

## **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

*Advisor, Loyola of Los Angeles Law Review*, Sept. 2023 – 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**

*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**

*Advisor*, 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 \$24,000 grant from Arizona State University & \$4,500 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, July 2022.
- Awarded \$24,000 grant from Arizona State University, July 2023.

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

Presentations, *Criminal Minds & Community Views*:

- LAW & SOCIETY ASSOCIATION ANNUAL MEETING, Chicago, IL (forthcoming 2025).
- JUNIOR SCHOLARS CONFERENCE, University of Michigan Law School, Ann Arbor, MI (forthcoming 2025).
- LLS WORK-IN-PROGRESS COLLOQUIUM, Loyola Law School, Los Angeles, CA (forthcoming 2025).
- BLAME FOR IGNORANCE CONFERENCE, Max Planck Institute for the Study of Crime, Security and Law, Freiburg, Germany, September 5, 2024.
- EXPERIMENTAL JURISPRUDENCE WORKSHOP, Surrey Center for Law & Philosophy, UK, June 27, 2024.

Presentations, *Legislating Criminal Justice Reform*:

- LAW & SOCIETY ASSOCIATION ANNUAL MEETING, Denver, CO, June 7, 2024.
- SUNY ALBANY SCHOOL OF CRIMINAL JUSTICE, ALBANY, NY, April 25, 2024.
- ALBANY LAW SCHOOL FACULTY WORKSHOP, Albany, NY, April 24, 2024.
- PEPPERDINE CARUSO SCHOOL OF LAW, Malibu, CA, April 12, 2023.
- AMERICAN SOCIETY OF CRIMINOLOGY ANNUAL MEETING, Philadelphia, PA, November 16, 2023.
- AMERICAN POLITICAL SCIENCE ASSOCIATION ANNUAL MEETING, Los Angeles, CA, September 1, 2023.
- INSTITUTE FOR ADVANCED TECHNOLOGY & PUBLIC POLICY, California Polytechnic State University, San Luis Obispo, CA, May 22, 2023.
- ARIZONA STATE UNIVERSITY JUNIOR FACULTY WORKSHOP, Phoenix, AZ, May 5, 2021.

Symposium, *The Future of Criminal Justice Reform*, Loyola Law School, Los Angeles, CA (March 13, 2025).

- Introduction to Distinguished Lecture by Professor James Forman, Jr., *Dismantling Mass Incarceration: A Handbook for Change*
- Moderator, *A Conversation on Criminal Justice Reform*

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 Conversation on "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, *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, “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 & 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.