

Paying Tribute to a Pioneer

PROFESSOR EMERITUS DANIEL J. FREED '51

YALE LAW SCHOOL Professor Emeritus Daniel J. Freed '51, a pioneer in the criminal justice process and a key figure in the development of clinical education at the Law School, died January 17, 2010, in New York. He was 82.

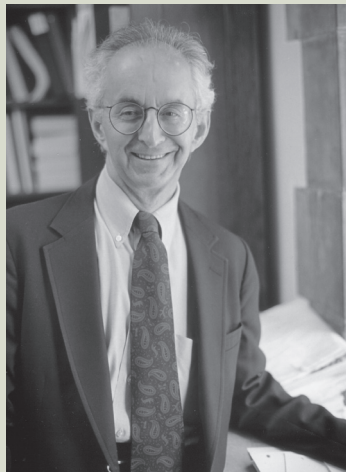
Freed was Clinical Professor Emeritus of Law and Its Administration, specializing in sentencing and criminal justice administration.

"Dan Freed was a unique scholar, reformer, and social activist," said Yale Law School Dean Robert Post '77. "He had an unmatched capacity to bring together people on all sides of controversial issues to create thoughtful, reflective, productive and collaborative working groups. He spent a lifetime seeking to realize his goal of making the criminal justice system fairer and more effective. He succeeded to a remarkable degree. We shall miss him deeply."

Daniel Freed was born in New York, on May 12, 1927. After serving with the U.S. Navy, he earned a B.S. in 1948 from Yale and an LL.B. in 1951 from Yale Law School, where he was a Note editor of *The Yale Law Journal*.

He was appointed to the Yale Law School faculty in July 1969 to oversee the development of the Law School's clinical program, which he directed until 1972. He was one of the first professors in the country to conduct workshops and seminars on criminal sentencing, which at the time was discretionary and indeterminate. From 1972 to 1987, he ran the Daniel and Florence Guggenheim Program in Criminal Justice at Yale Law School and from 1987 to 1994, the Criminal Sentencing Program. In 1989, he co-founded the *Federal Sentencing Reporter*, a law review dedicated to a sustained and accessible conversation about sentencing law and policy among scholars, judges, practitioners, and policymakers. He was a trustee of the Vera Institute of Justice and received the Glenn R. Winters award from the American Judges Association in 1992. He retired from Yale Law School in 1994 but continued to teach as a professorial lecturer in law until 2006.

"For four decades, Daniel Freed examined and exposed the parts of the criminal justice process that were, when he began his work, most opaque and basically unregulated by law: bail and sentencing," said Lafayette S. Foster Professor of Law Kate Stith. "He was one of the early theorists and proponents of



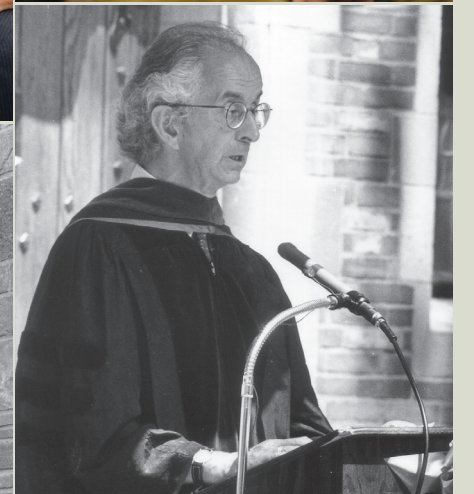
sentencing guidelines, now commonplace, though he sought guidelines that left considerable room for individualized sentencing."

"Dan's work bridged the gap between judges and academics, practitioners and politicians, policymakers and the public," said Nancy Gertner '71, U.S. District Court judge in Massachusetts and visiting lecturer at Yale Law School. "In his seminars on sentencing, the conferences he organized and the articles he wrote, he brought together representatives of all sides of the criminal justice debate, in many cases for the very first time. And he challenged them to create a system that

was at once principled and just. His loss—as a voice in this discussion, as a mentor for many of us (who consider ourselves 'Freedians'), and as a leader—is irreplaceable."

Before coming to Yale Law School, Freed served with the U.S. Department of Justice for ten years, from 1959 to 1969. At the time of his departure from DOJ, he was director of the Office of Criminal Justice, an office he joined as associate director when it was established in 1964 by Attorney General Robert Kennedy. From 1963 to 1964, he served as co-director of the National Conference on Bail and Criminal Justice, sponsored by the Justice Department and the Vera Foundation. From 1959 to 1963, he was a senior trial attorney for the DOJ's Antitrust Division. From 1952 to 1959, he worked in private practice at the Washington, D.C., firm of Bergson & Borkland. He served as an investigator for the Preparedness Subcommittee of the Senate Armed Services Committee from 1951 to 1952.

Professor Freed served as chairman of the Junior Bar Section of the D.C. Bar Association from 1962 to 1963; lecturer at the University of Virginia Law School from 1966 to 1967; president of the Yale Law School Association of Washington, D.C., from 1968 to 1969; and on the Visiting Committee of the School of Criminal Justice, State University of New York at Albany, from 1968 to 1973. He was a member of the Board of Directors of the Neighborhood Legal Services Program in Washington, D.C., from 1966 to 1969 and of the New Haven Legal Assistance Association from 1972 to 1975. He was a visiting professor at the University of Washington Law School in 1977 and at the



Institute of Advanced Legal Studies in London in 1975 and 1979.

Professor Freed's books include *The Release, Control, and Detention of Accused Juvenile Offenders between Arrest and Disposition* (with Timothy Terrell, 1980), and *The Nonsystem of Criminal Justice* (1969). His *Bail in the United States*, co-authored in 1964 with Patricia Wald '51, is widely seen as the basis for the groundbreaking Bail Reform Act of 1966.

Professor Freed is survived by his wife Judy; son Jonathan and his wife Lauren; son Peter and his wife Talya; daughter Amy; daughter Emily and her husband Felix; brothers Norman and Harvey; and six grandchildren: Ben, Nik, Madison, Julian, Teo, and Chloe.

A memorial service was held for Professor Freed at the Law School in April. ∞