

## Justin F. Marceau

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### EDUCATION

**Harvard Law School**, Cambridge, Massachusetts June 2004

J.D. *cum laude*

Activities:                   • Executive Editor, *Human Rights Journal*

**Boston College**, Chestnut Hill, Massachusetts May 2000

B.A. *summa cum laude* in Philosophy

Honors:                       • Student rank: 1 in class of approximately 2,200  
                                     • Received Bapst Medal as the outstanding student of philosophy

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### Judicial Clerkship

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

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### Experience

**University of Denver, Sturm College of Law** 2008- present  
Assistant Professor

- Teaching criminal law, criminal procedure, and various courses relating to civil rights and federal courts
- 2010 SBA “Outstanding Professor”; 2010 SBA “Most Engaging Professor”; 2010 SBA “Mentorship Award”
- Elected by faculty to Planning Committee. Lateral Appointments Committee.

**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.

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

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

## PUBLICATIONS

### Books

- Co-Author, FEDERAL HABEAS CORPUS (Carolina Academic Press, forthcoming 2010)

### Law Review Articles

- *Don't Forget Due Process: The Path Not (yet) Taken in § 2254 Litigation* (Forthcoming) \_\_ HASTINGS L.J. \_\_ (2010)
- *The Ring Cycle: What Do We Know About Juries, Weighing and Death?* (Forthcoming) \_\_\_ U. PENN. J. CONST. L. \_\_\_ (2010) (co-authored with with Sam Kamin) (forthcoming)
- *Lifting the Haze on Baze: Lethal Injection, Plurality Opinions, and the Eighth Amendment*, 41 ARIZ. ST. L.J. 159 (2009).
  - Cited by *Chester v. Beard*, 2009 WL 3088810, 6, \_\_ F.Supp.2d \_\_ (M.D.Pa., September 28, 2009).
  - Cited by *Cooley v. Strickland*, 610 F.Supp.2d 853, 920 (S.D.Ohio,2009).
- *Un-Incorporating the Bill of Rights: The Tension Between the Fourteenth Amendment and the Federalism Concerns That Underlie Modern Criminal Procedure Reforms*, J. CRIM. LAW & CRIMINOLOGY (2008)
  - Cited in LaFave, 1 Crim. Proc. § 2.5(f) (3d ed.)
- *Deference and Doubt: The Interaction of AEDPA §§ 2254(d)(2) & (e)(1)*, 82 TUL. L. REV. 385 (2007).
  - Cited *Walbey v. Quarterman* 309 Fed.Appx. 795, 799 (5th Cir. 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).
- *Exploring the Intersection of Effectiveness & Autonomy in Capital Sentencing*, 42 CAL. W. L. REV. 183 (2006).

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## PRESENTATIONS

- September 2010, *The Slow Procedural Death of the Fourth Amendment*, Rocky Mountain Junior Scholars Forum, University of Utah 2009
- 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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## **SERVICE**

### **Pro Bono**

- Amici Curiae, “Scholars of habeas Corpus Law” in support of petition for certiorari in the United States Supreme Court.
- Lead counsel for a state prisoner in a multiple day federal habeas corpus trial (2009).
- Authored a petition a writ of certiorari to United States Supreme Court in *Flores v. Schriro* (2009).
- Co-authored an amicus brief on behalf of the National Association of Federal Defenders and the National Association of Criminal Defense Lawyers, *Bell v. Kelly* (2008).

### **Other**

- *Angel Covers*, an international non-profit organization based in Colorado that builds and supports orphanages overseas. Board of Directors (2010-2013).