

MARGARETH ETIENNE

Professor and Carl L. Vacketta Professor of Law
University of Illinois College of Law
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Education

YALE LAW SCHOOL, J.D., 1995
YALE UNIVERSITY, A.B. in History (with honors), 1991
STUYVESANT HIGH SCHOOL, 1987

Appointments

University of Illinois College of Law

Administrative Appointments:

Associate Dean for Graduate and International Programs, 2015-present
Associate Dean for Academic Affairs, 2012-13
Provost Fellow, 2008-2011 (50% appointment)

Faculty Appointments:

Carl L. Vacketta Professor of Law, 2021-present
Nancy Snowden Research Scholar, 2011-2020
Professor, 2006-present;
Associate Professor and Richard W. and Marie L. Corman Scholar, 2004-06;
Assistant Professor, 2001-04;

Courses Taught: Criminal Law; Criminal Procedure; Children and the Law; Juvenile Law; Sentencing Law and Policy; Education Law; Race, Gender and Sentencing Policy; Racial Justice Practicum (coordinating instructor); Anthropology of Policing

The University of Illinois College of Liberal Arts and Sciences

Interim Department Head, Department of African American Studies, 2011-2012

The University of Chicago Law School- Visiting Professor, 2007-2008.

Courses: Criminal Law, Children and the Law, Advanced Topics in Criminal Procedure.

Honors and Grants

University of Illinois Chancellor's Call to Action Grant (2021) (2020 submission)

Title: Anthropology, Law and Policing: Proposal on Criminal Justice Reform

Role: Co-Principal Investigator (with Professor Jeffrey Martin (Anthropology))

Project Period: January 2021-2022; second application pending

Grant: \$122,000

American Bar Foundation Fellow (2017 to present)

Fulbright Scholar (2004)

Publications

Books

ILLINOIS JUDICIAL BENCHBOOK ON JUVENILE LAW (editor) (2020, 2019, 2018, 2017, 2016) (with Administrative Office of Illinois Courts)

Selected Articles, Reviews and Other Publications

The Unexpected Costs of Minimization in Interrogations, (under submission) (with Richard McAdams).

Disarming the Police: Blue Lives, Black Lives and Guns, DUKE CENTER FOR FIREARMS LAW (2022).

Policing, Legitimacy and Interrogations, 54 TEXAS TECH L. REV. 21 (2021) (with Richard McAdams).

Biden's Singular Priority: Re-Opening Schools, 2021 U. ILL. L. REV. ONLINE (2021).

Managing Parents: Navigating Parental Rights in Juvenile Cases, 50 CONN. L. REV. 61 (2018).

Education, Violence, and Re-Wiring Our Schools, 2018 U. CHI. LEGAL F. 89 (2018).

Private School Vouchers and the Failed Promise of Osmosis, 5 BELMONT L. REV. 59 (2018) (symposium).

A Lost Opportunity for Sentencing Reform: Plea Bargaining and Barriers to Effective Assistance, 69 S.C. L. REV. 467 (2017).

A Dangerous Lesson: School Choice Without Standards, 2017 U. ILL. L. REV. ONLINE 21 (2017) (symposium).

Saving Harlem From Drugs: A Hobson's Choice, JOTWELL, August 2017.

More Data in the Debate on Colorblind Justice, JOTWELL, October 2016.

A Case Study for Understanding Prison-Reform, Its Advocates and Its Critics, JOTWELL, October 2015.

What Can Be Learned From the Wrongfully Accused? JOTWELL, May 2014.

Lessons Learned from International Prosecutions of Sex Crimes, JOTWELL, August 2013.

Arrest Records and the Right to Know, in THE RIGHT TO PRIVACY IN THE LIGHT OF MEDIA CONVERGENCE (de Gruyter Press) (2012).

Making Sense of the Ethnic Profiling Debate, 80 MISS. L.J. 1523 (2011) (symposium).

Rape Prosecutions and the Civil Rights Movement, JOTWELL, May 2011.

Sentencing Women: Reassessing the Claims of Disparity, 14 IOWA J. GENDER, RACE & JUST. 73 (2010).

An Intriguing Thought Experiment on Culpability, JOTWELL, June 2010.

Restoring Justice Through Individualized Processes, in CRIMINAL LAW CONVERSATIONS (Oxford University Press) (2009).

In Need of a Theory of Mitigation, in CRIMINAL LAW CONVERSATIONS (Oxford University Press) (2009).

Legal and Practical Implications of Evidence-Based Sentencing by Judges, 1 CHAP. J. CRIM. JUST. 43 (2009).

Apologies and Plea-Bargaining, 91 MARQ. L. REV. 295 (2007) (with Jennifer Robbennolt) (symposium).

Taking Black Pain Seriously: A New Understanding of Racial Disparity in Sentencing, 3 ST. THOMAS L. REV. 496 (2006) (symposium).

Parity, Disparity and Adversariality: First Principles of Sentencing, 58 STAN. L. REV. 101 (2006).

The Ethics of Cause Lawyering: An Empirical Examination of Criminal Defense Lawyers as Cause Lawyers, 95 J. CRIM. L. & CRIMINOLOGY 101 (2005).

Into the Briar Patch?: Power Shifts Between Prosecution and Defense after United States v. Booker, 39 VALP. L. REV. 741 (2005) (solicited piece for symposium issue on Booker including articles by Erwin Chemerinsky & Susan Klein).

The Declining Utility of the Right to Counsel in Federal Criminal Courts: An Empirical Study on the Diminished Role of Defense Attorney Advocacy Under the Sentencing Guidelines, 92 CAL. L. REV. 425 (2004).

