

## **JESSICA A. ROTH**

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### **ACADEMIC APPOINTMENTS**

**Benjamin N. Cardozo School of Law, New York, New York, 2009-present**  
Associate Professor of Law, 2014 to present  
Assistant Professor of Law, 2011-14  
Visiting Assistant Professor of Law, 2009-11

#### **Courses Taught:**

Criminal Law (Spring 2010-14), Evidence (Fall 2011-17, Spring 2017),  
White Collar Crime (Spring 2013-16)

**Honors:** Presented with “Best Professor” Award by the Class of 2016

### **EDUCATION**

**Harvard Law School, Cambridge, MA., J.D., *cum laude* June 1997**  
Harvard Civil Rights-Civil Liberties Law Review, Lead Executive Editor

**Harvard College, Cambridge, MA., B.A., *magna cum laude* in Social Studies June 1992,**  
*Phi Beta Kappa*

### **JUDICIAL CLERKSHIPS**

**Judge John M. Walker, Jr., U.S. Court of Appeals for the Second Circuit, New Haven, CT**  
Law Clerk, 1998-1999

**Judge Denise Cote, U.S. District Court for the Southern District of New York, New York, NY**  
Law Clerk, 1997-1998

### **ACADEMIC PUBLICATIONS**

*The "New" District Court Activism in Criminal Justice Reform*, 73 **NYU Annual Survey of American Law** \_\_ (forthcoming Fall 2017)(article to be subject of academic Symposium at NYU Law School in Spring 2018 and Symposium issue of NYU Annual Survey of American Law)

*The Culture of Misdemeanor Courts*, 46 **HOFSTRA L. REV.** \_\_ (forthcoming Fall 2017)(Symposium issue)

*Informant Witnesses and the Risk of Wrongful Convictions*, 53 **AM. CRIM. L. REV.** 737 (2016)

*The Divisibility of Crime*, 65 **DUKE LAW J. ONLINE** 95 (2015)

*The Anomaly of Entrapment*, 91 **WASH. U. L. REV.** 979 (2014)

*Alternative Elements*, 59 **UCLA L. REV.** 170 (2011)

*It is Lawyers We Are Funding: A Constitutional Challenge to the 1996 Restrictions on the Legal Services Corporation*, 33 **HARV. C.R.-C.L. L. REV.** 107 (1998)

## **WORKS IN PROGRESS**

*The Legitimacy of Innocence Commissions and Reform Entities: A Comparative Perspective*, forthcoming in 70 Rutgers Law Review \_\_ (2018) (Symposium issue)

*Accountability for the Decision Not to Prosecute* (exploring prosecutors' public statements regarding declinations in discrete cases).

## **PROFESSIONAL PUBLICATIONS**

National Association of Attorneys General, *Media Relations in Criminal Corruption Cases*, Chapter in Center for Ethics & Public Integrity Anticorruption Manual (forthcoming 2018)

American Bar Association, **STANDARDS FOR CRIMINAL JUSTICE, FAIR TRIAL AND PUBLIC DISCOURSE** (4<sup>th</sup> ed. 2016) (Black Letter Standards and Commentary)

## **REPRESENTATIVE LAW SCHOOL ADMINISTRATION AND SERVICE**

### **Co-Director, Jacob Burns Center for Ethics in the Practice of Law (2016-present)**

Responsibilities include programming events to prompt dialogue and critical thought on ethical and moral issues facing lawyers. Planned events for the 2017-18 year include a speaker series entitled *Ethics and Government Lawyering in the Age of Trump*, which will probe the ethical challenges confronting government lawyers in the Trump Administration.

**Co-Faculty Adviser, Public Service Scholars Program (2016-present).** Responsibilities include selecting approximately 20 scholars each year from pool of incoming 1L applicants as well as two 3L student fellows to help administer the program; advising the approximately 60 public service scholars; and bringing prominent public interest lawyers to campus to meet students.

**Clerkships Committee (2015-present).** Responsibilities include advising students about the clerkship application process and experience, gathering information about clerkship opportunities, and administering the Alexander Fellows Program.

