

LUIS E. CHIESA

PROFESSOR OF LAW
DIRECTOR OF THE BUFFALO CRIMINAL LAW CENTER
UNIVERSITY AT BUFFALO SCHOOL OF LAW
THE STATE UNIVERSITY OF NEW YORK

715 John Lord O'Brian Hall
Buffalo, NY 14260-1100
716-631-3152
lechiesa@buffalo.edu
www.law.buffalo.edu/bclc

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.
-

TEACHING EXPERIENCE:

- July 2013-
Present **Professor of Law & Director of the Buffalo Criminal Law Center
SUNY Buffalo Law School, The State University of New York**
- Vice Dean for Academic Affairs from June 1, 2014 to May 31, 2016 .
 - Chaired the Self-Study Committee for the ABA's Sabbatical Visit and Reaccreditation process.
 - Director of the Buffalo Criminal Law Center. Responsibilities include organizing workshops, conferences and hosting visiting scholars.
 - Coordinator of the Criminal Law Programs.
 - Chaired the Academic Principles and Policies Committee and served on Ph.D. Committee and Graduate and International Programs Committee.
 - Named the 2013-2014 Jacob D. Hyman "Professor of the Year"

by SUNY Buffalo Law School Students of Color

- Received the 2013-2014 “Professor of the Year” award from the 2014 graduating class at SUNY Buffalo Law School.
- Scholarly interests in substantive criminal law, especially criminal law defenses, comparative criminal law and philosophy of criminal law; criminal procedure, evidence and animal cruelty laws.

July 2007-
July 2013 **Associate Professor of Law (with tenure since January 2012),
Pace University Law School, White Plains, New York.**

- Winner, Goettel Prize For Faculty Scholarship, 2009 (chosen by vote of external peer reviewers).
- Taught Criminal law, Criminal Procedure I, Torts and advanced seminars in Criminal Law.
- Faculty Advisor, Latin American Law Student Association
- Chair of Faculty Development Committee (once)
- Served on Admissions Committee (twice), Appointments Committee (three times), Faculty Development Committee (twice)
- Co-founded Pace Criminal Justice Center

VISITORSHIPS AND OTHER TEACHING EXPERIENCE:

- June 2015 **Visiting Professor of Law, Universidad Nacional de Córdoba,**
Córdoba, Argentina (two day seminar on comparative criminal law)
- Fall 2010 - **Visiting Professor of Law, Sergio Arboleda University Law School,**
May 2015 Bogotá, Colombia (teach a two day seminar on evidence and two day
seminar on comparative criminal law every year)
- Fall 2009 - **Visiting Professor of Law, Torcuato di Tella Law School, Buenos**
Fall 2014 Aires, Argentina (teach a one week seminar on comparative criminal
law every fall)
- Fall 2008 to **Visiting Professor of Law, Interamerican University, Puerto**
Fall 2011 Rico (taught one week seminar on advanced criminal law every
summer)
- Fall 2009 **Rembe Distinguished Visiting Professor, University of Washington,**
Seattle, Washington.
- Jan. 2008 **Visiting Professor of Law, University of Ottawa.**

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

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

SCHOLARLY PUBLICATIONS:

BOOKS:

Substantive Criminal Law: Cases, Comments and Comparative Materials (Carolina Academic Press, 2014).

Derecho Penal Sustantivo (JTS Publishers, 1st ed., 2007) (2nd ed, 2013) (300 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.
- Cited 15 times by the Puerto Rico Supreme Court and 80 times by the Puerto Rico Court of Appeals.

BOOK CHAPTERS (chapters in English are listed first):

General Defences to Criminal Liability in the United States, in *Criminal Defenses* (Ashgate, Michael Bohlander & Alan Reed, eds.) (2014).

Comparative Criminal Law, in *Oxford Handbook of Criminal Law* (Oxford University Press, Markus Dubber and Tatjana Hornle, eds.) (2014).

Criminal Participation in the United States, in *Criminal Participation* (Ashgate, Michael Bohlander & Alan Reed, eds.) (2013).

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) (2010).

Spanish Criminal Law, in *Comparative Criminal Law* (Stanford University Press, Kevin Jon Heller, ed.) (with Carlos Gómez Jara-Díez) (2010).

La Investigación Policial en un Mundo Post-Intimidación (title in English – *Police Investigations in a Post- Privacy World*) (Universidad San Carlos de Guatemala) (forthcoming, 2014).

