

# KATHRYN E. MILLER

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## ACADEMIC APPOINTMENTS

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**Benjamin N. Cardozo School of Law** New York, NY  
*Clinical Assistant Professor of Law* 2019-present  
*Co-Director, Criminal Defense Clinic*

- Courses: Criminal Defense Clinic
- Service: Adjunct Appointments Committee (2021, 2019); Education Policy Committee (2020)

**University of California, Berkeley School of Law (Berkeley Law)** Berkeley, CA  
*Clinical Supervising Attorney and Lecturer in Residence* 2018-2019  
*Clinical Teaching Fellow, Death Penalty Clinic* 2015-2018

- Taught investigation, client interviewing, and research and writing skills
- Taught individual classes in clinic companion seminar
- Supervised students in all aspects of representation of low-income clients on Death Row, including litigation and investigation of habeas corpus petitions and petitions for writ of certiorari
- Service: Coach for Saul Lefkowitz Moot Court Team (2016); Judge for First Year Trial Competition (2016); Career counseling in public defense and capital representation (2015-2019)

## SCHOLARSHIP AND OTHER WRITING

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*Resurrecting Arbitrariness* (work-in-progress)

*The Myth of Autonomy Rights*, 43 CARDOZO L. REV. (forthcoming 2021)

*Don't Force Unvaccinated People into Court*, CITY AND STATE (Apr. 1, 2021) (op ed)

*The Prosecutor's Plea for Death: Misconduct or Fair Comment? (Update)*, CALIFORNIA DEATH PENALTY DEFENSE MANUAL (2020)

*The Eighth Amendment Power to Discriminate*, 95 WASH. L. REV. 809 (2020)

*The Attorneys Are Bound and the Witnesses Are Gagged: How States Limit Post-Conviction Investigation in Criminal Cases*, 106 CAL. L. REV. 135 (2018)

## EDUCATION

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### University of California, Berkeley School of Law (Berkeley Law)

Berkeley, CA

*Juris Doctor, 2007*

Honors: Order of the Coif; American Jurisprudence Award (Highest Grade in Class): Race and American Law; Prosser Prize (Second Highest Grade in Class): Evidence Advocacy, Appellate Advocacy; Saul Lefkowitz Moot Court Western Regional Champions, Second Place Brief and Second Place Overall, National Competition

### The College of William and Mary,

Williamsburg, VA

*Bachelor of Arts in History, summa cum laude, 2002*

Honors: Phi Beta Kappa; Richard Lee Morton Scholarship for Outstanding History Student; John F. Kroeger Memorial Scholarship for History Majors; James F. Monroe Scholarship

## PROFESSIONAL EXPERIENCE

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### Equal Justice Initiative

New York, NY/Montgomery, AL

*Staff Attorney*

2012-2015

- Represented individuals on Alabama's Death Row in all stages of state appellate and post-conviction proceedings
- Represented children sentenced to die in prison in post-conviction proceedings in multiple states
- Participated in § 1983 lethal injection and racial discrimination litigation
- Researched and prepared publications on history of racial terror and relationship to modern mass incarceration and capital punishment
- Represented client before Alabama Board of Pardons and Paroles
- Managed relationships with outside law firms and participated in development work

### Bronx Defenders

Bronx, NY

*Supervising Attorney*

2011-2012

*Staff Attorney*

2007-2011

- Represented over 1,200 indigent clients from arraignment to resolution
- Tried seventeen cases, including charges of rape, robbery, drug sale, and assault on a police officer
- Negotiated with prosecutors and judges to obtain favorable plea bargains and sentences
- Co-supervised fourteen lawyers and directly supervised seven on Felony Training Team
- Held regular meetings, skills trainings, and moots
- Planned internal and external trial skills trainings
- Developed and conducted trial training program for summer interns
- Litigated appeal in New York Appellate Division and Court of Appeals

### Berkeley School of Law Death Penalty Clinic

Berkeley, CA

*Clinic Student*

2006-2007

<b>The Public Defender Service for the District of Columbia</b> <i>Law Clerk</i>	Washington, D.C. Summer 2006
<b>Drug Policy Alliance</b> <i>Legal Intern</i>	Berkeley, CA Spring 2006
<b>East Bay Community Law Center, Housing Unit</b> <i>Clinic Student</i>	Berkeley, CA Fall 2005

## **ADDITIONAL TEACHING EXPERIENCE**

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<b>University of California, Berkeley School of Law (Berkeley Law)</b> <i>Student Director of Appellate Advocacy</i>	Berkeley, CA Summer 2006
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- Developed legal problem based on pending California Supreme Court case for second-year student Appellate Advocacy course
- Researched and wrote bench memorandum examining the effect of conviction for resisting arrest on § 1983 claims of excessive force

