

**THEA JOHNSON**  
**Rutgers Law School**  
**217 North Fifth Street**  
**Camden, NJ 08102**  
**thea.johnson@rutgers.edu**

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## **ACADEMIC POSITIONS**

### **Rutgers Law School, Camden, NJ**

*Professor of Law, July 2023 – Present*

*Associate Professor of Law, July 2020 – June 2023*

- Teaching courses in Criminal Law, Criminal Procedure, Evidence and Plea Bargaining
- Awarded 2022 Lastowka Award for Scholarly Excellence
- Honored by the graduates of the Class of 2023 as Commencement Reader

### **University of Maine School of Law, Portland, ME**

*Associate Professor of Law, January 2017 – June 2020*

- Courses taught: Criminal Law, Criminal Procedure, Trial Advocacy and Evidence, Criminal Law Seminar: Plea Bargaining
- Law Professor of the Year in 2019 and 2020

### **Stanford Law School, Stanford, CA**

*Thomas C. Grey Fellow and Lecturer in Law, July 2012 – December 2015*

- Researched and wrote in the areas of criminal law and procedure
- Designed and taught courses in legal writing and federal litigation
- Faculty Advisor and Coordinator for Stanford Clemency Project and the Prison University Project

## **PUBLICATIONS**

### **Scholarly Articles and Book Chapters:**

- *Lateral Pleas: Plea Bargaining in Sex Crimes Cases* (research-in-progress)
- *How to Deal with Fictional Pleas*, Book Chapter in The Cost of Bargains: Reflections and Recommendations from the ABA Plea Bargain Task Force (forthcoming 2024) (co-editor of the book with Lucian Dervan and Russell Covey)
- *Plea Bargaining in the Virtual Courtroom*, Book Chapter in Research Handbook on Plea Bargaining & Criminal Justice (forthcoming 2024)
- *Trial Ambivalence*, (forthcoming 2024, Ohio State Journal of Criminal Law)
- *Victims of Coercive Plea Bargaining: Defendants Who Give False Testimony for False Pleas* (with Lucian Dervan and Vanessa Edkins), 72 AM. U. L. REV. 1919 (2023)
- *The Efficiency Mindset and Mass Incarceration*, 75 OKLA. L. REV. 115 (2022)

- *Proving Prejudice After Lee v. United States: Ineffective Assistance of Counsel in the Crimmigration Context*, 25 HARV. LATIN AM. L. REV. 11 (2022) (with Emily Arvizu)
- *Lying at Plea Bargaining*, 38 GA. ST. U. L. REV. 673 (2022) (selected for the 2022 Lastowka Award for Scholarly Excellence at Rutgers Law School)
- *Making Space in the Criminal Law Classroom*, Book Chapter in Integrating Doctrine and Diversity: Inclusion & Equity in the Law School Classroom (Spring 2021)
- *Crisis and Coercive Pleas*, 110 J. CRIM. L. & CRIMINOLOGY ONLINE 1 (2020)
- *Fictional Pleas*, 94 IND. L. J. 855 (2019) (selected for the 2018 Yale/Stanford/Harvard Junior Faculty Forum; selected as the runner-up for the 2019 American Association of Law Schools' Criminal Justice Section Junior Scholars' Paper Competition)
- *Public Perceptions of Plea Bargaining*, 46 AM. J. CRIM. L. 133 (2019)
- *Measuring the Creative Plea Bargain*, 92 IND. L. J. 901 (2017)
- *What You Should Have Known Can Hurt You: Knowledge, Access and Brady in the Balance*, 28 GEO. J. LEGAL ETHICS 1 (2015)
- *Why Not Treat Drug Crimes As White-Collar Crimes*, 60 WAYNE L. REV. 1 (2015) (co-authored with Mark Osler)
- *Common Sense and the Cannibal Cop*, 11 STAN. J. CIV. RTS. & CIV. LIBERTIES 313 (2015) (co-authored with Andrew Gilden)
- *Guaranteed Access to Safe and Legal Abortions: The True Revolution of Mexico City's Legal Reforms Regarding Abortions*, 44 COLUM. HUM. RTS. L. REV. 437 (2013), (an earlier version of the article won the 2009 Alice Paul Feminist Jurisprudence Essay Contest, Washington School of Law, American University)

### **Selected Journalism and Other Written Work:**

- *Plea Bargaining is Broken; But it Can Be Fixed*, The Boston Herald, (February 2023)
- Book Review of *Punishment Without Trial: Why Plea Bargaining is a Bad Deal* by Carissa Bryne Hessick for Rutgers Criminal Law and Criminal Justice Book Review Forum (July 2022)
- *Is Lying Permitted in a Broken System*, Maine Law Blog (March 4, 2020)
- *Leniency Toward a Defendant's Child: An Acceptable Bargaining Chip*, Daily Journal (California's largest legal journal) (June 26, 2019)
- *A Primetime Plea That Rings True*, Maine Law Blog (March 7, 2019)
- *Plea Bargaining's Guilt Problem*, Slate (June 7, 2018)
- *Creative Plea Bargaining to Avoid Collateral Consequences*, Guest Blog for International Society for Therapeutic Jurisprudence (July 22, 2017)

