

## **JUSTIN F. MARCEAU**

University of Denver Sturm College of Law  
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### **ACADEMIC APPOINTMENTS**

#### **University of Denver Sturm College of Law**

Brooks Institute Faculty Research Scholar, 2019–present  
Animal Legal Defense Fund Professor of Law, 2015–2019  
Professor, 2015–present  
Associate Professor, 2012–2015  
Assistant Professor, 2008–2012

Courses Taught: Criminal Law; Criminal Procedure (Advanced and Basic); Habeas Corpus; Death Penalty; Animal Law; Civil Rights Litigation.

Honors: Director of Animal Law Program; Founder and Director of Activist Legal Defense Project; Promotion and Tenure Committee Chair; Faculty Executive Committee; various teaching and mentorship awards.

#### **St Edmund's College, University of Cambridge**

Visiting Scholar, Spring 2025

#### **University of California, Irvine School of Law**

Visiting Professor, Spring 2021  
Courses Taught: Statutory Analysis

#### **Harvard Law School**

Visiting Professor, Spring 2020  
Courses Taught: Criminal Procedure; Animal Law

### **EDUCATION**

#### **Harvard Law School**

J.D., cum laude, June 2004

#### **Boston College**

B.A., summa cum laude, May 2000  
Class rank: 1 in class of approximately 2,200  
Bapst Medal recipient as the outstanding student in philosophy

## PUBLICATIONS

### Monographs & Edited Volumes

- The Animal Lawyer (forthcoming Oxford 2027), co-authored with John Bliss and Kristen Stilt.
- Empirical Animal Law (forthcoming Cambridge 2026), co-authored with David Dana and Janice Nadler.
- Truth and Transparency, Democracy, and Free Speech (Cambridge 2023), co-authored with Alan Chen. Winner of the 2024 Tankard Book Award.
- Carceral Logics (Cambridge 2022), edited with Lori Gruen.
- Beyond Cages: Animal Protection and Criminal Punishment (Cambridge 2019).

### Textbooks & Related Materials

- Animal Legal Studies: Cases and Materials, First Edition (Foundation Press forthcoming 2026) (co-authored).
- Cases and Materials on the Death Penalty, Fifth Edition (Thomson/West 2023) (with co-authors).
- Federal Habeas Corpus: Cases and Materials, Third Edition (Carolina Academic Press 2023) (with co-authors).
- Death Penalty in a Nutshell, Fifth Edition (Thomson/West 2016) (with co-authors).

### Book Chapters

- Ag-Gag Laws, Oxford Handbook of Global Animal Law (Oxford 2025).
- Carceral Animal Law, Encyclopedia of Animal Law (Palgrave 2025).
- Fur and Free Speech, The Ethics of Fur (Palgrave 2023) (with co-authors).
- Carceral Logics Beyond Incarceration, Carceral Logics (Cambridge 2022).
- Palliative Animal Law, Green Criminology (Palgrave 2021).
- Non-Human Habeas, Wrongful Convictions and the DNA Revolution (Cambridge 2017) (with Steve Wise).

### Representative Academic Articles

- *Complicity and Free Speech*, YALE L.J. (2026) (forthcoming) (co-authored).
- *An Empirical Study of Extreme Indifference Murder* (2026) (forthcoming) (co-authored).
- *Voluntary Prosecutions and the Case of Animal Rescue*, 137 HARV. L. REV. F. 213 (2024) (co-authored).
- *Sacred Victims: Fifty Years of Data on Victim Race and Gender as Predictors of Executions*, 114.2 J. CRIM. L. & CRIMINOLOGY (2024) (co-authored) (peer reviewed).
- *Animal Rights and the Victimhood Trap*, 63 ARIZ. L. REV. 1 (2021).
- *Palliative Animal Law*, 134 HARV. L. REV. F. 250 (2021).
- *Whom the State Kills*, 55 HARV. C.R.-C.L. L. REV. 585 (2020) (co-authored), featured in Adam Liptak's column <https://www.nytimes.com/2020/08/03/us/racial-gap-death-penalty.html>. (Symposium around the Article hosted by the Harvard Civil-Rights Civil-Liberties Law Review).
- *How the Animal Welfare Act Harms Animals*, 69 HASTINGS L.J. 925 (2018).
- *Developing a Taxonomy of Lies Under the First Amendment*, 89 U. COLO. L. REV. 695 (2018) (co-authored).
- *Free Speech and Democracy in the Video Age*, 116 COLUMBIA L. REV. 991 (2016) (co-authored).

