

LUIS E. CHIESA

ASSOCIATE PROFESSOR OF LAW
PACE UNIVERSITY SCHOOL OF LAW

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EDUCATION:

- May 2010 **Doctor of the Science of Law (J.S.D.), Columbia Law School.**
Dissertation Topic: Criminal Law Defenses and the Theory of Justification and Excuse.
- Feb. 2006 **Master of Law (LL.M), Columbia Law School.**
Research Assistant, Professor George P. Fletcher.
- May 2004 **Juris Doctor, University of Puerto Rico School of Law**
Summa Cum Laude. Class Rank: 1 in 150.
- May 2001 **B.B.A., University of Puerto Rico, Río Piedras.**
Magna Cum Laude.
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TEACHING EXPERIENCE:

- July 2007 - Present **Associate Professor of Law, Pace University Law School, White Plains, New York.**
- Teaching fields include Criminal Law; Criminal Procedure; Torts; Jurisprudence.
 - Scholarly interests in substantive criminal law, especially criminal law defenses, comparative criminal law and philosophy of criminal law; criminal procedure; and animal cruelty laws.
 - Winner, Goettel Prize For Faculty Scholarship, 2009 (chosen by vote of external peer reviewers).
 - Faculty Advisor, Latin American Law Student Association
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VISITORSHIPS AND OTHER TEACHING EXPERIENCE:

- March 2010 **Visiting Professor of Law, Sergio Arboleda University Law School, Bogotá, Colombia.**
- Fall 2009 **Rembe Distinguished Visiting Professor, University of Washington, Seattle, Washington.**
- Sept. 2009 **Visiting Professor of Law, Torcuato di Tella Law School, Buenos**

Aires, Argentina.

Aug. 2008 & Feb. 2009 **Visiting Professor of Law, Interamerican University, Puerto Rico.**

Jan. 2008 **Visiting Professor of Law, University of Ottawa.**

Jan. 2008 & Aug. 2009 **Visiting Professor of Law, University of Puerto Rico**

Summers 2007, **Professor of NY Leo Program**, New York State Judicial Institute.
2008, 2009. (taught introduction to law and torts to students of diversity admitted to a NY State Law School).

SCHOLARLY PUBLICATIONS:

BOOK:

Derecho Penal Sustantivo (JTS Publishers, 2007) (280 page hornbook discussing the basic concepts of criminal responsibility) (title in English – “*Substantive Criminal Law*”)

- Winner of 2007 “Best Legal Book Award” presented by the Puerto Rico Bar Association.
- Has been cited at least 7 times by the Puerto Rico Supreme Court and on 10 occasions by the Puerto Rico Court of Appeals.

BOOK CHAPTERS:

La Mignonette, in “Casos de Derecho Penal” (La Ley, Pablo Sánchez Ostiz, ed.) (forthcoming, 2010).

Self-Defense and the Psychotic Aggressor, in *Criminal Law Conversations* (Oxford University Press, Paul Robinson, Kim Ferzan and Stephen Garvey, eds.) (with George P. Fletcher) (2009).

Spanish Criminal Law, in *Comparative Criminal Law* (Stanford University Press, Kevin Jon Heller, ed.) (with Carlos Gómez Jara-Díez) (2009).

ARTICLES (articles published in English are listed first):

Consent is Not a Defense to Battery: A Reply to Professor Bergelson, OHIO STATE JOURNAL OF CRIMINAL LAW (PEER REVIEWED JOURNAL) (forthcoming, 2010).

When an Offense is not an Offense: Rethinking the Supreme Court’s Beyond a Reasonable Doubt Jurisprudence, CREIGHTON LAW REVIEW (forthcoming, 2010).

Beyond Torture: The Nemo Tenetur Principle in Borderline Cases, 30 BOSTON COLLEGE THIRD WORLD L. J. 35 (2009).

The Rise of Spanish and Latin American Criminal Theory, 11 NEW CRIMINAL LAW REVIEW 363 (2008).

Why is it a Crime to Stomp on a Goldfish? - Harm, Victimhood and the Structure of Anti-Cruelty Offenses, 78 MISSISSIPPI LAW JOURNAL 1 (2008) (**Winner of 2009 Goettel Prize for Faculty Scholarship chosen by votes of external peer reviewers**).

Of Persons and the Criminal Law: (Second-Tier) Personhood as a Prerequisite for Victimhood, 28 PACE LAW REVIEW 759 (2008).

Duress, Demanding Heroism and Proportionality: The Erdemovic Case and Beyond, 41 VANDERBILT J. OF TRANSNATIONAL L. 741 (2008).