- *Creative Plea Bargaining and Ineffective Assistance of Counsel in Lee v. United States*, Maine Law Blog (June 16, 2017)
- *Josh Duggar and the Myth of Juvenile Justice*, Huffington Post: The Blog (June 11, 2015)
- *Should Criminal Lawyers Engage in Crowdsourcing Criminal Investigations?*, Stanford Lawyer Magazine: The Blog (February 27, 2015)
- *College Rape and Radical Feminism: The Forgotten Feminist Roots of Today's Anti-Rape Activism*, Huffington Post: The Blog (November 25, 2014)
- *The Central Park \$40 Million*, Huffington Post: The Blog (June 27, 2014)
- *Philip Seymour Hoffman and the Victims and Villains of the Drug Trade*, Huffington Post: The Blog (April 21, 2014)
- *Latin Justice: A New Look*, 30 World Policy Journal 57 (Fall 2013)

### **SELECTED PRESENTATIONS AND PANELS**

- Presentation, *Everything But the Truth: Thinking about Criminal Justice Lies, Fictions and Half-truths*, Humboldt University of Berlin, Germany (September 2023)
- Paper Presentation, *Lateral Pleas: Plea Bargaining in Sex Crimes Cases*, CrimFest, Brooklyn Law School (July 2023); Criminal Justice Ethics Schmooze, Fordham Law School (June 2023)
- Presenter and Member of Academic Working Group, Inaugural Meeting of the Plea Bargaining Institute, Belmont Law School (June 2023)
- Presenter, Power and Protest in New Jersey: 50 Years After Rebellion in Camden: Recovering Histories, Exploring Memories, Rutgers University (Camden) (April 2023)
- Presenter, Arizona Criminal Law for Legislators, Hosted by the Academy for Justice at Arizona State University, Historic Senate Chambers, Phoenix, AZ (November 2022)
- Paper Presentation, *Trial Ambivalence*, Sandra Day O'Connor College of Law at Arizona State University (November 2023)
- Presenter, Teaching Diversity Skills in Bar Tested Classes, part of the Integrating Doctrine and Diversity Speaker Series (online) (November 2023)
- Paper Presentation, *Plea Bargaining in the Virtual Courtroom*, Grey Fellows Forum, Stanford Law School (June 2022)
- Presenter, Chancellor's New Faculty Research Symposium, Rutgers University (March 2022)
- Paper Presentation, *The Efficiency Mindset in Criminal Practice*, University of Oklahoma Law Review's symposium, Ending Mass Incarceration: Philosophy, Practice, and Policy (online) (February 2022)
- Paper Presentation, *Proving Prejudice After Lee v. United States: Ineffective Assistance of Counsel in the Crimmigration Context*, Grey Fellows Forum at Stanford Law School (online)

(May 2021); Annual Meeting of the Law and Society Association Meeting (online) (June 2021); CINETS' Global Borderlands Conference (online) (September 2021); University of Connecticut School of Law Faculty Workshop (November 2021); Penn State University Law School Faculty Workshop (online) (March 2022); Indigent Defense Research Association Spring Conference (online) (April 2022)

- Presenter, *Using Children As Bargaining Chips*, University of Arizona, Tucson, AZ (November 2021)
- Lecturer, *Lies and Plea Bargaining*, Eastern State Penitentiary (online) (July 2021)
- Presenter, *Double Jeopardy and Retrials*, Fourteenth Annual Criminal Law Symposium, Texas Tech University School of Law (online) (April 2021)
- Presenter, *Plea Bargaining and the Fourth Amendment*, 2021 Week Against Mass Incarceration, University of North Carolina School of Law (online) (March 2021)
- Panelist, Screening of the documentary, *The Vanishing Trial*, by Families Against Mandatory Minimums (online) (March 2021)
- Lecturer, *Negotiating a Criminal Case*, American Bar Association's Criminal Justice Section Practice-Ready Clinic (online) (January 2021)
- Paper Presentation, *Lying and the Paradox of Plea Bargaining*, Wilson Center for Science and Justice, Duke Law School (online) (December 2020)
- Presenter, *Plea Bargaining and Racial Justice*, Rutgers Law School (online) (November 2020)
- Paper Presentation, *The Failure of Legal Ethics at Plea Bargaining*, ABA/AALS Criminal Law Roundtable (online) (November 2020)
- Lecturer, *Testifying in Court*, Maine Medical Center Psychiatry Residency Training, Forensic Psychiatry Seminar Series, Portland, ME (February 2020)
- Presenter, *Inside the Plea Bargain Room and Sex without Conviction*, Annual Meeting of the Law and Society Association Meeting, Washington, D.C. (June 2019)
- Paper Presentation, *Lying at Plea Bargaining*, presented at the ABA/AALS Criminal Law Roundtable (October 2018); University of Richmond Law School Junior Faculty Forum, Richmond, VA (May 2019); Buffalo Criminal Law Center Colloquium (December 2019)
- Lecturer, Riverview Psychiatric Center Continuing Education Program and Continuing Legal Education program: *Criminal Responsibility, Mental States and Issues with Abnormal Condition of Mind Under Maine Law*, Maine State Forensic Service, Augusta, ME (May 2019)
- Presenter, *Criminal Justice in Maine's Rural Communities*, Maine Law Review Symposium: Ensuring Equal Access to Justice in Maine's Rural Communities, Colby College, Waterville, ME (April 2019)
- Presenter, *Lighting Talk: Plea Bargaining's Lies*, University of Southern Maine Research and Scholarship Symposium, Portland, ME (March 2019)

