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KATE STITH

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EMPLOYMENT

1998–present: Lafayette S. Foster Professor of Law, Yale Law School
Acting Dean: Spring 2009
Deputy Dean: 2003–04, 1999–2001
1991–1997: Professor of Law, Yale Law School
1985–1990: Associate Professor of Law, Yale Law School
1981–1984: Assistant United States Attorney, Southern District of New York
(prosecuting white collar crime and organized crime)
1980–1981: Special Assistant to the Assistant Attorney General for the Criminal
Division, Department of Justice, Washington, DC
1979–1980: Staff Economist, Council of Economic Advisers, Executive Office of the
President, Washington, DC
1978–1979: Law Clerk to Justice Byron R. White, Washington, DC
1977–1978: Law Clerk to Judge Carl McGowan, United States Court of
Appeals, Washington, DC

LEGAL EDUCATION

Harvard Law School, J.D., 1977
Articles Editor, HARVARD LAW REVIEW
Harvard Prison Legal Assistance Project

GRADUATE EDUCATION

Harvard Kennedy School, Master in Public Policy, 1977
(joint four-year program with Harvard Law School)
Master's Thesis: THE POLITICS AND POLICY OF TAX REFORM

UNDERGRADUATE EDUCATION

Dartmouth College, B.A., 1973
Highest Distinction in Economics
Phi Beta Kappa
Rank in Class: First

COURSES and SEMINARS

Constitutional Law; Cuba and the United States; Criminal Law; Criminal Procedure: Investigations; Criminal Procedure: Adjudication; Comparative Criminal Sentencing; Criminal Sentencing; Federal Criminal Prosecution; Federal Criminal Law; Special Counsels: From Watergate to the Present; Free Exercise Clinic: Fieldwork and Seminar; Opioid Crisis; Prosecution Externship; Separation of Powers; Theories of the Fourth Amendment; University Governance; advanced seminars in criminal law and constitutional separation of powers

PUBLICATIONS

DEFINING FEDERAL CRIMES (Aspen Press) (1st ed. 2014; 2d ed. 2018, 2019) (with D. Richman)

FEAR OF JUDGING: SENTENCING GUIDELINES IN THE FEDERAL COURTS (U. of Chicago Press 1998) (with J.A. Cabranes) (ABA Certificate of Merit 1999)

THE *DARTMOUTH COLLEGE CASE* AND THE ENDURING SIGNIFICANCE OF SELF-GOVERNANCE (Dartmouth College, 1995)

THE CONSTITUTIONAL ROLES OF CONGRESS, THE EXECUTIVE AND THE COURTS IN THE CONDUCT OF U.S. FOREIGN POLICY, Woodrow Wilson International Center for Scholars (1991) (with H.H. Koh & S.Y. Koh)

Apprendi's Two Rights, 99 North Carolina Law Review ____ (forthcoming 2021)

Weinstein on Sentencing II, 32 Federal Sentencing Reporter ____ (forthcoming 2021)

The Dartmouth College Case and the Founding of Historically Black Colleges, 18 University of New Hampshire Law Review 27 (2019) (with C. Blumenthal)

Buprenorphine MAT as an Imperfect Fix, 46 JOURNAL OF LAW, MEDICINE & ETHICS 279 (2018) (with B. Mund)

The Opioid Crisis and Federal Criminal Prosecution, 46 JOURNAL OF LAW, MEDICINE & ETHICS 292 (2018) (with R.L. Rothberg)

Fentanyl: A Whole New World?, 46 Journal of Law, Medicine & Ethics 314 (2008) (with R.L. Rothberg)

The Role of Civil Commitment in the Opioid Crisis, 46 JOURNAL OF LAW, MEDICINE & ETHICS 343 (2018) (with I.P. Bhalla, N. Cohen, C.E. Haupt, and R. Zhong)

No Entrenchment: Justice Thomas on the Hobbs Act, the Ocasio Mess, and the Vagueness Doctrine, 127 YALE LAW JOURNAL FORUM 233 (2017)

Free Speech in Our Universities: A Commentary on the Woodward Report, in *CAMPUS SPEECH IN CRISIS: WHAT THE YALE EXPERIENCE CAN TEACH AMERICA*, Encounter Books (2016) (with J.A. Cabranes)

The Criminal Procedure Clauses of the Fifth Amendment, www.constitutioncenter.org/interactive-constitution/amendment-v, National Constitution Center (2015) (with P. Cassell)

The Woodward Report, in *FREE TO TEACH, FREE TO LEARN* (American Council of Trustees and Alumni) (2013) (with J.A. Cabranes)

Principles, Pragmatism, and Politics: The Evolution of Washington State's Sentencing Guidelines, 76 *LAW & CONTEMPORARY PROBLEMS* 105 (2013)

Amicus Brief for Appellants, *New York v. Greenberg*, 21 N.Y. 3d 349 (2013)
Booker Rules, 160 *UNIVERSITY OF PENNSYLVANIA LAW REVIEW* 631 (2012) (with A. Baron-Evans)

Weinstein on Sentencing, 24 *FEDERAL SENTENCING REPORTER* 2017 (2012)

In Memoriam: A Tribute to Professor Daniel J. Freed, 24 *FEDERAL SENTENCING REPORTER* 82 (2011)

The Cost of Judging Judges by the Numbers, 28 *YALE LAW & POLICY REVIEW* 313 (2010) (with M. Levy and J.A. Cabranes)

Amicus Brief, *Herrera v. Oregon* (U.S. Supreme Court, No. 10-344) (joint brief)

Standing on the Shoulders of a Giant: Sentencing Reform and Daniel Freed, 21 *FEDERAL SENTENCING REPORTER* (2009)

The Fifth Amendment Privilege: Introduction, 30 *CARDOZO LAW REVIEW* 717 (2008)

