

# KATHRYN E. MILLER

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## ACADEMIC APPOINTMENTS

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### **Benjamin N. Cardozo School of Law**

<i>Professor of Law</i> (with tenure, unitary track)	2024-present
<i>Associate Professor of Law</i>	2022-2024
<i>Clinical Assistant Professor of Law</i>	2019-2022
<i>Co-Director, Death Penalty and Criminal Defense Clinic</i>	2025-present
<i>Co-Director Criminal Defense Clinic</i>	2019-2025

- Courses: Death Penalty and Criminal Defense Clinic; Criminal Defense Clinic
- Service: Appointments (2025, 2022) Steering, Clinical Appointments (2024) Faculty Development, Awards (2023) Adjunct Appointments (2021, 2019) Education Policy (2020)

### **University of California, Berkeley, School of Law**

<i>Clinical Supervising Attorney and Lecturer in Residence</i>	2018-2019
<i>Clinical Teaching Fellow, Death Penalty Clinic</i>	2015-2018

## SCHOLARSHIP AND OTHER WRITING

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*The New Deportation Punishment* (work-in-progress)

*Discovery rollbacks indulge prosecutors at the expense of New Yorkers*, CITY AND STATE (Mar. 27, 2025) (op-ed)

*The Violence of Bright Lines*, 93 FORDHAM L. REV. 1747 (2025) (with Terrell Woolfolk)

*The Anti-Subordination Eighth Amendment*, 112 CAL. L. REV. 2065 (2024)

*How the Supreme Court could address racial disparities in the criminal legal system*, BOSTON GLOBE (Dec. 26, 2023) (op-ed)

*No Sense of Decency*, 98 WASH. L. REV. 115 (2023)

- 2022 AALS Criminal Justice Section Junior Scholars Paper Competition, *Runner-Up*

*Resurrecting Arbitrariness*, 107 CORNELL L. REV. 1319 (2022)

*A Second Look for Children Sentenced to Die in Prison*, 75 OKLA. L. REV. 141 (2022) (invited contribution)

*The Myth of Autonomy Rights*, 43 CARDOZO L. REV. 375 (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)

- Cited in *State v. Tucker*, 959 N.W.2d 140, 156 (Iowa 2021) (Appel, J., concurring)

## EDUCATION

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

*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

*B.A., 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

2012-2015

*Staff Attorney*

- 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

2007-2012

*Supervising Attorney*

2011-2012

*Staff Attorney*

2007-2011

- Represented over 1,200 indigent clients from arraignment to resolution
- Tried seventeen cases to verdict, 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 Law Death Penalty Clinic** 2006-2007  
*Clinic Student*

**The Public Defender Service for the District of Columbia** Summer 2006  
*Law Clerk*

**Drug Policy Alliance** Spring 2006  
*Legal Intern*

**East Bay Community Law Center, Housing Unit** Fall 2005  
*Clinic Student*

## **ADDITIONAL TEACHING EXPERIENCE**

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**University of California, Berkeley School of Law** Summer 2006  
*Student Director of Appellate Advocacy*  
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

**University of California, Berkeley School of Law** Spring 2006  
*Teaching Assistant for Written and Oral Advocacy Class*

- 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

**Edward Livingston Middle School** 2002-2004  
*Teacher*

- 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, *The New Deportation Punishment, A Work-in-Progress*  
Rutgers Law Faculty Development Workshop, March 2026

Panelist, *The Limits of the Law: How Law Clinics Can Become Problem-Solving Clinics*  
American Association of Law Schools Clinical Legal Education Association, May 2025

Presenter, *The Violence of Bright Lines, A Work-in-Progress*  
Decarceration Law Profs Workshop, July 2024

Presenter, *Reclaiming and Reimagining Constitutional Concepts*  
Law and Society, June 2024

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
CrimFest, July 2023

Moderator, *Public Defenders in the Legal Academy*  
Crim Fest, July 2023

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
Decarceration Law Profs Workshop, July 2023

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
Richmond Law Junior Faculty Forum, May 2023

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
American Association of Law Schools Clinical Legal Education Association, May 2023

Panelist, *Navigating the Complexities of the Clinical Teaching Market*  
American Association of Law Schools Clinical Legal Education Association, May 2023

Presenter, *Growth through Grief: Processing Loss in Clinic*  
American Association of Law Schools Clinical Legal Education Association, May 2023

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
Workshop on Contemporary Punishment: Doctrine, Theory, and Practice, April 2023

Host, *Workshop on Contemporary Punishment: Doctrine, Theory, and Practice*  
Cardozo Law School, April 2023

Presenter, *Starting and Sustaining Scholarship*  
Mid-Atlantic Clinical Writer's Workshop, February 2023

Presenter, *The Antisubordination Eighth Amendment, A Work-in-Progress*  
ABA-AALS-Academy for Justice Criminal Justice Roundtables, December 2022

Presenter, *No Sense of Decency, A Work-in-Progress*  
NYU Clinical Legal Writer's Workshop, October 2022

Host, *Junior Faculty Workshop Series*  
Cardozo Law School, Fall Semester 2022

Presenter, *No Sense of Decency, A Work-in-Progress*  
CrimFest, July 2022

Faculty, *Defender's Academy*  
Intensive week-long trial training program for professionals, July 2022

Facilitator, *New Clinicians Workshop*  
American Association of Law Schools Clinical Legal Education Association, May 2021

Presenter, *A Second Look for Children Sentenced to Die in Prison*  
Oklahoma Law Review Symposium, February 2022

Panelist, *Criminal Legal Context: Administrative Challenges to Achieving Decarceral Imperatives*  
Administrative Law Review's Fall Symposium, October 2021

Panelist, *Facilitating Difficult Conversations*  
Cardozo Faculty Training, October 2021

Discussant, *The Constitutionality of Plea-Bargaining*  
Cardozo Criminal Law Society, October 2021

Presenter, *Resurrecting Arbitrariness, A Work-in-Progress*  
NYU Clinical Legal Writer's Workshop, October 2021

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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*Luigi Mangione Death Penalty Bid May Pit Prosecutors Against Each Other*  
NY TIMES, Apr. 10, 2025 (quoted)

*Graffiti as a hate crime divides NY Gov. Hochul and progressive Democrats*  
GOTHAMIST, Feb. 13, 2024 (quoted)

*NYC Bike-Path Killer Avoids Death Penalty as Jurors Split*  
BLOOMBERG NEWS, Mar. 13, 2023 (quoted)

*Trimming Bail Reform Might Return NY to Judges' Limitless Discretion, Critic Says*  
NEW YORK LAW JOURNAL, Jan. 20, 2023 (quoted)

*NY Gov. Kathy Hochul grants clemency to 13 people, 1 year after promising to do so more often*  
GOTHAMIST, Dec. 21, 2022 (quoted)

*Cardozo Fights To Free NY Man Imprisoned For '96 Drug Bust*  
LAW360, Dec. 16, 2022 (interviewed)

*Ghislaine Maxwell Lawyers Defend 'Villainized' Client by Attacking Victims,*  
BLOOMBERG NEWS, Dec. 10, 2021 (quoted)

*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)

## **BAR ADMISSIONS**

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Alabama

New York

United States Supreme Court