

# **Sandra Guerra Thompson**

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## **Employment**

### **UNIVERSITY OF HOUSTON LAW CENTER, Houston, Texas**

Alumnae College Professor of Law, since 2012. UH Law Foundation Professor of Law, 2003-2012. Assistant Professor 1990-96, granted tenure and promotion to Assoc. Professor in 1996; promoted to Professor 1999, George Butler Research Professor of Law, 2000-2003)

*Positions:* Criminal Justice Institute, Founder and Director, since 2003.  
Associate Dean for Academic Affairs 01/2001-05/2002.  
Director, Mexican Legal Studies Program, Mexico City, 1998-2000  
Co-Principal Investigator, Keck Professionalism Initiative (1996) (\$300,000 grant) (supported the design of course on legal professionalism, the development of a database and library on legal ethics, and a legal ethics lecture series).

*Honors:* 2015 Distinguished Leadership in Teaching Excellence Award, University of Houston.

2003 Teaching Excellence Award, University of Houston.

2000 Ethel M. Baker Faculty Award.

*Subjects:* Criminal Law; Criminal Procedure; Evidence; Seminar: Hot Topics in Criminal Law and Procedure; Seminar: Wrongful Convictions; Seminar: Sentencing; Federal Criminal Law; Seminar: Prisoners' Rights and Prison Reform; Criminal Law Issues in U.S.-Mexico Relations; Legal Analysis

### **NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE, New York, NY**

Assistant District Attorney (Appeals Bureau and Trial Bureau 40), 1988-90

### **HUGHES HUBBARD & REED, L.L.P., New York, NY**

Intern, Commercial Litigation, June 1987

### **COX & SMITH, L.L.P. San Antonio, TX**

Intern, Commercial Litigation, July 1987

### **BROWN & WOOD, L.L.P., New York, NY**

Intern, Real Estate Law, Banking Law and Securities Litigation, June-August 1986

**NEW HAVEN LEGAL ASSISTANCE**, New Haven, CT  
Intern, Entitlements Litigation. Jan.-May 1986

**TEXAS RURAL LEGAL AID**, Laredo, TX  
Intern, Class Action Litigation, June-August 1985

**FIRST BOSTON CORP.**, New York, NY  
Intern, Petroleum Research Analysis, June-August 1984

### **Education**

**YALE LAW SCHOOL**, J.D., 1988.

*Activities:* *Yale Law Journal*, senior editor.

**YALE UNIVERSITY**, B.A. Economics, 1985.

*Honors:* Harry S. Truman Scholar for State of Texas 1983. \$22,000, awarded for dedication to public service and academic achievement.

### **Community Honors**

**MUSTANG LEGEND**, Awarded by J.W. Nixon High School 2014.

**PRIMERA AWARD**, Hispanic National Bar Association, October 7, 2011 (recognized as the first tenured Latina law professor in the State of Texas; tenured since 1996).

**2009 TOP 25 WOMEN OF VISION AWARD** by *Hispanic Business Magazine*

**HISPANIC BAR ASSOCIATION OF HOUSTON PRESIDENT'S AWARD**, 1994, in recognition of organizing city-wide law student mentorship program.

**HISPANIC BAR ASSOCIATION OF HOUSTON, EXCELLENCE AWARD**, 1995 and 1996. In recognition of law student mentorship and scholarship program coordination.

**KEY TO THE CITY OF CORPUS CHRISTI, TEXAS**. March 31, 1989. For promoting voting rights of minorities.

**AMERICAN G.I. FORUM, PRESIDENT'S AWARD**, 1989. For promoting voting rights of Spanish-speaking Americans.

### **Publications**

**Books and Book Chapters:**

*A Systemic Approach to Systemic Problems: Responding to Irregularities in the Criminal Justice System* (with R. Wicoff), in *WRONGFUL CONVICTIONS AND 25 YEARS OF THE DNA REVOLUTION* (Cambridge University Press, 2017) (D. Medwed, ed.).