Acceptance of Responsibility and Plea Bargaining Under the Feeney Amendment, 16 FED. SENTENCING REP. 109 (2003) (peer reviewed).

Remorse, Responsibility and Regulating Advocacy: Making Defendants Pay for the Sins of their Attorneys, 78 N.Y.U. L. REV. 2103 (2003).

Tinkering with Death in Illinois, 2003 U. ILL. L. REV. 1073 (2003).

Addressing Gender Based Violence in an International Context, 18 HARV. WOMEN'S L.J. 139 (1995).

Judicial Impact

Cited in the following cases:

United States v. Moreno-Trevino, 432 F.3d 1181, 1185 (10th Cir. 2005) (quoting *Acceptance of Responsibility and Plea Bargaining Under the Feeney Amendment*, 16 FED. SENT. R. 109, 112 (2003)).

Baker v. Gearing, 293 F.3d 1353, 1353 (11th Cir. 2002).

United States v. Aranda-Diaz, 785 F.Supp.2d 1058, 1062 (D.N.M. 2011) (quoting *Acceptance of Responsibility and Plea Bargaining Under the Feeney Amendment*, 16 FED. SENT. R. 109, 112 (2003)).

United States v. Doyle, No. 16-CR-506 (ALC), 2018 WL 1902506, at *17 (S.D.N.Y. Apr. 19, 2018) (quoting *Remorse, Responsibility, and Regulating Advocacy: Making Defendants Pay for the Sins of Their Lawyers*, 78 N.Y.U. L. REV. 2103, 2163 (2003)).

United States v. Doe, No. 01 CR. 782 (GEL), 2005 WL 167601, at *6 (S.D.N.Y. Jan. 25, 2005) (citing *The Declining Utility of the Right to Counsel in Federal Criminal Courts: An Empirical Study on the Diminished Role of Defense Attorney Advocacy Under the Sentencing Guidelines*, 92 CAL. L. REV. 425, 443-44, 457-62 (2004)).

Administrative/Committee Service

College of Law Committee Service: Executive Committee, Promotion and Tenure Committee (including as Chair), Curriculum Committee, Dean Search Committee, Appointments Committee, Self-Study Committee, Career Placement and Clerkship Committee, Lectures Committee (including as Chair), Strategic Planning Committee, Admissions Committee, International Committee

University/Campus Committee Service: Executive Steering Committee for Chancellor's Call to Action to Address Racism and Social Injustice, Chancellor's Call to Action Working Group on Public Safety, Policing and criminal Justice, Vice President for Academic Affairs Faculty Advisory Committee (University Administration), Provost Search Committee, Committee on Institutional Cooperation (CIC) Academic Leadership Fellow, UIUC Academic Leadership Group, University Conflicts of Interest Board, Graduate College Executive Committee, Council of Deans for Graduate Education, Campus Awards and Honors Committee, Provost's Search Committee for director of Uni High School

External: AAU Advisory Board on Racial Equity; The College Board (Trustee, 2013- present); American Association of Law School (AALS) (Executive Committee Member for Professional Responsibility Section)

Teaching Experience

University of Illinois College of Law - Assistant Professor, 2001-2004; Associate Professor, 2004 to 2006. Professor, 2006- present. Courses: Criminal Law, Criminal Procedure, Children and the Law, Sentencing Law and Policy.

The University of Chicago Law School- Visiting Professor, 2007-2008. Courses: Criminal Law, Children and the Law, Advanced Topics in Criminal Procedure.

University of Georgia Legal Aid Clinic - Assisted and supervised second and third year law students in representing misdemeanor cases in state and municipal courts.

Yale Law School - Teaching Assistant and Co-Lecturer to Professor Harlon Dalton in “Law and the Human Subject” seminar. Conducted two lectures on the use of eyewitness identification at trial.

Yale Law School - Coker Fellow/Teaching Assistant to Professor Burke Marshall in Constitutional Law course for first year students.

Yale College - Teaching Assistant to Justice Fleming Norcott, Connecticut Supreme Court, in undergraduate civil rights course, “Blacks and the Law”

General Experience

- 1997- 2001 **FEDERAL DEFENDER PROGRAM, INC.** Atlanta, GA
Represented indigent defendants at trial, at sentencing and on appeal in federal criminal matters in the Northern District of Georgia. Cases included allegations of financial crimes, bank robbery, kidnapping, drug trafficking, illegal entry by refugees, sex offenses, obstruction of justice, terroristic threats and arson.
- 1996- 97 **UNIVERSITY OF GEORGIA LEGAL AID CLINIC** Athens, GA
Represented indigent clients as public defender in Athens-Clarke County State and Municipal Courts. Handled all aspects of defense, including interviews, bond issues, arraignments, motions, bench and jury trials. Assisted and supervised law students in handling misdemeanor criminal case.
- 1995- 96 **UNITED STATES COURT OF APPEALS, FOURTH CIRCUIT** Baltimore, MD
Law Clerk to Judge Diana G. Motz. Wrote draft opinions and legal memoranda. Researched issues related to civil and criminal federal law.
- 1995 **JEROME N. FRANK LEGAL SERVICES** New Haven, CT
Represented juvenile clients and parents in the Advocacy for Parents and Children Law Clinic; appeared before family and juvenile court judges; drafted court documents; negotiated with state attorneys and prosecutors; sought social services for clients.
- 1994 **CLEARY, GOTTLIEB, STEEN & HAMILTON** Washington, DC
Drafted documents for merger/acquisition transaction; drafted an opinion letter to the Comptroller of the Currency; compiled a regulatory history of sections of the National Bank Act; researched various issues in preparation for litigation including antitrust, product liability and bankruptcy.
- 1994 **UNITED STATES DEPARTMENT OF JUSTICE** Washington, DC

