

Studio Legale Internazionale
Attorney Professor Nicoletta Montefusco

LEGAL EXPERIENCE

Studio Legale Internazionale, Rome, Italy

Attorney, October 2010 – to present

- Defends immigrants in both the United States and in Italy in cases involving criminal immigration, advising on the immigration consequences of criminal behavior, with particular attention to consular processing and waivers; in addition to international protection and immigration and citizenship matters, providing consultation of the same to other professionals, firms and organizations.
- Defends public international law matters relating to diplomatic, consular and governmental immunity, and the protection of stateless persons.
- Conducts comparative research between the U.S. and Italian legal systems on criminal law profiles in her area of law and translates and edits for the IDLO, Giuffrè and for individuals of the Italian Supreme and Constitutional Courts.
- Collaborating attorney to Roma Tre University Law School Immigration and Citizenship Law Clinic (*Clinica del diritto dell'immigrazione e della cittadinanza*) assisting law students in the legal consultation and immigration proceedings for asylum seekers and immigrants. Advising attorney on U.S. criminal and immigration matters.

Immigrant Legal Resource Center, San Francisco, California

Collaborating Attorney, August 2008 – October 2010

- Acquisition of asylum and other visas for at-risk and trafficked women and children seeking haven in the United States, including matters involving Russia and the Balkan States, Eastern and Western Europe, Africa and Central and South America.
- Pioneered and set the standard in the tribunal argument and suppression brief on police regulatory violations when intercepting immigrants unlawfully present on U.S. territory.
- Represented clients in all forms of immigration relief, including suppression hearings, trials and appeals, LPR and non-LPR cancellation of removal, asylum, withholding of removal, CAT, humanitarian relief, consular processing of waivers and visas, including U/T and VAWA.

Los Angeles County Public Defender, Los Angeles, California

Attorney, March 2006 – July 2008

- Researched and supported senior counsel on California death penalty and life without parole defenses, with focus on mitigation hearings and appeals.

Utah Federal Defender Office, Salt Lake City, Utah

Federal Practice Third-year student attorney, Summer 2003, and Senior Law Clerk (Telecommute), August 2003 – May 2004

- Defended misdemeanor defendants before magistrates.
- Researched and drafted bills of particulars, motions to suppress, memoranda in opposition to government motions, motions *in limine* and sentencing memoranda identifying all factors relevant to favorable consideration under the Federal Sentencing Guidelines.
- Advised trial counsel on sentencing agreements with regard to immigration risks and suggested alternative resolutions.
- Supplemented briefs, writs, motions and memoranda arguing the immigration penalties in individual criminal cases.
- Researched and authored an immigration handbook evaluating the immigration consequences resulting from a variety of criminal sanctions.

Honorable W. Brent West, Second District Court of Utah, Ogden, Utah

Judicial Legal Intern, Summer 2002 and May 2003

- In particular: authored Court's decision in *State v. Austin*, criminal case #011900669, decided on 31 July 2003. The issue was a determination that the State had to provide (pay for) certain defense expenses in Capital homicide cases. *Austin* continues to be followed by district courts

throughout the State as to the standards for appointment and funding of experts and investigators in indigent death penalty litigation.

- Researched and analyzed law and motion matters on a variety of criminal law issues during an ongoing trial court roll call calendar.
- Drafted bench memoranda with recommendations regarding Court's decisions on motions to dismiss, motions for summary judgment, discovery matters and evidentiary issues, and prepared jury instructions.

Loni F. De Land, Inc., Salt Lake City, Utah

Attorney and Special New York and California Counsel, January 1998 – March 2006

- Represented criminal defendants in federal and state bench and jury trials, including homicide, sex crimes and complex white color RICO matters, pre-trial suppression and dismissal briefs, and bail proceedings.
- Prepared and argued writs of *habeas corpus*, and appellate briefs. Successful dispositions included a "Columbine-type" case, as "first chair," a multi-felony, multi-defendant, high profile case in rural Utah, *State of Utah in the Interest of Jones*, Eighth District Juvenile Court case #453429, decided in 2004.

EDITING AND TRANSLATION

International Development Law Organization, from September 2014 – to present

- Collaborating editor on the Kuwait Commercial Code.

