

# Anna Roberts

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## ACADEMIC POSITIONS

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- Brooklyn Law School, *Professor of Law* 2022-
- Teaching evidence, criminal law, and a seminar on contemporary criminal issues.
  - Chair, Clinical Appointments Committee, 2023.
- St. John's University School of Law, *Professor of Law* 2019-22
- Taught evidence, torts, criminal law, and a criminal law seminar.
  - Chair, Appointments Committee, 2020-21.
  - Dean's Awards for Outstanding Service (2021), Outstanding Scholarship (2020), and Outstanding Teaching (2019).
- Seattle University School of Law, *Associate Professor* (2016-19), *Assistant Professor* (2012-16)
- Taught evidence, criminal law, and criminal procedure.
- N.Y.U. School of Law, *Fellow, Experiential Learning Lab* Mar.-Dec. 2016
- Collaborated with Lab Director, Peggy Cooper Davis, on the creation of experiential components of an evidence course, and initiatives to address implicit juror bias.
- N.Y.U. School of Law, *Acting Assistant Professor, Lawyering Program* 2008-09; 2010-12
- Taught five-credit Lawyering course, based on experiential learning theory.

## EDUCATION

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- New York University School of Law, J.D., *magna cum laude* 2003
- Order of the Coif, Dean's Scholarship (three-year full tuition scholarship based upon academic merit), Florence Allen Scholarship (top 10% of the class after four semesters).
  - Center for International Studies, Junior Fellow (2001-02).
- University of Cambridge, B.A. and M.A. in Classics, Starred 1<sup>st</sup> with Distinction 1999
- Highest grades in the class.
  - Henry Arthur Thomas Prize (academic merit), de Somogyi Prize (special merit in an arts and humanities subject), Chancellor's Medal (exam results), Craven Scholarship (best 1<sup>st</sup> year Classics student), College Scholarship (1<sup>st</sup> year results), Blackburne-Daniell Prize (best 2<sup>nd</sup> year performance in college), Foundation Scholarship (2<sup>nd</sup> year results), Corbett Prize (merit in Ancient Greek), Foundress Prize (exam results).

## LAW REVIEW ARTICLES & BOOK CHAPTERS

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*Criminal Terms*, 107 MINN. L. REV. 1495 (2023).

*Victims, Right?*, 42 CARDOZO L. REV. 1449 (2021).

*Convictions as Guilt*, 88 FORDHAM L. REV. 2501 (2020).

- Identified by the Academic Advisory Board of the Getting Scholarship into Court Project as a “must read” for judges and practitioners.
- Featured on the John Howard Society of Canada’s Blog, at <http://johnhoward.ca/blog/conviction-does-not-always-imply-guilt/>.

*Arrests as Guilt*, 70 ALA. L. REV. 987 (2019).

- Reviewed by Elizabeth Joh in [Arrest, Guilt, and the Difference Between the Two](#), JOTWELL (June 18, 2018).
- Identified by the Academic Advisory Board of the Getting Scholarship into Court Project as a “must read” for judges and practitioners.

*Jurors’ Reactions to Implicit Biases: Are Informational Interventions Effective?*, in CRIMINAL JURIES IN THE 21<sup>ST</sup> CENTURY: PSYCHOLOGICAL SCIENCE AND THE LAW (Cynthia Najdowski & Margaret Stevenson, eds., Oxford University Press, 2018).

*Dismissals as Justice*, 69 ALA. L. REV. 327 (2017).

*Reclaiming the Importance of the Defendant’s Testimony: Prior Conviction Impeachment and the Fight Against Implicit Stereotyping*, 83 U. CHI. L. REV. 835 (2016).

- Cited by Justice Waterman of the Iowa Supreme Court in *State v. Plain*, 2017 WL 2822482, by Judge Weinstein in *United States v. Walker*, 315 F.R.D. 154 (E.D.N.Y. Aug. 2, 2016), and in several other federal opinions.

*Conviction by Prior Impeachment*, 96 B.U. L. REV. 1977 (2016).

- 1600-word excerpt to be included in the fourth edition of Fisher’s Evidence casebook.

*Asymmetry as Fairness: Reversing a Peremptory Trend*, 92 WASH. U. L. REV. 1503 (2015).

- One of four articles selected from the 2015 SEALS Annual Call for Papers.
- Cited by Chief Judge Fearing in *Washington v. Vaile*, 2023 WL 3371574 (Wash. Ct. Apps.)

*Impeachment by Unreliable Conviction*, 55 B.C. L. REV. 563 (2014).

- Identified by the Academic Advisory Board of the Getting Scholarship into Court Project as a “must read” for judges and practitioners.

*Casual Ostracism: Jury Exclusion on the Basis of Criminal Convictions*, 98 MINN. L. REV. 592 (2013).