- *Disquieting Discretion, Race, Geography and the Colorado Death Penalty*, 92 DENV. 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).
- *Death Eligibility in Colorado: 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) (co-authored).
- *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).
- *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).

### **Essays & Shorter Academic Writing**

- *Dwindling Appeals and Nonexistent En Banc Review in the Tenth Circuit*, 102 DENV. L. REV. 297 (2025).
- *Carceral Animal Law*, Elgar Concise Encyclopedia of Animal Law (2025).
- Book Review, J. ANIMAL ETHICS, MANEESHA DECKHA ANIMALS AS LEGAL BEINGS: CONTESTING ANTHROPOCENTRIC LEGAL ORDERS (2024).
- Book Review, HARV. HARV. C.R.-C.L. L. REV. Amicus Blog, DANIEL MEDWED, BARRED: WHY THE INNOCENT CAN'T GET OUT OF PRISON (2023).
- Book Review, LAW AND HIST. REV. AARON GRIFFITH, GOD'S LAW AND ORDER: THE POLITICS OF PUNISHMENT IN EVANGELICAL AMERICA (2022).
- *A Quantitative Analysis of Denver's Pit-Bull Ban*, 26 ANIMAL L. REV. 195 (2020) (co-authored).
- *Friends of Every Friendless Beast: Carceral Animal Law and the Funding of Prosecutors*, CANADIAN JOURNAL OF COMPARATIVE AND CONTEMPORARY LAW 5(1) (2019) (peer reviewed).
- *The Truth Hurts: A Response to George Brauchler and Rich Orman*, 94 DENV. L. REV. 363 (2017).
- *Truth and Nothing but the Truth About Colorado's Death Penalty*, 93 DENV. L. REV. 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. L. REV. 327 (2012).
- *The Freezing of the Fourth Amendment*, SEARCH & SEIZURE LAW REPORT (2012).
- *In Memorium: Erik Bluemel*, 87 DENV. 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 Writing

- *43 Lab Monkeys Escape in South Carolina. They Have a Legal Claim to Freedom.*, Vox, Nov. 11, 2024, available at [43 lab monkeys escaped in South Carolina. Should they return to Alpha Genesis or go free? | Vox](#) (with Angela Fernandez).
- *The Supreme Court's Ruling on Prop 12 is a Win Against Factory Farming*, Vox, May 12, 2023, available at <https://www.vox.com/future-perfect/23721488/prop-12-scotus-pork-pigs-factory-farming-california-bacon> (with Doug Kysar).
- *What Happy the Elephant's Legal Case Tells Us About the Future of Animal Rights*, Slate, June 17, 2022, available at <https://slate.com/news-and-politics/2022/06/happy-the-elephant-lessons-for-the-future-of-animal-rights-law.html> (with Angela Fernandez).
- *The Mass Killing of Denver's Geese is Cause for Concern and Outrage*, Colorado Sun, July 14, 2019, available at <https://coloradosun.com/2019/07/14/wildlife-denver-geese-parks-animal-cruelty-opinion/> (with Marc Bekoff).
- *Proposed Bill Would Lead to More Animal Abuse Not Less*, Denver Post, January 23, 2015, available at <https://www.denverpost.com/2015/01/23/proposed-bill-will-lead-to-more-animal-abuse-not-less/> (with Nancy Leong).
- *The Continuing Problems with Lethal Injection*, Huffington Post, July 28, 2014, available at [https://www.huffpost.com/entry/problems-with-lethal-injection\\_b\\_5626764](https://www.huffpost.com/entry/problems-with-lethal-injection_b_5626764) (with Alan Chen).
- *The Cost of Colorado's Death Penalty*, Huffington Post, November 20, 2013, available at [https://www.huffpost.com/entry/colorado-death-penalty\\_b\\_4313099](https://www.huffpost.com/entry/colorado-death-penalty_b_4313099).

## OTHER PROFESSIONAL EXPERIENCE

### Federal Public Defender, District of Arizona

Assistant Federal Public Defender, Capital Habeas Unit, 2006–2008

Argued and briefed cases in federal district court and before the Ninth and Sixth Circuits; co-counsel on a U.S. Supreme Court case regarding ineffective assistance of counsel; presenter at annual capital habeas conference.

### Heller Ehrman LLP, San Francisco

Associate, 2005–2006

Represented a Liberian family in asylum proceedings (pro bono) and clients in white-collar defense and securities practice.

