

## **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 Scholar*, 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: PRINT**

*Strict Liability Abolition*, 97 NEW YORK UNIVERSITY LAW REVIEW \_\_ (forthcoming 2022).

*Does Mens Rea Matter?*, 2022 WISCONSIN LAW REVIEW \_\_ (forthcoming) (with Matthew Mizel, Jonathan Cantor, and Joshua Russell-Fitch) (peer reviewed by RAND Corporation).

*Blaming Minds*, 83 MARYLAND LAW REVIEW \_\_ (forthcoming 2022).

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

*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).

*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).

*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).

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

*(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).

### **ACADEMIC PUBLICATIONS: ONLINE**

*Mens Rea*, in OXFORD BIBLIOGRAPHIES IN CRIMINOLOGY (B. Huber ed., forthcoming 2022) (peer reviewed).

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

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

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

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

*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).

### **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, *Criminal Minds Project*, Arizona State University, July. 2022-July. 2023 (\$44,000 research grant to conduct nationwide survey on public attitudes about mens rea and the influence of culpable mental states on moral judgment in collaboration with philosopher Alex Sarch and criminologist Dan McCarthy at the University of Surrey).

Lead, *Legislating Criminal Justice Reform* (performing systematic content analyses of legislative debate over criminal law reform in collaboration with criminologists Hank Fradella and Cassia Spohn at the Arizona State University, legal director Jaren Keenan of ACLU Arizona, computer engineer Foaad Khosmood at Cal Poly, and law professor Ava Ayers at Albany Law School).

Co-Lead, *Mens Rea & Criminal Administration* (performing empirical analyses of mens rea reform in collaboration with research director Matthew Mizel at Arnold Ventures and social scientists Jonathan Cantor and Joshua Russell-Fritch at the RAND Corporation).

Organizer, *Guilty Minds Symposium Issue*, 53 ARIZONA STATE LAW JOURNAL 399 (2021).

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

Organizer, *Arizona Criminal Justice Reform Issue*, 52 ARIZONA STATE LAW JOURNAL 693 (2020).

Principal Investigator, *Reforming Arizona Criminal Justice*, FWD.us, Nov. 2019-Nov. 2020 (\$100,000 research grant to generate scholarship on criminal justice reform in Arizona).

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

## **PRESENTATIONS, PANELS & CONFERENCES**

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, *Blaming 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.