

# Francesca Laguardia, J.D., Ph.D.

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Montclair State University  
Department of Justice Studies  
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## **EDUCATION**

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Ph.D.	<b>New York University</b>	Institute for Law and Society	2012
J.D.	<b>New York University</b>	School of Law	2007
B.A.	<b>University of Chicago</b>	Law, Letters, and Society (with honors)	2000

## **PROFESSIONAL POSITIONS**

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Montclair State University	<b>Associate Professor of Justice Studies</b> <b>Assistant Professor of Justice Studies</b>	9/2018 to present 9/2013 to 8/2018
City College of New York	<b>Adjunct Assistant Professor of Sociology</b>	1/2013 to 5/2013
New York University	<b>Adjunct Instructor of Law and Society</b>	1/2011 to 5/2012
Center on Law and Security At New York University School of Law	<b>Director of Research</b>	1/2008 to 10/2010
Center on Law and Security At New York University School of Law	<b>Research Associate</b>	5/2004 to 1/2008
Kirkland and Ellis, LLP	<b>Summer Associate (<i>offer declined</i>)</b>	5/2006 to 8/2006
Civil Rights Bureau Office of the New York State Attorney General	<b>Summer Associate</b>	5/2005 to 8/2005

## **COURSES TAUGHT**

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*Justice, Courts, & Legal Systems; Criminology; Theories of Justice; Terrorism & Social Justice; Rights Liberties & American Justice; Juries & Justice; Human Trafficking & The Law; Selected Topics: Truth, Justice, & Social Media; Selected topics: Terrorism & Criminal Justice; Statistics for Social Research; Senior Seminar & Internship; Freshman Seminar; Selected Topics: Abortion and the Law (Spring 2023)*

## **RESEARCH, SCHOLARSHIP, PUBLICATIONS AND RELATED ACTIVITIES**

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### Peer Reviewed Articles

F. Laguardia (2022). "Pain That Only She Must Bear: On the invisibility of women in judicial opinions on abortion" 9(1) *Journal of Law and the Biosciences* 1-36 DOI: <https://doi.org/10.1093/jlb/ljac003>.

D. Peterka-Benton and F. Laguardia (2021) "The Trouble with Numbers: Difficult Decision Making in

Identifying Right-Wing Terrorism Cases. An Investigative Look At Open Source Social Scientific and Legal Data” *Studies in Conflict & Terrorism* DOI: [10.1080/1057610X.2021.1980981](https://doi.org/10.1080/1057610X.2021.1980981)

F. Laguardia (2017) “Deterring Torture: The preventive power of criminal law and its promise for inhibiting state abuses.” *Human Rights Quarterly*, 39(1) pp. 189-212.

F. Laguardia, V. Michalsen, and H.Rider-Milkovich. (2017) “Trigger Warnings: From panic to data.” *The Journal of Legal Education* 66(4) pp. 882-903.

F. Laguardia (2016). “The Nonexceptionalism Thesis: How post 9/11 criminal justice measures fit in broader criminal justice.” *The New Criminal Law Review* 19(4) pp. 544-576.

F. Laguardia (2015). “Special Administrative Measures: An example of counterterror excesses and their roots in U.S. criminal justice.” *The Criminal Law Bulletin* 51(1) pp.157-187.

### Law Review Articles

F. Laguardia (2022) “Cannibalizing the Constitution: On Terrorism, the Second Amendment, and the Threat to Civil Liberties,” 112 *Journal of Criminal Law & Criminology Online* 1.  
[https://scholarlycommons.law.northwestern.edu/jclc\\_online/11/](https://scholarlycommons.law.northwestern.edu/jclc_online/11/)

F. Laguardia, (2020) “Considering a Domestic Terrorism Statute and Its Alternatives” *Northwestern University Law Review* 114(4) pp. 1061-1100.

F. Laguardia (2015). “Imagining the Unimaginable: Torture and Criminal Law.” *The Columbia Human Rights Law Review* 46(3) pp.48-103.

F. Laguardia (2013) “Terrorists, Informants, and Buffoons: The Case for Downward Departure as a Response to Entrapment.” *Lewis and Clark Law Review* 17(1) pp. 171-215.