*COPS IN LAB COATS: CURBING WRONGFUL CONVICTIONS THROUGH INDEPENDENT FORENSIC LABORATORIES* (Carolina Academic Press, 2015). [Book reviews: Brandon L. Garrett, *The Crime Lab in the Age of the Genetic Panopticon*, 115 Mich. L. Rev. 979 (2017); Valena Elizabeth Beety, *Cops in Lab Coats and Forensics in the Courtroom*, 13 OHIO ST. J. CRIM. L. 543 (2016); Brandon L. Garrett, *The Genetic Panopticon: Even with DNA in hand, crime lab results are deeply flawed*, BOSTON REVIEW (Mar. 17, 2016)]

*AMERICAN JUSTICE IN THE AGE OF INNOCENCE: UNDERSTANDING THE CAUSES OF WRONGFUL CONVICTIONS AND HOW TO PREVENT THEM* (Sandra Guerra Thompson, Jennifer L. Hopgood & Hillary K. Valderrama, eds. 2011).

*THE LAW OF ASSET FORFEITURE* (2<sup>nd</sup> ed. 2005) (with J. Gurule and M. O’Hear) (LEXIS Law Publishing).

*The Non-Discrimination Ideal of Hernandez v. Texas Confronts a “Culture” of Discrimination: The Amazing Story of Miller-El v. Texas*, in "COLORED MEN and HOMBRES AQUI": *Hernandez v. Texas* and the Emergence of Mexican American Lawyering (Houston: Arte Publico Press, 2006) (Michael A. Olivas, ed.)

*THE LAW OF ASSET FORFEITURE* (1998) (with J. Gurule) (LEXIS Law Publishing).

### **Articles:**

*Building the Infrastructure for “Justice through Science”: The Texas Model*, 119 W. Virginia L. Rev. 100 (2016) (with N. Casarez) (invited symposium article).

*Do Prosecutors Really Matter? A Proposal to Ban One-Sided Bail Hearings*, 44 Hofstra L. Rev. 1161 (2016) (invited symposium article).

*Daubert Gatekeeping for Eyewitness Identifications*, 65 SMU L. REV. 3 (2012).

*Judicial Gatekeeping of Police-Generated Witness Testimony*, 102 J. CRIM. L. & CRIMINOLOGY 329 (2012). The National Association of Criminal Defense Lawyers selected this article to feature in its “Getting Scholarship Into Court” Project, published in *The Champion* (Nov. 2013).

*Eyewitness Identifications and State Courts as Guardians against Wrongful Convictions*, 7 OHIO ST. J. CRIM. L. 603 (2010) (solicited).

*Judicial Blindness to Eyewitness Misidentification*, 93 MARQUETTE L. REV. 639 (2009) (invited symposium article).

*DOJ's Attack on Federal Judicial "Leniency," The Supreme Court's Response, and The Future of Sentencing*, 44 TULSA L. REV. 519 (2009) (with S. Klein) (invited symposium article).

*What Price Justice? The Importance of Costs to Eyewitness Identification Reform*, 41 TEXAS TECH LAW REVIEW 33 (2008) (invited symposium article).

*Beyond a Reasonable Doubt?: Reconsidering Uncorroborated Eyewitness Identification Testimony*, 41 U.C. DAVIS L. REV. 101 (2008). [included in the e-library of the Association in Defence of the Wrongly Convicted (AIDWYC) in Ontario, Canada, April 2016].

*Immigration Law and Long-Term Residents: A Missing Chapter in American Criminal Law*, 5 OHIO ST. J. CRIM. L. 645 (2008).

*Latinas and Their Families in Detention: The Growing Intersection of Immigration Enforcement and Criminal Law*, 14 WM. & MARY J. WOMEN & L. 1 (2008) (invited symposium article).

*The Booker Project: The Future of Federal Sentencing*, 43 HOUSTON LAW REVIEW 269 (2006) (invited symposium introduction).

*Evading Miranda: How Seibert and Patane Failed to "Save" Miranda*, 40 VALPARAISO LAW REVIEW 645 (2006) (invited symposium article).

*The Non-Discrimination Ideal of Hernandez v. Texas Confronts a Culture of Discrimination: The Amazing Story of Miller-El v. Texas*, 25 CHICANO-LATINO L. REV. 97 (2005) (invited symposium article).

*Criminal Procedure* (summary of Fifth Circuit decisions) (with E. Marrus), 35 TEX. TECH L. REV. 683 (2004) (invited annual issue).

