

Prithika Balakrishnan

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EDUCATION

Yale Law School, New Haven, Connecticut
JD, 2009

- Charles G. Albom Prize for Excellence in Appellate Advocacy
- Olin Fellowship for Law, Economics and Public Policy
- *Yale Human Rights and Development Law Journal*, Articles Editor

Stanford University, Palo Alto, California
BA in Economics and History, summa cum laude, 1998

- Highest Departmental Honors
- Stanford University Robert M. Golden Medal for Excellence in the Humanities

RESEARCH AND TEACHING INTERESTS

Primary: Criminal Law, Criminal Procedure, Evidence, Professional Responsibility

Secondary: Race and the Law, Constitutional Law, Trial Advocacy, Law and Technology

SCHOLARSHIP

Mass Surveillance as Racialized Control, forthcoming 71 UCLA L. Rev. __ (2024) (job talk)

- This Article examines how the expanded use of pretrial GPS surveillance is radically changing the presumption of innocence by implicating punitive measures absent constitutional protections and amplifying the racial disparities in our criminal justice system. Largely viewed as a substitution for physical detention and, therefore, a less onerous intrusion on a defendant's liberty, pretrial GPS surveillance has eroded fundamental liberties under the guise of criminal justice regulation. These highly racialized but invisible repercussions include harms to physical and psychological health, freedom of movement, privacy, and future economic self-determination. I argue that in light of these substantial harms, courts must examine how they evaluate technological surveillance, providing defendants substantive and procedural due process protections where there currently are none.

Presumed Dangerous (work in progress)

- The Bail Reform Act of 1984 explicitly allowed the preventative detention of criminal defendants based upon the deterrence of future crimes. Upheld against a facial challenge by the Supreme Court in *United States v. Salerno*, 481 U.S. 739 (1987), the Act designated the protection of public safety as a legitimate regulatory purpose of bail. In the years subsequent to *Salerno*, future dangerousness has dwarfed concerns over flight risk in decisions concerning pretrial release, resulting in an unprecedented increase in pretrial incarceration in the United States and amplifying the racial disparities in our criminal legal system. Today, judicial consideration of public safety is accepted,

even by anti-carceral reformers, as an intrinsic component of the bail analysis. In this article, however, I will demonstrate that the origins of “future dangerousness” and its insertion into the pretrial detention analysis can be found in the backlash to the civil rights movement and the racialized politics of the 1970s and 1980s. Moreover, my research will challenge the conventional precedent of *Salerno*, showing that as technologically mediated methods of decision-making become more prevalent in judicial determinations, the continued reliance on future dangerousness as a bail consideration violates the Equal Protection Clause of the Constitution.

SELECTED PRESENTATIONS

“Racial Justice Lawyering Symposium,” Center for Racial and Economic Justice, UC Law San Francisco (March 2024) (panelist)

“Presumed Dangerous,” CUNY School of Law, Asian American Pacific Islander (AAPI) and Middle Eastern and North African (MENA) Women in the Legal Academy Workshop (October 2023) (presenter)

“Panel on Pretrial Release, Probation and Parole,” CrimFest 2023, Brooklyn Law School (July 2023) (panelist)

“Presumed Dangerous,” Decarceration Law Professors 2023 Works-in-Progress Workshop (July 2023) (presenter)

“Punishing the Presumed Innocent,” AALS Conference on Clinical Legal Education, Clinical Conference, Works in Progress (April 2023) (presenter)

“Practices to Build, Sustain and Teach Resilient Hope in the Midst of a Long-Term Struggle for Social Change,” AALS Conference on Clinical Legal Education (April 2023) (panelist)

“Racial Impacts and Disparities of E-Carceration,” Clinical Writer’s Workshop, NYU School of Law (October 2022) (presenter)

“Racial Impacts and Disparities of E-Carceration,” UC Davis School of Law, Asian American Pacific Islander (AAPI) and Middle Eastern and North African (MENA) Women in the Legal Academy Workshop (September 2022) (presenter)

ACADEMIC APPOINTMENTS

UC College of the Law, San Francisco, California

C. Keith Wingate Visiting Assistant Professor, August 2022 – present

- Courses Taught: Criminal Practice Clinic

UC Berkeley School of Law, Berkeley, California

Lecturer, August 2017 – May 2022

- Courses Taught: Criminal Law and Ethics, Advanced Criminal Trial Practice

OTHER EXPERIENCE

San Francisco Public Defenders Office, San Francisco, California

Deputy Public Defender, 2009-2021

- Felony trial attorney. Handled life-cases, sex crimes and homicides, conducting over 30 jury trials to verdict. Managed several of San Francisco's mental health collaborative courts, which are lauded as national models of evidence-based, treatment-focused strategies for addressing mental health and addiction as root causes of criminality. Ensured clients received and participated in mental health services. Advocated for improved legal outcomes for clients with mental health concerns, including dismissal of charges, early termination of probation and reduction of the severity of charges upon program graduation. Extensive motions practice, including bail motions, suppression motions, demurrers, motions to dismiss, in limine motions and appellate writs. Led new attorney trainings in Voir Dire and Opening Statement. Moderated case conferences.

Hotel Employees and Restaurant Employees Union, Local 2 San Francisco, San Francisco, California

Union Organizer, 2001-2005

- Represented hotel workers in grievance hearings and mediation. Developed leadership among rank-and-file union members in contract negotiations and worker campaigns.

Peace Corps Honduras, Washington, DC

Volunteer, 1998-2000

- Advised a group of indigenous women in the creation, administration and management of an artisan cooperative, focusing on the sustainability of women-owned, income-generating, small businesses.

BAR ADMISSIONS

California (2009)

REFERENCES

Shauna Marshall

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