

Michael E. Serota

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ACADEMIC & TEACHING EXPERIENCE

Loyola Law School, Los Angeles, CA

Associate Professor, July 2022 – Present

Director, Criminal Justice Reform Lab, Jan. 2021 – Present

Arizona State University, Phoenix, AZ

Academy for Justice

Senior Research Fellow, July 2022 – Present

Associate Deputy Director, July 2019 – June 2022

School of Criminology & Criminal Justice

Adjunct Faculty, July 2022 – Present

Affiliated Faculty, July 2019 – June 2022

Sandra Day O'Connor College of Law

Visiting Assistant Professor, July 2019 – July 2022

Georgetown University Law Center, Washington, DC

Instructor in the D.C. Street Law Clinic, Sept. 2010 – May 2011

University of California, Berkeley, School of Law, Berkeley, CA

Instructor in the Juvenile Hall Outreach Program, Sept. 2009 – May 2010

LEGAL EXPERIENCE

District of Columbia Criminal Code Reform Commission, Washington, DC

Consultant, Aug. 2019 – Present

Chief Counsel for Policy & Planning, Oct. 2016 – Aug. 2019

District of Columbia Sentencing Commission, Washington, DC

Senior Attorney, Jan. 2013 – Sept. 2016

United States District Court for the Southern District of Florida, Miami, FL

Law Clerk for the Honorable Cecilia M. Altonaga, Jan. 2012 – Jan. 2013

United States Court of Appeals for the Armed Forces, Washington, DC

Law Clerk for the Honorable Margaret A. Ryan, Aug. 2010 – Sept. 2011

United States Attorney's Office for the Northern District of California, San Francisco, CA

Extern in the Criminal Division, Jan. 2010 – May 2010

United States Court of Appeals for the Ninth Circuit, San Francisco, CA

Extern for the Honorable John T. Noonan, Jr., Sept. 2010 – Dec. 2010

Miami-Dade Public Defender's Office, Miami, FL

Intern, May 2003 – Aug. 2003

ACADEMIC PUBLICATIONS

Strict Liability Abolition, 98 NEW YORK UNIVERSITY LAW REVIEW 112 (2023).

Does Mens Rea Matter?, 2023 WISCONSIN LAW REVIEW 287 (with Matthew Mizel, Jonathan Cantor, and Joshua Russell-Fitch) (peer reviewed by RAND Corporation).

Guilty Minds, 83 MARYLAND LAW REVIEW 670 (2023).

Improving Criminal Justice Decisions, 52 ARIZONA STATE LAW JOURNAL 693 (2020).

Taking a Second Look at (In)Justice, 2020 UNIVERSITY OF CHICAGO LAW REVIEW ONLINE 1 (Jan. 23, 2020).

Second Looks & Criminal Legislation, 17 OHIO STATE JOURNAL OF CRIMINAL LAW 495 (2020) (peer reviewed).

Proportional Mens Rea and the Future of Criminal Code Reform, 52 WAKE FOREST LAW REVIEW 1201 (2017).

- Translated into Chinese and republished at 5 SENTENCING RESEARCH 27 (Gan Tan ed., Law Press China 2020).
- Cited by MODEL PENAL CODE: SEXUAL ASSAULT & RELATED OFFENSES (Cmt. on § 213, Draft No. 4, 2020).

Mens Rea, Criminal Responsibility, and the Death of Freddie Gray, 114 MICHIGAN LAW REVIEW FIRST IMPRESSIONS 31 (2015).

Fiduciary Principles and the Jury, 54 WILLIAM & MARY LAW REVIEW 1109 (2014) (with Ethan Leib & David Ponet).

Mapping Public Fiduciary Relationships, in THE PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW 388 (Oxford University Press 2014) (with Ethan Leib & David Ponet).

Translating Fiduciary Principles into Public Law, 126 HARVARD LAW REVIEW FORUM 91 (2013) (with Ethan Leib & David Ponet).