*The White Collar Police Force: "Duty to Report" Statutes in Criminal Law Theory*, 11 WILLIAM AND MARY BILL OF RIGHTS JOURNAL 3 (2002) (invited symposium article).

*Apprendi's Unanswered Question: Is Failure to Charge an Element in an Indictment a Jurisdictional Error?*, 37 CRIMINAL LAW BULLETIN 602 (2001) (peer-reviewed journal) (solicited).

*Between a Rock and A Hard Place: Invoking The Fifth Amendment in Civil Asset Forfeiture Cases*, 15 GEORGIA STATE UNIVERSITY LAW REVIEW 555-600 (1999) (invited symposium article).

*Family Values?: The Family As An Innocent Victim Of Civil Drug Asset Forfeiture*, 81 CORNELL LAW REVIEW 343-392 (1996).

*The Myth of Dual Sovereignty: Multijurisdictional Drug Law Enforcement and Double Jeopardy*, 73 NORTH CAROLINA LAW REVIEW 1159-1210 (1995). Reprinted in CRIMINAL LAW REVIEW-1996 (Clark Boardman Callahan, publishers).

*Reconciling Federal Asset Forfeitures And Drug Offense Sentencing*, 78 MINNESOTA LAW REVIEW 805-856 (1994).

*Domestic Drug Interdiction Operations: Finding the Balance*, 82 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1109-1161 (1992).

*Voting Rights and the Constitution: The Disenfranchisement of Non-English Speaking Citizens*, 97 YALE LAW JOURNAL 1419-1437 (1988). Reprinted as a book chapter in: LATINOS IN THE UNITED STATES: HISTORY, LAW AND PERSPECTIVE, vol. 6 (Garland Publishing 1994) (Sedillo-Lopez, ed.).

### **Short Pieces:**

*Sentencing Guidelines in the US, A Primer*, in 86 REFORM 45 (2005) (a journal of the Australian Law Reform Commission) (solicited).

*Did the War on Drugs Die After 9/11?*, 14 FEDERAL SENTENCING REPORTER 147 (2002).

Guest Editor's Observations: *Congressional Reform of Civil Forfeiture: Punishing Criminals Yet Protecting Property Owners*, 14 FEDERAL SENTENCING REPORTER 71 (2001).

*Informal Dispositions*, entry for ENCYCLOPEDIA OF CRIME AND JUSTICE (McMillian Reference 2000)

*Book Review: Reconstructing the Truth About Justice*, 8 CRIMINAL LAW FORUM 161 (1996).

*The New Sentencing Entrapment and Sentencing Manipulation Defenses*, 7 FEDERAL SENTENCING REPORTER 181-185 (1995).

### **Op Ed Pieces:**

*Mentally ill Texans need Medicaid Expansion*, Austin Statesman, Apr. 7, 2015 (with J. Mantel).

*Area Police are Ignoring Rules on Eyewitnesses*, Houston Chronicle, Jan. 15, 2013.

*Perry v. New Hampshire*, Scotusblog, Oct. 19, 2011.

*Memory Fails Us*, New York Times, Sept. 1, 2011 (in "Room for Debate" feature).

*Is it a New Era of Justice in Harris County?*, Houston Chronicle, Aug. 5, 2010 at B9.

*Fallout from Duke case clouds future rape trials: New doubts from jury selection to victim credibility*, Houston Chronicle, Jun. 1, 2007.

*It is Easy, and Wrong, to Blame Immigrants for Crime*, Houston Chronicle, Nov. 2, 2006 at B9.

*In Fastow's Case the Punishment Fit the "Snitch,"* Houston Chronicle, Oct. 3, 2006 at B11.

### **Professional and Community Activities**

Member of New York State Bar (admitted 1988).

Admitted to practice in United States Supreme Court (1999).

Chair, Harris County District Attorney Kim Ogg's Transition Team, Evidence Integrity Committee (Mar. 2017).

Chair, Houston Mayor Sylvester Turner's Transition Team, Criminal Justice Committee (Jan.-Mar. 2016).

Vice Chair of the Board of Directors, Houston Forensic Science Center (2015-present) (member since 2012).

Member, Timothy Cole Advisory Panel on Wrongful Convictions (panel formed by Texas Legislature to conduct investigation and submit recommendations) (2009-2011) (selected as representative of Texas public law schools).

