

THEA JOHNSON
Rutgers Law School
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ACADEMIC POSITIONS

Rutgers Law School, Camden, NJ

Associate Dean for Research and Faculty Development, 2024 – Present

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

Columbia Law School, New York, NY

Visiting Professor of Law, Fall 2024, Fall 2025

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, 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:

- *Plea Bargaining Around the “Sex” in Sex Crimes* (research-in-progress)
- *Plea Agreements/Deals/Bargains*, Oxford Research Encyclopedia of Criminology (2025)
- *The “Why” and the “Should” of Plea Bargaining in Sex Crimes Cases: A Response to Collusive Prosecution*, 110 Iowa L. Rev. Online 67 (2024)
- *Trial Ambivalence*, 20 Ohio St. J. Crim. L. 269 (2024)
- Co-editor of The Cost of Plea Bargains: Reflections and Recommendations from the ABA Plea Bargain Task Force (ed. Dervan, Covey, and Johnson) (2024)

- *The Problem with False and Fictional Pleas*, Book Chapter in The Cost of Plea Bargains: Reflections and Recommendations from the ABA Plea Bargain Task Force (ed. Dervan, Covey, and Johnson) (2024)
- *Plea Bargaining in the Virtual Courtroom*, Book Chapter in Research Handbook on Plea Bargaining & Criminal Justice (ed. Langer, McConville, and Marsh) (2024)
- *Victims of Coercive Plea Bargaining: Defendants Who Give False Testimony for False Pleas*, 72 AM. U. L. REV. 1919 (2023) (with Lucian Dervan and Vanessa Edkins)
- *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 (ed. Dyszlewski, Gabriel, Harrington-Steppen, Russell, and Tung) (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) (with Mark Osler)
- *Common Sense and the Cannibal Cop*, 11 STAN. J. CIV. RTS. & CIV. LIBERTIES 313 (2015) (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)
- *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)

SELECTED PRESENTATIONS AND PANELS

- Paper Presentation, *Plea Bargaining Around the "Sex" in Sex Crimes*, Criminal Justice Ethics Schmooze, Fordham Law School (June 2023); James E. Rogers College of Law, University of Arizona (February 2025); Willamette School of Law (February 2025); Markelloquium, New York, NY (March 2025)
- Presenter, UND Helen Hamilton Day, University of North Dakota Law School (March 2024)
- Presenter, *Everything But the Truth: Thinking about Criminal Justice Lies, Fictions and Half-truths*, Humboldt University of Berlin, Germany (September 2023)
- Presenter and Member of Academic Working Group, Inaugural Meeting of the Plea Bargaining Institute, Belmont Law School (June 2023)
- Presenter, The Plea Bargaining Institute: Consolidating Research and Reform Efforts in Plea Bargaining, at Innovations in Criminal Justice: The 2023 Quattrone Center Spring Symposium, University of Pennsylvania Carey Law School (May 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)
- 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 – 2022)
- 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*