- Led to an invitation to testify before the United States Commission on Civil Rights at a briefing on collateral consequences, and multiple citations in the Commission’s [report](#).
- Highlighted in Prison Policy Initiative [report](#) on jury exclusion.

*Disparately Seeking Jurors: Disparate Impact and the (Mis)use of Batson*, 45 U.C. DAVIS L. REV. 1359 (2012).

- Cited by Justice Appel in *State v. Veal*, 2019 WL 2236417 (Iowa Supreme Court).
- Cited in United States Commission on Civil Rights [report](#) on collateral consequences.

***(Re)forming the Jury: Detection and Disinfection of Implicit Juror Bias***, 44 CONN. L. REV. 827 (2012).

- Featured in David Bornstein, *Guiding Families to a Fair Day in Court*, The Opinion Pages, N.Y. TIMES (May 29, 2015).
- Cited by Justice Appel in *State v. Plain*, 2017 WL 2822482 (Iowa Supreme Court).
- Cited by Justice Neville in *People v. Birge*, 2021 IL 125644 (Ill. 2021), in support of a jury selection proposal.
- Identified by the Academic Advisory Board of the Getting Scholarship into Court Project as a “must read” for judges and practitioners.
- Led to an invitation to speak on “What to do about biased juries” at “Implicit Bias Across the Law” conference at Harvard Law School.

### **RESPONSES, REVIEWS, AND SYMPOSIUM PIECES**

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***Models and Limits of Federal Rule of Evidence 609 Reform***, VAND. L. REV. (forthcoming 2023) (invited symposium piece).

***Reforming Prior Conviction Impeachment***, 50 FORDHAM URB. L. J. 377 (2023) (invited symposium piece) (with Julia Simon-Kerr).

***Defense Counsel’s Cross Purposes: Prior Conviction Impeachment of Prosecution Witnesses***, 87 BROOK. L. REV. 1225 (2022) (invited symposium piece).

***LEAD Us Not into Temptation: A Response to Barbara Fedders’s “Opioid Policing,”*** 94 IND. L.J. SUPP. 91 (2019) (invited response).

***The Missing American Jury: Restoring the Fundamental Constitutional Role of the Criminal, Civil, and Grand Juries*** by *Suja A. Thomas*, 132 POL. SCI. Q. 179 (2018) (review).

### **OTHER PUBLICATIONS**

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***Judges Who Help Us Expand Our “Crabbed View” of Justice Beyond Criminal Prosecution***, In Justice Today (Feb. 8, 2018).

***Guerrilla Guide to Teaching Evidence*** (co-authored with Jocelyn Simonson) (2017), part of the Guerrilla Guides to Law Teaching series.

***Will the Most Controversial Rule of Evidence be Reformed?***, In Justice Today (Dec. 6, 2017).

***Prior Conviction Impeachment: Is Reform Finally Afoot?***, In Justice Today (Sept. 27, 2017).

***A Victory for Racially Inclusive Juries in Washington***, In Justice Today (Sept. 5, 2017).

*Foster v. Chatman: An Egregious Batson Violation (and a SCOTUS Reversal)*, Casetext (May 24, 2016).

*Should the Supreme Court Abolish Peremptory Strikes?*, Casetext (Oct. 30, 2015).

*Juries, Implicit Bias, and the Silencing of Criminal Defendants*, Casetext (Aug. 7, 2015).

#### **CLERKSHIP**

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The Honorable Constance Baker Motley, Southern District of New York 2003-04

#### **OTHER PROFESSIONAL EXPERIENCE**

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Office of the Appellate Defender, Volunteer Attorney, New York, NY 2010-13

- Litigated appeal of second-degree burglary conviction and sentence. Argued case before New York’s Appellate Division; secured three-year reduction in sentence; obtained leave to appeal to the Court of Appeals; drafted Court of Appeals brief.

Gladstein, Reif & Meginniss, LLP, Associate, New York, NY 2009-10

- Litigation (trial and appellate, state and federal, including class action), arbitration and legislative work in labor, employment, and civil rights. Lead counsel in employment arbitration, National Labor Relations Board charge, and federal labor law claim.

A.C.L.U., Racial Justice Program, Volunteer Attorney, New York, NY 2008

- Researched and drafted sections of a report on indigent defense reform.

Neighborhood Defender Service of Harlem, Staff Attorney, New York, NY 2004-08

- Public defender, representing caseload of 70 – 100 Harlem residents. Litigated felony and misdemeanor hearings and trials; trials included charges of murder, assault, drug possession, and drug sale. Supervised junior attorneys, clinical students, and interns.

#### **MEDIA APPEARANCES**

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*Reclaiming the Importance of the Defendant’s Testimony: Prior Conviction Impeachment and the Fight Against Implicit Stereotyping*, “Excited Utterance” podcast, March 2017.

