

**REBECCA ROIPHE**

Trustee Professor of Law  
New York Law School  
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**CURRENT EMPLOYMENT**

**New York Law School**, New York, NY 2007-present  
Trustee Professor of Law  
Co-Dean for Faculty Scholarship  
Director, the Institute for Legal Ethics  
Co-director, Criminal Justice Center

Courses: American Legal History, Criminal Procedure, Ethics in Criminal Practice, and Professional Responsibility, Race, Bias & Advocacy.

Service: Appointments Committee, Curriculum Committee, Promotion & Tenure Committee, Faculty Equity Committee.

**CBS News Legal Analyst** 2019-present

**MPRE Subject Matter Expert** 2018-present

**Liaison, ABA Standing Committee on Professional Ethics** 2018-present

**Member, Committee on the Standards of Attorney Conduct of the New York State Bar Association** 2019-present

**EDUCATION**

**University of Chicago:** Ph.D. in American History, June 2002

Dissertation: *Law and the Modern Soul, 1870–1930*

MA Thesis: *Reforming Women: Science, Maternalism, and the Treatment of Delinquent Girls in the 1920s*

Dissertation Committee: Amy Dru Stanley, Jan Goldstein, George Chauncey

**Harvard Law School:** J.D. *cum laude*, June 2000

**Columbia University:** B.A. in American Literature and History, June 1993

**CLERKSHIP**

**The Honorable Bruce Selya**, Providence, RI 2000-2001  
 United States Court of Appeals for the First Circuit.

**AWARDS AND FELLOWSHIPS**

**Otto Walter Award for Best Article Written by a Full-Time Faculty Member at NYLS** 2020

**The Sanford D. Levy Memorial Award for Lifetime Achievement in Legal Ethics**, New York State Bar Association 2020

**Golieb Fellowship**, New York University School of Law September 2001 - May 2002

**Smith-Doheny Prize for Essay on Legal Ethics**, Notre Dame Law School July 2000  
*The Citizen Lawyer: Liberal Individualism and the Origin of Professional Ethics.*

**American Psychological Association Prize** August 1997  
*A Modern Day Prometheus: Clifford Beers and the Mental Hygiene Movement, 1908–1914.*

**William T. Hutchinson Fellowship**, University of Chicago 1996–1997

**Phoenix Fellowship**, University of Chicago 1994–1996

**PUBLICATIONS: ARTICLES**

*A Typology of Department of Justice Lawyers' Roles and Responsibilities*, 98 N.C. L. REV. 1077 (2020)

*A Fiduciary Theory of Prosecution* (with Bruce Green), 69 AM. U. L. REV. 101 (2019).

*Punishment Without Process: Victim Impact Proceedings for Dead Defendants*, [Fordham L. Rev. Online](#) (Nov. 2019) (with Bruce Green).

*Learning to Live With Judicial Partisanship*, [Florida Law Review Forum](#) (Aug. 2019) (with Bruce Green).

*May Federal Prosecutors Take Direction From the President?*, 87 FORDHAM L. REV. 1817 (April 2019).

*Can a Good Person Be a Good Prosecutor in the Era of Krasner and Sessions?*, FORDHAM L. REV. ONLINE (2018).

*Judicial Activism in Trial Courts*, N.Y.U. SURVEY OF AM. L. (2019) (forthcoming) (with Bruce Green)

*Does the President Control the Department of Justice*, 70 ALABAMA L. REV. 1 (2018) (with Bruce Green)

*The Duty to Charge in Police Use of Excessive Force Cases*, 65 CLEV. ST. L. R. 505 (2017)

*Rethinking Prosecutors' Conflicts of Interest*, 58 B.C. L. REV. 463 (2017) (with Bruce Green)

*The Decline of Professionalism*, 29 GEO. J. L. ETHICS 649 (2016).