Elected Member, The American Law Institute (1999-present). Appointed as Advisor of Model Penal Code: Sentencing Project (2000-present).

Mentor on Scholarship, Southeast Association of Law Schools, June 2012 (served as a mentor by critiquing the paper of a junior faculty mentor through a mentorship program).

Chair, ABA Death Penalty Assessment Team (Texas) (2004-2005).

Member, Houston Bar Foundation (2004-present).

Chair, Association of American Law Schools, Criminal Justice Section (2000-2001), Executive Committee Member, (1993-present). Planning Committee Member, Criminal Justice Section Conference (1999-2000).

Member, American Bar Association, Criminal Justice Section, Forfeiture, Civil Remedies and RICO Committee. Working group to provide detailed analysis of recent forfeiture reform proposals for ABA to present to Congress (1999-2000).

Liaison, American Bar Association, Criminal Justice Section and Association of American Law Schools, Criminal Justice Section (2000-2001).

Board of Editors, Criminal and Civil Forfeiture Law Reporter (1995).

Member of the Staff Diversity Task Force of the Texas Commission on Judicial Efficiency, appointed by Texas Supreme Court Chief Justice Tom Phillips (1995-96).

Member, Leadership Texas Class of 1999. Women's organization that provides leadership training to select group of women from around the state.

Member, Houston Bar Association, Criminal Justice Section (1995-2000), Planning Committee for Criminal Justice Bench-Bar Conference (1995-96).

Consultant to DEA Special Agent-in-charge Farrone. (May 1996). Provided instruction to DEA agents on law relating to the forfeiture of real property assets involved in year-long investigation.

Houston Hispanic Bar Association, Board of Directors (1990-2006). Founder and co-organizer of a city-wide mentorship program between Hispanic attorneys and Hispanic law students (1992-2000), administered three scholarship competitions (1991-2010).

Coordinator, Yale Law School Alumni Organization, Houston Chapter (1999-2005).

Board of Directors, Planned Parenthood of Houston and Southwest Texas (1992-94).

Hispanic National Bar Association (1990-1998), Law Student Award Committee (1991).

### **Selected Presentations**

#### **Academic Presentations:**

Speech, *Bail Reform in Texas and Harris County*, Texas Southern University Thurgood Marshall School of Law, Earl Carl Institute for Legal and Social Policy, Mar. 2016.

Panelist, *Building the Infrastructure for "Justice through Science,"* West Virginia University Law School, Mar. 2016.

Panelist, *The Prosecutor as a Minister of Pretrial Justice*, AALS Annual Meeting, NY, Jan. 2016.

Panelist, *American Federal and State Civil Forfeiture Laws*, at Tilberg University School of Law, The Netherlands, Oct. 2015. (International Conference on Criminal and Terrorism Funding).

Panelist, *State Civil Forfeiture Practices and Racial Profiling*, William and Mary Law School,

Brigham-Kanner Property Law Symposium, Oct. 2015.

Panelist, *Outbreaks of Injustice: Responding to Systemic Irregularities in the Criminal Justice System*, Northeastern University School of Law, Boston, MA, Sept. 2015.

Panelist, Taz Galaxy Symposium, Howard University School of Law, Wash. D.C., *On Bar Association Involvement as a Means of Law Reform*, Sept. 2014.

Panelist, Southeastern Law Schools Association Annual Meeting, *Federalism Issues in Reforming Forensic Science*, Aug. 2014.

Workshop Participant, *The Dilemma of Unscientific "Forensic Sciences,"* SMU Dedman School of Law, Dallas, Texas, Jan. 2014.

Panelist, *"The Paradox of the Ethical, But Biased Crime Lab Analyst,"* Law & Society Annual Meeting, Boston, Mass., June 2013.

Panelist, *On Criminal Law Pedagogy*, AALS Mid-Year Meeting of the Criminal Justice Section, San Diego, CA, June 2013.

*Securing of Evidence in Criminal Cases*, May 19, 2012, Istanbul Medeniyet University, Istanbul, Turkey.

*Police-Generated Witness Testimony in Criminal Cases*, May 17, 2012, Selcuk University, Konya, Turkey.

