



FLOYD FEENEY

UC DAVIS LAW REVIEW

VOL. 53, NO. 4



APRIL 2020

Symposium in Memory of Professor Floyd F. Feeney

Introduction

In the following pages, the Law Review marks the passing of Professor Floyd F. Feeney. A gifted teacher, leading scholar, and global citizen, his role in law reform began in our nation's capital, continued in Sacramento, and ultimately took him to Europe, Central America, and Asia. This symposium in his honor includes tributes from distinguished members of the world's legal community. Taken together, they illuminate Professor Feeney's lasting contributions in each of his varied roles. And individually, they provide insights into him as a human being.

The first article is one in which Professor Edward Imwinkelried and I summarize the life and career of one of our closest friends and colleagues. We each spent decades in offices just down the hall from Floyd Feeney's and our fields — Professor Imwinkelried's in evidence law and mine in family law — often touched his own.

Because Floyd Feeney's legal career began in government service, and he came to King Hall in 1968 to lead an important new campus research center, the Center on Administration of Criminal Justice, our next two articles focus on those fields. The first of these, by Senator Robert M. Hertzberg, whose career has included service as his party's Majority Leader in both houses of the California legislature, recalls the interests he and Professor Feeney shared in criminal justice and election law, and recounts their respective roles during the legislature's work on important

topics in each field. Among them, he identifies his recent historic success in enacting legislation to replace California's bail system with one based on risk, only to have its ultimate fate await the success or failure of a voter-initiated referendum that will challenge it on the state's 2020 ballot. The second article to focus on these fields and law reform is by David and Betty Moxon, each of whom was a distinguished public servant at the United Kingdom's Home Office — he in criminal justice research and she in governmental policy and law reform — when they met Floyd Feeney. Their affectionate tribute first traces Professor Feeney's work while he was Director of the Vera Institute of Justice's then London Office. At the time, David Moxon was responsible for analyzing how to improve cooperation between the country's criminal justice agencies, and he explains here how Professor Feeney's exceptional research and analysis contributed to that work. Betty Moxon then describes his contributions to her professional obligations when she supervised elections in England and Wales and led a major reform to the country's law of sexual offenses. His work with them proved to be just the beginning of what became a central focus for the remainder of Professor Feeney's career: comparative criminal justice law.

Important scholars from Germany and the People's Republic of China (PRC) author the next two symposium articles, each contributing a fascinating analytical work. Professor Joachim Herrmann, an expert in criminal law, criminal procedure law, and comparative law, was Professor Feeney's host during a Fulbright year at the University of Augsburg. In the years that followed, Professor Herrmann taught at King Hall, the two often co-taught at both schools, and they coauthored a leading comparative law book, *One Case, Two Systems: A Comparative View of American and German Criminal Justice Systems*. Here, Professor Herrmann uses Rafael's painting, "The School of Athens," to introduce the philosophical schools of Plato and Aristotle, and then examines their respective influence on Civil and Common Law legal analysis, Japanese law and global commerce. The next symposium contribution is by Professor Guangzhong Chen of the China University of Political Science and Law (CUPL), the dean of criminal law and criminal procedure law scholars in the PRC. He met Professor Feeney when he first visited CUPL, as the PRC began its reform of the country's criminal procedure law. Here, Professor Chen examines the influence of early Chinese philosophers on current legal theory, notes differing approaches in several legal systems, then applies the theoretical approach he first proposed as a young scholar — dynamic balance — to central issues in contemporary Chinese criminal procedure law.

Our final two articles come from the next generation of scholars and law reformers. Floyd Feeney was a mentor to each — Professor Liling Yue of CUPL in comparative criminal law and criminal procedure law, and Professor Spencer Overton of George Washington University Law School and the Joint Center for Political and Economic Studies in Washington, D.C., in election law. Professor Yue details the PRC's reform process and Professor Feeney's contributions to it — noting particularly the exclusionary rule and plea bargaining — and his participation in a comparative criminal procedure law research project that they and Professor Herrmann conducted. She concludes with a call to others to carry on Professor Feeney's generous mentorship of foreign students and scholars. In his compelling article, Professor Overton explains how the Russian Internet Research Agency was able to establish false Facebook pages and purchase ads directed specifically to Black American users that urged them to boycott the 2016 presidential election. Similar deception was practiced on other social media platforms. Professor Overton shows how this was accomplished, even if users had never expressly revealed their ethnicity, and recommends an amendment that would close a loophole in federal law that exempts social media companies from regulation of the voter suppression their algorithms enable.

— Carol Bruch