## **ADDITIONAL CARDOZO SERVICE**

Helped establish Cardozo Field Clinics at U.S. Attorney's Office, SDNY (est. 2012)  
and New York Department of Financial Services (est. 2014)  
Co-Advisor to Criminal Law Concentration (2015-present)  
Faculty Development Committee (2015-2017)  
Adjunct Committee (2013-15)  
Rules Committee (2013-14)  
Appointments Committee (2012-13)  
Clinical Appointments Committee (2011-12)  
Faculty Adviser to Dean's Distinguished Scholars (2011-12)

## **PROFESSIONAL SERVICE**

### **The Innocence Project, 2014-present**

Member, Board of Directors of not-for-profit organization dedicated to exonerating the wrongfully convicted through DNA testing and reforming the criminal justice system to prevent future injustice. Since 2014, I have served on the Finance Committee; in 2017, I was added to the newly-created Development Committee.

### **Association of the Bar of the City of New York City, Ethics Committee, Aug. 2016-present**

The Committee provides advice to lawyers through a hotline staffed by Committee members and writes formal ethics opinions on discrete issues.

### **Governor's Council on Community Re-Entry and Reintegration, 2014-present**

Appointed by NY Governor Andrew Cuomo to serve on council charged with submitting policy recommendations to eliminate barriers to successful re-entry for previously incarcerated persons.

### **National Center for Access to Justice, New York, NY, 2010-2016**

Member of Board of Directors of not-for-profit organization dedicated to ensuring access and transparency in our courts.

### **American Bar Association, Criminal Justice Section, 2010-14**

Served as reporter for ABA Task Force on Fair Trial-Free Press issues, charged with preparing new Standards and accompanying commentary to provide guidance for prosecutors, police, defense lawyers, and judges in handling media attention in high-profile criminal trials. The final Standards and Commentary were published in 2016.

## **SELECTED CONFERENCES AND PANELS ORGANIZED**

### *CrimFest 2018* (Scheduled for July 2018)

With Professor Carissa Hessick of University of North Carolina School of Law, I will be hosting at Cardozo this well-regarded and attended conference of criminal law scholars from around the country. Now in its 10<sup>th</sup> year, this conference typically involves over 65 scholars presenting papers during concurrent panels that stretch over the course of two days.

*Protecting Fair Trials in High-Profile Criminal Cases*, Cardozo Law School, March 2, 2017 (co-sponsored by the ABA Criminal Justice Section). Organized and participated in panel discussion of the ABA Criminal Justice Section's Fair Trial and Public Discourse Standards. Panelists included Manhattan District Attorney Cy Vance; United States District Judge Valerie Caproni, legendary criminal defense attorney Ted Wells of Paul, Weiss; NYPD Deputy Commissioner for Intelligence and Counterterrorism John Miller; and Erica Orden, a reporter for the Wall Street Journal.

*New Models for Prosecutorial Accountability*, Cardozo Law School, April 21, 2016 (co-sponsored by the Innocence Project). Organized and participated as moderator in day-long conference on holding prosecutors accountable for misconduct in criminal cases. Participants included United States District Judge Emmet Sullivan of Washington, D.C., United States District Judge Mark Wolf of Boston, Massachusetts; and Dallas, TX District Attorney Susan Hawk. The Cardozo Law Review published in its online component several essays written in conjunction with the program.

*The Long Road to Reliability for Eyewitness Identification Evidence: State of New Jersey v. Henderson and Beyond*, Cardozo Law School, Dec. 5, 2011 (co-sponsored by the Innocence Project). Organized, moderated, and gave opening remarks for half-day conference featuring three panels on police and court procedures governing eyewitness identification.

## SELECTED PRESENTATIONS

Discussant, *Judging: 50 Years After the Chicago 7 Trial*, Annual Meeting of the Southeastern Association of Law Schools (SEALS) (scheduled for Aug. 2018, Ft. Lauderdale, FL)

Presenter, *The "New" District Court Activism in Criminal Justice Reform*, academic Symposium being organized at NYU Law School around my forthcoming article of same title (scheduled for Spring 2018).

ABA 6<sup>th</sup> Annual London White Collar Crime Institute, London, United Kingdom, Panelist on *Media Relations During Criminal Investigations and Trials*, Oct. 9, 2017

National Association of Attorneys General Anticorruption Academy in Minneapolis, MN, Faculty Presenter on *Media Relations in Criminal Corruption Cases*, August 22, 2017

Presenter, *The Culture of Misdemeanor Courts*, Fourth Annual Criminal Justice Ethics Schmooze, New York Law School, June 8, 2017

Presenter, *The Legitimacy of Innocence Commissions and Reform Entities: A Comparative Perspective*, Theorizing Criminal Law Reform Conference, Rutgers University (Newark) School of Law, April 21, 2017

Panelist, *Changing Court Culture and Procedural Justice and Judicial Involvement in Initial Appearances*, Conference on Judicial Responsibility for Justice in Criminal Courts (Hofstra Law School, April 7, 2017