The Political Morality of Voting in Direct Democracy, 96 MINNESOTA LAW REVIEW 1596 (2013) (with Ethan Leib).

A Fiduciary Theory of Judging, 101 CALIFORNIA LAW REVIEW 699 (2013) (with Ethan Leib & David Ponet)

- Translated into Japanese and republished at 20 HOKKAIDO JOURNAL OF NEW GLOBAL LAW & POLICY 1 (2013).

Intelligible Justice, 66 UNIVERSITY OF MIAMI LAW REVIEW 649 (2012).

- Cited in *Aft Local v. Accrediting Com'n for Community and Jr. Colleges*, No. CGC 13-533693, 2014 WL 280530, at *28 n.148 (Cal. Super. Jan. 02, 2014).

Humanity and Law, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 1 (2011).

Stare Decisis and the Brady Doctrine, 5 HARVARD LAW & POLICY REVIEW 415 (2011).

Veterans' Benefits and Due Process, 90 NEBRASKA LAW REVIEW 388 (2011) (with Michelle Singer).

- Recipient of the Paralyzed Veterans of America National Legal Writing Award

Maintaining Healthy Laboratories of Experimentation: Federalism, Health Care Reform, and ERISA, 98 CALIFORNIA LAW REVIEW 559 (2011) (with Michelle Singer) (student comment).

The Costs of Consensus in Statutory Construction, 120 YALE LAW JOURNAL ONLINE 47 (2010) (with Ethan Leib).

A Personal Constitution, 105 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 149 (2010).

Breaking the Gridlock in the Senate: A Proposal for a Bipartisan Filibuster Commission, GEORGETOWN PUBLIC POLICY REVIEW ONLINE (2010).

(Mis)Interpreting SLUSA: Closing the Jurisdictional Loophole in Federal Securities Class Actions, 7 BERKELEY BUSINESS LAW JOURNAL 162 (2010) (student comment).

- Cited in *Lapin v. Facebook, Inc.*, No. C-12-3195 MMC, 2012 WL 3647409, at *3 (N.D. Cal. Aug. 23, 2012).

SELECTED NON-ACADEMIC PUBLICATIONS

Criminal Justice Scholarship & Reform, SENTENCING LAW & POLICY, January 25, 2021.

Misguided Criminal Justice Decisions Got Us Here, ARIZONA CAPITOL TIMES, January 23, 2021.

How the Criminal Law Lost Its Mind, BOSTON REVIEW, October 27, 2020.

Scalia's Pick: Justice Rachel Barkow, THE HILL, February 29, 2016.

Chris Christie's Choice: Duty or Politics?, LOS ANGELES TIMES, June 5, 2013 (with Ethan Leib).

Why We Need Supreme Court Cliffs Notes, WASHINGTON POST, June 29, 2012.

Law and Civic Education, HUFFINGTON POST, February 17, 2012.

Don't Focus Solely on the Constitution, USA TODAY, June 30, 2010 (with Ethan Leib).

Make Job Satisfaction a Priority, NATIONAL LAW JOURNAL, June 21, 2010.

Justice Delayed is Justice Denied, SAN FRANCISCO CHRONICLE, June 1, 2010.

ACADEMIC PROJECTS & GRANTS

Principal Investigator, *Legislating Criminal Justice Reform* (January 2020-Present): performing systematic content analyses of decades of legislative debate over criminal lawmaking in the U.S. Congress, and in state legislatures in Arizona, California, and Nevada.

- Collaboration with Arizona State University criminologists Cassia Spohn and Hank Fradella, Texas A&M criminologist Alex Purdon, Cal Poly computer engineer Foad Khosmood, Albany Law professor Ava Ayers, ACLU Arizona legal director Jared Keenan
- Awarded grants of \$24,000 from Arizona State University & 2,000 from Albany Law School
- Seminars at Loyola Law School and Albany Law School based on project

Principal Investigator, *Criminal Minds Project* (January 2021-Present): conducting nationwide survey on public attitudes about mens rea and the influence of culpable mental states on moral judgment.

