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LEGAL TEACHING/ACADEMIC EXPERIENCE

MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY

Associate Clinical Professor of Law/Attorney-in-Charge, Criminal Justice Clinic: 2015-present
Assistant Clinical Professor of Law/Attorney-in-Charge, Criminal Justice Clinic: 2013-2015
(Courses taught include Criminal Justice Clinic and Pro Bono Scholars Seminar)

NITA TRIAL WORKSHOP: “TRAINING THE LAWYER TO REPRESENT THE WHOLE CHILD”

NITA Faculty (Week-long trial practice course of lectures and workshops): Summer 2014-2018

NEW YORK LAW SCHOOL

Adjunct Professor (Interviewing, Counseling, & Negotiation): Fall 2012

NEW YORK UNIVERSITY SCHOOL OF LAW

Acting Assistant Professor of Lawyering: 2007-2009, 2010-2012

CENTER FOR RESEARCH IN CRIME AND JUSTICE, NEW YORK UNIVERSITY SCHOOL OF LAW

Senior Fellow: 2009-10

EDUCATION

HARVARD LAW SCHOOL, J.D., *cum laude*

Public Interest Fellowship, Harvard Law Southern California Alumni Association
Research Assistant, Professor Martha Field
Director, Battered Women’s Advocacy Project

AMHERST COLLEGE, B.A., *magna cum laude*

John Woodruff Simpson Law Fellowship

PRACTICE EXPERIENCE

COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, New York, NY, 2004-2007

Project Director (2006-2007): Supervised team working on national criminal justice policy initiatives (Re-Entry Policy Council and Mental Health Consensus Project); drafted and edited widely disseminated reports on bipartisan issues; worked with state and federal leaders to implement systemic policy change.

Project Coordinator (2004-2006): Coordinated final drafting, distribution, and implementation of landmark report on prisoner re-entry.

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA, Washington, DC, 1996; 1999-2003

Trial Division Staff Attorney (1999-2001, 2002-2003): Represented indigent criminal defendants in Washington, D.C. Superior Court; managed full caseload of violent felonies from arraignment to sentencing; served as lead counsel on ten trials.

Mental Health Division Staff Attorney (2001-2002): Completed one-year rotation in the Mental Health Division, working on civil commitment and insanity acquittee cases; tried three cases.

Law Clerk (Summer 1996): Represented parolee at revocation hearing; wrote motions and legal memoranda; interviewed clients; prepared witnesses; investigated cases.

THE CRIMINAL JUSTICE INSTITUTE, Cambridge, MA, 1996-1997

Student Attorney: Represented criminal defendants from arraignment to final case disposition.

NAACP LEGAL DEFENSE & EDUCATIONAL FUND, Los Angeles, CA, Summer 1995

Law Clerk: Investigated facts for municipal services equity challenge; researched and wrote memo on evidentiary privilege in civil rights litigation; second-seated depositions; developed fundraising strategy.

PUBLICATIONS

Judicial Drift (work-in-progress). Rules that administrators set (or fail to set) in the *courthouse* can affect criminal defendants' procedural rights just as much as rules that judges make in cases in *courtrooms*. This paper explores due process ideals and -- drawing evidence from a clinic-led court observation and law reform project -- contrasts those ideals with the lack of due process actually found on the ground in low-level criminal prosecutions. Borrowing the administrative law concept of "bureaucratic drift" in a government agency, the article argues that judicial drift in the courthouse accounts for this distance between what should be and what is, and proposes the appointment of an ombudsman for remedying the injustice that occurs as a result.

***Not Guilty as Charged: The Myth of Mens Rea for Defendants with Mental Retardation*, 45 U.C. DAVIS L. REV. 1419 (2012)**. This article picks up where *Incomprehensible Crimes* left off and probes the justifications for the prosecution of people with mental retardation, despite their lack of culpability. Using psychological and neuroscience research, I challenge the presumption of blameworthiness among these defendants inherent in a finding of *mens rea*. I propose a new approach that presumptively dismisses non-violent offenses and cabins sentencing for violent offenses.

***Incomprehensible Crimes: Defendants with Mental Retardation Charged with Statutory Rape*, 85 N.Y.U. L. REV. 1067 (2010)**. This article challenges the prosecution of people with mental retardation for statutory rape on doctrinal and constitutional grounds. Because the presumptions about defendants undergirding this law are unfounded when it comes to people with mental retardation, I recommend that prosecutors bear the burden of proving that these defendants had the intent to commit statutory rape and that existing charging and sentencing practices be formalized to account for their mitigated culpability.

MONICA ANZALDI WARD & HOPE GLASSBERG, RESPONDING TO PEOPLE WHO HAVE BEEN VICTIMIZED BY INDIVIDUALS WITH MENTAL ILLNESSES (2008) (contributor/editor). This policy guide provides recommendations for protecting the rights of victims in cases where the defendant has been found incompetent or not guilty by reason of insanity.

RE-ENTRY POLICY COUNCIL, COUNCIL OF STATE GOV'TS, REPORT OF THE RE-ENTRY POLICY COUNCIL (2005) (contributor/lead editor). This landmark report provides hundreds of

policy recommendations to policymakers seeking the safe and successful return of prisoners to the community.

CLERKSHIP

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO, THE HONORABLE EDWARD W. NOTTINGHAM (RET.), Denver, CO, 1997-1999

SELECTED PRESENTATIONS

AALS Conference on Clinical Legal Education Work-in-Progress Scholarship Panel, May 2018: “Access to Injustice”

Hofstra Law School Faculty Scholarship Colloquium, February 2018: “Access to Injustice”

Testimony before New York State Office of Indigent Legal Services, August 2015: “Determining Assigned Counsel Eligibility: Lessons from Nassau County” (Cited in April 2016 Office of Indigent Legal Services Report, *Criteria and Procedures for Determining Assigned Counsel Eligibility*)

AALS Conference on Clinical Legal Education Work-in-Progress Scholarship Panel, June 2011: “Not Guilty As Charged: The Myth of Mens Rea for Defendants with Mental Retardation”

NYU Lawyering Faculty Scholarship Colloquium, February 24, 2011: “Not Guilty As Charged: The Myth of Mens Rea for Defendants with Mental Retardation”

NYU Lawyering Faculty Scholarship Colloquium, August 4, 2010: “Enhancing Diminished Capacity”

NYU Lawyering Faculty Scholarship Colloquium, May 28, 2009: “Cognitive Dissonance: Defendants with Mental Retardation Charged with Statutory Rape”

Minnesota State Senate Justice and Finance Committee Hearing Testimony, August 23, 2005: “Prisoner Re-Entry – Recommendations for Consensus-Based Policy”

U.S. Department of Justice National Conference on Offender Reentry, September 20, 2004: “Report Preview: Findings of the Re-Entry Policy Council”

HONORS

David A. Diamond Distinguished Public Service Award, Hofstra Law Public Justice Foundation (2016)