

# Jenny E. Carroll

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## ACADEMIC APPOINTMENTS

**University of Alabama School of Law, Tuscaloosa AL**

**Professor Law:** Teach Crim. Law, Crim. Procedure, Juvenile Justice and Counter Terrorism, 2016–present.

**Associate Professor of Law:** 2014–2016.

**Seton Hall University School of Law, Newark, New Jersey**

**Associate Professor of Law:** Taught Crim. Law, Crim. Procedure, Evidence, and Juvenile Justice. 2010–2014.

**University of Cincinnati College of Law, Cincinnati, Ohio**

**Visiting Assistant Professor of Law:** Taught Crim. Law, Crim. Procedure, Evidence, White Collar Crime, and Mental Health and Criminal Law. 2008–2010.

**University of Cincinnati College of Law, Cincinnati, Ohio**

**Assistant Professor of Clinical Law; Academic Director of the Ohio Innocence Project/Rosenthal Institute for Justice:** Designed and taught course on criminal post-conviction law and procedure, investigation and direct client representation; co-taught Criminal Defense Investigation and Trial Practice for the Indigent Defense Clinic. 2005–2008.

**Georgetown University Law Center, Washington, D.C.**

**Prettyman Fellow, Criminal Justice Clinic:** Co-taught clinical course for third-year law students and represented indigent defendants on misdemeanor and felony matters in the Superior Court of the District of Columbia. 1998–2000.

## PUBLICATIONS

*The Problem with Inference for Juvenile Defendants*, 45 F.S.U.L. REV. 1 (forthcoming 2017)

*Bathroom Laws as Status Crimes* (with Stephen Rushin), 86 FORDHAM L. REV. 1 (forthcoming 2017).

*Afterword: Death and the State* in FINAL JUDGMENTS: THE DEATH PENALTY AND AMERICAN LAW (Austin Sarat, ed., Cambridge University Press, forthcoming 2017)

*Brain Science and the Theory of Juvenile Mens Rea*, 94 N.C.L. REV. 539 (2016)

- Featured in THE CHAMPION “Getting Scholarship into Courts”
- Included in the National Juvenile Defender Conference’s Resource Guide for 2015–2016
- Available on SSRN at: <http://ssrn.com/abstract=2603647>

*The Jury as Democracy*, 66 ALABAMA L. REV. 825 (2015)

- Available on SSRN at: <http://ssrn.com/abstract=2585564>

*Nullification as Law*, 102 GEORGETOWN L.J. 579 (2014)

- Available on SSRN at: <http://ssrn.com/abstract=2190703>

*The Resistance Defense*, 64 ALABAMA L. REV. 589 (2013)

- Available on SSRN at: <http://ssrn.com/abstract=2053378>

*The Jury's Second Coming*, 100 GEORGETOWN L.J. 657 (2012)

- Available on SSRN at: <http://ssrn.com/abstract=1486188>

*Rethinking the Constitutional Criminal Procedure of Juvenile Transfer Hearings: Apprendi, Adult Punishment, and Adult Process*, 61 HASTINGS L.J. 175 (2009)

- Featured in THE CHAMPION “Getting Scholarship into Courts”
- Included in the National Juvenile Defender Conference’s Resource Guide for 2009–2010
- Available on SSRN at: <http://ssrn.com/abstract=1375189>

*Images of Women and Capital Sentencing Among Female Offenders: Exploring the Outer Limits of the Eighth Amendment and Articulated Theories of Justice*, 75 TEXAS L. REV. 1413 (1997)

ABA Juvenile Law Publication, “Practice Paper on Applications of *Apprendi* to Juvenile Transfer Proceedings,” November, 2002

### **WORKS IN PROGRESS**

*Realizing Touby’s Promise of Meaningful Constraint in Executive Discretion to Criminalize*

*Secondary Emotions and Adolescent Neuroscience*

*Criminal Regulation of Speech  
Privacy in the National Security World*

*The Jury as Open Government*

THE DEMOCRACY OF THE JURY

### **AMICUS CURIAE BRIEFS**

National Association of Criminal Defense Lawyers (NACDL) Amicus Brief, *Ayala v. State* (Florida Supreme Court, 2017)