- Collaboration with UK Surrey philosopher Alex Sarch and criminologist Dan McCarthy
- Awarded \$44,000 grant from Arizona State University

Co-Lead, *Mens Rea & Criminal Administration* (July 2021-April 2023): conducted first-ever empirical analysis of adding a culpable mental state requirement to a criminal statute.

- Collaboration with Arnold Ventures research director Matthew Mizel and RAND Corporation social scientists Jonathan Cantor and Joshua Russell-Fritch

Advisor, *The Future of American Criminal Law*, JOURNAL OF CRIMINAL LAW & CRIMINOLOGY (January 2023-March 2023): worked with Northwestern law students to secure funding, promote diversity, and cultivate meaningful dialogue between scholars and practitioners at symposium.

- Secured \$5,000 grant from Academy for Justice to JCLC

Principle Investigator, *Mens Rea & Criminal Justice Reform* (July 2019-January 2021): ran project focused on highlighting the salience of mens rea policy to criminal justice reform and generating actionable mens rea scholarship, which included a two-day conference with the nation's leading criminal scholars, jurists, and policy experts, and a dedicated symposium issue.

- Organizer, *Guilty Minds—A Virtual Conference on Mens Rea & Criminal Justice Reform*, ACADEMY FOR JUSTICE, Sept. 25-26, 2020.
- Articles Selection, *Guilty Minds Issue*, 53 ARIZONA STATE LAW JOURNAL 399 (2021).

Principal Investigator, *Reforming Arizona Criminal Justice* (Nov. 2019-Jan. 2021): ran project focused on highlighting the problems with Arizona's criminal legal system and generating actionable scholarship on Arizona criminal policy reform from the nation's leading criminal scholars.

- Awarded \$100,000 research grant from FWD.us
- Articles Selection, *Arizona Criminal Justice Reform Issue*, 52 ARIZONA STATE LAW JOURNAL 693 (2020).

Co-Editor, *Beyond the Bush Era: International Human Rights Law Looking Forward*, BERKELEY JOURNAL OF INTERNATIONAL LAW ANNUAL RIESENFELD SYMPOSIUM, Berkeley, California (April 23, 2009).

PRESENTATIONS, TESTIMONY & CONFERENCES

Presentation, *Legislating Criminal Justice Reform: A Multi-Jurisdictional Analysis of Dehumanizing Speech*, AMERICAN SOCIETY OF CRIMINOLOGY ANNUAL MEETING, Philadelphia, PA, forthcoming November 2023.

Presentation, *Legislating Criminal Justice Reform: An Overview*, INSTITUTE FOR ADVANCED TECHNOLOGY & PUBLIC POLICY, California Polytechnic State University, San Luis Obispo, CA, May 22, 2022.

Testimony, *Criminal Law Reform*, in support of the D.C. Criminal Code Reform Commission, D.C. Council Committee on the Judiciary and Public Safety, April 13, 2023.

Participant, *Blue-Ribbon Committee Symposium: Rethinking Crime and Violence*, ACADEMY FOR JUSTICE, Phoenix, AZ, April 13, 2023.

Symposium, *The Future of American Criminal Law*, JOURNAL OF CRIMINAL LAW & CRIMINOLOGY, Northwestern Pritzker School of Law, Chicago, IL, March 16, 2023.

- Presentation, *The Evolution of Criminal Law Reform*
- Moderator, *A New Theory to Limit Criminalization*
- Introduction to Keynote Address by Professor Jessica Eaglin, *Transformation in Criminal Law*

Panelist, *Equality Law Scholars' Forum*, Loyola Law School, Los Angeles, CA, November 4, 2022.