Panelist, SEALS Conference, *"Applying Daubert in Criminal Cases,"* July 2011, South Carolina.

Panelist, *Crimmigration*, Association of American Law Schools 2009 Annual Meeting, Criminal Justice Section.

Panelist, SEALS Conference, *"Issues in Admitting Eyewitness Identification Evidence,"* July 2009, Florida.

Presenter, Marquette Law Review Symposium, *"Judicial Blindness to Eyewitness Misidentification,"* June 2009, Milwaukee, Wisconsin.

Roundtable participant, *Criminal Law Pedagogy*, Tulane Law School, New Orleans, LA, Sept. 2009.

Presenter, Texas Tech Law Review Symposium, *"What Price Justice? The Importance of Costs in Eyewitness Identification Reform."* April 2008, Lubbock, Texas.

Lecture, *Beyond a Reasonable Doubt?: Reconsidering Eyewitness Identification Testimony*, International Society for the Reform of Criminal Law Annual Meeting, Vancouver, BC, June 2007.



Lecture, *Making a Course Real*, Institute for Law Teaching Summer Conference, Suffolk Univ. Law School, Boston, MA, June 2007 (on teaching about law practice and ethical dilemmas through substantive law courses).

Lecture, *Latinas and their Families in Detention: Caught in the Web of Post 9/11 National Security Concerns and Anti-Immigrant Politics*, William and Mary Law School, February 25, 2007.

Lecture, *Sentencing Guidelines in the United States after Booker*, May 18, 2005, Dalhousie Law School, Halifax, Nova Scotia (at the Conference of the National Consortium of Legal Education).

Symposium Lecture, *Evading Miranda: Ask First, Warn Later Practices and the Irony of Missouri v. Seibert*, Valparaiso School of Law, January 2005.

Symposium Lecture, *The Amazing Story of Miller-El v. Texas*, UHLC, November 2004.

Symposium Lecture, *The White Collar Police Force: A Duty to Report@ Statutes in Criminal Law Theory*, William and Mary School of Law, March 2003 (invited), Williamsburg, Virginia..

Lecture, *Did the War on Drugs Die After 9/11?*, Association of American Law Schools, Criminal Justice Section, January 2002, New Orleans.

Symposium Lecture, *Invoking The Fifth Amendment in Civil Asset Forfeiture Cases*, Georgia State School of Law, 1999.

Lecture, *Civil Asset Forfeiture and Money Laundering*, Economic Crime Summit, Austin, TX, May 2000.

### **Legislative and Community Presentations:**

Testified before the House Judiciary Committee, Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, at a hearing on “The Future of Forensic Science in the United States,” Mar. 31, 2017.

Testimony before Texas House Committee on County Affairs, *Racial Profiling by Texas DPS*, September 2016.

Testimony before Joint House Committees on County Affairs and Criminal Jurisprudence, *Public Safety Risks of a Money Bail System*, Sept. 2016.

Panelist, ADL Panel Discussion on Criminal Justice Reform, Sept. 2016.

Panelist, TSU Panel Discussion on Criminalizing Poverty, Sept. 2016.

Keynote Speaker, *Cops in Lab Coats*, Houston Community College, Nov. 2015.

Testimony before the Texas Senate Criminal Justice Committee, regarding pretrial release practices, Sept. 22, 2015.

Panelist, UHLC Program entitled, *Orange is the New Black*, Apr. 2015.

Panelist, UHLC CLE program entitled, *Grand Juries, Policing, and Civil Rights*, Feb. 2015.

Inaugural Lecturer, The Common Reader Speaker Program at the University of Houston Clear Lake. *Reforming the Practice of Forensic Science through Community Service*. Sept. 2014.

Panelist, after a screening of the film *La Jaula de Oro* (The Golden Dream), a film about the journey of unaccompanied minors from Central America to the United States. UH Dept. of Political Science, Oct. 2014.

Keynote address, Hispanic Heritage Month Celebration of the Houston District of the EEOC Oct. 2014.

Speaker, Laredo-Webb County Bar Association Meeting, *Scientific Evidence and Wrongful Convictions*. Aug. 2014.

The Evolution of Forensic Science and Exoneration Cases, February 2, 2013, Law and Media Seminar, Houston, Texas.