*Behind the Twelve (Unbiased, Diverse) People that Decide Trials*, Weekday, KUOW.ORG.

*What Can be Done to Combat Racism on Juries?*, Think Out Loud, Oregon Public Broadcasting, Sept. 2013.

#### **PANELS & PRESENTATIONS**

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*Critical Evidence Concerns*, SEALS Annual Meeting, July 2023 (co-creator and participant)

*Models and Limits of Federal Rule of Evidence 609 Reform*, presented at:

- LSA Annual Conference, June 2023
- ABA/ Academy for Justice/ AALS Workshop, Dec. 2022

*Reimagining the Rules of Evidence at 50*, Vanderbilt Law Review Symposium, Nov. 2022 (invited speaker)

*From Defender to Professor: What Do We Take from That Work; What Can We Offer?*, at

- SEALS Annual Conference, Destin, FL, July 2022 (organizer & moderator)

*Criminal Terms*, presented at

- Decarceration Professors' Works-in-Progress Series, June 2022 (virtual)
- Brooklyn Law School Summer Faculty Workshop, May 2022
- ABA-Academy for Justice Academic Roundtable, Nov. 2021 (virtual)

*Critical Evidence Reform: How Do we Change Prior Conviction Impeachment in the U.S.?*, AALS Annual Meeting, Jan. 2022 (virtual) (co-creator & co-moderator of discussion group)

*Prior Conviction Impeachment of Prosecution Witnesses*, presented at

- Evidence Summer Workshop, Aug. 2021 (virtual)
- Fordham-Brooklyn Conference on "The Role of the Victim in the Criminal Justice System," Brooklyn Law School, New York, NY, Sept. 2021 (invited participant)
- Annual Meeting of the Law and Society Association, 2021 (co-organizer of panel)

*Victims, Right?*, presented at

- Brooklyn Law School Faculty Colloquium, Nov. 2020 (virtual)
- St John's University School of Law Faculty Scholarship Retreat, Sept. 2020 (virtual)
- Evidence Summer Workshop, Aug. 2020 (virtual)
- SEALS Annual Conference, Aug. 2020 (virtual)
- Decarceration Law Professors' Works-in-Progress Conference, July 2020 (virtual)
- University of Connecticut School of Law's Faculty Workshop, Dec. 2019
- ABA Criminal Justice Fall Institute, Washington D.C., Nov. 2019
- CrimFest Conference, Brooklyn Law School, New York, NY, July 2019

*Addressing the Perpetual Punishment of Criminal Records*, FedCap Group, Mar. 2021 (virtual)

*Prior Conviction Impeachment*, presenter, *The Unavailability Workshop*, April 2020 (virtual)

*Effective Teaching Strategies for Criminal Law and Criminal Procedure Faculty*, discussant, SEALS Annual Conference, Boca Raton, July 2019

*Convictions as Guilt*, presented at

- Criminal Justice Ethics Schmooze, Brooklyn Law School, June 2019
- Annual Meeting of the Law and Society Association, Washington D.C., May 2019
- Seton Hall School of Law Faculty Workshop, Newark, April 2019
- ABA Criminal Justice Fall Institute, Washington D.C., Nov. 2018

- CrimFest Conference, Cardozo Law School, New York, NY, July 2018
- Criminal Justice Ethics Schmooze, Brooklyn Law School, June 2018

*Arrests as Guilt*, presented at

- Deborah Denno’s Seminar on Advanced Criminal Law and Criminal Procedure, Fordham Law School, Feb. 2019
- Drexel University School of Law, Faculty Colloquium, Philadelphia, Jan. 2019
- Annual Meeting of the Law and Society Association, Toronto, June 2018

*Prior Conviction Impeachment: Historical, Scholarly, and Geographical Context*, invited keynote speaker, Washington State Annual Judicial Conference, Vancouver, WA, Sept. 2017

*Arrests as Recidivism*, presented at

- Annual Meeting of the American Society of Criminology, Philadelphia, Nov. 2017
- AALS Criminal Justice Section Midyear Meeting, Washington DC, June 2017

*Dismissals as Justice*, presented at

- Junior Criminal Justice Scholar Roundtable, Brooklyn Law School, July 2017
- Criminal Justice Ethics Schmooze, New York Law School, June 2017
- “Overcriminalization and Indigent Legal Care” conference, Jean Beer Center for Ethics, Georgia State University, April 2017

*Jury Exclusion on the Basis of Criminal Convictions*, panelist, United States Commission on Civil Rights briefing, “Collateral Consequences: The Crossroads of Punishment, Redemption and the Effects on Communities,” Washington DC, May 2017

*Prior Conviction Impeachment*, invited plenary speaker, Washington Appellate Court Conference, Walla Walla, WA, April 2017