Giuffrè Editore, June 2012 – to present

- Collaboration on the following monthly journals: *Cassazione penale*, *Giustizia civile* and *Diritto tributario*, with principal duty to translate and edit abstracts and articles.

Independent comparative research between the U.S. and Italian legal systems on criminal law profiles in her area of law, and translation and editing for the same, for university professors and individuals of the Italian Supreme and Constitutional Courts, June 2012 – to present

- *International Handbook of Cooperative Law; Commitment Decisions and Third Party Rights; The Protection of Non-economic Values and the Evolution of International Economic Organizations: the Case of the World Bank*, among others.

PROFESSORSHIPS, LESSONS AND PUBLICATIONS

- *Guest Comparative Law Professor* on the *The U.S. Supreme Court's Subjective versus Objective Approach to Criminal Immigration Law under Padilla: Rendering Immigrants' Constitutional Rights Par to Citizens'*, presso l'Università Roma Tre – Faculty of Law, Department of History and General Legal Theory, Researcher of Philosophy of Law Enrica Rigo, May 2015, article to be published in 2015.
- *La nuova messa alla prova e il principio della legalità in giustapposizione alla diversione statunitense e la garanzia costituzionale dell'individuo: problematiche processuali sulla "probation"* (The New *Messa alla Prova* and the Principle of Legality in Juxtaposition to the U.S. Diversion and the Constitutional Guarantee of the Individual: Procedural Issues with "Probation"), article to be published in *Cassazione penale* in 2015.
- *Professor of Law* at the Swiss School of Management, Rome, Italy – INSEEC, Paris, France, since June 2013, instructing:
 - *Public International Law*, utilizing the text *International Law* (Antonio CASSESE, 2nd ed., Oxford University Press 2005);
 - *Law of International Organizations*, utilizing the text *Principles of the Institutional Law of International Organizations* (A.F. AMERASINCHE, 2nd ed., Cambridge 2003);
 - *Comparative Human Rights and Refugee Law*, using the texts *Refugee law and policy: a comparative and international approach* (Karen MUSALO, Jennifer MOORE & Richard A. BOSWELL, 3rd ed., Carolina Academic Press 2007) and *Forced Migration Law and Policy* (David A. MARTINA, Thomas Alexander ALEINIKOFF, Hiroshi MOTOMURA and Maryellen FULLERTON, 2nd ed., American Casebook 2013); and

- *Comparative Jurisprudence of the European Court of Human Rights and the Inter-American Court of Human Rights with Profiles of the International Court of Justice and the International Criminal Court*, using the texts *Commentario breve alla convenzione europea dei diritti dell'uomo* (Sergio BARTOLE, Pasquale DE SENA & Vladimiro ZAGREBELSKY, CEDAM 2012), *The Inter-American Court of Human Rights: Case-Law and Commentary* (Laurence BURGORGUE-LARSEN, Amaya UBEDA DE TORRES & Rosalind GREENSTEIN, Oxford University Press 2011) and *La Corte Penale Internazionale. Organi, competenza, reati, processo* (G. LATTANZI & V. MONETTI, Giuffrè 2006).
- Lesson on *The Forgotten Benefit of Immigrant Diversity and Work Ethic in World Globalization and Industrialization*, at the University of Catania Law School, Prof.ssa Nicoletta Parisi, 2 May 2012, article to be published in 2015 – *Diritto di “cross-border” asilo* (co-authors Andreina SCOGNAMIGLIO & Nicoletta MONTEFUSCO).
- *Adjunct professor* at Salt Lake Community College, Salt Lake City, Utah of Evidence and Legal Research and Writing, divided into three levels: basic legal research and writing; trial writing and advocacy and appellate writing and practice.

EDUCATION AND FORMAL TITLES

Candidate *Avvocato* of the Rome Bar Association

- Foreign Attorney title recognition by Ministry of Justice Decree dated 20 February 2013.