**Hon. Sidney R. Thomas, U.S. Court of Appeals for the Ninth Circuit**  
Law Clerk, 2004–2005

**Federal Bureau of Investigation**, Washington D.C.  
Honors Intern, 2002  
Worked in the Civil Rights Division and Office of General Counsel.

**Collège de la Sainte Famille**, Cairo, Egypt  
English Teacher (Volunteer), 2000–2001

## **SELECTED PRESENTATIONS**

- March 2026, *Free Speech & Complicity*, Faculty Colloquium at the University of North Carolina, Chapel Hill.
- June 2025, Keynote: Criminal Law & Animal Law, Animal Law Conference, Birmingham University, UK.
- June 2025, *Optimism and Animal Law*, Cambridge University, UK, Cambridge Centre for Animal Rights.
- March 2025, Keynote and Inaugural Lerude First Amendment Distinguished Lecture at the University of Nevada, Reno.
- May 2024, Book launch for Raffael Fasel's *More Equal Than Others: Humans and the Rights of Other Animals*, Cambridge Centre for Animal Rights.
- March 2024, Animal Welfare and Climate Change Symposium, Northwestern University, Pritzker School of Law.
- February 2024, Participant (invited), Roundtable on Justice for Animals, sponsored by the Illinois Program in Law and Philosophy.
- October 2023, *Voluntary Prosecutions*, NYU Animal Studies Lecture Series, New York University.
- September 2023, Keynote: Carceral Animal Law, Life of Riley grantee dinner, Philadelphia.
- September 2023, *Defending Activists*, Canadian Animal Law Conference, University of Toronto.
- March 2023, *Understanding the Carceral Impulses of Animal Laws*, Annual Lecture in Animal Rights Law & Policy, Animals & Society Research Initiative, University of Victoria, British Columbia.
- March 2023, *Carceral Logics*, Harvard Law School Animal Law Week (presented with Lori Gruen).
- February 2023, Keynote Address at the Florida Animal Control Association's Annual Conference.
- November 2022, *Carceral Logics*, NYU Animal Studies Lecture Series.
- October 2022, Law Student Dis-Orientation, for National Lawyers Guild, Denver.
- October 2022, Activist Defense Summit, University of Denver.
- September 2022, *Carceral Logics*, Canadian Animal Law Conference, University of Toronto.
- September 2022, Keynote Address at the Animal Rights Conference, Cambridge Centre for Animal Rights Law.
- July 2022, *International Survey of Animal Law Strategies*, ABA International Law Section.

- May 2022, *Carceral Logics* book launch, Cambridge Centre for Animal Rights Law.
- April 2022, *Understanding the Costs of Prosecution*, Animal Care Expo 2022.
- April 2022, Presenter and commentator at the Workshop for the Oxford Handbook of Global Animal Law.
- March 2022, Moderator and Master of Ceremonies, Brooks Institute Congress.
- March 2022, *Animals and the Criminal Law*, Washington DC Bar CLE.
- October 2021, *Animals as Victims*, North American Animal Law Conference.
- July 2021, *Carceral Animal Law*, Northwestern Law School Empirical Animal Law Conference.
- July 2021, Commentator and moderator, Brooks Institute Scholarship Workshop.
- June 2021, *Violence, Oppression, Domination*, Human Animal Studies Israel conference.
- June 2021, *Empirics of Carceral Animal Law*, Maddie's Fund Special Topics.
- May 2021, *Ag-Gag Laws, past and future*, Colorado Bar CLE presentation.
- April 2021, *Beyond Cages*, Animal Welfare Leadership Series.
- April 2021, *Humane Communities and Social Justice*, Humane Society of the United States Animal Care Expo.
- November 2020, *Animals as Victims of Crime*, University of Arizona Faculty Colloquium.
- November 2020, *The American Ag-Gag Experience*, Canadian Animal Law Conference.
- October 2020, Lecture at Wesleyan University, *Carceral Logics Course, Animal Victims*.
- March 2020, *Updating the Baldus Data: Race and Executions*, Civil-Rights-Civil Liberties Law Review Symposium, Harvard Law School.
- March 2020, *Animal Rights and the Criminal Process*, Harvard Law School, Animal Law Program.
- February 2020, *Beyond Cages*, Boston College Law School, Faculty Colloquium.
- November 2019, *Carceral Logics*, workshop at the University of Denver.
- May 2019, Panelist and moderator, Brooks Institute Animal Law and Animal Studies Summit, Mendocino, California.
- April 2019, Keynote, Animal Law Symposium, DePaul University College of Law.
- March 2019, Animal Law Symposium, Lewis & Clark Law School.
- February 2019, *Beyond Cages*, University of Toronto Animal Law Speaker Series.
- February 2019, *Beyond Cages*, Faculty Colloquium University of Oklahoma College of Law.
- January 2019, Legislative Testimony to the Colorado Judiciary Committee.
- November 2018, National Association of Canadian Prosecutors Annual Conference.
- September 2018, Panel Chair for discussion on factory farming, UN Environment Animal Welfare Conference.
- July 2018, *Carceral Animal Law*, Oxford Center for Animal Ethics, Oxford University.
- February 2018, *Beyond Cages*, a workshop hosted by Harvard Law School for my manuscript.
- January 2018, *Social Justice and Social Movements*, Denver Law Review Symposium.
- July 2017, *Fur and Free Speech*, Oxford Center for Animal Ethics, Oxford University.
- June 2017, *Carceral Animal Law*, Searle Center Roundtable, Northwestern University.
- December 2017, Harvard Law School Roundtable on the 50th Anniversary of the Animal Welfare Act, How the Animal Welfare Act Harms Animals.
- November 2017, *Animals as Art and the First Amendment*, Animal Law Conference.
- February 2017, Faculty Colloquium Speaker, *Lies and Free Speech*, Distinguished Lecture Series, McGeorge Law School.
- January 2017, *Free Speech and Animal Protection*, Sundance Film Festival.

