

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>

ACADEMIC APPOINTMENTS

DUKE UNIVERSITY SCHOOL OF LAW

Senior Associate Dean for Faculty & Research, 2021-present

Candace M. Carroll & Leonard B. Simon Professor of Law, 2017-present

Professor of Law, 2008-2017 (awarded tenure in 2013)

Recipient of the Distinguished Teaching Award, 2011

Courses: Evidence, Criminal Procedure: Investigation, Lying and the Law of Questioning (seminar)

The Presidency and Criminal Investigations (seminar), Interrogations and Testimony (seminar)

Race, Policing, and Criminal Justice (reading group), Prosecutorial Ethics (reading group)

Current Issues in Criminal Procedure (ad hoc seminar), The Fourth Amendment (ad hoc seminar)

Character Evidence (ad hoc seminar)

Visiting Professor of Law, 2007-2008

HARVARD LAW SCHOOL

Visiting Professor of Law, Fall 2023

UCLA SCHOOL OF LAW

Lecturer, 2005-2007

PROFESSIONAL EXPERIENCE

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, Student Advising Fellow

EDUCATION, cont.

GEORGETOWN UNIVERSITY

Master of Arts in English, May 1993

Honors: Writing Center Associate; Awarded Distinction on Comprehensive Master's Exam

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

Books:

LYING, TRUTH-SEEKING, AND THE LAW OF QUESTIONING (under contract with Cambridge University Press).

Academic Articles, Essays, and Book Chapters:

Sandra Day O'Connor's "First" Principles: A Constructive Vision for an Angry Nation, 120 COLUMBIA LAW REVIEW 2017 (2020), *excerpted in* 105:1 JUDICATURE 80 (2021).

Honesty Without Truth: Lies, Accuracy, and the Criminal Justice Process, 104 CORNELL LAW REVIEW ONLINE (2018).

State Incentives, Plea Bargaining Regulation, and the Failed Market for Indigent Defense, 80 LAW & CONTEMPORARY PROBLEMS (2017).

Silence, Confessions, and the New Accuracy Imperative, 65 DUKE LAW JOURNAL 697 (2016).

Criminal Adjudication, Error Correction, and Hindsight Blind Spots, 73 WASHINGTON & LEE LAW REVIEW 165 (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 Sam Buell).

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

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).

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).

PUBLICATIONS, cont.

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

“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).

Editorial Essays:

Procedural Equality in Ginsburg’s Criminal Justice Decisions, SCOTUSBLOG, October 1, 2020, <https://www.scotusblog.com/2020/10/symposium-procedural-equality-in-ginsburgs-criminal-justice-decisions/>.

Why Perjury Is So Dangerous, THE ATLANTIC, December 20, 2019, <https://www.theatlantic.com/ideas/archive/2019/12/perjury-truth-courts/603727/>.

Trump’s Mueller Interview Endgame, SLATE, January 29, 2018 (with Sam Buell).

“Making a Murderer” Is About Justice, Not Truth, THE NEW YORK TIMES, Op-Ed Page, January 12, 2016, http://www.nytimes.com/2016/01/12/opinion/making-a-murderer-is-about-justice-not-truth.html?_r=0 (print edition at A27 with the title *The True Lessons of True Crime*).

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

In progress:

Impersonating Accuracy: How Misperceptions of Cross Examination Perpetuate Error

Netflix Criminal Justice: Popular Culture, Procedural Violence, and the Potential for Empathy

SUPREME COURT AMICUS BRIEFS

Peña Rodriguez v. State of Colorado, No. 15-606, Brief for Amici Curiae Professors of Law in Support of Petitioner (principal author of cert. & merit stages briefs).

Warger v. Shauers, No. 13-517, Brief for Amici Curiae Professors of Law in Support of Petitioner (contributor).

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 & written testimony), judiciary.house.gov/_files/hearings/pdf/Griffin07262011.pdf.

SELECTED ACADEMIC PRESENTATIONS

The Confrontation Clause, University of North Carolina School of Government, April 7, 2022.

Critical Evidence Reform: Prior Conviction Impeachment, Association of American Law Schools, Jan. 5, 2022 (presenter).

Prior Conviction Impeachment of Prosecution Witnesses, Evidence Summer Workshop, Vanderbilt Law School, Aug. 6, 2021 (commentator).

Impersonating Accuracy: How Misperceptions of Cross Examination Perpetuate Error, Faculty Workshop, Duke University School of Law, July 28, 2021.

Prior Conviction Impeachment, Law & Society Conference, May 28, 2021 (roundtable presenter).

The Impeachment Trial, London School of Economics, Feb. 26, 2021.

First: Sandra Day O’Connor, Temple Israel, Minneapolis, Feb. 22, 2021.

ACADEMIC PRESENTATIONS, cont.

