

LISA KERN GRIFFIN

Duke University School of Law • 210 Science Drive, Box 90360 • Durham, NC 27708-0360
(919) 613-7112 • griffin@law.duke.edu
<http://ssrn.com/author=508221>

EXPERIENCE

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

Professor of Law, 2008-present

Honors: Distinguished Teaching Award, 2011.

Courses Taught: Evidence; Criminal Procedure: Investigation
Interrogations and Testimony (seminar); Prosecutorial Ethics (reading group)
Advanced Topics in Character Evidence (ad hoc seminar).

Faculty Service: Faculty Hearing Committee, 2014-2017; Curriculum Committee, 2014-2016 (Co-Chair 2015-2016); Entry-Level Appointments Committee, 2009-2010, 2012-2014; Clerkship Committee, 2008-2011; Academic Careers Support Committee, 2008-2011; Advisor, Moot Court Board, 2009-2011; Co-Founder, Duke Law Women's Leadership Initiative (program for undergraduate women athletes).

Visiting Professor of Law, 2007-2008

UCLA SCHOOL OF LAW, Los Angeles, CA

Lecturer, 2005-2007

UNITED STATES ATTORNEY'S OFFICE, Chicago, IL

Assistant United States Attorney, 1999-2004

Investigated and prosecuted over 100 federal criminal cases.
Served as lead trial counsel in 11 jury trials.
Briefed and argued 7 cases before the United States Court of Appeals for the Seventh Circuit.
Assigned to the Public Corruption Division, 2003.
Received 2 Service Awards, Performance Award, and Special Recognition by the FBI.

MAYER, BROWN, ROWE & MAW, Chicago, IL

Associate, 1998-1999

JUSTICE SANDRA DAY O'CONNOR, SUPREME COURT OF THE UNITED STATES

Law Clerk, 1997-1998

JUDGE DOROTHY W. NELSON, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Law Clerk, 1996-1997

Extern, 1994

COVINGTON & BURLING, Washington, D.C.

Summer Associate, 1995

EDUCATION

STANFORD LAW SCHOOL

Juris Doctor, June 1996

Journal: President, *Stanford Law Review*, Volume 48.

Honors: Order of the Coif; Graduated with Distinction; Hilmer Oehlmann, Jr. Award for Excellence in the First Year Legal Research and Writing Program; Student Advising Fellow.

EDUCATION, cont.

GEORGETOWN UNIVERSITY

Master of Arts in English, May 1993

Honors: Writing Center Associate (collaborated on first-year Literature and Writing course); Full Tuition Scholarship; Passed Comprehensive Master's Exam with Distinction.

Bachelor of Arts, May 1992

Major: English; *Minor*: Government.

Honors: *Summa Cum Laude*; *Phi Beta Kappa*; English Department Honors; Presented honors thesis at the Georgetown Conference on Colonial and Post-Colonial Literature.

International Studies: Seville, Spain, 1990-1991; Quito, Ecuador, Summer 1989.

Languages: Fluent Spanish.

PUBLICATIONS

Articles and Book Chapters:

Silence, Confessions, and the New Accuracy Imperative, 65 DUKE LAW JOURNAL (forthcoming 2016).

Criminal Adjudication, Error Correction, and Hindsight Blind Spots, 73 WASHINGTON & LEE LAW REVIEW (forthcoming 2016).

Barriers to Entry and Justice Ginsburg's Criminal Procedure Jurisprudence, in THE LEGACY OF RUTH BADER GINSBURG (Scott Dodson, ed., Cambridge University Press, 2015).

Narrative, Truth, and Trial, 101 GEORGETOWN LAW JOURNAL 281 (2013) (winner of the Scholarly Papers Competition, Association of American Law Schools, Criminal Justice Section).

On the Mental State of Consciousness of Wrongdoing, 75 LAW & CONTEMPORARY PROBLEMS 133 (2012) (with Samuel W. Buell).

The Federal Common Law Crime of Corruption, 89 NORTH CAROLINA LAW REVIEW 1815 (2011) (invited contribution).

The Content of Confrontation, 7 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 51 (2011).

Inside-Out Enforcement, in PROSECUTORS IN THE BOARDROOM: USING CRIMINAL LAW TO REGULATE CORPORATE CONDUCT (Anthony S. Barkow & Rachel E. Barkow eds., New York University Press, 2011).

Criminal Lying, Prosecutorial Power, and Social Meaning, 97 CALIFORNIA LAW REVIEW 1515 (2009).