### Other Publications and Reports

A. D’Urso, F. Laguardia, and D. Peterka-Benton (2021) UNDERSTANDING HUMAN TRAFFICKING IN NEW JERSEY: AN ANALYSIS OF DATA COLLECTION REPORT FOR THE NEW JERSEY COMMISSION ON HUMAN TRAFFICKING. Award Numbers A21-0025-001 & A21-0025-002.

F. Laguardia “David Garland.” (2018) in Bruce Arrigo (ed.) *The Sage Encyclopedia of Surveillance, Security, and Privacy*. (Thousand Oaks, Sage).

F. Laguardia (2014). “Seeking Security: Pre-empting the Commission of Criminal Harms.” *Law and Politics Book Review* 24(3) pp. 313-317.

F. Laguardia (2012) “The Bail Reform Act,” in *The Social History of Crime and Punishment in America*, Wilbur Miller and Geoffrey J. Golson eds.

F. Laguardia (2010) “The Terrorist Trial Report Card: September 11, 2001-September 11, 2009.” Center on Law and Security at NYU School of Law, January 1, 2010. (Also excerpted and included for publication in *CRIMINAL LAW* 11<sup>th</sup> Edition, Thomson/Wadsworth).

F. Laguardia (2010) “The Terrorist Trial Report Card: September 11, 2001-September 11, 2010.” Center on Law and Security at NYU School of Law, September 11, 2010.

F. Laguardia (2005) “Enforcing the Fair Housing Act: Can Agency Interpretations Override Congressional Intent in Anti-Discrimination Legislation?” *NYU Journal of Legislation and Public Policy* 9, pp. 535-549.

*As Contributing Editor for the Criminal Law Bulletin*

F. Laguardia (2022). “From the Legal Literature: Undemocratic Crimes.” *Criminal Law Bulletin* 58(6): 876-884.

F. Laguardia (2022). “From the Legal Literature: Trafficking and the Shallow State.” *Criminal Law Bulletin* 58(5): 712-720.

F. Laguardia (2022). “From the Legal Literature: Arrest Records.” *Criminal Law Bulletin* 58(4): 511-519.

M. Schmidt and F. Laguardia (2022). “Environmental Victimization and Criminal Enforcement: Assessing Evidence from Thirty-Seven Years of EPA Case Summary Reports” *Criminal Law Bulletin* 58(3): 398-409.

M. Schmidt and F. Laguardia (2022). “Deterring Corporate Crime: Failed Historical Approaches and Modern Solutions.” *Criminal Law Bulletin* 58(2):288-298.

F. Laguardia (2022). “America’s Paper Prisons: The Second Chance Gap.” *Criminal Law Bulletin* 58(1): 165-173.

G. Guarino and F. Laguardia (2021). “Forgiven, Forgotten? Rethinking Victim Impact Statements for an Era of Decarceration.” *Criminal Law Bulletin* 57(6): 1053-1062.

F. Laguardia (2021). “Weaponizing 911: #LivingwhileBlack, 911, and Swatting.” *Criminal Law Bulletin* 57(5): 805-813.

F. Laguardia (2021). “Is Progressive Prosecution Possible?” *Criminal Law Bulletin* 57(4): 632-640

F. Laguardia (2021). “Thwarting White Supremacist Gangs.” *Criminal Law Bulletin* 57(3): 423-431

F. Laguardia (2021). “Covid and the Criminal Law.” *Criminal Law Bulletin* 57(2): 278-87

F. Laguardia (2021). “Why States Must Consider Innocence Claims After Guilty Pleas.” *Criminal Law Bulletin* 57(1): 98-107

F. Laguardia (2020). “Automating Police.” *Criminal Law Bulletin* 56(6): 1217-1224

F. Laguardia (2020). “If the Fetus Is a Person, Is It Relevant? A note on the rights of pregnant women” *Criminal Law Bulletin* 56(5): 1012-1022.

F. Laguardia (2020). “Disentangling Prison and Punishment” *Criminal Law Bulletin* 6(4): 754-762

F. Laguardia (2020). “The Threat and Promise of Police Use of DNA Databases” *Criminal Law Bulletin* 56(3): 563-574.

F. Laguardia (2020). “Criminalizing Propaganda: J. Remy Green’s Argument to Digitize Brandenburg” *Criminal Law Bulletin* 56(2): 318-325.

F. Laguardia (2020). “ Highlighting the Failure of Criminal Courts to Adequately Test Machine Evidence” *Criminal Law Bulletin* 56(1): 161-170.