University of Maine School of Law, Portland, Maine

Juris Doctor, May 2004, with licensure in Utah in 2004 and in California in 2006

- Thesis and dissertation: *Defunct Enforcement Mechanisms over the Late “World Powerhouse’s” Constitutional Isolationism in this Era of Rapidly Morphing International Human Rights Norms*.
- Student trial attorney at the Cumberland Legal Aid Clinic in Portland, Maine, which included comprehensive representation of juvenile and adult misdemeanor and felony defendants in state and federal court, including first-chair trial attorney.
- Third-year, student trial attorney at the Auburn-Lewiston, Maine Domestic Violence Court, setting State precedent, holding that abused women who, at the moment of testimony, recant their prior reports of abuse cannot be criminally prosecuted for having filed a false police report if they can prove demonstrable fear of physical retaliation to herself or a member of her family.
- Participated in the organization and presentation of the International Law Society and Independent Student Coalition for the International Criminal Court’s conference on, “Eyes on the ICC: What Americans Want to Know about the New International Criminal Court”.

University of Utah, Salt Lake City, Utah

Honors Bachelor of Arts of Sociology and Certificate in Criminology, August 2000

- Presented an honors sociological-legal thesis, *Comparative Constitutionality between the Death Penalty and the Terminally Ill’s Right to Medically Assisted Suicide*, arguing the disparity in the United State Supreme Court’s rationality in its case law holdings that there is no right to medical-assisted suicide for the terminally ill, while, at the same time, consistently upholding the constitutionality of State-assisted death when a convict under sentence of death elects to forego the appellate process for the sole purpose of expediting his death and avoiding an extended prison term.
- Presented an honors criminological-legal research article on *Criminalistic Developments: The Post-Conviction De Novo Trial Based On Newly Discovered Exculpatory Evidence*.
- Awarded the *Independent Womens’ Public Service Scholarship* in recognition of public service assimilating refugee woman and children in the Salt Lake City Community.
- Practiced as a *Student Guardian Ad Litem* in the Salt Lake City Juvenile Court representing children in family law and criminal juvenile matters.

CONTINUING EDUCATION

Advanced Course of the European Legal Network on Asylum (ELENA): The Use of the EU Charter of Fundamental Rights in Immigration and Asylum Law

Recipient of the European Commission – ELENA study scholarship as part of the FRAME project in collaboration with the Institute of Immigration Law, Leiden University, The Netherlands, 24-25 October 2014.

Corso di Politiche dell'Asilo nell'Unione Europea: Bilancio degli Obiettivi Raggiunti e Prospettive

Professor Maria Rita Saulle, Sapienza University, Department of State Theory – *Master in Tutela internazionale dei diritti umani*, Rome, Italy, academic year 2013-2014.

Corso per avvocati immigrazionisti

Professional course – Ordine degli Avvocati di Roma, Rome, Italy, from October 2013 to February 2014.

Corso di Laboratorio di Teoria e Pratica dei Diritti

Research Professor Enrica Rigo, Roma Tre University Law School, Filosofia del Diritto, Dipartimento di Storia e Teoria Generale del Diritto, Rome, Italy, academic year 2012-2013.

Corso di Specializzazione sulla Tutela Europea dei Diritti Umani

Professional course – Osservatorio Giurisprudenza CEDU – Unione Forense per la Tutela dei Diritti Umani, Rome, Italy, November 2012.

Corso di Formazione Tecnica e Deontologica dell'Avvocato Penalista, I

Corso Professionale – Scuola Territoriale dell'UCPI Camera Penale di Roma, Roma, Italia, from March to October 2012.

Corso di Specializzazione: Diritto dell'Immigrazione e Riconoscimento della Protezione Internazionale

Professional course conducted by UNICEF in partnership with the U.N.H.C.R., C.I.R., IOM/OIM and Unione Forense per la Tutela dei Diritti dell'Uomo, Rome, Italy, from March to September 2012.

National Institute of Trial Advocacy, Washington D.C., D.C.

- Advanced Advocates, 2006
- Teacher Training, 2005
- Writing Persuasive Briefs, 2005
- The Complete Advocate: Deposition and Trial, 2004
- Building Trial Skills, 2004
- Deposing the Expert Witness, 2004
- Articulate Advocate, 2004

LANGUAGES

- Mother tongue English, fluent Italian, communicative French and Spanish.

