

Michael E. Serota

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APPOINTMENTS & TEACHING EXPERIENCE

Arizona State University, Sandra Day O'Connor College of Law, Phoenix, AZ

Visiting Assistant Professor, Aug. 2019 – Present
Associate Deputy Director of the Academy for Justice, June 2019 – Present

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

EDUCATION

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

Berkeley Journal of International Law, Executive Editor & Symposium Editor
Herma Hill Kay Fellowship, Co-Chair

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

Phi Beta Kappa Society, Member
Presidential Scholarship, Recipient

ARTICLES & ESSAYS

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

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

- Translated into Chinese at 4 STUDIES ON SENTENCING __ (Gan Tan ed., Law Press China forthcoming 2020).
- Discussed in WAYNE R. LAFAVE, 1 SUBSTANTIVE CRIMINAL LAW § 5.1(d) (3d ed. 2019).

Fiduciary Principles and the Jury, 54 WILLIAM & MARY LAW REVIEW 1109 (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 at 20 HOKKAIDO JOURNAL OF NEW GLOBAL LAW & POLICY 1 (2013).

Popular Constitutional Interpretation, 44 CONNECTICUT LAW REVIEW 1637 (2012).

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).

- Cited in WAYNE R. LAFAVE ET. AL, 5 CRIMINAL PROCEDURE § 20.2(b) (4th ed. 2019).

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

- Recipient of Paralyzed Veterans of America Legal Writing Award.

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

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

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

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

BOOK CHAPTERS, REVIEWS, & SHORTER WORKS

Taking Another Look at (In)Justice, UNIVERSITY OF CHICAGO LAW REVIEW ONLINE (forthcoming 2020).

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

- Quoted in numerous news articles including, e.g., Luke Broadwater & Ian Duncan, *What led to mistrial for Officer William G. Porter in Freddie Gray case*, THE BALTIMORE SUN (Dec. 16, 2015).

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).

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

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

Review of Larry Kramer's THE PEOPLE THEMSELVES: POPULAR CONSTITUTIONALISM AND JUDICIAL REVIEW, CONCURRING OPINIONS, May 27, 2010.

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

OP-EDS

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.

Civic Education and Popular Constitutional Interpretation, JURIST, November 19, 2010.

Veterans Suffer While VA Benefits Appeals Drag On, AOL NEWS, November 11, 2010.

A Better Way to Evaluate a Supreme Court Nominee, CONTRA COSTA TIMES, July 31, 2010.

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.

GRANTS & PROJECTS

Organizer, *Mens Rea & Criminal Justice Reform*, ACADEMY FOR JUSTICE, Phoenix, Arizona & Washington, D.C., Sept. 25-26, 2020.

- Proceedings to be published in 52 ARIZONA STATE LAW JOURNAL __ (forthcoming 2021).

Principal Investigator, *Reforming Arizona Criminal Justice*, FWD.us (\$100,000 research grant for purpose of generating scholarship on critical issues of criminal justice reform in Arizona, Nov. 2019-Nov. 2020).

- Proceedings to be published in 52 ARIZONA STATE LAW JOURNAL __ (forthcoming 2020).

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 & CONFERENCES

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

Participant, *Inaugural Leadership Summit*, COUNCIL ON CRIMINAL JUSTICE, Washington, DC, October 17, 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.

Panel Host, *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.