- Presenter, *New Voices in Criminal Justice*, American Association of Law Schools' Annual Meeting, New Orleans, LA (January 2019)
- Paper Presentation, *Non-Citizen Defendant Attitudes Towards Plea Bargaining*, presented at the Annual Meeting of Criminal Law Professors (CrimFest), Cardozo Law School, New York, NY (July 2018)
- Paper Presentation, *Fictional Pleas* presented at the Yale/Stanford/Harvard Junior Faculty Forum (June 2018), Vanderbilt Criminal Justice Roundtable (November 2017); ABA/AALS Criminal Law Roundtable (October 2017); Junior Scholars Roundtable, Brooklyn Law School and St. John's Law School (July 2017); Grey Fellows Forum, Stanford Law School (May 2017)
- Moderator, Debate among the candidates for District Attorney of Cumberland County, ME, hosted by the ACLU and Portland Press Herald, Portland, ME (April 2018)
- Panelist, Panel on Wrongful Convictions and the documentary, *Killing for Love*, Portland Museum of Art, Portland, ME (March 2018)
- Presenter, Continuing Legal Education program: *Fighting Sentencing Enhancements in a Post-Johnson World*, New York, NY (April 2016).
- Paper Presentation, *Creative Plea Bargaining*, Annual Meeting of Criminal Law Professors (CrimFest), Cardozo Law School (July 2015)
- Paper Presentation, *Common Sense and the Cannibal Cop*, Stanford Journal of Civil Rights and Civil Liberties Speaker Series, Stanford Law School (May 2015); Sex, Drugs and Rock 'n Roll: Subversive Sites in the Law, Osgoode Hall Law School (May 2015)
- Invited Workshop Participant, *Latin American Criminal Justice in Action*, UCLA Law School (February 2015)
- Invited Speaker, *Serial and the Criminal Justice System*, Facebook, Menlo Park, CA (November 2014)

## SERVICE

- Reporter, American Bar Association's Plea Bargain Task Force (2019 – 2023), authored the 2023 Plea Bargain Task Force Report, available at <https://www.americanbar.org/content/dam/aba/publications/criminaljustice/plea-bargain-tf-report.pdf>.
- Member, National Association of Criminal Defense Lawyer's (NACDL) Scholarship in the Courtroom Committee (2020 – present)
- Consultant, Maine Criminal Rules Committee (2017 – 2020)

## GRANTS

- University of Southern Maine Faculty Senate Grant for work on *Noncitizen Defendant Attitudes Towards Plea Bargaining* (Spring 2018)

- Center for Collaboration and Development Gap Funding Mini-Grant, University of Southern Maine (Spring 2017)

## **OTHER PROFESSIONAL EXPERIENCE**

### **The Federal Defenders of New York**, New York, NY

*Staff Attorney*, January 2016 – December 2016

- Litigated habeas corpus petitions under *Johnson v. United States*, 135 S. Ct. 2551 (2015), and appeals before the Second Circuit
- Coordinated the office's response to post-*Johnson* litigation, including by conducting trainings and working with pro bono attorneys on habeas petitions

### **The Legal Aid Society**, New York, NY

*Staff Attorney, Criminal Defense Division*, 2009 - 2012

- Handled an active case load of misdemeanors and felonies from arraignment to trial; conducted trials, including voir dire, opening statements, direct and cross-examination and closing arguments; wrote and argued motions; investigated cases
- During Summer 2013, 2014 and 2015, served as Faculty in the Trial Advocacy Program (TAP), instructing first-year New York City public defenders during a week-long intensive workshop on the fundamentals of trial advocacy

### **Simpson Thacher & Bartlett**, New York, NY

Summer Associate, Summer 2008

### **United Nations International Criminal Tribunal For Rwanda**, Arusha, Tanzania

Judicial Intern, Trial Chamber III, Spring 2008

### **The New York City Law Department**, New York, NY

Summer Intern, Summer 2007

### **Colegio Americano de Quito (The American School of Quito)**, Quito, Ecuador

Social Studies and English Teacher, 2004 – 2006

## **EDUCATION**

### **The George Washington University Law School**

J.D. with honors, May 2009

- The George Washington International Law Review
- Dean's Fellow; Aston Fellow

### **Harvard University**

A.B. *magna cum laude*, June 2003

- Senior Honors Thesis: *Rape and Radicalism: Rape Laws in New York, 1970 – 1975*