ADN y Proceso Penal en los Estados Unidos: Cinco Problemas (title in English - *DNA and American Criminal Procedure: Five Problems*) (Tirant Lo Blnach, Juan Luis Gómez-Colomer, ed.) (forthcoming, 2013).

La Mignonette, in “Casos de Derecho Penal” (La Ley, Pablo Sánchez Ostiz, ed.) (2011)

ARTICLES (publications in English are listed first):

Sexual Lynching, CORNELL JOURNAL OF LAW AND PUBLIC POLICY (forthcoming, 2019)

Incompatibilism a la Carte: Burdens of Proof and the Inculcation-Exculpation Asymmetry, RUTGERS L. REV. (forthcoming, 2019) (invited contribution to symposium issue)

Comparative Law as an Antidote to Tunnel Vision in the Criminal Law: The Example of Complicity, RUTGERS L. REV. (forthcoming 2019) (invited contribution to symposium issue)

Mens Rea in Comparative Perspective, MARQUETTE L. REV. (forthcoming, 2019)

The Puzzle of Inciting Suicide (with Guyora Binder), 56 AMERICAN CRIMINAL LAW REVIEW 65 (forthcoming, 2019).

The Model Penal Code and Mass Incarceration, GEORGE MASON L. REV. (forthcoming, 2019).

Solving the Riddle of Rape by Deception, 35 YALE LAW & POLICY REV 407 (2017)

Animal Rights Unraveled: Why Abolitionism Collapses into Welfarism and What it Means for Animal Ethics, 28 GEORGETOWN ENVIRONMENTAL LAW REVIEW 557 (2017).

The Evil Waiter Case, 69 U. MIAMI L. REV. 162 (2014)

Reassessing Professor Dressler’s Plea for Complicity Reform: Lessons from Civil Law Jurisdictions, 40 NEW ENG. J. CRIM. & CIV. CONFINEMENT 1 (2014) (invited submission).

Actmissions, 116 W. VA. L. REV. 583 (2013).

Beyond War: Targeted Killings in Law and Morality (with Alexander K.A. Greenawalt), 69 WASHINGTON & LEE LAW REVIEW 1371 (2012).

Punishing Without Free Will, 2011 UTAH LAW REVIEW 1403 (2012).

Consent is Not a Defense to Battery: A Reply to Professor Bergelson, 9 OHIO STATE JOURNAL OF CRIMINAL LAW 195 (2011).

When an Offense is not an Offense: Rethinking the Supreme Court’s Beyond a Reasonable Doubt Jurisprudence, 44 CREIGHTON LAW REVIEW 647 (2011).

--discussed in Kadish, Schulhofer, Steiker, Barkow,
Criminal Law and Its Processes (2012)

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).

--discussed in Dubber, *New York Criminal Law: Cases and
Materials* (2008)

--cited by the Supreme Court of Oregon in *State v. Nix* (2014)

*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).

--excerpted in Kadish, Schulhofer, Steiker, Barkow, *Criminal
Law and Its Processes* (2012)

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).

--cited in Dressler, *Understanding Criminal Law* (2012)

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).

Derecho Penal Sustantivo, REV. JUR. U.P.R. (forthcoming, 2019)

Derecho Penal Sustantivo Término 2010 – 2011, 81 Rev. Jur. Univ. P.R. 343
(2012).

Justicia y “Fairness” en el Proceso Penal, in *Law Review of Universidad
Javeriana de Colombia*. (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 (title in English: *Perpetrators and Accessories*), 79
REV. JUR. U.P.R. 1163 (2010).

Más Allá de la Tortura: El Principio Nemo Tenetur en Casos Límite (translation of *Beyond Torture: The Nemo Tenetur Principle in Borderline Cases*), 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: “The World of Gag Orders”).

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:

Member of the Advisory Council of Gottingen University’s CEDPAL (Center for the

Study of Latin American Criminal Law) (December 2013 to present).

Associate Editor, *New Criminal Law Review* (May 2011 to November 2012)

Editor in Charge of Book Reviews, *New Criminal Law Review* (June 2008 to May 2011).

Organized and moderated “Overcriminalization” 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:

Manifest and Subjective Criminality in American and German Criminal Law Doctrine. Presented at the University of Leon, Spain, on June 26, 2017.

Prosecuting Corporations: An American Perspective. Presented at the University of Barcelona, Spain on June 20, 2017.