*Redefining Professionalism*, 26 U. FL. J. OF L. AND PUB. POL'Y 193 (2016)

*Behind the Nylon Curtain: Social Cohesion, Law, and the Disaggregation of American Culture*, 32 Touro L. Rev. 63 (2016)

*Tilting at Stratification: Against a Divide in Legal Education*, 16 NEV. L. J. 227 (2015)

*A History of Professionalism: Julius Henry Cohen and the Professions as a Route to Citizenship*, 40 FORDHAM URBAN L. J. 33 (2012).

*The Ethics of Willful Ignorance*, 24 GEO. J. OF L. ETHICS 187 (2011).

*Lawyering at the Extremes: The Representation of Tom Mooney, 1916-1939*, 77 FORDHAM L. REV. 1731 (2009).

*Regulating Discourtesy on the Bench*, 64 N.Y.U ANN. SURVEY OF AM. LAW 497 (2009) (with Bruce Green).

*The Most Dangerous Profession*, 39 CONN. L. REV. 603 (2006).

*The Serpent Beguiled Me: A History of the Entrapment Defense*, 33 SETON HALL L. REV. 257-302 (2003).

Comment, *Proposed Anti-Paparazzi Legislation*, 36 HARV. J.L. ON LEGIS. 250 (Winter 1999).

#### **PUBLICATIONS: SHORTER PIECES**

*The Justice Department is Now as Corrupt as the President*, The Daily Beast, May 7, 2020.

*Fight the Power*, a Review of Lonnie T. Brown, *Defending the Public's Enemy: The Life and Legacy of Ramsay Clark* (2019), Jotwell, Apr. 21, 2020.

*The Judge in Epstein's Case Should Not Turn the Dismissal into a Drama For the Victims*, New York Law Journal, August 26, 2019.

*When Your Boss Trump Punches, Hit Back*, The Daily Beast, August 12, 2019.

*Barr was Wrong: Mueller was Dead Right on Trump and Obstruction*, The Daily Beast, May 7, 2019.

*Are Make Believe Juries as Good for Prosecutors as Real Ones?: a Review of Anna Offit, Prosecuting in the Shadow of the Jury*, 133 Nw. U. L. Rev. (forthcoming, 2019) (May 14, 2019)

*America Should Be Grateful to Mueller for His Decision Not to Accuse Trump of a Crime*, Slate (Apr. 22, 2019)

*Criticize Giuliani All You Want But Don't Take Away His Law License*, New York Law Journal (Feb. 7, 2019)

*Will the Real William Barr Please Stand Up*, Politico (Jan. 16, 2019).

*Can Lawyers Represent Hostile Foreign Governments in the Mueller Probe?*, New York Law Journal (Jan. 11, 2018).

*Paul Manafort's Lawyers May Have Broken the Law: They Should Be Held Accountable*, Slate (Sept. 19, 2018).

*Pardoning Paul Manafort Might Not Be Such a Bad Idea if Manafort Wants to Take a Risk*, USA Today (Aug. 27, 2017) (with Bruce Green)

*Judge Kavanaugh and Justice Kennedy Do Not Have Conflicts of Interest*, The Hill (July 13, 2018) (with Bruce Green).

*The Life of the Law Cannot be Coded*, Review of Frank Pasquale, *A Rule of Persons, Not Machines: The Limits of Legal Automation*, George Wash. L. Rev. (forthcoming 2018), Jotwell (June 4, 2018).

*Can the Rule of Law Survive Trump?*, New York Review of Books Daily (June 1, 2018)

*The Life of the Law Cannot Be Coded*, a review of Frank Pasquale, *A Rule of Persons Not Machines: The Limits of Legal Animation*, Geo. Wash. L. Rev. (forthcoming 2018), June 4, 2018.

*The President is Chief Executive But Does Not Control the Mueller Probe*, The Hill (March 26, 2018) (with Bruce Green)

*Can Lawyers Be Heroes? A review of Brad Wendel, Government Lawyers in the Trump Administration*, Jotwell, May 11, 2017, available at <http://legalpro.jotwell.com/>

*Are Prosecutors The Constitution's Gatekeepers? Review of Russell M. Gold, Beyond the Judicial Fourth Amendment: The Prosecutor's Role*, JOTWELL, May 2015.