Compelled Cooperation and the New Corporate Criminal Procedure, 82 NEW YORK UNIVERSITY LAW REVIEW 311 (2007), cited in *United States v. Stein*, 541 F.3d 130, 150, 151 (2d Cir. 2008).

Shorter Essays and Book Reviews:

Foreword: Adjudicating the Guilty Mind, 75 LAW & CONTEMPORARY PROBLEMS (2012) (with Samuel W. Buell).

Wanting the Truth: Comparing Prosecutions of Investigative and Institutional Deception, 7 INTERNATIONAL COMMENTARY ON EVIDENCE 1:4 (2009).

Insincere and Involuntary Public Apologies, in CRIMINAL LAW CONVERSATIONS (Paul H. Robinson, Stephen P. Garvey & Kimberly Kessler Ferzan eds., Oxford University Press, 2009).

Circling Around the Confrontation Clause: Redefined Reach But Not a Robust Right, 105 MICHIGAN LAW REVIEW, First Impressions 16 (2006).

PUBLICATIONS, cont.

“The Image We See Is Our Own”: *Defending the Jury’s Territory at the Heart of the Democratic Process*, 75 NEBRASKA LAW REVIEW 332 (1996), reprinted in *LAW AND POPULAR CULTURE* (2007).

Introduction: Surveying Law and Borders, 48 STANFORD LAW REVIEW (Symposium 1996).

In progress:

Reclaiming Legal Empathy for Criminal Procedure: Seeing not Feeling (essay defining legal empathy as a distinct process of “imagining” that enables analysis rather than “inhabiting” that requires emotion).

The Courage of Moderation (review of LINDA HIRSHMAN, *SISTERS IN LAW: HOW SANDRA DAY O’CONNOR AND RUTH BADER GINSBURG WENT TO THE SUPREME COURT AND CHANGED THE WORLD*).

Plea Bargaining, Effective Assistance, and the Market for Defense Counsel (symposium essay for forthcoming LAW & CONTEMPORARY PROBLEMS symposium on “Law and Markets”).

Lying and the Letter of the Law (book project concerning the definition, detection, and criminalization of dishonesty within legal institutions, including law enforcement investigations and the political process).

SELECTED ACADEMIC PRESENTATIONS

Empathy, Evidentiary Issues, and Law Enforcement Cameras, Duke Forum for Law and Social Change, Duke University School of Law, October 21, 2015 (panelist).

Supreme Court Preview, Program in Public Law, Duke University School of Law, October 5, 2015 (panelist).

The Legacy of Ruth Bader Ginsburg, Duke University School of Law, April 17, 2015 (panelist).

Lying and the Letter of the Law, Faculty Workshop, Cardozo School of Law, March 23, 2015.

Policing, Civil Rights, and Race, Duke University School of Law, February 14, 2015 (panelist).

Supreme Court Review, Program in Public Law, Duke University School of Law, September 2, 2014 (panelist).

Hindsight Blindness, Criminal Justice Roundtable, Duke University School of Law, May 23, 2014 (conference organizer and presenter).

Supreme Court Review, Program in Public Law, Duke University School of Law, September 24, 2013 (panelist).

Discretion as an Exercise of Prudence or an Abuse of Power?: Evaluating and Regulating the Judgments of Police and Prosecutors, Association of American Law Schools, Conference on Criminal Justice, June 11, 2013 (panel organizer and moderator).

Silence and the New Reliability, Faculty Workshop, Duke University School of Law, April 19, 2013.

The Criminal Justice System and Professionalism in an Adversarial Process, Dean’s Course, Duke University School of Law, March 27, 2013.

Supreme Court Review, Program in Public Law, Duke University School of Law, September 5, 2012 (panelist).

Florida v. Jardines, Duke University School of Law, April 5, 2012 (panelist).

Reconstructing Brady Obligations, Panel on the Importance of the Pretrial Process in Reducing Mass Incarceration and Protecting the Innocent, Association of American Law Schools, Criminal Justice Section, January 8, 2012 (presenter, selected from a call for papers).

The Supreme Court’s 2011-2012 Term, ABA Appellate Advocacy Program, Duke University School of Law, November 18, 2011 (panelist).

Stories in Adjudication, Faculty Workshop, University of Virginia School of Law, October 7, 2011.

ACADEMIC PRESENTATIONS, cont.