National Association of Criminal Defense Lawyers (NACDL) Amicus Brief, *State. v.*

Kelly Mathis (Eleventh Circuit, 2015)

National Association of Criminal Defense Lawyers (NACDL) Amicus Brief, U.S. v. Keith Cooper (Third Circuit, 2013)

NACDL Amicus Brief, United States v. Andrew “Weev” Auernheimer (Third Circuit, 2013)

NACDL Amicus Brief, United States v. Richard Caraballo-Rodriguez (Third Circuit, 2013)

NACDL Amicus Brief, United States v. Harry Katzin (Third Circuit, 2012)

NACDL Amicus Brief, United States v. Keenan Quinn (Third Circuit, 2012)

Law Professors’ Amicus Brief, U.S. v. Charles Lynch (Ninth Circuit, 2012)

Law Professors’ Amicus Brief, U.S. v. Salim Ahmed Hamdan (D.C. Circuit, 2011)

### **SELECTED SHORTER WORKS AND MEDIA**

*Government Collection of Cellphone Data and Privacy*, Op-Ed, THE RECORD, August, 2013

*License, Registration, Cellphone*, Op-Ed, THE RECORD, June 11, 2013

*Why Process Matters in Military Commission*, Truthout.org, October 12, 2012

*Why Are We Turning Our Backs on the Constitution?*, Truthout.org, August, 29, 2012

*Is Punishment in the Webcam Case Excessive?*, Op-Ed, THE RECORD, March 21, 2012

*Now There’s Caylee’s Law of Good Intentions*, Op-Ed, THE RECORD, July 18, 2011

ABA Juvenile Law Publication, “Practice Paper on Applications of *Apprendi* to Juvenile Transfer Proceedings,” November, 2002

Media appearances include NBC News, ESPN, BBC World News, Hollywood.com, Fox News, WMBC TV, WNBC TV, NPR, WNBC Radio, WHY-FM Radio, *Associated Press*, *Boston Globe*, *New York Times*, AL.com, *Birmingham News*, *Star Ledger*, *The Record*, *Asbury Park Press*, *Orlando Sentinel* and the *New Jersey Law Journal*

CNN Criminal Law Advisor, 2011-2014

### **ACTIVITIES**

American Association of Law Schools, Criminal Law Section, Executive Committee Member, 2017-present.

Member of Juvenile Detention Alternative Initiative, Alabama, 2015-present

Co-Founder, Transnational Justice Project, Seton Hall University, 2010-2014

Authorized Observer to Guantanamo Military Commissions, 2010-present

NACDL Amicus Vice-Chair, Eleventh Circuit, 2014-present

NACDL Amicus Vice-Chair, Third Circuit, 2010-2014

NACDL Pretrial Justice Task Force, Member, 2011-2014

Advisor to the New York City Department of Education regarding restorative justice projects in public schools, 2013- 2015

### **EDUCATION**

**Georgetown University**, Washington, D.C. LL.M. in Advocacy, 2005.

**The University of Texas School of Law**, Austin, Texas. J.D. with Honors, 1997.  
Order of the Coif; TEXAS LAW REVIEW, Symposium Editor; TEXAS JOURNAL OF WOMEN AND THE LAW, Community Service Organizer; Thad Hutchinson Moot Court, Quarter-Finalist; Dean's Achievement Award, Highest Grade in Criminal Law; Endowed Presidential Scholarships; Texas Law Fellowships, Director; Women's Law Caucus, Director

**Duke University**, Durham, North Carolina. A.B., *Summa Cum Laude* with Highest Distinction in Political Science and Women's Studies, 1993.  
Dean's Award for Best Undergraduate Thesis; William Griffith Award for Community Service;  
Margaret Rose Knight Sanford Scholar; Anne Flexner Award for Creative Writing; John Hope Franklin Award and Julia Harper Day Awards for Documentary Studies; Co-Editor, DISTAFF MAGAZINE

### **LAW PRACTICE EXPERIENCE**

**The Defender Association**, Seattle, Washington

***Juvenile and Felony Staff Attorney***: Represented indigent defendants in criminal and mental health matters in adult and juvenile court. 2000–2004.

