

E. LEA JOHNSTON

University of Florida Levin College of Law · JohnstonL@law.ufl.edu · (352) 273-0794

ACADEMIC APPOINTMENTS

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW

Assistant Professor of Law. 1/2009-present
Classes taught: Criminal Law, Criminal Procedure – Adversary System, Law & Psychiatry, Mental Health Law – Deprivations of Liberty, Immigration
Research interests: criminal law and psychology; sentencing; how criminal law and procedure respond to individuals with serious mental illnesses
Committees: Judicial Clerkship (2010-2012; 2009-2010, chair), Mentoring Committee (2011 - present), Academic Standards (2009-2010)
Mentoring: Judicial Clerkship Advisor (2009-2011), Mentor for Visiting Assistant Professor (2011 - present), Faculty Sponsor for Immigration Law Society (2009 - present)

Assistant Director of Criminal Justice Center 4/2011-present

EDUCATION

HARVARD LAW SCHOOL, J.D., cum laude, Cambridge, MA 6/2003
Additional Honors: Board of Student Advisors (Honor Society)
Law Review: *Women’s Law Journal*
Executive Editor, Article Selection Committee
Third-Year Paper: *Effecting the Intent of Gideon: A Strategic Analysis of Methodology and Remedies Employed in Successful Prospective Ineffectiveness Cases*

PRINCETON UNIVERSITY, A.B., Princeton, NJ 6/1996
Honors: *Sigma Xi* Honor Society
Major: Ecology & Evolutionary Biology
Certificate: Women and Gender Studies

CLERKSHIP

U.S. Court of Appeals for the Ninth Circuit, Seattle, WA 8/2006-8/2007
Law Clerk to the Honorable Richard C. Tallman.

PUBLICATIONS

Mental Illness and Sentencing: A Retributivist Case for Recognizing Vulnerability to Harm, 102 J. CRIM. L. & CRIMINOLOGY __ (forthcoming, 2012)

Theorizing Mental Health Courts, 89 WASH. U. L. REV. 519 (2012)

Representational Competence: Defining the Limits of the Right to Self-Representation at Trial, 86 NOTRE DAME L. REV. 523 (2011)

Setting the Standard: A Critique of Bonnie’s Competency Standard and the Potential of Problem-Solving Theory for Self-Representation at Trial, 43 UC DAVIS L. REV. 1605 (2010)

An Administrative “Death Sentence” for Asylum Seekers: Deprivation of Due Process Under 8 U.S.C. § 1158(d)(6)’s Frivolousness Standard, 82 WASH. L. REV. 831 (2007)

WORKS IN PROGRESS

Mental Illness, Inhumane Punishment, and Sentencing (work in progress)

Separate But Equal?: An Exploration of Antitherapeutic Consequences of Mental Health Courts and A Proposal for Reform (work in progress)

PRESENTATIONS

Panelist, *How Should Punishment Institutions Address Vulnerability and Adaption?*, Southeastern Association of Law Schools 2012 Annual Meeting (forthcoming, August 3, 2012)

Presenter, *Vulnerability and Desert: A Theory of Sentencing the Mentally Ill*, Faculty Workshop, University of Florida Levin College of Law (March 28, 2012)

Presenter, *Mental Illness, Suffering, and the Distribution of Deserved Punishment*, Arizona State University Legal Scholars Conference (March 17, 2012)

Presenter, *Mental Illness, Suffering, and the Distribution of Deserved Punishment*, Faculty Workshop, University of Georgia School of Law (February 27, 2012)

Presenter (Poster), *Theorizing Mental Health Courts*, 2011 American Psychology-Law Society Conference / Fourth International Congress of Psychology and Law (March 4, 2011)

Presenter, *Mental Health Courts: Theoretical and Empirical Deficiencies*, Faculty Workshop, Florida State University College of Law (October 7, 2010)

Presenter, *Mental Health Courts: Theoretical and Empirical Deficiencies*, New Scholars Workshop, Southeastern Association of Law Schools 21010 Annual Conference (August 3, 2010)

Presenter, *Wrestling with the Problem: Exploring the Promise of Social Problem-Solving Theory for Representational Competence*, American Psychology-Law Society Annual Conference (March 18, 2010)

Presenter, *Wrestling with the Problem: Exploring the Promise of Social Problem-Solving Theory for Representational Competence*, Young Scholars Criminal Justice Roundtable, Vanderbilt Law School (January 29, 2010)

Presenter, *Desert Mirage: The Elusive Protection of the Fourth Amendment for Undocumented Immigrants*, The Constitution and the Undocumented Program, University of Florida (Sept. 17, 2009)

COURT CITATIONS TO PUBLISHED ARTICLES

People v. Johnson, 267 P.3d 1125 (Cal. 2012) (quoted legal standard proposed in article)

NON-ACADEMIC WORK EXPERIENCE

Arnold & Porter LLP, Washington, D.C.

Litigation Associate. Worked on nationwide products liability, antitrust, and government contracts civil and criminal litigation. Member of four trial teams: argued

9/2003-7/2006,

12/2007-11/2008

pretrial motions, drafted examination outlines, prepared witnesses, drafted motions and objections, deposed witnesses. Supervised four Georgia law firms in discovery and motions practice. Developed trial strategies for 20+ cases. *Pro Bono*: represented indigent defendants in criminal matters, litigated Establishment Clause cases in federal court, and worked to reform Mississippi's indigent defense system.

Maryland Public Interest Research Group, Baltimore, MD 1998-2000

Deputy Director, 1999-2000. Supervised four advocates. Oversaw \$235,000 budget.

Increased grant money awarded by 25%. Developed environmental and consumer program.

Environmental Advocate, 1998-1999. Directed campaigns to preserve open space and reduce toxic emissions. Co-drafted Senate Bill 149, "Integrated Pest Management in Public Schools." Testified on 13 bills before legislature. Drafted reports covered by 15+ media outlets.

Massachusetts Public Interest Research Group, Boston, MA 1996-1998

Environmental Associate. Directed campaign to reduce use of pesticides in schools.

Co-drafted and lobbied to pass Senate Bill 1886, "Pesticide Disclosure Act." Coordinated work of 30+ staff. Drafted report and coordinated over 60 press conferences. Built coalition of over 300 community groups and raised over \$90,000 in foundation support.

BAR MEMBERSHIPS

Mississippi, District of Columbia, U.S. District Courts for the District of Mississippi, U.S. Courts of Appeals for the Fifth and Ninth Circuits.