Policing in America, Duke University School of Law, July 9, 2020.

First Principles: Sandra Day O'Connor's Prescription for an Angry Nation, Duke Law Live, May 21, 2020.

Lying, Truth-Seeking, and the Law of Questioning, Criminal Justice Books Conference, Duke University School of Law, Jan. 13, 2020.

The Impeachment Inquiry, Center for Political Leadership, Innovation, and Service, Sanford School of Public Policy, Duke University, Nov. 5, 2019 (panelist).

Culp Colloquium, Duke University School of Law, May 24, 2021, May 16, 2019, May 18, 2017 & May 19, 2016 (panelist & commentator).

Honest Mistakes, True Lies, and False Precision, Duke Law Live, Raleigh, Nov. 1, 2019, Washington, D.C., Apr. 30, 2019 & Boston, MA, Oct. 9, 2018.

Supreme Court Preview, Program in Public Law, Duke University School of Law, Sept. 19, 2019 (panelist).

Honesty Without Truth, Faculty Workshop, Duke University School of Law, Aug. 8, 2018.

Post-Truth Criminal Justice: Lies, Honesty, and Accuracy, Criminal Justice Roundtable, Richmond, May 14, 2018.

Fourth Amendment Update, Federal Criminal Practice Seminar, Campbell School of Law, Apr. 13, 2018.

Investigating and Prosecuting National Security Cases, Duke University School of Law, Feb. 23, 2018 (panelist).

Conflicts of Interest and Government Ethics, Duke University School of Law, Oct. 27, 2017 (moderator).

Truth-Telling and Science, Law and the Conditions for Democracy, Faculty Discussion Series, Duke University School of Law, Mar. 24, 2017.

Criminal Justice Roundtable, William & Mary Law School, May 20, 2016 (commentator).

Law and Pop Culture—Billions: Money, Financial Crime, and Legal Ethics, Center for the Legal Profession, Stanford Law School, May 14, 2016.

Plea Bargaining Regulation, Indigent Defense, and the Potential for Market Effects, Conference on Law and Markets, Duke University School of Law, May 6, 2016.

Supreme Court Litigation, with Jeffrey Fisher, Duke University School of Law, Feb. 8, 2016 (interviewer).

Domestic Violence and the Confrontation Clause, Duke Journal of Gender Law and Policy, Duke University School of Law, Nov. 23, 2015 (panelist).

After Nature: A Politics for the Anthropocene, with Jedediah Purdy, Duke University School of Law, November 17, 2015 (interviewer).

Grand Jury Process, Forum for Law and Social Change, Duke University School of Law, Nov. 12, 2015 (panelist).

The Legal Implications of Technology Use for Law Enforcement, Duke Forum for Law and Social Change, Duke University School of Law, Oct. 21, 2015 (panelist).

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

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

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

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

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

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

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

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

ACADEMIC PRESENTATIONS, cont.

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

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

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

Reconstructing Brady Obligations, Reducing Mass Incarceration and Protecting the Innocent, Association of American Law Schools, Criminal Justice Section, Jan. 8, 2012 (presenter, selected from call for papers).

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

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

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

Supreme Court Review, Program in Public Law, Duke University School of Law, Aug. 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, & 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, Apr. 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, Oct. 15, 2010 (presenter & panelist).

Prosecutorial Independence and High-Profile Cases, Duke University School of Law, Oct. 26, 2010.

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

Truth-Telling and Legal Institutions, Keynote Address, Admitted Students Weekend, Duke University School of Law, Mar. 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 & moderator).

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

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

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

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

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

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

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

UNIVERSITY SERVICE

Duke Law School: Lateral Appointments Committee (*ex officio*), Entry-Level Appointments Committee (Chair 2020-21), Dean Search Committee, Diversity & Inclusion Committee, Teaching & Learning Committee, Administrative Committee, Workshops Committee (Chair 2016), Curriculum Committee (Co-Chair 2015), Clerkships Committee, Law Teaching Committee

Duke University: Leadership Advisory Committee, Office for Faculty Advancement, Office for Institutional Equity Liaison, Faculty Hearing Committee, Steering Committee for Provost Forum on Race, Community & The Pursuit of Justice, Co-Founder of Duke Law Women's Leadership Initiative, Carnegie Review Committee

OTHER PROFESSIONAL ACTIVITIES

Elected member, American Law Institute
 Members Consultative Group, Principles of the Law, Police Investigations
 Participant, Meeting on Criminal Fraud, 2011
 Member, United States Supreme Court Bar and Illinois Bar
 Academic Advisory Board, Supreme Court Fellows Program
 Legal Advisor, Senate Select Committee on Intelligence
 Criminal Rules Committee, United States District Court, Eastern District of North Carolina, 2014-2021
 Fellow, American Bar Foundation
 Program Committee, Conference on Empirical Legal Studies, 2016
 Planning Committee, Mid-Year Criminal Justice Conference, Association of American Law Schools, 2013
 Ad Hoc Task Force on Corporate Monitors, ABA Criminal Justice Section, 2010
 Occasional Reviewer, *J. Legal Studies*, *Columbia Law Review*, *Harvard Law Review*, *Oxford University Press*
 Law & Judiciary Policy Committee, Obama for America, 2008
 Vice Chair, Criminal Process Committee, ABA Administrative Law Section, 2007