F. Laguardia (2019). “From the Legal Literature: The Legal Divide Between Domestic and International Terrorism—Do we need a domestic terror statute?” *The Criminal Law Bulletin* 55(6) pp. 1094-1106.

Grants:

F. Laguardia, D. Peterka-Benton, J. Einbond (2021) *Submitted*  
“Effectiveness of New Jersey Crime Victims Compensation Act.” National Institution of Justice

F. Laguardia, D. Peterka-Benton, B. Benton (2021) *Submitted*  
“QAnon and Radicalization to Terror “ National Institution of Justice

F. Laguardia, D. Peterka-Benton, A. D’Urso (2020) \$50,000 “Understanding Human Trafficking in New Jersey: An Analysis of Data Collection.” New Jersey Department Criminal Justice

F. Laguardia (2015) \$800  
“Global Education Grant” Montclair State University

### Press and Blogs

F. Laguardia & V. Ades (2022) “The harm we do when we force women to carry a child” *New Jersey Star-Ledger* July 17, 2022. Available at <https://www.nj.com/opinion/2022/07/what-we-do-to-women-when-we-force-them-to-carry-a-child-opinion.html>

F. Laguardia (2021) “Charge Them All” *The Jurist Commentary* February 1, 2021. Available at <https://www.jurist.org/commentary/2021/02/francesca-laguardia-capitol-charges/>

F. Laguardia (2021) “Keeping the Inauguration Safe” *Opinion-NJ.Com* January 19, 2021. Available at <https://www.nj.com/opinion/2021/01/keeping-the-inauguration-safe-opinion.html>

F. Laguardia (2019) “The Amendment that Ate The Constitution” *The Daily Beast* August 24, 2019. Available at <https://www.thedailybeast.com/the-second-amendment-ate-the-constitution>

F. Laguardia and Karen Greenberg (2009) “Feds on a Terror Tear.” *The Daily Beast*, September, 2009. Available at: <http://www.thedailybeast.com/blogs-and-stories/2009-09-29/getting-better-at-busting-terrorists/>

### *Quotations and Interviews*

NJ Politics with Laura Jones (July 12, 2022), *NJ On Air*, discussing implications of overturning *Roe v. Wade*.

New Jersey Morning Show (July 8, 2022), *NJ On Air*, discussing implications of overturning *Roe v. Wade*. <https://www.njonair.com/videos/2022/new-jersey-morning-show-july-8-2022/>

O. Donovan-Smith (2021) “Delays in trial of accused 9/11 plotters continue, partly due to role of torture conducted by Spokane-based psychologists” *The Spokesman-Review* (September 12, 2021) <https://www.spokesman.com/stories/2021/sep/12/delays-in-trial-of-accused-911-plotters-continue-p/>

E. Massey (2021) “Why We Don’t Need a New Domestic Terror Law” *Current Affairs* (January 19, 2021) <https://www.currentaffairs.org/2021/01/why-we-dont-need-a-new-domestic-terror-law>

B. Scher (2021) “It’s Time for a Domestic Terrorism Law” *Wash. Monthly* (January 14, 2021) <https://washingtonmonthly.com/2021/01/14/its-time-for-a-domestic-terrorism-law/>

J. Hicks (2019) “We Fact-Checked 5 Horrifying Details in ‘The Report,’ the New Movie About Post-9/11 Torture” *Vice.com* November 14, 2019 [https://www.vice.com/en\\_us/article/8xwjp5/we-fact-checked-5-horrifying-details-in-the-report-the-new-movie-about-post-911-torture](https://www.vice.com/en_us/article/8xwjp5/we-fact-checked-5-horrifying-details-in-the-report-the-new-movie-about-post-911-torture)

A. Wisniewski (2015) “Can law enforcement use ‘fake’ crimes to create criminals?” *The Crime Report* November 15, 2015 <https://www.cbsnews.com/news/outrageous-government-conduct-can-law-enforcement-use-fake-crimes-to-create-criminals/>

A. Wisniewski (2015) “Can law enforcement use ‘fairy tales’ to step up sentences?” *The Crime Report* November 19, 2015 <https://www.cbsnews.com/news/fairy-tales-and-drugs-in-americas-courtrooms/>

A. G. Sulzberger (2010) “2 men convicted in Kennedy Airport plot” *The New York Times*  
August 2, 2010 <https://www.nytimes.com/2010/08/03/nyregion/03kennedy.html>

#### WORK IN PROGRESS

Guest editor, special issue *Criminal Law Bulletin*, forthcoming 2023.