Presenter, National Workshop for District Judges, sponsored by the Federal Judicial Center, held in San Antonio, Texas (Sept. 2008) (presented on a panel with the Chairman of the Federal Sentencing Commission and a District Judge).

Lecture, *The Death Penalty in Texas*, Christ Church Cathedral, Houston, May 2000.

Lecture, *Evidence Issues in a Criminal Trial*, High School for Criminal Justice and Law Enforcement, April 2000.

Lecture, *The Problem of Racial Profiling*, M.D. Anderson Library, UH Department of Humanities and Fine Arts Speaker's Series. Fall 1999.

Panelist, ABA Conference, Race and Poverty in the Criminal Justice System, Atlanta (1999).

Lecture, *The American Criminal Justice System and Dealing with Computer Crimes*, series of lectures in Spanish on March 25-27, 1998 sponsored by the U. S. Embassy in Mexico City before audiences of research scholars, State Supreme Court Justices, state officials, prosecutors, and the Mexican equivalent of the DEA.

Lecture, *Family Values?: The Family As An Innocent Victim of Civil Asset Forfeiture*, Law & Humanities Symposium entitled "The Movable Boundaries Between Public and Private Life" at the University of Houston Law Center, Feb. 8, 1997.

Lecture, *Asset Forfeiture Law*, National Hispanic Bar Association Conference, Miami, Florida, Fall 1996.

Lecture, *Racial Issues and The Implications of the O.J. Simpson Case*, Houston Bar Association Criminal Bench-Bar Conference, April 19, 1996.

Lecture, *Addressing the Court: 104(a) and 104(b) Hearings*, National College of District Attorneys, Evidence for Prosecutors Conference, October 24, 1995, New Orleans, Louisiana.

Panelist, *Women as Professionals in the Criminal Justice System*, Conference sponsored by the University of Houston Criminal Justice Center, April 6, 1995.

Lecture, *Pictorial Evidence: Two Theories of Admissibility, and Matters of Privilege*, National College of District Attorneys, Evidence for Prosecutors Course, San Diego, Calif., March 1995.

Lecture, *Recent Changes In Texas Evidence Law*, Mexican American Bar Association CLE Program, March 1994.

### **University Service Activities**

#### *University Committees:*

Provost's Ad Hoc Promotion and Tenure Policy Task Force (2014-present); Provost's Ad Hoc Committee on the Hiring and Retention of Hispanic Faculty (2009-2014) Chair. UH Chancellor and President Search Committee (2007). Law Center Dean Search (elected position) (1994-95) (2013-14). Substance Abuse Committee (1992-93). Police Advisory Board (1993-1996), Chair (1996-97).

#### *Law Center Committees:*

Student Affairs Committee (1994-95); Executive Committee (elected position) (1993-1994), (1999-2000, 2005-2006, 2012-14); Admissions Committee (1991-92, 1995-96, 2005); ATOR Award Selection Committee (1994-95); Self-Study Committee (1998-99). Hiring Committees for Trial Advocacy Director (1999-2000), for Legal Research and Writing Director (1998-99), for Faculty (1995-96, 2004-2010); for Director of Career Development (2005). Promotion and Tenure (2007-2008), Appointments Committee Co-chair (2008-2010, 2013-14); Promotion and Tenure Committee Chair (2010-2011). Numerous others as well.

#### *Law Center Activities:*

Associate Dean for Academic Affairs (2001-2002). Coordinator for State Employee Charitable Campaign (1998). Pre-Law Institute, Faculty Member (2007-2012) (pipeline program for minority college students). Founder and Chair, Ad Hoc Planning Committee for Teaching Methods Workshops (1995-1996). Advisor, Houston Law Review Frankel Lecture Symposium (1995-98). Faculty Mentor for First-Year Students in both part-time and full-time

programs (1993-present). Faculty Advisor, Hispanic Law Students Association (1990-present). Appeals Board, The Advocates Mock Trial (1992-1994).

### **Media Appearances**

Regular media appearances both locally as well as nationally on *National Public Radio*, *CNN*, *ABC News*, *The New York Times*, and the *Wall St. Journal*, as well as many other major newspapers. Interviewed by Spanish-language newspapers and television. Live radio and television interviews both in English and Spanish.