

Todd A. Berger
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EXPERIENCE

Syracuse University College of Law

Professor of Law

Director, Advocacy Programs

August 2018-present

Responsible for development of the law school's advocacy focused academic curriculum as well as implementing a strategic vision that maintains and enhances the law school's national reputation for advocacy training. The Director of Advocacy Programs serves as the law school's representative to the National Trial Advocacy Community and works with the Office of Advancement and External affairs to engage Syracuse alumni. The position also entails oversight and support of the institution's five internal advocacy competitions and five intercollegiate advocacy competitions, as well as the school's numerous intercollegiate teams competing in trial advocacy, appellate advocacy, and alternative dispute resolution.

Director, Criminal Defense Clinic

August 2012-2019

Responsible for directing and supervising students in the Syracuse University College of Law Criminal Defense Clinic. This entails preparing second- and third-year law students to represent indigent criminal defendants in Onondaga County Criminal Courts. Includes instruction on client interviewing and counseling, negotiation, attorney ethics, and trial advocacy. Clinic instruction also focuses on broader policy issues related to indigent criminal defense and criminal justice reform.

Rutgers School of Law-Camden

Director, Federal Prisoner Reentry Project

June 2010-May 2012

Created and built the Rutgers School of Law-Camden Federal Prisoner Reentry Project. The project provides direct legal representation to those supervised by the United States Office of Probation. Areas of focus include both criminal and civil matters, including but not limited to family law, debt collection, landlord/tenant, driver's license restoration, benefits and outstanding warrants. The Project is conducted both as a pro bono program and part of the Rutgers School of Law-Camden Civil Practice Clinic. Duties include supervision of law students in both the clinical and pro bono program as well as teaching the seminar portion of the Civil Practice Clinic.

University of Pennsylvania School of Law

Lecturer In Law

September 2008-June 2010

Supervised students in the Criminal Defense Clinic at the University of Pennsylvania School of Law. Prepared students each semester for courtroom appearances and client representation of indigent clients in Philadelphia Municipal Court. Includes instruction on criminal law, criminal procedure, evidence and trial advocacy. Focus on broader policy issues involved in representing indigent defendants throughout the criminal justice system.

Defender Association of Philadelphia

Assistant Defender

September 2003-June 2010

Represented indigent defendants throughout all stages of the criminal justice system, from preliminary arraignment through trial and post-verdict motions. Assigned to the Major Trials Unit representing clients in jury trials involving the most serious non-homicide felony charges including attempted murder, rape, robbery, burglary, and “third-strike” cases.

Rotating Municipal Court Supervisor

August-October 2006

Rotating Felony Waiver Supervisor

March-May 2008

Assisted attorneys new to each unit in trial preparation, supervised new attorneys in the courtroom, and reviewed file work of attorneys in each unit.

Law Intern

Summer 2002

Assisted attorneys in all aspects of criminal defense. Performed legal research and prepared motions and briefs for the Philadelphia Court of Common Pleas. Prepared legal memoranda for trial and for appeal. Assisted attorneys in jury selection and trial strategy. Conducted investigations and interviewed clients.

Wapner, Newman, Wigrizer & Brecker

Summer 2001

Wapner, Newman, Wigrizer & Brecker is a Philadelphia based personal injury law firm. Assisted attorneys in legal research, deposition analysis, drafting of pleadings and trial preparation in personal injury and civil tort claims. Claims arose in both New Jersey and Pennsylvania.

Council for Court Excellence

Intern

1998-2000

The Council for Court Excellence is a Washington D.C. based non-profit dedicated to court based judicial reforms designed to ensure the efficiency and fairness of the American judicial system. Performed research, case analysis, and statistical evaluation to track judicial trends, primarily in federal courts.

Office of Congressman Robert Borski

Legislative Intern

1997

Worked out of Congressman Borski's Washington D.C. office. Attended committee hearings and briefings. Provided constituent services including telephone contact, receiving and responding to written requests for information and other assistance. Performed legislative research.

EDUCATION

Temple University, James E. Beasley School of Law

L.L.M. in Trial Advocacy

2007

Temple University, James E. Beasley School of Law

Juris Doctor

2003

Dean's List Fall 2001, Spring 2002, Fall 2002

The George Washington University

Bachelor of Arts, Political Science

Magna Cum Laude

2000

PUBLICATIONS

Scholarly Articles

Problematic Problems: The Case Against Mock Trial Problems Involving Racist Speech, 94 Temp. L. Rev. Online 1 (2022). Selected: 2021 Edward D. Ohlbaum Paper in Advocacy.