Stories in Adjudication, Faculty Workshop, Temple University School of Law, September 14, 2011.

Supreme Court Review, Program in Public Law, Duke University School of Law, August 29, 2011 (panelist).

Fictions in Adjudication, Faculty Workshop, Duke University School of Law, May 25, 2011.

Stories of Culpability, Conference on Adjudicating the Guilty Mind, Duke University School of Law, May 11, 2011 (conference organizer, presenter, and special editor of *Law & Contemporary Problems* symposium issue).

J.D.B. v. North Carolina: Juveniles, Miranda Warnings, and the "Reasonable Person," Duke University School of Law, April 5, 2011 (panelist).

The Federal Common Law Crime of Corruption, Conference on Adaptation and Resiliency in Legal Systems, University of North Carolina School of Law, October 15, 2010 (presenter and panelist).

Prosecutorial Independence and High-Profile Cases, Duke University School of Law, October 26, 2010 (moderator).

Supreme Court Preview, Program in Public Law, Duke University School of Law, October 5, 2010 (panelist).

Truth-Telling and Legal Institutions, Keynote Address, Admitted Students Weekend, Duke University School of Law, March 26, 2010.

Regulation of Private Industry by Criminal Prosecutors, Center on the Administration of Criminal Law, New York University School of Law, May 8, 2009 (panelist and moderator).

Supreme Court Review, Program in Public Law, Duke University School of Law, September 22, 2009 (panelist).

Political Control of Federal Prosecutions, *Duke Law Journal* Administrative Law Conference, March 20, 2009 (commentator).

Evidentiary Foul Play: Deception, Destruction, and Just Deserts, Association of American Law Schools, Evidence Section, January 9, 2009 (presenter and panelist).

Criminal Lying, Prosecutorial Power, and Social Meaning, Faculty Workshop, Stanford Law School, January 5, 2009.

Supreme Court Update, Program in Public Law, Duke University School of Law, November 17, 2008 (panelist).

Criminal Lying, Prosecutorial Power, and Social Meaning, Faculty Workshop, Duke University School of Law, August 20, 2008.

Corporate Deferred Prosecution Agreements: Issues in Hybrid Enforcement, ABA, Administrative Law Conference, October 26, 2007 (panel organizer and moderator).

CONGRESSIONAL TESTIMONY

Testimony before the United States House of Representatives, Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, Hearing on H.R. 2572, the "Clean Up Government Act of 2011," July 26, 2011 (oral and written testimony): http://judiciary.house.gov/_files/hearings/pdf/Griffin07262011.pdf.

OTHER PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Elected member, American Law Institute.

Admitted to the Bar in Illinois.

American Bar Foundation Fellow.

Member, Criminal Rules Committee, United States District Court, Eastern District of North Carolina, 2014-2016.

Planning Committee, Mid-Year Criminal Justice Conference, Association of American Law Schools, 2013.

Participant, American Law Institute Meeting on Criminal Fraud, 2011.

Ad Hoc Task Force on Corporate Monitors, ABA Criminal Justice Section, 2010.

Reviewer, *Journal of Legal Studies*, 2009.

Law & Judiciary Policy Committee, Obama for America, 2008.

Vice Chair, Criminal Process Committee, ABA Administrative Law Section, 2007.

Media commentary on criminal justice policy, corporate crime, criminal procedure, and evidence:

Print Commentary: *Charlotte Observer*, *Christian Science Monitor*, *Herald Sun*, *Los Angeles Daily Journal*, *New Orleans Times-Picayune*, *Pittsburgh Post-Gazette*, *Raleigh News & Observer*, *Sacramento Bee*, *Triangle Business Journal*, *USA Today*, *Wall Street Journal*, *Wilmington Star-News*, *Winston-Salem Journal*.

Radio Interviews: Guest on “The State of Things,” WUNC/NPR, September 2, 2010; Interviewed on ABC News Radio, WWL New Orleans, April 30, 2014.

Television News Commentary: WTVD (ABC affiliate, Raleigh), WRAL (CBS affiliate, Raleigh).

Internet Commentary: 12newsnow, abc11, Business Insider, Reuters, WSJ Online, wral.com, Yahoo Sports.

Podcast: Guest on “Oral Argument,” Episode 48: Legal Truth, January 30, 2015.

Op-ed: *Replacing Justice Stevens: The People’s Justice*, THE SACRAMENTO BEE, April 28, 2010 (with Guy-Uriel Charles).