

Justin F. Marceau

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ACADEMIC EMPLOYMENT

University of Denver, Sturm College of Law

<u>Animal Legal Defense Fund Professor of Law</u>	2015 - present
<u>Professor</u>	2015 - present
<u>Associate Professor</u>	2012- 2015
<u>Assistant Professor</u>	2008- 2012

Courses Regularly Taught:

- Criminal Law
- Criminal Procedure (Advanced and Basic)
- Habeas Corpus
- Death Penalty
- Animal Law (various topics in animal law)

Other Courses Within Expertise or Taught Less Frequently:

- Constitutional Remedies
- Courses relating to Federal Jurisdiction
- Public Interest Practicum
- Sentencing
- Food Law

Chair, Promotion and Tenure Committee, 2017-2018.

EDUCATION

Harvard Law School June 2004

J.D. *cum laude*

- Executive Editor, *Human Rights Journal*, Editor *Journal of International Law*

Boston College May 2000

B.A. *summa cum laude* in Philosophy

- Class rank: 1 in class of approximately 2,200
- Received Bapst Medal as the outstanding student of philosophy

PUBLICATIONS

Books

- ANIMAL PROTECTION AND CRIMINAL PUNISHMENT (forthcoming Cambridge 2018).
- CASES AND MATERIALS ON THE DEATH PENALTY, FOURTH EDITION (Thomson/West) (2016) (with three co-authors).
- DEATH PENALTY IN A NUTSHELL, FIFTH EDITION (THOMSON/WEST) (2016) (with two co-authors).
- FEDERAL HABEAS CORPUS: CASES AND MATERIALS, SECOND EDITION (Carolina Academic Press 2011) (with two co-authors).

Book Chapter

- *Non-Human Habeas*, WRONGFUL CONVICTIONS AND THE DNA REVOLUTION: REFLECTIONS ON TWENTY-FIVE YEARS OF FREEING THE INNOCENT (Cambridge University Press, forthcoming 2017).
- *FREE SPEECH AND FUR*, (Palgrave 2018) (compiling essays presented at an Oxford University symposium).

Articles

- *How the Animal Welfare Act Harms Animals*, __ HASTINGS L.J. __ (forthcoming 2018)
- *Developing a Taxonomy of Lies Under the First Amendment*, __U. Colo. L. Rev. __ (forthcoming 2018) (co-authored).
- *Free Speech and Democracy in the Video Age*, 116 COLUMBIA LAW REVIEW 991 (2016) (co-authored).
- *Disquieting Discretion*, 92 DENVER UNIV. L. REV. 431 (2016) (co-authored).
- *High Value Lies*, 69 VANDERBILT L. REV. 435 (2016) (co-authored).

- *Waking the Furman Giant*, 48 U.C. DAVIS L. REV. 981 (2015) (co-authored).
- *Killing for your Dog*, 83 GEO. WASH. L. REV. 943 (2015).
- *Is Guilt Dispositive? Federal Habeas After Martinez*, 55 WM. & MARY L. REV. 2071 (2014).
- *Gideon's Shadow* 122 YALE L.J. 2482 (2013).
- *Taking Voluntariness Seriously*, 54 B.C. L. REV. 1545 (2013) (co-authored).
- *Many are Eligible Few are Chosen*: 84 U. COLO. L. REV. 1069 (2013) (co-authored).
- *Vicarious Aggravators*, 65 FLA. L. REV. 769 (2013) (co-authored).
- *Plurality Decisions*, 45 CONN. L. REV. 933 (2013).
- *The Ring-Cycle: An Empirical Study of Remands under Ring*, 44 ARIZ. ST. L. J. 1061 (2012).
- *Embracing a New Era of Ineffective Assistance Counsel*, 14 U. PENN. J. CONST. L 1161 (2012).
- *Remedying Pretrial Ineffective Assistance*, 45 TEX. TECH. L. REV. 277 (2012).
- *Challenging the Habeas Process Rather than the Result* , 69 WASH. & LEE L. REV. 85 (2012).
- *The Facts About Ring v. Arizona*, 13 U. PENN. J. CONST. L 529 (2011).
- *The Fourth Amendment at a Three-Way Stop*, 62 ALA. L. REV. 687 (2011).
- *Don't Forget Due Process*, 61 HASTINGS L.J. 1 (2010).
- *The Facts About Ring v. Arizona*, 13 U. PENN. J. CONST. L 529 (2010) (co-authored).
- *Lifting the Haze on Baze*, 41 ARIZ. ST. L. J. 159 (2009).
- *Un-Incorporating the Bill of Rights*, 98 J. CRIM. L. & CRIMINOLOGY 1231 (2008).
- *Deference and Doubt: The Interaction of AEDPA §§ 2254(d)(2) & (e)(1)*, 82 TUL. L. REV. 385 (2007).