Male Legal Educators Cannot Teach Women how to Practice "Gender Judo": The Need to Critically Re-Assess Current Pedagogical Approaches for Teaching Trial Advocacy, 45 J. Legal Prof. 1 (2020).

Professional Responsibility of the Criminal Defense Lawyer Redux: The New Three Hardest Questions, St. Mary's Journal on Legal Malpractice & Ethics, 7 St. Mary's J. Legal Mal. & Ethics 96 (2017) (invited symposium essay).

The Aftermath of Indiana v. Edwards: Re-Evaluating the Standard of Competency Needed for Pro Se Representation, 68 Baylor L. Rev. 680 (2016).

The Constitutional Limits of Client-Centered Decision-Making, 50 U. Rich. L. Rev. 1089 (2016).

The Ethical Limits of Discrediting the Truthful Witness: How Modern Ethics Rules Fail to Prevent Truthful Witnesses From Being Discredited Through Unethical Means, 99 Marq. L. Rev. 283 (2015).

After Frye and Lafler: The Constitutional Right to Defense Counsel Who Plea Bargains, 38 Am. J. Trial Advoc. 121 (2014).

2012-2013 Survey of New York Criminal Law, 64 Syracuse L. Rev. 651 (2014) (with Jason D. Hoge).

Three Generations and Two-Tiers: How Participation in Law School Clinics and the Demand for “Practice-Ready” Graduates Will Impact the Faculty Status of Clinical Law Professors, 43 Wash. U. J.L. & Pol’y 129 (2013).

2011-2012 Survey of New York Criminal law, 63 Syracuse L. Rev. 643 (2013) (With Kelly Gonzalez).

Overcoming Legal Barriers to Reentry: A Law School-Based Approach to Providing Legal Services to the Reentry Community, 77 Fed. Probation 3 (2013) (With Joseph A. DaGrossa).

Jimmy Carter’s “Malaise” Speech, Social Desirability Bias, and the Yuppie Nuremberg Defense: The Real Reason Why Law Students Say they Want to Practice Public Interest Law, Yet so Few Actually Do, 22 Kan. J.L. & Pub Pol’y 139 (2012).

A Trial Attorney’s Dilemma: How Story Telling as a Trial Strategy Can Impact a Criminal Defendants Successful Appellate Review, 4 Drexel L. Rev. 297 (2012).

Politics, Psychology, and the Law: Why Modern Psychology Dictates an Overhaul of Federal Rule of Evidence 609, 13 U. Penn. J.L. & Soc. Change, 203 (2010).

Books

Investigative Criminal Procedure in Focus (Aspen, 1st, ed. 2020).

LexisNexis Practice Guide: New Jersey Collateral Consequences (Lexis Nexis, 1st-4th ed. 2013-2017, with J.C. Lore).

Adjudicative Criminal Procedure in Focus (Aspen, forthcoming, Spring 2023).

Book Reviews

Representing the Accused: A Practical Guide to Criminal Defense (Jill Paperno ed.), 40 Champion 62 (2016).

AWARDS

2017 Teaching Recognition Award sponsored by the Meredith Professors

The Teaching Recognition Award is a university-wide teaching award given to junior faculty members who exhibit excellence in teaching.

2015, 2020, 2021, 2022 and 2023 Res Ipsa Loquitur Award

Given to an outstanding faculty member for “service, scholarship, and stewardship” to the students at the College of Law. Selected by each year’s graduating Class.

2021 Edward D. Ohlbaum Paper in Advocacy

The Edward D. Ohlbaum Paper in Advocacy is awarded by Temple University’s Beasley School of Law. The winning article is selected based on its originality, usefulness to advocates, and students of advocacy. *Problematic Problems: The Case Against Mock Trial Problems Involving Racist Speech*, 94 Temp. L. Rev. Online 1 (2022).

2022 Bloomberg Law’s Law School Innovation Program (The National Trial League)

I am the founder and creator of National Trial League (NTL). The National Trial League is a first of its kind virtual trial competition that takes place over several months, like a traditional sports league. In 2023, the NTL was recognized by Bloomberg Law’s Law School Innovation Program as the top scoring program in the Innovation and Student Development Category. Bloomberg’s Law School Innovation Program recognizes law schools and their faculty that have implemented and led innovative programs into their curricula that advance new methodologies and approaches to student instruction.

PROFESSIONAL/PUBLIC SERVICE

Consultant: *Law & Order: “For the Defense.”* 2021.