Outsiders Looking In: The American Legal Discourse of Exclusion, 5 RUTGERS JOURNAL OF LAW AND PUBLIC POLICY 283 (2008)

Normative Gaps in the Criminal Law: A Reasons Theory of Wrongdoing, 10 NEW CRIMINAL L. REV. 102 (PEER REVIEWED JOURNAL) (2007).

The Act Requirement as a Basic Concept of Criminal Law, 28 CARDOZO LAW REVIEW 2461 (2007) (with Francisco Muñoz Conde).

Taking Victims Seriously: A Dworkinian Theory of Punishment, 76 REV. JUR. U.P.R. 117 (2007).

Justicia y "Fairness" en el Proceso Penal (forthcoming, 2010 in Law Review of Universidad Javeriana de Colombia) (To be published in Italian as "*Giustizia e "Fairness" in il Procedimento Penale*" in "*Criminalia*" – one of Italy's leading criminal law journals – title in English – "Justice and Fairness in the Criminal Process").

Autores y Cooperadores, REV. JUR. U.P.R. (forthcoming, 2010).

Más Allá de la Tortura: El Principio Nemo Tenetur en Casos Límite, 43 REV. JUR. UNIV. INTER. 97 (2008).

Mujeres Maltratadas y Legítima Defensa: La Experiencia Anglosajona, 20 REVISTA PENAL, PP. 50-57 (2007) (title in English: "*Self-Defense & Battered Women*") (Reprinted in Ana María Ruiz-Tagle & María del Rosario Valpuesta Fernández, eds., *Ni el aire que respiras: Pensamiento científico ante la violencia de género* 225-240 [2008]).

El Caso del Padre Amado: La Tortura en el Mundo Post-9/11, 67 REV. COL. ABOGADOS 137 (2006) (title in English: *The Case of Father Amado: Torture in the Post-9/11 World*) (with Sigfrido Steidel Figueroa)

La Catástrofe de los Delitos de Riesgo Catastrófico, 75 REV. JUR. U.P..R. 529 (2006) (title in English: *The Castastrophe of the Crimes of Catastrophic Risk.*) (with Jorge San Miguel)

Los Dogmas del Nuevo Código Penal: Porqué enmendarlo y cómo hacerlo, 40 REV. JUR. UNIV. INTERAMERICANA DE P.R., 135 (2005) (title in English: *Dogmas of the New Penal Code: Why Amend it and how to do it*).

Derecho Penal, 73 REV. JUR. U.P.R. 1 (2005). (Title in English: *Criminal Law*) (with Ernesto L. Chiesa Aponte)

La intoxicación voluntaria, intención específica y otros demonios, 73 REV. JUR. U.P.R. 83 (2004).
(Title in English: "*Voluntary Intoxication, Specific Intent and Other Demons*").

OP-ED PUBLICATIONS:

No Maten al Cooperador, El Nuevo Día, July 6, 2010 (title in English: "Don't Kill the Accomplice") (published in Puerto Rico's leading daily newspaper)

El Mundo de la Mordaza, El Nuevo Día, September 8, 2006 (title in English: "A World Where Speech is Prohibited").

WEB BLOGS:

www.animalblawg.wordpress.com (Co-founder. The blog discusses doctrinal and theoretical issues that arise as a result of our relationship with non-human animals. The blog is now solely maintained and updated by Professor David Cassuto).

SPECIAL APPOINTMENTS AND EDITORSHIPS:

Editor in Charge of Book Reviews, *New Criminal Law Review* (June, 2008 to Present).

Organized and moderated "Ovcrcriminalization" Symposium held at Pace Law School on April 9, 2010.

Organized and Moderated "Victims and the Criminal Justice System" Symposium held at Pace Law School on April 4, 2008. Some of the world's top criminal law scholars participated in the symposium (George Fletcher- Columbia, Paul Robinson- Penn, Markus Dubber – Buffalo, Francisco Muñoz-Conde- Seville, Spain, etc)

Guest Editor of Volume 11, Numbers 3 & 4 of the *New Criminal Law Review* – A Double Issue on Latin American and Spanish Criminal Theory (2008).

Advisor to the Committee in Charge of Drafting the New Jury Instructions for Puerto Rico. June 2005- June 2006.

LECTURES AND PANEL DISCUSSIONS:

Adversarial Criminal Trials in Comparative Perspective. Lecture presented at the School of Mexico's Judicial Branch on June 9, 2010.

An Assessment of Vera Bergelson's "Principle of Conditionality of Rights". Panel discussion at 2010 Law and Society Meeting in Chicago held on May 30, 2010.

Why is it a Crime to Stomp on a Goldfish? Rembe Distinguished Lecture. University of Washington, November 17, 2009.

Justice and Fairness in the Criminal Justice System. Lecture presented at the Sergio Arboleda's Fourth International Criminal Law Conference celebrated in Bogotá, Colombia on October 5, 2009.

