

E. LEA JOHNSTON

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ACADEMIC APPOINTMENTS

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW

<i>Professor of Law</i>	8/2015-present
<i>Associate Professor of Law</i>	8/2012-8/2015
<i>Assistant Professor of Law</i>	1/2009-8/2012

MAJOR LAW REVIEW ARTICLES

Communication and Competence for Self-Representation, 84 FORDHAM L. REV. __ (2016)

Modifying Unjust Sentences, 49 GA. L. REV. 433 (2015)

Conditions of Confinement at Sentencing: The Case of Seriously Disordered Offenders, 63 CATH. U. L. REV. 625 (2014)

Vulnerability and Desert: A Theory of Sentencing and Mental Illness, 103 J. CRIM. L. & CRIMINOLOGY 147 (2013)

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)

SYMPOSIUM PIECES

Smoke and Mirrors: Model Penal Code § 305.7 and Compassionate Release, 4 WAKE FOREST J. L. & POL'Y 49 (2014) (for symposium on Finality in Sentencing)

WORKS IN PROGRESS

Mental Health Courts and Proportionate Punishment

A Right to Hybrid Counsel

COURT CITATIONS TO PUBLISHED ARTICLES

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

ACADEMIC PRESENTATIONS

Panelist, *Problem Solving Courts: A Promising Reform or a New Problem?*, American Association of Law Schools 2016 Annual Meeting (Jan. 6, 2016)

Panelist, *Forensics in Florida: Hot Topics from the Sunshine State*, American Academy of Psychiatry and the Law 46th Annual Meeting (October 23, 2015)

Presenter, *Mental Health Courts & Proportionate Punishment*, Southeastern Association of Law Schools 2015 Annual Meeting (July 29, 2015)

Panelist, *Innocence Roundtable*, Southeastern Association of Law Schools 2015 Annual Meeting (July 28, 2015)

Presenter, *Mental Health Courts & Proportionate Punishment*, 2015 Crim Fest (July 20, 2015)

Presenter, *Excising Performance from Representational Competence*, American Bar Association Criminal Justice Section's Seventh Annual Fall Institute (Oct. 23, 2014)

Panelist and Organizer, *Mercy in the Administration of Criminal Justice Roundtable*, Southeastern Association of Law Schools 2014 Annual Meeting (August 4, 2014)

Presenter, *A Right to Hybrid Counsel at Criminal Trials*, 2014 Crim Fest (July 22, 2014)

Presenter, *Curing Disproportionate Punishment*, 2014 American Psychology-Law Society Annual Conference (March 7, 2014)

Presenter, *Curing Disproportionate Punishment*, Southeast Law School 2013 Junior/Senior Faculty Workshop, Emory Law School (Nov. 15-16, 2013)

Panelist, *Reassessing the Criminal Offender*, American Bar Association Criminal Justice Section's Sixth Annual Fall Institute (Nov. 1, 2013)

Presenter, *Curing Disproportionate Punishment*, American Bar Association Criminal Justice Section's Sixth Annual Fall Institute (Oct. 31, 2013)

Presenter, *Judicial Control over Conditions of Confinement: The Case of Seriously Disordered Offenders*, Faculty Workshop, University of Alabama School of Law (Oct. 10, 2013)

Panelist and Organizer, *Vulnerability and the Criminal Justice System Roundtable*, Southeastern Association of Law Schools 2013 Annual Meeting (August 7, 2013)

Presenter, *Humane Punishment for Seriously Disordered Offenders: Sentencing Departures and Judicial Control over Conditions of Confinement*, Law and Society 2013 Annual Meeting (May 30, 2013)

Presenter, *Resentencing Prisoners with Serious Mental Illnesses*, Finality in Sentencing Symposium, Wake Forest University School of Law (April 5, 2013)

Presenter and Organizer, *Humane Punishment for Seriously Disordered Offenders: Sentencing Departures and Judicial Control over Conditions of Confinement*, University of Florida Criminal Justice Center's Junior Scholars' Conference (March 22, 2013)

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

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

LEGAL WORK

Arnold & Porter LLP, Washington, D.C. 9/2003-7/2006,
Litigation Associate. 12/2007-11/2008

- Defended corporations in nationwide products liability, antitrust, and government contracts civil and criminal litigation.
- Developed trial strategies and themes for 20+ cases.
- Supervised four Georgia law firms in discovery and motions practice.
- Served as a member of four trial teams: argued pretrial motions, deposed witnesses, drafted examination outlines, prepared expert and fact witnesses, drafted evidentiary and dispositive motions, and prepared objections to trial exhibits and deposition designations.
- *Pro Bono*: represented indigent defendants in criminal matters, litigated Establishment Clause cases in federal court, and worked to reform Mississippi's indigent defense system.

U.S. Department of Justice, Environment & Natural Resources 7/2002-8/2002

Division, Wildlife Section, Washington, D.C.

Honors Intern

Kilpatrick Stockton LLP, Atlanta, GA 5/2001-8/2001

Summer Associate

Southern Center for Human Rights, Atlanta, GA 5/2001-8/2001

Intern

PUBLIC INTEREST WORK

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

Deputy Director, 1999-2000.

- Supervised four advocates.
- Oversaw and administered \$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 and lobbied to pass Senate Bill 149, *Integrated Pest Management in Public Schools*.
- Testified on 13 environmental and consumer bills before the Massachusetts General Assembly.
- Drafted reports and was featured on over 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.
- Raised over \$90,000 in foundation support.

LAW SCHOOL COURSES & SERVICE

Courses:

- Criminal Law
- Criminal Procedure – Adversary System
- Sentencing Law & Policy
- Law & Psychiatry
- Mental Health Law – Deprivations of Liberty
- Immigration & Nationality Law

Law School Committees:

- Promotion and Tenure (2015)
- Appointments (2015)
- Dean Search (2014-2015)
- Dean Search Faculty Advisory Committee (2014-2015)
- Faculty Development (2012-2015)
- Curriculum Committee (2014-2015)
- Ad Hoc Committee on Pre-law Legal Writing (2015)

- UF Law Trustees Committee for the Enhancement of Clerkship Opportunities (2013-2014)
- Judicial Clerkships & Student Placement (2012-2014)
 - Chair of Judicial Clerkship Subcommittee (2012-2014)
- Search Committee for Assistant Dean of Career Development (2013)
- Judicial Clerkship (2009-2012; Chair, 2009-2010)
- Mentoring (2011-2012)
- Academic Standards (2009-2010)

Additional Service Responsibilities:

- Assistant Director of Criminal Justice Center (2011-present)
- Mentor for Visiting Assistant Professor (2011-2013)
- Faculty Sponsor for Immigration Law Society (2009 - present)
- Judicial Clerkship Advisor (2009-2011)

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