

PROMOTION RECOMMENDATION
The University of Michigan
Law School

Eve Brensike Primus, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic degrees:

J.D. 2001 University of Michigan *summa cum laude*
B.A. 1997 Brown University *magna cum laude*

Professional Record:

2006-present Assistant Professor of Law, Law School
2005-2006 Visiting Professor of Law, Law School
2004-2005 Office of the Public Defender, Baltimore, MD
2002-2004 Office of the Public Defender, Rockville, MD
2001-2002 Clerk, Hon. Stephen Reinhardt, U.S. Court of Appeals (9th Cir.)

Summary of Evaluation:

Teaching – Professor Primus’ teaching record at Michigan is outstanding. Her teaching statement suggests that she takes her responsibilities as a law teacher very seriously; and this is clearly reflected in her phenomenal CRLT evaluations and in the universal praise she receives from her students in criminal law and criminal procedure. Across all modes of evaluation, she is given an extremely high ranking. Indeed, she counts consistently with an elite group of truly outstanding law teachers at Michigan.

Research – There is no doubt that, in the words of the Law School’s tenure standards, Professor Primus has “demonstrated significant achievement as a scholar and show[s] promise of future achievement.” Her three major articles, all in leading journals, more than satisfy the quantity standard. These articles are careful, perceptive, intelligent, creative, interesting, and potentially useful. They display the best virtues of traditional legal scholarship. Professor Primus shows great imagination, both in suggesting reforms to deal with acknowledged disaster areas in criminal procedure, and in analyzing how one line of Supreme Court case law has gone wrong.

All three articles address serious problems in criminal procedure: how to make it possible for ineffective assistance of counsel claims to get a serious hearing; how to make federal habeas corpus a more effective remedy against state constitutional violations; and how to preserve significant Fourth Amendment protection in “administrative searches,” where the Supreme Court has been degrading such protection in case law that may embody doctrinal confusion. All three articles reveal a deep knowledge of the real world of criminal procedure and of the case law and the scholarly literature. The first two suggest novel solutions to the problems they address, and the third lays the groundwork for further scholarship in this rein. Taken together, the articles make a clear case for tenure.

This case is further supported by the experts in the field who served as her external reviewers; they strongly approved of her scholarship as a basis for granting tenure. As one of the most eminent among them concluded, Professor Primus is in “the upper ranks of the junior professors currently writing in the field of criminal procedure.” This is an area of traditional strength for

Michigan's Law School, and it is therefore comforting to have solid evidence of continuity in this important field.

Recent and Significant Publications

Disentangling Administrative Searches, 111 COLUM. L. REV. ____ (forthcoming 2011)
Litigation Strategies for Dealing with the Indigent Defense Crisis, AMERICAN CONSTITUTION SOCIETY ISSUE BRIEF (September 2010)
A Structural Vision of Habeas Corpus, 98 CALIF. L. REV. 1 (2010)
The Procedural Obstacles to Reviewing Ineffective Assistance of Trial Counsel Claims in State and Federal Postconvictions Proceedings, 24 CRIMINAL JUSTICE 6 (2009)
Structural Reform in Criminal Defense: Relocating Ineffective Assistance of Counsel Claims, 92 CORNELL L. REV. 679 (2007)

Service – Professor Primus, in addition to serving on an array of internal committees, has participated in many moot courts preparing colleagues for appellate appearances, and she has also been unusually active in helping students with the official and outstanding moot court competition. In addition, she has continued to undertake *pro bono* work, and also to publish shorter summaries of law as a service to the legal community. These efforts including drafting legislation about habeas reform at the request of a House working group.

External Reviewers:

Reviewer (A):

“Each of Primus’s articles reflects some similar strength. They are all: (1) deeply informed by both thorough research and practical (I am tempted to say ‘bitter’) experience; (2) passionate yet restrained in their tenor and (3) written in clear and vigorous prose. Each has won placement in a prestigious journal. All address unquestionably important issues. ... Primus is clearly an impressively productive and provocatively original thinker.”

Reviewer (B):

“Prof. Primus would certainly qualify on the basis of her scholarship for tenure at my institution because she has shown both significant accomplishment and significant promise in her treatment of intellectually and socially important legal issues, and compares very favorably to her contemporaries in her fields of endeavor.”

Reviewer (C):

“[T]he work of Professor Primus has certainly ‘demonstrated significant achievement as a scholar.’ That achievement is evident in her formulation of several new and important ideas, her articulation of those ideas in ... persuasive and thoughtful articles, the publication of those articles in some of the nation’s leading legal periodicals, and the reception of at least some of those ideas by the academy. ... Remedial reform in criminal justice is enjoying a renaissance, and Professor Primus has positioned herself to be a leading voice in the debate over the preservation and reform of remedies that for many decades have been taken for granted.”

Reviewer (D):

“Based upon my assessment of [her] three articles, I have no hesitation in recommending, with enthusiasm and without reservation, that tenure be conferred upon Prof. Primus. ... I view Prof. Primus’s administrative search article to be a first-class piece of scholarship, well-deserving of close attention by the academic community as well as the bench and bar.”

Reviewer (E):

“... I find Professor Primus’ work to be highly innovative and of good quality. It reaches for the stars and gets at least halfway there. It is already widely cited and discussed. Last year we invited Professor Primus to [an event at my institution] because we think her work is exciting, challenging and among the best that the [junior] cohort of criminal law and procedure scholars has to offer ... I predict that she will continue to be a major contributor to the field of criminal procedure, and am sure that she would receive tenure at our institution.”

Reviewer (F):

“This is the work of a scholar who has already achieved more than most achieve in their careers. Each article is original in a paradigm-shifting way. Her solutions break down the walls of categories and force the reader to re-examine long-held conventions. Needless to say, her potential is enormous. Your standards ask whether she has made a significant contribution to the literature. Professor Primus has exceeded that by a high order of magnitude.”


Reviewer (G):

“[*A Structural Vision of Habeas Corpus*] is a very good and creative paper. Professor Primus addresses problems that have attracted (and troubled) many others, but her take is unconventional, to say the least. I find her ideas novel, imaginative, and provocative. This article makes an important contribution to an academic literature that is much in need of fresh thinking. I am extremely impressed.”

Internal Review: In keeping with the Law School’s tenure procedure, the Standing Tenure Committee conducted a comprehensive review of Professor Primus’ performance. The Committee read all of the work that Professor Primus had submitted for publication since joining the Law School, solicited and read inside and outside reviews, observed her classes, interviewed students, and prepared a recommendation for the Law School faculty. The Tenure Committee concluded that Professor Primus satisfies the requirements for tenure and promotion. In accordance with law School procedure, the tenured faculty considered the Committee’s report and recommendation at two meetings. At the second meeting, the tenured faculty voted to recommend Professor Primus for promotion to professor of law, with tenure.

Summary of Recommendation:

In the classroom, Professor Primus’ success has been extraordinary; the strength and unanimity of student praise, confirmed by classroom visits by the Tenure Committee, is astonishing. With regard to scholarship, she has published or had accepted for publication three substantial articles on aspects of criminal law and criminal procedure that receive high praise from both external and internal reviewers. Her record of service, particularly her *pro bono* work for criminal defendants and her drafting of proposed legislation on reform of habeas corpus, is also impressive. It is with the widespread support of the Law School’s Tenure Committee and the tenured faculty that I recommend her for promotion to professor of law, with tenure, Law School.


Evan Caminker
Dean, Law School

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