Comparative Law as an Antidote to Tunnel Vision in Criminal Law Reform. Presented at the “Theorizing Criminal Law Reform” conference held at Rutgers Law School (Newark) on April 22, 2017.

Solving the Riddle of Rape by Deception. Presented at the University of New Hampshire Faculty Workshop Series on March 28, 2017.

Substantive Criminal Law in Comparative Perspective. Presented at the VII Conference of Law in Vittoria de Conquista, Brazil on September 15, 2016.

Comments on the Recent Amendments to the Puerto Rican Penal Code. Presented at the Puerto Rico Court of Appeals on June, 2016.

Acceptance Speech after being Inducted to the Puerto Rican Academy of Jurisprudence and Legislation. Presented at the University of Puerto Rico on May 2015.

Dolus Eventualis vs. Recklessness in Criminal Law. Presented at the Universidad de Barcelona, Spain on May 2015.

Mental States in Anglo America and in Continental European Criminal Law. Presented at Pace Law School in April 2015.

Mens Rea in Comparative Perspective. Presented at SUNY Buffalo Law School Public Law Colloquium on March 2015.

Living Without Free Will. Presented at the Universidad Nacional de Cordoba Law School Professor Seminar on June, 2014.

The Origin, Scope and Justification of the Exclusionary Rule. Presented at the Fourth Annual Procedural Law Conference held in Villavicencio, Colombia on May 17, 2014.

Reframing the Abolitionism-Welfarism Debate: The Need for Less Philosophy and More Empirical Studies. Presented at “Emerging Approaches in Animal Ethics” conferences held at Rutgers Law School (Newark) on April 11, 2014.

Actmissions and the Evil Waiter Case. Presented at “New Voices in Criminal Theory” conference in Death Valley, California on March 13, 2014.

The Evil Waiter Case: Beyond the Act/Omission Distinction. Presented at Cornell Law School’s faculty colloquium series on January 24, 2014.

The Case Against Distinguishing Between Perpetrators and Accomplices. Presented at “Imputation in Domestic and International Criminal Law” conference held in Göttingen, Germany on July 5, 2013.

Comments on papers presented at Jury Trials and Criminal Justice Panel. Presented at Law and Society Annual Meeting held in Boston, on May 2013.

Overcriminalization in Comparative Perspective. Presented at the joint International Society for the Reform of Criminal Law (ISRCL)/ABA Criminal Justice Section annual meeting held in Washington D.C., on October 26, 2012.

DNA and Criminal Investigation in the United States. Presented at “DNA and Criminal Procedure” conference held in Universidad Jaume I of Castellón, Spain on July 13, 2012.

Retribution and Free Will. Presented at St. John’s Law School conference “The Retributivist Tradition and Its Future” on November 4, 2011.

Comments on Vera Bergelson’s “Vice is Nice but Incest is Best”. Presented at Rutgers-Newark School of Law Conference on Vice and Crime on September 16, 2011.

Punishing Without Free Will. Lecture presented at Universidad Autonoma de Madrid Law School (Madrid, Spain), on June 28, 2011.

Comments on Finkelstein and Meyer on Targeted Killings.

Comments

presented at University of Pennsylvania's conference titled "Using Targeted Killings to Fight the War on Terror: Philosophical Moral and Legal Challenges" held on April 15 & 16, 2011.

Adversarial Criminal Trials in Civil Law Countries: The Importance of the Defendant's Right to Confront the Prosecution's Witnesses. Lecture presented at several law schools in Bogotá, Bucaramanga and Medellín (Colombia) the week of August 16 to August 21, 2010.

Five Years after the Enactment of Puerto Rico's New Penal Code: An Assessment of Where We Stand and Where We're Headed. Lecture presented at Puerto Rico's Institute for Judicial Development on July 30, 2010. This talk was also delivered at the annual convention of the Puerto Rico Bar Association in Fajardo, Puerto Rico on September 10, 2010

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:

Inducted as Member of the Puerto Rican Academy of Jurisprudence and Legislation in May 2016.

“Professor of the Year” award from the 2014 graduating class at SUNY Buffalo Law School.

“Professor of the Year” award from SUNY Buffalo Law School Students of Color (2013- 2014).

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.

NON-ACADEMIC MEMBERSHIPS AND WORK EXPERIENCE

February 2014 to May 2016 – Advisor to the Senate of Puerto Rico tasked with amending the Puerto Rican Penal Code.

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