Fundamental Changes in Puerto Rico's New Rules of Evidence. Lecture presented at the annual convention of the Puerto Rico Bar Association in Fajardo, Puerto Rico on September 11, 2009

Torture and the Nemo Tenetur Principle. Lecture presented at Torcuato di Tella Law School in Buenos Aires, Argentina, on September 7, 2009.

Perpetration and Complicity in Puerto Rico After the Case of Pueblo v. Sustache. Lecture presented at Puerto Rico's Institute for Judicial Development on August 28, 2009.

Perpetration and Complicity in Puerto Rico's New Penal Code. Lecture presented at Puerto Rico's Institute for Judicial Development on February 20, 2009.

Beyond Torture: The Nemo Tenetur Principle in Borderline Cases, Lecture presented at the "Criminal Procedure Reforms in Mexico" conference held at Mexico City's Instituto de Formación Profesional on Monday, October 20, 2008.

Criminal Law Defenses in the Puerto Rico Penal Code, Lecture presented at the annual convention of the Puerto Rico Bar Association in Río Grande, Puerto Rico on September 12, 2008

(Second-Tier) Personhood as a Prerequisite for Victimhood. Paper presented at "Victims and the Criminal Justice System Symposium" held at Pace Law School on April 4, 2008.

Duress, Heroism and Proportionality: Lessons from the Erdemovic Case. Lecture presented at an international conference about the necessity defense held at the Pompeu Fabra University in Barcelona, Spain on March, 27, 2008.

Are Chinese Oil Drilling Companies Accomplices to Genocide in Darfur?. Lecture presented at Rudolph C. Barnes, Jr. Symposium celebrated in the University of South Carolina School of Law on January 25-26, 2008.

Puerto Rico's New Penal Code. Lecture presented to the Puerto Rico state District Attorney's Office in Guaynabo, Puerto Rico on January 11, 2008.

The New System of Criminal Law in the Age of Globalization. Panel Discussion at the China University of Political Science and Law in Beijing, China on October 26-28, 2007.

Fundamental Changes in Puerto Rico's New Penal Code. Lecture presented at the annual convention of the Puerto Rico Bar Association in Río Grande, Puerto Rico on September 7, 2007.

Battered Women and Self-Defense: The Anglo-American Experience. Lecture presented as part of the "contemporary problems in criminal law theory" doctoral program class at the Pablo de Olavide University in Seville, Spain, on February 22, 2007.

Brief Remarks about my book "Derecho Penal Sustantivo". Remarks presented as part of the event held in celebration of the publication of my book "Derecho Penal Sustantivo" at the University of Puerto Rico School of Law on January 26, 2007.

The International Criminal Court and the Case Presented Against Several Members of the Lord's Resistance Army in Uganda. Panel Discussion at Pace Law School on November 10, 2006.

The Important Provisions of the New Penal Code for Puerto Rico. Presented at the University of Puerto Rico Clinical Training Class on September 14, 2005.

Dogmas of the New Penal Code: Why Abrogate it and How to do it?. Presented at the Legal Affairs Commission of the Senate of Puerto Rico on February 18, 2005.

International Criminal Law and the ICC- Some Interesting Queries. Presented at the University of Puerto Rico Law School in Professor Roberto Aponte's Public International Law class on October 28, 2004.

Review of Puerto Rico Supreme Court Decisions on the Criminal Law for the 2003 Term. Presented to a group of lawyers, professors and judges in the University of Puerto Rico Law School in November, 2003.

Proposals for amendments to Puerto Rico's Rules of Criminal Procedure Regarding the imposition and amount of Bail. Presented at a meeting of the Puerto Rican Governor's appointed Citizen's Committee for the Reduction of Criminality on October 20, 2003

Some Remarks Regarding the Proposed Penal Code for Puerto Rico (my translation) Presented at the Legal Affairs Commission of the Senate of Puerto Rico on May 23, 2003.

AWARDS:

Goettel Prize for Faculty Scholarship (2009) for my article "Why is it a Crime to Stomp on a Goldfish".

Puerto Rico Bar Association's "**Best Legal Book of 2006-2007 Award**" for my "Derecho Penal Sustantivo".

Hefferman Fellow, 2005, Columbia University School of Law.

Puerto Rico Bar Association Best Student in Public Law for the year 2004 award.

Westlaw Outstanding Achievement Award 2004.

Best Student in 2004 Graduating Class of the University of Puerto Rico Law School.

Best Student in Criminal Law in 2004 Graduating Class of the University of Puerto Rico Law School.

Best Student in Public Law in Graduating Class of the University of Puerto Rico Law School.

NON-ACADEMIC WORK EXPERIENCE

May 2005 – Law Clerk to the Chief Justice of the Puerto Rico Supreme Court, Hon.
Aug. 2006 Federico Hernández Denton.