Co-Chair, New York Statewide Law School Access to Justice Council, 2016-2017. Member, 2013-2019. (Appointed to serve as the Syracuse University College of Law Representative on the Council. The Council was created by Chief Judge Jonathan Lippman of the New York Court of Appeals as part of the Court’s Task Force to Expand Access to Civil Legal Services in New York)

Podcast Host: Faculty host of the American Bar Association’s (ABA) Law Student Podcast. 2023-present. The ABA Law Student Podcast covers issues that affect law students, law schools, and recent grads.

SELECTED PRESENTATIONS AND SPEAKING ENGAGEMENTS

Presenter, “Innovations in Teaching Media Law,” Broadcast Education Association 2024 Convention, Las Vegas, Nevada, May 14, 2024.

Presenter, “Cops and Robbers and Bail to Jail: A survey of American Criminal Procedure from Investigation through Sentencing,” Adam Mickiewicz University, Poznan, Poland, Webinar, May 12, 2018.

Moderator, “New Scholars Workshop Panel on Law and Gender,” 2017 Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida. August 1, 2017.

Presenter, “Professional Responsibility of the Criminal Defense Lawyer Redux: The New Three Hardest Questions,” Sixteenth Annual Symposium on Legal Malpractice & Ethics, St. Mary’s Law School, San Antonio, Texas. January 27, 2017.

Presenter, “Ethical Limits of Discrediting the Truthful Witness on Cross-Examination and Closing Argument,” Cutting Edge Criminal Defense presented by the New York State Defender Association (NYSDA), Rochester NY. October, 29, 2016.

Presenter, “Children of a Lesser Crime- Allocation of Lawyer Client Decision-Making: Who Tells the Jury You're Guilty of the Lesser?” New York State Association of Criminal Defense Lawyers (NYSACDL) Central New York Spring Seminar 2016, Syracuse, New York. April 9, 2016.

Presenter, “Understanding the Allocation of Lawyer/Client Decision-Making in the Context of the Criminal Trial,” Oneida County Assigned Counsel School, Utica, New York. March 5, 2016.

Presenter, “Whose Story is it Anyway?: Understanding the Allocation of Lawyer/Client Decision Making When Conceding Guilt and Requesting Lesser-Included Offenses in Criminal Trials,” 5th Biennial Applied Legal Storytelling Conference, Seattle University School of Law, Seattle, Washington. July 23, 2015.

Presenter, “Ethical Obligations and Constitutional Concerns After *Frye* and *Lafler*,” Oneida County Assigned Counsel School, Utica, New York. April 24, 2015.

Moderator, “New Scholars Colloquia” (Criminal Law), 2014 Southeastern Association of Law Schools Annual Conference, Amelia Island, Florida. August 5, 2014.

Presenter, “Municipal Court Symposium: Collateral Consequences in Municipal Court,” Sponsored by the Burlington County Bar Association, Mount Holly, New Jersey. May 16, 2014.

Presenter, “How Far is too Far?: The Ethical Dilemmas Posed by the Criminal Defense Attorney’s use of a False Narrative at Trial,” 4th Biennial Applied Legal Storytelling Conference, Gray’s Inn and Inn of Court at City Law School, London, England. July 24, 2013.

Presenter, “Three Generations and Two-Tiers: How Generational Differences in Student Opportunities to Participate in Law School Clinics Will Impact the Tenure Status of Clinical Law Professors,” Midwest Clinical Conference, Saint Louis University School of Law, Saint Louis, Missouri. November 10, 2012.

Presenter, “The Real Reason Why Law Students Say They Want to Practice Public Interest Law, but So Few Actually Do,” Mid-Atlantic Law and Society Association Inaugural Conference, Drexel University School of Law, Philadelphia, Pennsylvania. October 20, 2012.

Moderator, “Best Practices Model for Providing Legal Services to the Reentry Population,” Third Circuit Reentry Conference, hosted by Rutgers School of Law-Camden. Camden, New Jersey. September 15, 2011.

Presenter, “A Trial Attorney's Dilemma: How Storytelling As A Trial Strategy Can Impact a Criminal Defendant’s Successful Appellate Review,” 3rd Biennial Applied Legal Story Telling Conference, Strum College of Law, University of Denver, Denver Colorado. July 8, 2011.

Presenter, “Prisoner Reentry: Effective Legal Advocacy for Re-Entry after Conviction or Incarceration,” Sponsored by Institute of Professional Education, Rutgers School of Law-Newark. Newark, New Jersey. February 15th, 2011.