A Passion for Criminal Law: Luis Chiesa Comes from A Legal-Minded Family

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A passion for criminal law

Luis Chiesa comes from a legal-minded family

Luis Chiesa, who joins the SUNY Buffalo Law faculty this summer, comes from a legal-minded family. His father is a law professor in Chiesa’s native Puerto Rico, and his mother is a practicing attorney. But, he says, it wasn’t always certain that he would end up in academia.

Chiesa studied business and accounting as an undergraduate at the University of Puerto Rico, and passed the exam to become a certified public accountant. But, he says, a love of the law ran deep inside him, and as he considered career paths, “my sense was that legal academia was a really cool lifestyle choice. As a law professor you work a lot but you also have a lot of flexibility. You can choose what you want to read and research; you can be passionate about something and follow that; you’re given the time to do your research well and publish and workshop your papers and your ideas. I just found that to be very attractive. I knew I wanted to teach as opposed to go to a big law firm.”

He followed that passion to the University of Puerto Rico Law School, where he graduated first in his class, and to Columbia University, where he earned master’s and doctoral degrees in law. Since 2007, he has been at Pace University Law School in White Plains, N.Y., where he has taught in his specialty, criminal law, as well as criminal procedure, torts and jurisprudence. He has had visiting professorships in Bogotá, Seattle, Buenos Aires, Puerto Rico and Ottawa.

“I had always been attracted to Buffalo because of its criminal law program,” Chiesa says. “I decided that now was the time to move and go to a faculty where I would be surrounded by people who do what I do.”

What he does is substantive criminal law, which studies the elements of crime—describing, naming and understanding the conduct that is prohibited by criminal law. He brings the perspective of comparative law to the task, looking at the ways the criminal law codes of other countries can inform an understanding of our own laws.

“You can learn a lot about your system by looking at other systems,” Chiesa says. “The way I explain it to my students is, in the legal world you can focus on the executive branch (the district attorney or attorney general), the legislative branch (Congress and state legislatures) or the judicial branch (a judge or clerk). Comparative law may be relevant in all three spheres. For example, the Supreme Court is looking at how harshly other countries are punishing their criminals as a way of informing their understanding of the Eighth Amendment. In legislatures, if you want to change your criminal laws, it also makes sense to look at what other states and other countries are doing to see if they are coming up with new approaches to deal with old problems. If others are doing the same thing that you are, it probably means you are on the right track. If other countries have completely different views, that should raise a red flag.”

Chiesa also has published in the area of animal law, including an article titled “Why Is It a Crime to Stomp on a Goldfish?” that examines five ways to answer that question, concluding that the animal itself can have “coherent moral claims against being harmed.” The question, he says, is: “What sort of morally relevant features does an entity need in order to impose moral claims on people? Ultimately what matters is sentience, the capacity to feel pain.”

A
t SUNY Buffalo, Chiesa will teach criminal law and procedure, as well as other courses. He also will direct the Buffalo Criminal Law Center, organizing symposiums, inviting scholars to Buffalo and contributing to the school’s master of laws program in criminal law. He’s also planning a book on comparative criminal law, and he hopes to use Spanish, his first language, in working with the Latin American Law Students Association and to “reach out to people in the SUNY Buffalo community generally, as well as scholars in different faculties.”

Chiesa and his wife, Karla, do a lot of skiing in winter and a lot of hiking in summer. He says they have skied all along the East Coast as well as out West, and have hiked trails in New York’s Catskills and the White Mountains of New Hampshire.

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— Professor Luis Chiesa