*Criminal Law, Criminology, Law, and Society* w. C. McCoy & V. West; under contract with West Academic Publishing.

*Criminalized victims and the failure of federal compensation for victims of trafficking* w. Julia Einbond

*Best Practices in Human Trafficking Law Enforcement, and Law Enforcement Compliance* w. Alison Boak and Daniela Peterka-Benton.

*Women’s rights and women’s pain, an analysis of abortion rhetoric* (Considering book contract with Amherst College Press).

#### CONFERENCE PRESENTATIONS AND INVITED SPEAKING ENGAGEMENTS

- 09/2022 “Red Herrings and Buried Leds: the failure to highlight health issues in legal discussions about abortion.” New Directions in Law & Society at the Center for Justice, Law & Societies, University of Massachusetts at Amherst.
- 09/2022 Panel Chair & Discussant, “Human Rights and Violence.” New Directions in Law & Society at the Center for Justice, Law & Societies, University of Massachusetts at Amherst.
- 07/2022 “Pain that Only She Must Bear: On the invisibility of women in judicial abortion rhetoric.” Law and Society Association, Lisbon, Portugal.
- 03/2022 “Pain that Only She Must Bear: On the invisibility of women in judicial rhetoric on abortion.” Eastern Sociological Society, Boston, Massachusetts.
- 02/2022 **Invited Speaker** “Pain that Only She Must Bear: Legal language, medical language, and social change.” Empower Lab at NYU School of Global Public Health, New York.
- 01/2022 **Invited Speaker** “Finding Justice: How Attorneys Help Victims and Survivors of Human Trafficking Across the U.S. Global Center on Human Trafficking.” Montclair, New Jersey
- 11/2021 “Pain that Only She Must Bear: On the invisibility of women in judicial rhetoric on abortion.” Midwest Law and Society Retreat, Madison Wisconsin.
- 11/2021 **Invited Speaker** “Domestic Terrorism and the Rule of Law.” class on National Security and the Rule of Law, Fordham Law School, New York.
- 09/2021 **Invited Speaker** “Domestic Terrorism.” Montclair Library Adult Learning, Montclair, New Jersey.
- 5/2021 “Law, Democracy, and Society in Times of Illiberalism.” OFA series on Democracy, Montclair State University.
- 5/2019 “Is the Rule of Law Standing Its Ground? American Rule of Law Culture in the Context of Immigration and Terrorism Trials.” Law and Society Annual Conference, Washington DC.
- 6/2018 “Legal Culture and the Rule of Law in the Context of Post-9/11 Terrorism Trials.” Law and Society Annual Conference, Toronto

- 10/2016 “Trigger Warnings: from panic to data.” Journal of Legal Education Special Symposium on Sexual Assault on Campus, Georgetown Law School
- 10/2015 “Torture and Constraint: the Failure and Promise of Lawyers' Legal Consciousness.” Mid-Atlantic Law and Society Association annual meeting.
- 6/2015 “Torture and Constraint: The roots of Enhanced Interrogation Tactics in legal education.” Law and Society Association Annual Conference.
- 2/2015 “Do Black Lives Matter? A Discussion of the Eric Garner & Michael Brown Cases.” Panel presentation for Justice Studies Department.
- 11/2014 “The Nonexceptionalism Thesis: How post-9/11 criminal justice measures fit in broader criminal justice culture.” Annual Meeting of the American Society of Criminology.
- 6/2014 “Imagining the Unimaginable: Torture and the Criminal Law.” 11th Biennial John Jay College International Conference, “The Rule of Law in an Era of Change: Security, Social Justice and Inclusive Governance.”
- 5/2014 “Rules and Exceptions: Education, Legal Culture, and Opening the Door to Torture in the U.S. Law.” and Society Association Annual Conference.
- 11/2011 “SAMS: Pretrial Solitary Confinement, The War on Crime and the War on Terror.” American Society of Criminology (ASC) annual meeting, Washington, D.C.
- 11/2011 “SAMS: Pretrial Solitary Confinement, The War on Crime and the War on Terror.” Crime, Law, and Deviance Workshop, New York University, New York, New York.
- 12/2010 **Invited Speaker** “Terrorism Prosecutions in Article III Courts.” Criminal Law Committee of the New York City Bar Association, New York, New York.
- 7/2010 **Invited Speaker** “The Culture of National Security.” Department of State’s International Visitor Leadership Program, New York, New York.
- 6/2009 “Trends in U.S. Terrorism Prosecutions, 2001-2009.” British Society of Criminology, annual meeting, Cardiff, UK.
- 12/2008 **Invited Speaker** “Prosecuting Terrorism: Civil Liberties Issues: An Overview of the U.S. and E.U.” Magna Carta Institute Transatlantic Project on Counter-Terrorism and Human Rights Joint Conference with The Ludwig Boltzmann Institute for Human Rights and the University of Vienna, The Centre for Studies in International Law and University Paris and the UN Office on Drugs and Crime “Judging Terrorism and the Rule of Law: Reflections and Discussions on the EU-US Relationship in the Fight against Terrorism.”
- 5/2008 **Invited Speaker** “Prosecuting Terrorists in the Criminal Justice System.” Center for Terrorism at John Jay University Joint Conference with the Department of State, “Global Security: Terrorism, Organized Crime, and Civil Society,” New York, New York.
- 3/2008 “The Path to Torture in U.S. Legal Thought.” Law and Society Association (LSA), annual meeting, Atlanta, Georgia.

