

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>

EMPLOYMENT

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

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

Professor of Law, 2008-2017 (granted tenure, 2013)

Honors: Distinguished Teaching Award, 2011.

Courses Taught: Evidence; Criminal Procedure: Investigation; The Presidency and Criminal Investigations (seminar); Lying and the Law of Questioning (seminar); Interrogations and Testimony (seminar); Race, Policing, and Criminal Justice (reading group); Prosecutorial Ethics (reading group); Advanced Topics in Character Evidence (ad hoc seminar).

Faculty Service: Dean Search Committee, 2017-2018; Workshop Committee Chair, 2016-2017; Faculty Hearing Committee, 2014-2017; Curriculum Committee, 2014-2016 (Co-Chair, 2015-2016); Steering Committee, Provost Forum on Race, Community, and the Pursuit of Justice, 2016; Admissions Committee, 2015-2016; Entry-Level Appointments Committee, 2013-2014, 2012-2013 & 2009-2010; 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 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 Legal Research and Writing Program; Student Advising Fellow.

EDUCATION, cont.

GEORGETOWN UNIVERSITY

Master of Arts in English, May 1993

Honors: Writing Center Associate (co-taught the first-year Literature and Writing course); Full Tuition Scholarship; 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

Articles, Essays, and Book Chapters:

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 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 Works, Popular Publications, and Book Reviews:

Trump's Mueller Interview Endgame, SLATE, January 29, 2018 (with Samuel W. 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*).

PUBLICATIONS, cont.

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

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

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).

"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:

Popular Culture, Procedural Violence, and the Potential for Empathy (essay defining legal empathy as a distinct process of "imagining" that enables analysis rather than "inhabiting" that requires emotion and connecting recent true crime accounts to the potential for diagnostic empathy in current criminal procedure debates).

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

Accuracy, Lies, and the Criminal Justice Process, Criminal Justice Roundtable, Richmond School of Law, May 14, 2018.

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

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

Conflicts of Interest and Government Ethics in the Age of Trump, Duke University School of Law, October 27, 2017 (moderator).

Culp Colloquium, Duke University School of Law, May 18, 2017 (commentator).

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

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

Culp Colloquium, Duke University School of Law, May 19, 2016 (commentator).

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

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

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

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

ACADEMIC PRESENTATIONS, cont.

- Grand Jury Process*, Duke Forum for Law and Social Change, Duke University School of Law, November 12, 2015 (panelist).
- The Legal Implications of Technology Use for Law Enforcement*, 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.
- 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).

ACADEMIC PRESENTATIONS, cont.

- 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).

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

OTHER PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

- Elected member, American Law Institute.
Members Consultative Group, Principles of the Law, Police Investigations, 2016.
Participant, Meeting on Criminal Fraud, 2011.
- Member, United States Supreme Court Bar and Illinois Bar.
Academic Advisory Board, Supreme Court Fellows Program.
American Bar Foundation Fellow.
Criminal Rules Committee, United States District Court, Eastern District of North Carolina, 2014-present.
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.
Reviewer, *Journal of Legal Studies*, 2009.
Law & Judiciary Policy Committee, Obama for America, 2008.
Vice Chair, Criminal Process Committee, ABA Administrative Law Section, 2007.

PROFESSIONAL ACTIVITIES, cont.

Media commentary on criminal justice policy, corporate crime, public corruption, constitutional criminal procedure, evidence, and federal investigations:

Quotations in News Articles: *ABA Journal, Business Insider, Charlotte Observer, Christian Science Monitor, Correio Braziliense, CNN.com, Deutsche Welle, El Mercurio, The Guardian, Herald Sun, Law360, Los Angeles Daily Journal, Media Matters, Mic, New Orleans Times-Picayune, New York Times, Newsweek, Pittsburgh Post-Gazette, Politico, Politifact, Raleigh News & Observer, Reuters, Revista Veja, Sacramento Bee, San Francisco Chronicle, Slate, Talking Points Memo, Toronto Star, Triangle Business Journal, USA Today, Vice, Vox, Wall Street Journal, Washington Post, WSJ Online, Wilmington Star-News, Winston-Salem Journal, Yahoo Sports.*

Interviews on Radio Broadcasts: BBC, 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).

Select Podcasts: Guest on *Background Briefing*, March 26, 2018 (http://archives.ianmasters.com/sites/default/files/mp3/briefing_2018_03_26a_lisa%20kern%20griffin.mp3); *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>).