

MARGARETH ETIENNE

metienne@illinois.edu

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

Appointments

University of Illinois College of Law – Professor, 2006-present; Associate Provost Fellow (2009-present)

Associate Professor and Corman Scholar, 2004 - 2006; Assistant Professor, 2001-2004. Courses: Criminal Law, Criminal Procedure, Children and the Law, Sentencing Law and Policy. Notable Committee Service: Dean Search Committee, Appointments Committee, Self-Study Committee, Curriculum Committee, Career Placement and Clerkship Committee, Lectures committee (Chair)

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

Scholarly Activities

Publications:

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 Implication of Evidence-Based Sentencing By Judges, Chapman J. of Crime & Policy (2009).

Apologies and Plea-Bargaining, 91 MARQUETTE 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 STANFORD 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).

Presentations:

2008-09 Academic Year Presentations:

Chapman School of Law; St Thomas Law School (February); University of Illinois (March); Iowa Law School (May); South East Association of Law Schools (August);

2007-08 Academic Year Presentations: Iowa School of Law (August), University of Illinois College of Law (August), New England School of Law (September), Fordham Law School (faculty workshop in February), University of Alabama Law School Faculty Colloquium Series (February), Duke Law School (February), The University of Chicago Law School (faculty workshop in March), Chicago-Kent School of Law faculty workshop (March), Law and Society Annual Conference (May), Cardozo Law School Conference (June), Fordham Law School (Ethics conference in June),

Marquette Law School, April 2007, "Apology and Plea Bargaining" in Plea Bargaining Conference

University of Illinois, April 2007 "A Response to Professor Bibas on 'Formalism in Criminal Procedure'"

University of Illinois, April 2007, Conference on "**Why Lawyers Matter: Building and Rebuilding Justice Systems after Katrina**"

University of Colorado School of Law, September 2006, "Minimization in Interrogation"

University of Illinois Faculty Retreat (Champaign), May 2006
Response to Leslie Reagan's paper *German Measles: Wrongful Birth/Wrongful Life Cases*.

Presented paper "Taking Black Pain Seriously: A New Understanding of Racially Disparate Sentencing"

American Bar Foundation, (Chicago) February 2007,

Washington & Lee School of Law, (Lexington) November 2006,
University of Chicago Criminal Justice Roundtable, May 2006
University of St. Thomas (symposium), (Minneapolis) March 2006

Presented invited talk on “Infanticide in Senegal: A Comparative Perspective” at **2005 Conference of the Research Committee of Sociology of Law** at the Carré des Sciences in Paris, France (July 13, 2005).

Organized, moderated and presented at conference, “The Impact of Booker: A Dialogue <http://law.wlu.edu/>Between Scholars and Practitioners” at the **University of Illinois College of Law** (April 2005).

Presented paper “Criminal Defense Lawyers as Cause Lawyers,” at:
St. Louis University School of Law, (St. Louis) April 2005
Stanford Law School (Palo Alto), April 2005
Notre Dame Law School (South Bend), April 2005
2004 Law and Society Association Conference (Chicago), June 2004.

Presented as part of a panel during conference “The Future of American Sentencing: A National Roundtable on *Blakely*” at **Stanford Law School**. (October 8-9, 2004).

Recently awarded **Fulbright** grant to assist in training judges in Dakar, Senegal (West Africa) on white collar crime. The project consisted of two weeks of lectures for magistrates, in addition to meetings with the Minister of Justice, the Chief Judge of the Constitutional Court, the Senegalese equivalent of the Attorney General, the Dean of the law school, and other dignitaries and officials (July 2004).

Presented “The Declining Utility of the Right to Counsel in Federal Criminal Court at:
University of California, Berkeley (October 7, 2004).
University of Georgia (Athens), November 19, 2003
American Bar Foundation (Chicago), October 8, 2003
University of Oregon faculty workshop (Eugene), September 20, 2003
2003 Law and Society Association Conference (Pittsburgh), June 2003

Presented “Remorse, Responsibility, and Regulating Advocacy” paper at **Northwestern University** Law School’s faculty workshop. (Mar. 3, 2003)

Invited to speak on issues of gender in the classroom at a conference for educators entitled “Diversity and Racism in the Classroom” at the **University of Illinois**. (Jan. 25, 2003).

Invited to moderate portion of film series on law and social movements for Martin Luther King Commemorative Symposium Week. at the **University of Illinois** (Jan. 21, 2003)

Delivered introductory remarks for university-wide lecture at the **University of Illinois** by then Governor of Illinois, Governor George Ryan, on "The Role of the Executive in Administering the Death Penalty" (Dec. 19, 2002).

Addressed group of newly elected members of **Illinois State Legislature** during New Legislators Conference on the "History of the Death Penalty in the United States." (Dec. 4, 2002).

Invited to co-facilitate breakout group section on Immigration, Detention & Punishment at **Fordham University** School of Law conference entitled "Teaching in Crisis, Teaching about Crisis" (Oct. 11, 2002)

Spoke as part of four-member panel at **University of Illinois** College of Law on issue of "Law and September 11." (Sept. 11, 2002)

Presented paper "Taking Black Pain Seriously" on sentencing disparity at **Yale Law School** Conference entitled "Race, Values and the American Legal Process." (Feb. 23, 2002)

Presented paper on sentencing at **Loyola University-Chicago** Law School Conference on "Urban Health and Race Law." (Apr. 6, 2002)

Teaching Interests: Criminal Law, Criminal Procedure, Advanced Criminal Procedure, Children and the Law, Sentencing Law & Policy, Juvenile Law, Federal Sentencing, Education Law

Teaching Experience

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

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.

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.

- 1993 **CENTER FOR CONSTITUTIONAL RIGHTS** New York, NY
Wrote brief involving affirmative state action and gender discrimination claims. Completed section of litigator's manual on bringing international human rights suits under the Torture Victim Protection and Alien Tort Claims Acts. Attended weekly seminars on constitutional law.
- 1992-93 **YALE HAITIAN REFUGEE CLINIC** New Haven, CT
Worked on litigation team to secure release of Haitian refugees from Guantanamo Bay, Cuba. Researched and wrote section of brief in opposition to government's petition for certiorari. Defended deposition of Haitian client and completed other tasks in preparation for trial. Consulted weekly with leader of Haitian refugee camp and traveled to Guantanamo Bay to counsel clients.
- 1991-92 **BROOKHAVEN HIGH SCHOOL** Brookhaven, MS
French Teacher placed by the Mississippi Teacher Corps to teach French in rural public high school. Taught five French classes daily, beginner through advanced levels.