Excited Utterance, Podcast interview with Vanderbilt Law School Professor Ed Cheng, about my article, *Informant Witnesses and the Risk of Wrongful Convictions* (podcast posted Feb. 6, 2017), available at <https://www.excitedutterancepodcast.com>

Discussant, *Reimagining the Ideal Role of Prosecutors*, Annual Meeting of the Southeastern Association of Law Schools (SEALS), Aug. 6, 2016

Presenter, *The New District Court Activism*, Eighth Annual CrimFest Conference, Cardozo Law School, July 11, 2016

Presenter, *The New District Court Activism*, Third Annual Criminal Justice Ethics Schmooze, Cardozo Law School, June 9, 2016

Presenter, *Informant Witnesses and the Risk of Wrongful Convictions*, Seventh Annual CrimFest Conference, Cardozo Law School, July 20, 2015

Presenter, *The Divisibility of Crime*, Buffalo Criminal Law Center Colloquium, SUNY Buffalo Law School, Nov. 6, 2014

Presenter, *The Anomaly of Entrapment*, Sixth Annual CrimFest Conference, Rutgers University (Newark) School of Law, July 22, 2014

Presenter, *The Anomaly of Entrapment*, AALS/ABA Criminal Justice Mid-Year Conference (San Diego, CA), June 10, 2013

## **SELECTED MEDIA CITATIONS AND APPEARANCES**

The Constitution Project, Documentary about *Crawford v. Washington* and the Confrontation Clause (extensive video interview posted August 30, 2017), available at <http://www.theconstitutionproject.com/films/>

The Constitution Project, Documentary about *Roper v. Simmons* and the Death Penalty (extensive video interview) (forthcoming, to be posted at <http://www.theconstitutionproject.com/films/>)

Law360, *Early Candidates for Manhattan's Next Top Cop*, March 14, 2017

New Jersey Record, *Road-Repair Probe Yield Little; Charged Unlikely over Port Authority's Use of \$1.8B*, June 11, 2016

New York Times, *Experts See Risks, and Logic, in Skeloses' Appeal for No Prison Time*, April 3, 2016

New York Times, *In DEA Sting Operations, Robberies Aren't Real, but Charges Are*, December 4, 2014

## **PROFESSIONAL EXPERIENCE**

**Office of the United States Attorney for the Southern District of New York, Sept. 2002-Aug. 2009**  
Assistant U.S. Attorney in Criminal Division, New York, NY

Represented the United States in numerous cases, with expertise investigating and prosecuting cases involving securities fraud, gang-related violence, and narcotics trafficking. Served as lead or co-counsel in ten felony jury trials and argued five appeals before the United States Court of Appeals for the Second Circuit. Representative cases include:

- Trial of CEO and several associates convicted of manipulating company's stock price;
- Investigation and prosecution of several hedge fund managers convicted of stealing millions of dollars of funds from their investors;
- Trial of three marijuana distributors convicted of murdering a rival;
- Trial of Bloods gang member convicted of murder in aid of racketeering;
- Investigation and prosecution of 13 members of various robbery/home invasion crews that frequently kidnapped and tortured their victims;
- Investigation and prosecution of 13 members of drug organization responsible for distributing crack cocaine and committing numerous acts of gun violence;
- Investigation and prosecution of large-scale drug trafficking ring responsible for importing heroin and cocaine into the United States through Guatemala and Mexico. Obtained one of the first roving wiretaps authorized in the SDNY.

**Gibbons, P.C., New York, New York and Newark, New Jersey (1999-2002)**

John J. Gibbons Fellow in Public Interest and Constitutional Law. Competitively selected for two-year fellowship for 1999-2001 to work exclusively on *pro bono* litigation. Represented individual and institutional litigants in civil and criminal public interest matters. From 2001-2002 served as Deputy Director of the Gibbons Fellowship program.

**Debevoise & Plimpton, New York, New York and Jenner & Block, Washington, D.C.**

Summer Associate (1996) (split between Debevoise & Plimpton and Jenner & Block).

**Office of the United States Attorney, Eastern District of New York, Brooklyn, NY**

Summer intern (1995) in criminal division.

**United States Senator Bill Bradley, Washington, D.C. (1993-94)**

Legislative Correspondent for domestic policy, including health care reform, labor and education.

## **BAR ADMISSIONS**

New York; United States Supreme Court; United States District Courts for the Southern and Eastern Districts of NY; United States Courts of Appeals for the Second and Third Circuits.