**Georgetown University Law Center**, Washington, D.C.

***Prettyman Fellow, Criminal Justice Clinic***: (See "Academic Appointments," Above). 1998–2000.

**Hon. William Wayne Justice**, U.S. District Court, Eastern District of Texas, Tyler, Texas, and U.S. District Court, Western District of Texas, Austin, Texas

***Judicial Clerk***: 1997–1998.

**Bredhoff & Kaiser**, Washington, D.C.  
*Law Clerk*: Summer 1997.

**Allison, Yeager, and Bassett**, Austin, Texas  
*Law Clerk*: January 1997 – May 1997.

**Skadden, Arps, Slate, Meagher & Flom**, Washington, D.C.  
*Summer Associate*: Summer 1996

**Texas Rural Legal Aid**, Edinburg, Texas  
*Law Student Associate*: Researched remedying systemic violation of criminally accused indigents' civil rights through § 1983 litigation, including a class action suit to insure timely appointment of counsel in border counties in Texas; assisted in litigation involving civil rights, housing, consumer protection, public benefits, family law, and employment matters. 1995–1996.

**Project Esperanza**, Raleigh, North Carolina  
*Board Member*: Appointed by Governor Hunt to board to secure funding for and establish North Carolina's first domestic violence support services for migrant and rural women. 1992–1994.

**Farmworker's Legal Services**, Newton Grove, North Carolina  
*Farmworker Educator and Intern*: Performed outreach to migrant labor camps throughout Eastern North Carolina to provide information about immigration issues, worker's rights and other legal matters; served as legal intern to attorneys in the Newton Grove and Raleigh offices. Summer 1992.

### SELECTED PRESENTATIONS

Speaker, Free Speech Forum, Charles Pazmany University, Budapest, Hungary, 2017.

Invited Speaker, Bio LawLaPaLooza, Stanford University School of Law, 2017

Invited Speaker, Alabama Juvenile Defender's Conference, 2016

Invited Speaker, Alabama Public Defender's Conference, 2016

Panelist, Moderator, and Discussion Group Organizer, SEALS, 2016

Speaker, CrimFest, 2016

Invited Presenter, Southern Regional Juvenile Defender's Conference, 2016

Invited Speaker, Université Paris – Dauphine, 2016

Invited Speaker, Université Paris-Sorbonne, 2016

Invited Speaker, Richmond College of Law, 2016

Invited Speaker, Tuscaloosa Bar Association, 2014-2016

Invited Speaker, Louis D. Brandeis School of Law, University of Louisville, 2015

Invited Speaker, National Juvenile Defender's Conference, 2015

Panelist, Law and Society Annual Conference, 2015

Panelist, Law and Society Annual Conference, 2013

Panelist, Albany New Teacher's Conference, Albany Law School, 2013

Invited Speaker, Touro Law Center, Faculty Colloquium, 2013

Invited Speaker, The Georgetown University Law Center Advanced Constitutional Law Series, 2012

Participant, Ohio Legal Scholars Workshop, 2009, 2010

"The Jury's Second Coming," University of Dayton School of Law, Faculty Workshop, 2010

Invited Speaker, ABA Juvenile Defender Leadership Summit, 2009

Invited Instructor, Indiana Juvenile Defender Training Summit, 2004-2009

Invited Instructor, Indiana Juvenile Defender Continuing Legal Education Summit, 2009

Invited Instructor, Children's Law Center Defender Training Conference, 2007

Invited Instructor, Ohio Public Defender Training Conference, 2005-2006

Invited Participant, Voices for Children Panel on Juvenile Law Reform in Ohio, 2006

Invited Participant, Ohio Panel on Discovery Reform, 2006

Invited Speaker, ABA Juvenile Defender Leadership Summit, 2002

Invited Participant in Washington (2003) and Texas (2000) assessment studies of Public and Appointed Defender Systems

### **BAR ADMISSIONS**

District of Columbia; Ohio; Texas; Washington (inactive in all).