*Book Review, LAURA WITTERN-KELLER AND RAYMOND WITTERSKI, JR., THE MIRACLE CASE: FILM CENSORSHIP AND THE SUPREME COURT*, 28 LAW AND HIST. REV. (2010).

*Batman and the Jewish Question*, NY Times, Op-ed (July 2, 1992).

## **SELECT PRESENTATIONS**

*Keynote: Prosecutorial Independence in the Trump Administration*

Canadian Association for Legal Ethics  
Oct. 2019.

*A Typology of DOJ Lawyers*  
North Carolina Law Review Symposium, Legal Ethics in the Trump Administration  
Oct. 2019.

*May Federal Prosecutors Take Direction from The President?*  
American Academy of Law Schools Annual Meeting  
January 2019.

*May the President Take Direction from The President?*  
Rutgers Law School  
December 2018

*Judicial Activism*  
Symposium, Sentencing Reform From the Bench  
New York University School of Law  
March 2018

*Can a Good Person Be a Good Prosecutor?*  
Yale Law School  
Feb. 2018

*The President, the Department of Justice, and Prosecutorial Independence*  
Legal Ethics Schmooze  
U.C.L.A Law School  
July 2017

*Cardozo, Tammany Hall, and the Legal Profession*  
Conference on Justice Cardozo  
Touro Law Center  
March 2017

*The Duty to Charge*  
U. of Ct. L. School Faculty Workshop  
March 2017

*The Decline of Professionalism*  
Ethics “Schmooze”  
Stanford Law School, June 2016

*Rethinking Prosecutors’ Conflicts of Interest*  
Criminal Ethics “Schmooze”  
Fordham Law School, June 2016

*Stratification: Two Tiers of Law School in Historical Context*  
SALT Teaching Conference, UNLV, October 2014

*Dream Team or Nightmare?: Celebrity Defense Attorneys and a New Profession*  
Criminal Ethics “Schmooze”  
Fordham Law School, June 2013

*Professionalism for the 21<sup>st</sup> Century: Lawyers' Independence in Context*  
New York Ethics Roundtable, March 2013

*The Ethics of Willful Ignorance*  
Ethics "Schmooze"  
Fordham Law School, June 2010

*Lawyering at the Extremes: The Representation of Tom Mooney, 1916-1939*  
The Lawyer's Role in a Contemporary Democracy  
Fordham Law School, September 2008

*A Brief History of the Accounting Profession*  
Corporate Governance after Sarbanes Oxley: Is There Real Change?  
New York Law School, April 2007

*Liberalism in the Twenty-First Century: An Historical Perspective.*  
The University of Maryland Law School, March 2006.

Moderator. Panel, *Statutory Interpretation in the Lawyer's Counseling Role*  
Fordham Law Centennial Conference: The Internal Point of View in Law and Ethics,  
February 2006.

#### **RELATED WORK EXPERIENCE**

<b>Fordham University School of Law</b> , New York, NY Visiting Assistant Professor.	2005-2007
<b>New York County District Attorney's Office</b> , New York, NY Assistant District Attorney in Securities Fraud Unit.	July 2002-July 2005
<b>Wilmer, Cutler &amp; Pickering</b> , New York, NY Associate in litigation department.	Jan. 2002-July 2002
<b>Debevoise &amp; Plimpton LLP</b> , New York, NY Summer Associate	Summer 2000
<b>Paul, Weiss, Rifkind, Wharton &amp; Garrison LLP</b> , New York, NY Summer Associate	Summer 1999
<b>Hill &amp; Barlow</b> , Boston, MA Summer Associate	Summer 1998

#### **OTHER RELATED ACTIVITIES**

Subject Matter Expert, MPRE, National Conference of Bar Examiners, 2018-present

Liaison to the ABA Committee on Professional Ethics from the AALS, 2017-present

Reporter for the Committee on the Standards of Attorney Conduct for the New York State Bar Association, 2017-2019

Contributing Editor, JOTWELL – LEGAL PROFESSION

Admitted to Practice: New York

New York City Bar Association: Member

Democratic Judicial Screening Panel, New York, NY, 2014

New York City Bar Association, Committee on Professional Responsibility. September 2005-present.