Shorter Essays & Other Publications

- *The Truth Hurts: A Response to George Brauchler and Rich Orman*, 94 Denv. Univ. L. 363 (2017)

- *Truth and Nothing but the Truth About Colorado's Death Penalty*, 93 DENV. UNIV. L. 715 (2016) (co-authored).
- *Remember Not to Forget Furman*, 100 IOWA LAW BULLETIN 117 (2015) (co-authored).
- *Ag Gag Past, Present and Future*, 38 SEATTLE U. L. REV. 1317 (2015).
- *Ag Gag Laws Are Unconstitutional*, Law360 (August 28, 2015).
- *Double Reasonableness and the Fourth Amendment*, 68 U. MIAMI L. REV. 589 (2014).
- *The Cost of Colorado's Death Penalty*, 3 DENV. CRIM. L. REV. 153 (2013) (co-authored).
- *The Colorado Counsel Conundrum: Misdemeanors, Plea Bargaining and the Right to Counsel*, 89 DENV. U. L. REV. 327 (2012).
- *The Freezing of the Fourth Amendment*, SEARCH & SEIZURE LAW REPORT (2012).
- *In Memorium: Erik Bluemel*, 87 DENV. U. L. REV. I (2009).
- *A Little Less Conversation, A Little More Action: Exploring And Forecasting The Trend Of More Frequent And Severe Prosecutions Under The FCPA*, 12 FORDHAM J. CORP. & FIN. L. 285 (2007).
- Book Review, THE MOST DEMOCRATIC BRANCH: HOW THE COURTS SERVE AMERICA, 54 JUL. FED. LAW. 43 (2007).
- *Exploring the Intersection of Effectiveness & Autonomy*, 42 CAL. W. L. REV. 183 (2006).

OTHER PROFESSIONAL EXPERIENCE

Federal Public Defender, District of Arizona 2006- 2008

Assistant Federal Public Defender, Capital Habeas Unit

- Argued and briefed cases in federal district court, the Ninth Circuit and Sixth Circuit Court of Appeals
- Co-counsel on a case argued before the U.S. Supreme Court regarding ineffective assistance of counsel
- Presenter at the annual capital habeas corpus conference for all federal defender offices

Heller Ehrman LLP, San Francisco 2005-2006

Associate

- Represented *pro bono* a Liberian family in asylum proceedings; Represented clients in the firm's white collar defense and securities law practice

Ninth Circuit Court of Appeals, The Honorable Sidney R. Thomas 2004 – 2005
Law Clerk

Federal Bureau of Investigation, Washington D.C. 2002
Honors Intern

- Worked in the Civil Rights Division and the Office of General Counsel

College de la Sainte Famille, Cairo, Egypt 2000-2001
English Teacher (volunteer)

SELECTED PRESENTATIONS

- July 2017, Oxford Center for Animal Ethics, Oxford University, Fur and Free Speech.
- June 2017 Northwestern University' Carceral Animal Law' Searle Center Roundtable/
- December 2017, Harvard Law School Roundtable on the 50th Anniversary of the Animal Welfare Act, How the Animal Welfare Act Harms Animals.
- November 2017, Animal Law Conference, Animals as Art and the First Amendment.
- February 2017, Faculty Colloquium Speaker, Distinguished Lecture Series, McGeorge Law School, Lies and Free Speech.
- January 2017, Sundance Film Festival, Free Speech and Animal Protection.
- November 2016, The AWA at 50 Workshop, Harvard Law School, Animal Law Program.
- October 2016 'Art' Animals and the First Amendment' Animal Law Conference/
- March 2016, Animals, Law, and Religion Conference, Harvard Law School.
- July 2015, Northwestern University, Free Speech and Animal Law, Searle Center Roundtable.
- July 2015, Litigating Ag-Gag Cases, Arizona State Bar Convention.
- July 2015' Invited Speaker for National Federal Habeas Training and CLE.
- March 2015' Ag Gag 2.0, Seattle University Law Review Symposium.