*Implicit Jury Bias*, invited keynote speaker, Washington State Superior Court Judges’ Association Conference, Spokane, WA, April 2017

*Ferguson, Black Lives Matter, and the Future of Criminal Justice Reform*, invited panelist, SEALS Annual Meeting, Amelia Island, FL, Aug. 2016

*Conviction by Prior Impeachment*, CrimFest Conference, New York, NY, July 2016

*Reclaiming the Importance of the Defendant’s Testimony: Prior Conviction Impeachment and the Fight Against Implicit Stereotyping*, presented at

- NYC Criminal Law Colloquium, Brooklyn Law School, Feb. 2016
- University of Washington School of Law Faculty Workshop, Seattle, Oct. 2015
- CUNY School of Law Faculty Forum, Queens, NY, Sept. 2015
- CrimFest Conference, New York, NY, July 2015
- Annual Meeting of the Law and Society Association, Seattle, May 2015
- Northwest Junior Faculty Forum, Seattle, March 2015

*You've Got the Power: Should Jurors be Told About Nullification?*, ABA Criminal Justice Section Annual Fall Institute, D.C., Oct. 2015

*Asymmetry as Fairness: Reversing a Peremptory Trend*, presented at

- Call for Papers Awardees Lunch, SEALS Annual Meeting, Boca Raton, July 2015
- University of Maryland School of Law Legal Theory Workshop, Baltimore, Feb. 2015
- Gonzaga University School of Law Faculty Workshop, Spokane, WA, Feb. 2015
- CrimFest Conference, Newark, NJ, July 2014

*A Brief History of the Jury Trial and Peremptory Challenges*, invited panelist, Washington Appellate Court Conference, Hood Canal, March 2015

*Implicit Juror Bias*, invited speaker, Annual Conference of the American Judges Association, Las Vegas, Oct. 2014

*Impeachment by Unreliable Conviction*, presented at

- Faculty Brownbag Series, University of Georgia Law School, Athens, Feb. 2014
- Criminal Law Colloquium, SMU Dedman School of Law, Dallas, Jan. 2014
- Annual Meeting of the American Society of Criminology, Atlanta, Nov. 2013

*Casual Ostracism: Jury Exclusion on the Basis of Criminal Convictions*, presented at

- Mid-Year AALS Criminal Justice Meeting, San Diego, June 2013
- Annual Meeting of the Law and Society Association, Boston, June 2013
- ABA Criminal Justice Section Fifth Annual Fall Institute, AALS Criminal Justice Section Roundtable Workshop, Washington D.C., Oct. 2012

*Race and the Criminal Jury*, Nat'l Def. Investigator Ass'n Educ. Conference, Seattle, April 2013

*The Criminal Law Syllabus: What to Cut and What to Keep*, roundtable co-facilitator, SALT Teaching Conference, Baltimore, Oct. 2012

*What to do About Biased Juries*, invited speaker, Harvard University Law School, Implicit Bias Across the Law, June 2012

*Disparately Seeking Jurors: Disparate Impact and the (Mis)use of Batson*, Annual Meeting of the Law and Society Association, June 2011

*United Nations Military Intervention in Civil Wars: Failed Aims & Flawed Assumptions?*, invited speaker, Conference on International Law and International Organizations in Situations of Civil War, NYU School of Law, Feb. 2002

#### **PROFESSIONAL AFFILIATIONS, ACTIVITIES, & ADMISSIONS**

Co-Founder and Co-Director, Prior Conviction Impeachment Reform Coalition 2021-

Co-Organizer, AALS Discussion Group on "Critical Evidence Reform" 2021-22

Creator & Participant, AALS Panel on “Rethinking Criminal Law Language” 2021-22

Member, Pedagogy Subcommittee, Law School Anti-Racist Consortium 2021-22

Member, Executive Committee, AALS Section on Evidence 2020-

Inaugural Fellow, The Justice Collaborative Institute 2019-20

Member, NYCLA Justice Center Task Force on Plea Bargaining 2019

Volunteer, Prospective Law Teachers Workshop, SEALS 2019-

Presenter, Ronald H. Brown Law School Prep Program for College Students 2019

Peer Reviewer, Yale Law Journal; Columbia Law Review; California Law Review, Northwestern University Law Review; Temple University Press; CALI’s eLangdell Press

Co-Chair, Academics Committee, Criminal Justice Section, ABA 2016-19

Member, Amicus Committee, National Association for Public Defense 2016-18

Judge, National LGBT Writing Competition 2012

Criminal Law Committee, Association of the Bar of the City of New York 2009-12

- Spearheaded amicus briefs on discrimination in jury selection and in employment

Admitted to the New York State Bar, and the Southern and Eastern Districts of New York