#### **SELECT MEDIA APPEARANCES**

Brooke Baldwin, CNN, [Aug. 29, 2018](#), [Aug. 27, 2019](#)

[Anna Cabrera](#), CNN, Dec. 4, 2018.

[Katy Tur](#) on MSNBC, June 4, 2018.

[The Beat with Ari Melber](#) on MSNBC, May 22, 2018

[The Last Word with Lawrence O'Donnell](#) on MSNBC, Feb. 11, 2019

[Vice News](#), July 9, 2020.

CBS News: regular appearances.

#### **SELECT MEDIA QUOTES, PODCASTS, AND OTHER SHORTER POSTS**

Quoted in, William K. Rashbaum and Benjamin Weisser, *DA is Investigating Trump and His Company for Fraud, Filing Says*, N.Y. Times, Aug. 3, 2020.

Quoted in, Corinne Ramey, *Harvey Weinstein Set to Stand Trial on Sex-Crime Charges*, Wall St. J., Jan. 5, 2020.

Quoted in, Joseph Goldstein, *Why 7 Police Officers Were Blacklisted in Brooklyn*, N.Y. Times, Nov. 7, 2019.

Quoted in, Victoria Bekiempis, *Harvey Weinstein's Accusers Will Be Able to Testify in His Upcoming Sexual Assault Trial*, Vulture, Aug. 16, 2019.

Quoted in, *Felicity Huffman's Guilty Plea Could Bring 4 Months in Jail*, N.Y. Times, May 13, 2019.

Quoted in, *The Mueller Report Makes a Damning Case that Trump Obstructed Justice*, Vice News, Apr. 18, 2019

Quoted in, *This is Just the Beginning for Julian Assange*, Vice News, Apr. 11, 2019

Quoted in, *JP Morgan Hack Suspect May Be Helping the U.S.: Here's What He May Offer*, Bloomberg News, Mar. 16, 2019.

Quoted in, *College Admission Scandal's Other Big Names are Titans of Finance and Law*, N.Y. Times, Mar. 13, 2019.

Quoted in, *How Does William H. Macy Fit into the College Admission Scandal*, Vanity Fair, Mar. 13, 2019.

Quoted in, *Did Wilkie's Reaction to Admission Scandal Miss the Mark?*, Law 360, Mar. 13, 2019.

Quoted in, *Double Jeopardy? New York Law Could Trump a Pardon Backstop*, Washington Post, Mar. 13, 2019.

Quoted in, *Cohen's Testimony is Bad News for Don Jr.*, Vice News, Feb. 28, 2019.

Quoted in, *SEC Wants Elon Musk Held in Contempt of Court For Tesla Post on Twitter*, N.Y. Times, Feb. 26, 2019.

Quoted in, *What Will Happen to El Chapo's Wife, Emma Coronel?*, The Daily Beast, Feb. 12, 2019.

Quoted in, *Bezos Could Put National Enquirer Brass in Jail*, The Daily Beast, Feb. 8, 2019.

Quoted in, *Trump's Threats Against Cohen's Family Look a Lot Like Witness Tampering, Former Prosecutors Say*, Vice News, Jan 24, 2019.

Quoted in, *Law Firm to Pay \$4.6 Million in Case Tied to Manafort and the Ukraine*, N.Y. Times, Jan. 18, 2019.

Quoted in, *Cohen's Public Testimony is a Problem for Trump and Possibly Mueller Too*, Vice News, Jan. 11, 2019.

Quoted in, *Why Michael Cohen, Trump's Fixer, Confessed to it All*, N.Y. Times, Dec. 3, 2018.

Reviewed in, Melissa Mortavazi, *Professional Responsibility as a Limitation on Executive Power*, [Jotwell](#), Dec. 6, 2018.

Quoted in, *Why Big Law is Taking on Trump Over Immigration*, N.Y. Times, Nov. 21, 2018.