<b>University of California, Berkeley School of Law (Berkeley Law)</b> <i>Teaching Assistant for Written and Oral Advocacy Class</i>	Berkeley, CA Spring 2006
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- Conducted individual student meetings to review writing skills
- Evaluated student writing and oral advocacy
- Created legal writing template to demonstrate practical use of IRAC method

<b>Edward Livingston Middle School (Teach For America)</b> <i>Teacher</i>	New Orleans, LA 2002-2004
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- Taught Language Arts, Social Studies, and Literacy to sixth- and eighth-grade students in Upper Ninth Ward of New Orleans
- Planned daily lessons, managed classroom, and utilized multi-sensory instruction

## **SELECTED LECTURES AND PRESENTATIONS**

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Presenter, *Resurrecting Arbitrariness, A Work-in-Progress*, CrimFest, July 2021

Presenter, *Resurrecting Arbitrariness, A Work-in-Progress*, Decarceration Law Profs Workshop, July 2021

Presenter, *The Myth of Autonomy Rights*, American Association of Law Schools Clinical Legal Education Association, May 2021

Presenter, *Beyond Burnout: Teaching Engagement as Self-Care*, American Association of Law Schools Clinical Legal Education Association, May 2021

Panel Moderator, *Mass Incarceration in New York: Creating Meaningful Reform*, Cardozo Law Institute in Holocaust and Human Rights, April 2021

Panel Moderator, *Changing the Way We See Modern Policing: Reform or Abolition?*  
Cardozo Journal of Equal Rights and Social Justice, November 2020

Presenter, *The Myth of Autonomy Rights, A Work-in-Progress*  
ABA-AALS-Academy for Justice Criminal Justice Roundtables, November 2020

Presenter, *The Myth of Autonomy Rights, A Work-in-Progress*  
NYU Clinical Legal Writer's Workshop, October 2020

Panelist, *Racial Inequality in the Criminal Justice System*  
Google NYC, September 2020

Presenter, *Who Lives, Who Dies, Who Tells Their Story: The Illusion of Autonomy for Capital Defendants, A Work-in-Progress*, Decarceration Law Profs Workshop, July 2020

Panelist, *Effective Allyship in Pursuing an Anti-Racist Law School*  
Office of the Dean of Students, Cardozo Law School, June 2020

Panel Moderator, *Justice for Rodney Reed: Will Texas Execute an Innocent Man?*  
The Innocence Project, Cardozo Law School, October 2019

Panelist, *Plea Bargaining and Public Defense*  
Berkeley Law Criminal Defense Society, March 2019

Presenter, *The Eighth Amendment Right to Discriminate, A Work-in-Progress*  
NYU Clinical Legal Writer's Workshop, September 2018

Panelist, *Defending Clients Accused of Sex Crimes*  
Berkeley Law Criminal Defense Society, March 2018

Presenter, *The Attorneys Are Bound and the Witnesses Are Gagged: How States Limit Post-Conviction Investigation in Criminal Cases*  
The California Law Review February Issue Party, February 2018

Presenter, *The Attorneys Are Bound and the Witnesses Are Gagged: How States Limit Post-Conviction Investigation in Criminal Cases, A Work-in-Progress*  
American Association of Law Schools Clinical Legal Education Association, May 2017

Presenter, *The Constitutional Basis for Mitigation Investigation*  
University of California, Berkeley School of Law Death Penalty Clinic Investigation Training, October 2016, October 2017

Presenter, *How State Judges and Legislatures Restrict Post-Conviction Capital Litigation*  
NYU Clinical Legal Writer's Workshop, September 2016

Panelist, *Finding a Social Justice Career*

Amnesty International Career Panel, New York, NY, April 2015

Presenter, *Confronting Racial Terror*

George Stinney Brown Memorial Gathering, St. Albans, NY, October 2014

## **SELECTED PRESS AND MEDIA APPEARANCES**

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*Apparent Frontrunner in Manhattan DA Primary Answers Critics in Final Debate*, NEW YORK LAW JOURNAL, June 18, 2021 (quoted)

*Jones Marks Shift In High Court's Juvenile Justice Rulings*, LAW360, May 2, 2021 (quoted)

*Supreme Court Rejects Restrictions on Life Without Parole for Juveniles*, NPR ALL THINGS CONSIDERED, April 22, 2021 (interviewed by Nina Totenberg)

*Will the State Marijuana Bill Pay off for Black and Brown New Yorkers?*, THE CITY, Mar. 25, 2021 (quoted)

*Why blue lies matter: It is everyone's business when police fail to tell the truth*, NY DAILY NEWS, July 3, 2020 (quoted)

## **ADMISSIONS**

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State Bar of New York, Admitted 2008

State Bar of Alabama, Admitted 2013

United States Supreme Court, Admitted 2016