- January 2015 *Killing for Your Dog*, AALS section on Animal Law.
- November 2014 *Killing for Your Dog*, University of Toronto, Critical Analysis of Law.
- October 2014 *Ag Gag Litigation*, Lewis & Clark Law School, Animal Law Conference.
- October 2014 *Right to Counsel*, Faculty of Federal Advocates (Jackson Hole, WY).
- September 2014 *Confined Agricultural Feeding Operations Conference*, Loyola Law School.
- August 2014 *Right to Counsel in Federal Courts*, Faculty of Federal Advocates (Denver).
- May 2014 *Whales in the Courtroom*, University of Denver International Law Panel discussion.
- January 2014 *Defense of Animals*, SMU Dedman School of Law Criminal Law Symposium.
- September 2013 *Fourth Amendment Reasonableness*, University of California, Davis Southwest Criminal law Conference.
- September 2013 *Ag Gag Laws*, Stanford Law School, Animal law Conference.
- March 2013, *Gideon's Shadow*, Yale Law School conference commemorating the 50th Anniversary of *Gideon v. Wainwright*.
- September 2012 Delivered prepared comments on another professor's Fourth Amendment article, Southwest Criminal Law Conference, University of Nevada, Las Vegas.
- March 2012 *Right to Counsel Without Remedy*, Texas Tech. Law School, Annual Criminal Law Symposium.
- March 2012 *The Ring-Cycle*, Arizona State University Symposium.
- October 2011 *Upward Flowing Precedent: Pluralities as Precedent without Precedential Value*, Faculty Colloquium Phoenix School of Law.
- October 2011 *Plurality Decisions and the Constitution*, Presented to a conference of Arizona Judges and Attorneys.
- September 2011 *Challenging Habeas Processes Rather than Results*, Southwest Criminal Law Conference, University of California Irvine.
- April 2011 Moderator' Law and Neuroscience Conference hosted by the University of Denver Law Review.

- March 2011 *Remedying Pretrial Ineffective Assistance of Counsel*, informal work in progress, University of Denver Sturm College of Law.
 - September 2011 *The Slow Procedural Death of the Fourth Amendment*, Rocky Mountain Junior Scholars Forum, University of Utah.
 - September 2011 Constitution Day Presentation hosted at the Korbel School of International Studies.
 - October 2009 *Don't Forget Due Process: The Path Not (yet) Taken in §2254 Adjudications*, Junior Federal Courts Conference, Michigan State University.
 - September 2009 *The Ring Cycle: What Do We Know About Juries, Weighing and Death?* Southwest Criminal Law Conference University of Arizona. (presented with Sam Kamin).
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COURT ADMISSIONS

- California
- Northern District of California
- District of Arizona
- Ninth Circuit Court of Appeals
- Sixth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- U.S. Supreme Court

OTHER

- ***Academic Awards and Honors***,
 - President-elect, Animal Law Section of the Association of American Law Schools (AALS)
 - Research Professorships (2012-13)
 - An AALS “Teacher of the Year” (2011)
 - “Outstanding Professor” Award (2010)
 - “Mentorship Award” (2010)
 - “Most Engaging Professor”(2010).
- ***Significant Academic Service***
 - Chair of Faculty Appointments (2013-14); Elected to the Faculty Executive Committee (FEC) and elected as Chair of the FEC (2011); Lateral Appointments Committee (2010); Elected by faculty to the Strategic Planning Committee (2009).

- ***Expert Witnessing and Consulting*** in a variety of criminal and civil cases, including testifying as an expert regarding the constitutionality of Colorado's Capital Sentencing System.
- ***Animal Legal Defense Fund***, of Counsel (2012- present).
- ***Angel Covers***, an international non-profit organization based in Colorado that builds and supports orphanages overseas. Board of Directors (2010-2013).
- ***Emergency Medical Technician (EMT)***, nationally registered urban EMT.
- ***Wilderness-EMT (W-EMT)***, certified by the Wilderness Medicine Institute as a Wilderness EMT.