Quoted in, *A Fugitive Financier's Charm Offensive Has P.R. Firms Proceeding With Caution*, N.Y. Times, Nov. 13, 2018.

Quoted in, *How is This Legal?: Trump's Appointment of Matthew Whitaker to Acting Attorney General is Raising All Sorts of Reg Flags*, Vice News, Nov. 8, 2018.

Quoted in, *How an ex-Marijuana Farmer Became Conservatives' Latest Hope to Take Down Robert Mueller*, Vice News, Oct. 23, 2018.



Quoted in, *Tesla Chief Elon Musk is Sued by S.E.C. in Move That Could Oust Him*, N.Y. Times, Sept. 28, 2018.

Podcast Interview, *Can the President Control the Department of Justice?*, Reuter's On the Case, Sept. 21, 2018.

Quoted in, *Manafort Plea Delivers Yet Another Embarrassment for Skadden*, Bloomberg, Sept. 14, 2018.

Quoted in, *Flippers Not Welcome at Trial, Judge Rules*, N.Y. Times, Aug. 28, 2018.

Quoted in, *Stormy Daniels Isn't Backing Down*, Vogue, Aug. 28, 2018.

Quoted in, *Close Family Ties Between Queens Judges, Prosecutors Raise Appearance Concerns*, New York Law Journal, Aug. 7, 2018.

Legal Talk Network, [The Cohen Tapes](#), Podcast, July, 2018.

Quoted in, *Michael Cohen Secretly Recorded Trump. Does That Make Him a Bad Lawyer?*, Washington Post, July 26, 2018.

Quoted in, *In Corruption Retrial Dean Skelos Takes the Stand in Own Defense*, N.Y. Times, July 7, 2018.

Quoted in, *3 Women Who Had Encounters with Harvey Weinstein Question Lawyer's Motives*, N.Y. Times, June 2, 2018.

Quoted in, *Is Trump's War on DOJ Obstruction*, Vice News, May 23, 2018.

Quoted in, Charlie Savage, *By Demanding an Investigation, Trump Challenged a Constraint on his Power*, N.Y. Times, May 21, 2018

Interviewed in, Isaac Chotiner, *Trump's Assault to Prosecutorial Independence*, Slate, May 22, 2018.

Interviewed in, *Trump's Challenge to Prosecutorial Independence*, Slate Trumpcast, May 23, 2018.

Quoted in, *Where's Harvey*, N.Y. Times, Mar. 9, 2018

Quoted in, *Move On, Judge Tells Defense Lawyers in Corruption Trial*, N.Y. Times, Feb. 14, 2018.

Quoted in, *You Can Put a Suit on a Problematic Witness but Will Jurors Believe Him*, N.Y. Times, Feb. 12, 2018.

Quoted in, *Former Trump Policy Adviser George Papadopoulos Misled FBI about Meetings with Russian Nationals During the Campaign*, N.Y. Daily News, Oct. 30, 2017.

Quoted in, *Vance May 'Rethink' Attorney Donations Amid Weinstein, Trump Fallout*, NYLJ, Oct. 12, 2017.

A History of Prosecutorial Independence, American Constitutional Society Blog, available at <https://www.acslaw.org/acsblog/a-history-of-prosecutorial-independence-in-america>

Quoted in *Sheldon Silver Isn't Out of the Woods Yet as He Faces Retrial in Corruption Case*, New York Daily News, July 2017.

Interviewed in, *The Power of the Prosecutor*, Talks on Law, available at <https://www.talksonlaw.com/talks/the-power-of-the-prosecutor>

Quoted in *Chastised, Not Charged, as Prosecutors Shed Tradition of Silence*, New York Times, March 24, 2017

Interviewed in *Ethics of U.S. Attorney General Jeff Sessions and the Investigations into Connections Between the Trump Campaign and Russia*, Wisconsin Public Radio, March 3 2017.

Quoted in *Police Shooting of Mentally-Ill Woman Frames Crucial Test for Clark*, New York Law Journal, Dec. 13, 2016.