- 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, *Free Speech and Animal Law*, Searle Center Roundtable, Northwestern University.
- 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*, Critical Analysis of Law, University of Toronto.
- October 2014, *Ag Gag Litigation*, Animal Law Conference, Lewis & Clark Law School.
- 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*, Criminal Law Symposium, SMU Dedman School of Law.
- September 2013, *Fourth Amendment Reasonableness*, Southwest Criminal Law Conference, University of California, Davis.
- September 2013, *Ag Gag Laws*, Animal law Conference, Stanford Law School.
- 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.
- March 2012, *Right to Counsel Without Remedy*, Criminal Law Symposium, Texas Tech. Law School.
- 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*, University of Denver Sturm College of Law.
- September 2010, *The Slow Procedural Death of the Fourth Amendment*, Rocky Mountain Junior Scholars Forum, University of Utah.
- September 2010, 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).

## **COURT ADMISSIONS**

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

## **BOARDS & ADVISORY ROLES**

- Member, Judicial Nominating Commission, State of Colorado (appointed by Executive Order of Governor Jared Polis) (2025–present)
- Board Member, Animal Legal Defense Fund (ALDF) (2025–present)
- Board Member, NonHuman Rights Project (NhRP) (2025–present)
- Board Member, Pro-Animal Future (PAF) (2024–present)
- Advisory Board, Cambridge Centre for Animal Rights (2022–present)
- Appointed Reporter, Criminal Jury Instruction Committee, U.S. Court of Appeals for the Tenth Circuit (2017–present)
- Board Member, Luv'n Arms Animal Sanctuary (2016–present)

## **HONORS & AWARDS**

- Tankard Book Award, recognizing “the most outstanding book in the field of journalism and communication” (2024)
- Member of the American Law Institute (2020–present)
- Selected as one of the Vox “Future Perfect 50” (2024)
- Appointed by Governor Jared Polis, People for Animal Welfare Committee (PAW) (2019–present)
- Fellow, Oxford Centre for Animal Ethics (2018–present)
- Peer reviewer for multiple publications and funding entities
- President, AALS Animal Law Section (2018)
- Justice for Animals Award, PETA (2018)
- Distinguished Scholar in Residence, Vermont Law School (2016)
- Gideon Award, Colorado Criminal Defense Bar (2014)
- Awarded Research Professorship (2012–2013)
- AALS Teacher of the Year (2011)
- Outstanding Professor (2010)
- Mentorship Award (2010)

## **ADDITIONAL LEGAL EXPERIENCE & OTHER COMMUNITY ENGAGEMENT**

### **Litigation**

Served as the attorney of record or primary attorney in more than a dozen cases since joining the legal academy. The cases have ranged from trial court proceedings to federal appellate briefing and arguments to amicus briefs.

### **Expert Witness and Consulting**

Retained in both criminal and civil cases, including as a testifying expert.

### **Luvin Arms Animal Sanctuary, Board of Directors**

Erie, Colorado (2020–present)

### **Animal Legal Defense Fund**

Of Counsel (2012–2018)

### **Angel Covers, Board of Directors**

Denver, Colorado (2010–2013)

### **Emergency Medical Technician (EMT)**

### **Wilderness-EMT (W-EMT)**