#### **AWARDS AND ACHIEVEMENTS**

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- Contributing Editor, *Criminal Law Bulletin* 2019-present
- Editor, *Criminal Law Bulletin* 59(1) (special issue) Fall 2022

Member, Arkin Justice Initiative, Fordham Law School	2017-2022
Criminal Justice Fellow, Center on National Security, Fordham Law School	2022
Journal of Legislation and Public Policy, articles editor	2006-2008
New York University MacCracken Scholar	2002-2012

**REVIEWER FOR:**

Stanford Law Review; Law & Society Review; Journal of Criminology, Criminal Justice, Law & Society; Criminal Law Bulletin; Nordic Journal of International Law

**SERVICE TO THE PROFESSION**

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Montclair State University	<b>-Faculty Advisor</b>	9/2013 to present
Justice Studies Dept. Curriculum Development Committee Montclair State University	<b>-Chair</b>	9/2013 to present
Justice Studies Departmental Personnel Advisory Committee	<b>-Member</b> <b>-Chair</b> <b>-Alternate</b>	9/2019-6/2020 9/2020-6/2021 9/2021-6/2023
Justice Studies Department Sabbatical Review Committee	<b>-Member</b>	9/2021-6/2022
Justice Studies Departmental Assessment Committee	<b>-Member</b>	9/2022-6/2023
College Reform Committee, Process Committee	<b>-Member</b>	6/2020 to 9/2021
Undergraduate Curriculum Development Committee College of Humanities & Social Sciences Montclair State University	<b>-Department Chair</b> <b>-Recording Secretary</b> <b>-Vice Chair</b>	9/2013 to present 9/2014 to 9/2018 9/2018 to present
Undergraduate Curriculum Development Committee Montclair State University	<b>-Representative from College of Humanities and Social Sciences</b>	9/2014 to present
Montclair State University Mock Trial, Pre-law society	<b>-Coach</b>	4/2022
Global Center on Human Trafficking Montclair State University	<b>-Advisory Committee Member</b> <b>-Chair, Research Subcommittee</b> <b>-Co-Chair, Research Committee</b> <b>-Member, Law Enforcement Roundtable</b>	8/2021- present 1/2022-6/2022 6/2022- present 2/2022-present
Ramapo Journal of Law and Society	<b>-Editorial Board Member</b>	8/2013 to present
New York City Bar Association	<b>-Member</b>	1/2010-1/2013

## **ASSOCIATION MEMBERSHIPS AND ACTIVITIES**

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Member, American Society of Criminology; Member, American Society of Criminology, Section on Terrorism;  
Member, American Sociological Association; Member, American Sociological Association Section on Human Rights;  
Member, Law and Society Association; Member, Law and Society Association, Collaborative Research Network on  
Punishment & Society; Member, Law and Society Association, Collaborative Research Network Feminist Jurisprudence;  
Member, Society for the Study of Law, Culture, and the Humanities