Presentations, *Strict Liability Abolition*:

- WESTERN SOCIETY OF CRIMINOLOGY ANNUAL MEETING, Honolulu, HI, February 5, 2022.
- LOYOLA LAW SCHOOL, Los Angeles, CA, November 16, 2021.
- UNIVERSITY OF MISSOURI-KANSAS CITY SCHOOL OF LAW, Kansas City, MO, November 9, 2021.
- AMERICAN BAR ASSOCIATION-ACADEMY FOR JUSTICE CRIMINAL JUSTICE WORKSHOP November 5, 2021.
- WEST VIRGINIA UNIVERSITY COLLEGE OF LAW, Morgantown, WV, November 4, 2021.
- ALBANY LAW SCHOOL, Albany, NY, October 29, 2021.
- ARIZONA STATE UNIVERSITY JUNIOR FACULTY FALL WORKSHOP, Phoenix, AZ, August 13, 2021.

Presentation, *Does Mens Rea Matter?*, AMERICAN SOCIETY OF CRIMINOLOGY ANNUAL MEETING, Chicago, IL, November 18, 2021.

Testimony, *Mens Rea Reform*, in support of the Revised Criminal Code Act of 2021, D.C. Council Committee on the Judiciary and Public Safety, November 4, 2021.

Presentation, *Legislating Criminal Justice Reform*, ARIZONA STATE UNIVERSITY JUNIOR FACULTY SPRING WORKSHOP, Phoenix, AZ, May 5, 2021.

Presentation, *Guilty Minds*, ARIZONA STATE UNIVERSITY JUNIOR FACULTY WINTER WORKSHOP, Phoenix, AZ, December 18, 2020.

Mens Rea Reform Roundtable: Mental Illness, Diminished Capacity, and the Flight from Culpability in Arizona, ACADEMY FOR JUSTICE, December 2, 2020.

- Opening Remarks on Mens Rea and Criminal Justice Reform in Arizona
- Moderated Roundtable Discussion

Guilty Minds—A Virtual Conference on Mens Rea & Criminal Justice Reform, ACADEMY FOR JUSTICE, September 25-26, 2020.

- Introductory Lecture on Mens Rea & Criminal Justice Reform
- Opening Remarks on Mens Rea & Criminal Justice Reform
- Interview with Bobby Garcia, “The Experience of Felony Murder”
- Moderator, “Malice, Intoxication, and Mental Illness—Theory, Doctrine, and Reform

Panelist, *Fighting for a Second Look*, organized by the Drug Enforcement and Policy Center, Ohio State University Moritz College of Law, and the Ohio Justice & Policy Center, September 22, 2020.

Presentation, *Second Looks & Criminal Legislation*, ARIZONA STATE UNIVERSITY JUNIOR FACULTY WINTER COLLOQUIUM, Phoenix, AZ, December 12, 2019.

Presentation, *Culpability and the Revised D.C. Code*, U.S. ATTORNEY’S OFFICE FOR THE DISTRICT OF COLUMBIA, Washington, DC, October 31, 2018.

Presentation, *A General Part for the District of Columbia*, DISTRICT OF COLUMBIA COURT OF APPEALS, Washington, DC, September 7, 2017.

Presentation, *Proportional Mens Rea and the Future of Criminal Code Reform*, RUTGERS LAW THEORIZING CRIMINAL LAW REFORM CONFERENCE, Camden, New Jersey, April 21-22, 2017.

Moderator, *The Future of Criminal Justice Reform*, VOX CONVERSATIONS CONFERENCE, Washington, DC, September 22-23, 2016.

Presentation, *A Personal Constitution*, AMERICAN PSYCHOLOGY-LAW SOCIETY ANNUAL MEETING, Miami, Florida, March 2-5, 2011.

EDUCATION

University of California, Berkeley, School of Law, J.D., 2010

George Washington University, B.A., *summa cum laude*, Psychology & Criminal Justice, 2006

BAR ADMISSIONS

California; Washington, DC.