feb 2020)

*The History of Misdemeanor Bail*, Misdemeanor Machinery Conference, Boston University (Nov 2017)

*Race and Money Bail*, Ninth Circuit Judicial Conference Annual Meeting (April 2017)

*The Money Bail Crisis*, American Association of Law Schools (AALS) Annual Meeting (January 2016)

*Predicting Trouble: Risk, Technology, and a Data-Driven Criminal Justice System*, American Association of Law Schools (AALS) Annual Meeting (January 2016)

*Sub-Constitutional Checks*, Vanderbilt Criminal Justice Roundtable (November 2015); Southwest Criminal Law Conference (Univ. of Utah 2015)

*Vice Crimes; Innocence and Incarceration*, SEALS Annual Meeting (July 2015)

*Racism and Prosecutorial Integrity*, Prosecutorial Integrity Annual Conference, Washington D.C. (June 2015)

*Policing & Being Policed*, International Law and Society Conference (May 2015)

*Extreme Empirical Methods*, American Association of Law Schools (AALS) Annual Meeting (January 2015)

*Smart Law for Smart Cities: Regulation Technology and the Future of Cities*, Fordham Law School (2014)

*Big Data and International Law*, NYU Symposium (2014)

*Funding Terror*, University of Maryland (2013), William & Mary (2014)

*Drugs and Violence*, UC Davis, Southwest Criminal Scholars Conference, UCLA law school, Emory Law School, Cornell Law School, NKU Law School (2013-2015)

*Social Science Approaches to Legal Scholarship*, American Association of Law Schools (AALS) Annual Meeting (January 2013)

*Race Prediction & Pretrial Detention*, *Conference on Empirical Legal Studies*, Stanford University (with Frank McIntyre) (Nov. 2012)

*Predicting Violence on Pretrial Release*, 2012 Annual U.S. District Court Bench-Bar Conference, Idaho Falls, Idaho (Oct. 2012)

*Reconsidering Fourth Amendment Balancing*, Southwest Criminal Law Conference, UNLV, Rocky Mountain Junior Scholars Conference (Sept. 2012)

*Experimenting with Shell Companies*, University of Utah, University of Houston, Arizona State University (2012)

*Does International Law Matter?*, International Society of New Institutional Economics Annual Meeting, USC Law School (June 2012)

*Race, Prediction & Discretion*, International Law & Society Annual Meeting (June 2012)

*Race, Prediction & Pretrial Detention*, *American Law & Economics Association Annual Conference*, Stanford Law School (with Frank McIntyre) (May 2012)

*The Presumption of Punishment, Fraying the 'Golden Thread' The Presumption of Innocence in Contemporary Criminal Law*, Minnesota Law School (May 2012)

*A War on Terror Financing: The Impact of International Law on Money Laundering in the Middle East and Beyond, Forces Without Borders: Nonstate Actors in the Middle East*, Cornell Law School (February 2012)

*Importance of the Pretrial Process in Reducing Mass Incarceration and Protecting the Innocent*, The American Association of Law Schools (AALS) Annual Meeting (January 2012)

*Judicial Decisionmaking in Criminal Justice*, ABA-AALS Fall Meeting, Washington D.C. (Oct. 2011)

*The Current State of Pretrial Detention*, National Association of Pretrial Services Agencies Annual Conference (Sept. 2011)

*Why Comply with International Law?* Vanderbilt University Law School, Wisconsin Law School (Oct./Nov. 2011)

*Race and Prediction*, Rocky Mountain Junior Scholars Workshop, Brigham Young University (Sept. 2011)

*National Security, Detention and the U.S. Courts*, Southeastern Law Schools Association Conference (July 2011)

*Restoring the Presumption of Innocence*, Law and Society Annual Conference, Southwest Junior Scholars Conference (March 2011)

*Predictive Justice, Due Process & the Presumption of Innocence* J. Reuben Clark Society Conference 2010, Golden Gate University (San Francisco)

*The Presumption of Innocence and Pretrial Detention in Malawi* U.S. Embassy Fulbright Conference, 2009

*Machoism and the Rape Epidemic of South Africa*, Kennedy Center International Studies Conference 2000

## EXPERIENCE

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### **Ethical Tea Partnership**

*Legal Consultant*, April 2010-August 2010

Coordinate and undertake field study investigating labor, health, environmental, and human rights practices surrounding the tea estate communities of Southern Malawi; Produce 80-page comprehensive report detailing conditions, including case studies and recommendations for potential interventions.

### **Christian Aid**

*Legal Consultant*, Jan. 2010-present

Draft position paper and alternative language for draft Malawi HIV Bill on behalf of coalition of over 20 international NGOs; advocate and present to Parliament members and media representatives about proposed legislation.

### **Global Integrity**

*Peer Reviewer*, Nov. 2009-Jan. 2010

Assist in preparing a Malawi Country Report assessing governance, anti-corruption mechanisms, and government accountability at a national level and review 320 indicators in six broad dimensions of governance for international NGO.

### **UK Department for International Development (DFID)**

*Justice Advisor*, Dec. 2008-April 2009

Manage the Safety, Security, and Access to Justice Program, a \$12.3 million project, involving

ten implementing partners which focuses on informal primary justice provided by traditional authorities including community legal awareness, informal dispute resolution, community policing and victim's support and diversion of children to child friendly courts.

**Fulbright Senior Scholar,**

*University of Malawi, Aug. 2008-March 2010*

**Malawi Legal Aid Department**

*Senior Legal Aid Advocate, Aug. 2008-Jan. 2009*

Defend criminal suits and initiate civil actions in land, tort, family and estate disputes in Malawi magistrate and high court.

**University of Malawi, Chancellor College of Law**

*Lecturer, Aug. 2009-March 2010*

Lecturer in criminal law course for law students.

**Kirkland & Ellis, New York**

*Associate, Nov. 2005–Aug. 2008, Summer Associate, May–Aug. 2003*

Initiated and defended patent, copyright, contract, securities, healthcare, criminal, and constitutional actions in federal and state court. Took and defended over fifteen depositions, argued five appellate and discovery motions in federal and state court, and briefed several dispositive motions.

Lead a team of lawyers in a high profile religious freedom prison case

<http://www.nytimes.com/2008/02/16/us/16prison.html?scp=10&sq=rabbi%20prison&st=cse>

**Honorable Jay S. Bybee, United States Court of Appeals for the Ninth Circuit**

*Law Clerk, 2004–05*

**Office of the Solicitor General, U.S. Department of Justice**

*Summer Honors Program, May–June 2004*

Assisted in researching, briefing, and mooted cases to be argued on behalf of the U.S. Government before the Supreme Court

**ACLU Women's Rights Project, New York**

*Summer Intern, June–Aug. 2002*

Initiated class actions on behalf of domestic violence victims, female prisoners and low-income laborers.

**Ray, Quinney & Nebeker**

*Summer Associate May–June 2002*

Assisting in research and writing motions in litigation related matters.

**Health Association of Iran, Tehran, Iran**

*Field Researcher, June–July 2000*

Received grant to assess the success of Iranian nongovernmental organizations in the areas of political violence, health, and the environment

**Border Institute of Primary Health, East London, South Africa**

*AIDS Education Coordinator and Field Researcher, May–Aug. 1999*

Organized AIDS education workshops for community health workers in several townships of the Eastern Cape of South Africa; researched violence against women in South Africa, conducting in-depth interviews with rape convicts in East London Prison

**Utah County Rape Crisis Team, Utah**  
*Team Member, Apr. 1998–2001*

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