Media engagement on criminal justice policy, public corruption, constitutional criminal procedure, and evidence:

Quotations in News Articles: *ABA Journal*, *ABC News*, *The Atlantic*, *BBC.com*, *Boston Globe*, *Business Insider*, *Charlotte Observer*, *Christian Science Monitor*, *Correio Braziliense*, *CNN.com*, *Deutsche Welle*, *El Mercurio*, *Financial Times*, *FiveThirtyEight*, *The Guardian*, *Herald Sun*, *The Irish Times*, *Law360*, *Los Angeles Daily Journal*, *Los Angeles Times*, *Media Matters*, *Mic*, *National Constitution Center/Constitution Daily*, *National Law Journal*, *New Orleans Times-Picayune*, *New York Times*, *Newsweek*, *Pacific Standard*, *PBS NewsHour*, *Pittsburgh Post-Gazette*, *Politico*, *Politifact*, *Raleigh News & Observer*, *Reuters*, *Revista Veja*, *Rolling Stone*, *Sacramento Bee*, *San Francisco Chronicle*, *Slate*, *Talking Points Memo*, *Time*, *Toronto Star*, *Triangle Business Journal*, *Univision*, *USA Today*, *US News & World Report*, *Vice*, *Voice of America*, *Vox*, *Wall Street Journal*, *Washington Post*, *Washington Times*, *WSJ Online*, *Wilmington Star-News*, *Winston-Salem Journal*, *Yahoo Sports*

Radio Interviews: “Here & Now,” NPR, October 9, 2019 (<https://www.wbur.org/hereandnow/2019/10/09/can-congress-enforce-subpoenas>); “Forum,” NPR, January 25, 2019 (<https://www.kqed.org/forum/2010101869350/mueller-probe-trump-ally-roger-stone-indicted>); BBC World Service, August 22, 2018; CBS News Radio Los Angeles, August 1, 2018; BBC World Service, February 23, 2018; KCBS San Francisco, January 26, 2018; “Marketplace,” NPR, October 30, 2017; BBC World Service, October 30, 2017; “Air Talk,” NPR, June 9, 2017 (<http://www.scpr.org/programs/airtalk/2017/06/09/57275/does-trump-s-lawyer-have-ground-to-stand-on/>); WPTF Raleigh, June 8, 2017; “Air Talk,” NPR, April 29, 2016 (<http://www.scpr.org/programs/airtalk/2016/04/29/48438/racist-jurors-impact-on-guilty-verdicts-will-be-we/>); NCNN/Raleigh, January 20, 2016; “Take Two,” NPR, January 15, 2016 (<http://www.scpr.org/programs/take-two/2016/01/15/45947/making-a-murderer-and-the-criminal-justice-system/>); WBAL/Baltimore, January 13, 2016; WWL/New Orleans, April 30, 2014; “The State of Things,” WUNC/NPR, September 2, 2010

Recent Television Commentary: “The World,” ABC Australia, “Power & Politics,” Canadian Broadcasting Network, WTVD (ABC affiliate, Raleigh), WRAL (CBS affiliate, Raleigh)

Podcasts: *Talking Feds*, March 10, 2021; *Lies We Tell*, Season 1, Episode 8: “Truth on Trial,” April 20, 2020 (<https://luminarypodcasts.com/listen/jigsaw-productions/lies-we-tell/truth-on-trial/af712a27-228c-4359-a32c-66a07892d0df>); *Background Briefing*, June 14, 2018 (<https://soundcloud.com/user-830442635/the-long-anticipated-doj-igs-report-trump-is-seizing-on-lisa-kern-griffin>); *Background Briefing*, March 26, 2018 (http://archives.ianmasters.com/sites/default/files/mp3/briefing_2018_03_26a_lisa%20kern%20griffin.mp3); *Somebody Somewhere*, March 13, 2018 (<https://www.sbspodcast.com/episodes/>); *The Washington Post*, Can He Do That?, December 8, 2017 (https://www.washingtonpost.com/news/post-politics/wp/2017/12/08/can-the-president-obstruct-justice/?utm_term=.04499adec3a3); *Oral Argument*, Episode 48: “Legal Truth,” January 30, 2015 (<http://www.hydratext.com/oralargument/2015/1/30/episode-48-legal-truth-guest-lisa-kern-griffin>)