Two Fronts for Sentencing Reform, 20 *FEDERAL SENTENCING REPORTER* 343 (2008)

The Arc of the Pendulum: Judges, Prosecutors, and the Exercise of Discretion, 117 *YALE LAW JOURNAL* 1420 (2008)

No Contract, *THE DARTMOUTH INDEPENDENT* (2007)

The Real Sentencing Law, www.SCOTUSblog.com (2007)

Amicus Brief on Behalf of Law Professors and Former United States Attorneys, *United States v. Rita* (U.S. Supreme Court, No. 06-5754) (2006)

United States v. Mistretta: The Constitution and the Sentencing Guidelines, in *CRIMINAL PROCEDURE STORIES* (C. Steicker, ed.), Foundation Press (2006)

A Sentencing Agency in the Judicial Branch, 58 STANFORD LAW REVIEW 217 (2005) (with K. Dunn)

Abraham S. Goldstein's Contribution to Criminal Law Scholarship, 115 YALE LAW JOURNAL 511 (2005)

Crime and Punishment Under the Constitution, 2004 SUPREME COURT REVIEW 221 (2005)

Blakely v. Washington, FEDERAL SENTENCING REPORTER (2004) (transcript of Stanford Law School conference)

Sense and Sensibility, NEW YORK TIMES (2004) (with W. Stuntz)

Criminal Law and the Supreme Court: An Essay on the Jurisprudence of Byron White, 74 UNIVERSITY OF COLORADO LAW REVIEW 1523 (2003)

Disparity in Sentencing—Race & Gender, 15 FEDERAL SENTENCING REPORTER 160 (2003)

Justice White and the Law, 112 YALE LAW JOURNAL 993 (2003)

Sentencing by the Book, 82 PHI KAPPA PHI FORUM 18 (2001)

Sentencing Guidelines: Lessons for the States, 44 SAINT LOUIS UNIVERSITY LAW JOURNAL 387 (2000)

Measuring Inter-Judge Sentencing Disparity Before and After the Federal Sentencing Guidelines, 42 Journal of Law & Economics 271 (1999) (with J.M. Anderson and J.R. Kling)

Fear of Discretion, 1 THE GREEN BAG 209 (1998)

Judging Under the Guidelines, 91 NORTHWESTERN UNIVERSITY LAW REVIEW 1247 (1997)

The Hegemony of the Sentencing Commission, 9 FEDERAL SENTENCING REPORTER 14 (1996)

The Criminal Jury in Our Time, 3 VIRGINIA JOURNAL OF SOCIAL POLICY AND THE LAW 133 (1995)

Juries, Society, and the Criminal Law, 1 YALE SURVEY OF CURRENT LEGAL ISSUES 1 (1995)

The Government Interest In Criminal Law: Whose Interest Is it, Anyway?, in COMPELLING GOVERNMENT INTERESTS (S. Gottlieb, ed.) (Michigan U. Press, 1994)

Byron R. White, Last of the New Deal Liberals, 103 YALE LAW JOURNAL 19 (1993)

The Politics of Sentencing Reform: The Legislative History of the Federal Sentencing Guidelines, 28 WAKE FOREST LAW REVIEW 223 (1993) (with S.Y. Koh)

Government Interests in Criminal Law, 55 ALBANY LAW REVIEW 679 (1992)

The Role of Government Under the Bill of Rights, 15 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 129 (1992)

Byron R. White, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (K. Karst & L. Levy, eds.) (1992)

Search and Seizure, ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (K. Karst & L. Levy, eds.) (1992)

Comment: The Appropriations Power, 68 WASHINGTON UNIVERSITY LAW QUARTERLY 644 (1990)

The Risk of Legal Error in Criminal Cases: Some Consequences of the Asymmetry in the Right to Appeal, 57 UNIVERSITY OF CHICAGO LAW REVIEW 1 (1990)

Criminal Sanctions in Connecticut, 63 CONNECTICUT BAR JOURNAL 360 (1989) (with L. Underkuffler)

Congress' Power of the Purse, 97 YALE LAW JOURNAL 595 (1988)

Rewriting the Fiscal Constitution: The Case of Gramm-Rudman-Hollings, 76 CALIFORNIA LAW REVIEW 593 (1988)

Comment: Federal Spending and the Deficit: Is a Constitutional Remedy Necessary? 11 GEORGE MASON UNIVERSITY LAW REVIEW 119 (1988)

Case Comment, Discrimination Against Illegitimate Children, 90 HARVARD LAW REVIEW 123 (1977)

Note, Taxation of Employee Fringe Benefits, 89 HARVARD LAW REVIEW 1141 (1976)

Case Comment, Arbitration of Severance Pay, 89 HARVARD LAW REVIEW 812 (1976)

SELECTED LECTURES AND PANELS

“Judge Britt Grant” (interview) Yale Law School Federalist Society (October 26, 2020)

“Women at Yale Law School: Then and Now,” Moderator, Class of 1965 Reunion (October 17, 2020)

“*Apprendi* at 20: Due Process and the Sixth Amendment,” North Carolina Law Review Symposium Presentation (October 16, 2020)

Federal Funding Issues Workshop: The Appropriations Power (national Zoom symposium) (October 7, 2020)

“Creating Your Law School Curriculum,” Yale Law School (annual presentation)

“Welcome to Transfer Students,” Yale Law School (annually)

“Welcome to First Generation Professionals,” Yale Law School (annually)

Interviewed in Leo Eaton & Richard Brookhiser documentary “John Marshall: The Man Who Made the Supreme Court,” New Haven, CT and Hanover, NH (August and September 2019, released May 2020)

“James Comey: Have At Him,” Yale Law School National Security Group (October 8, 2019)

“The *Dartmouth College Case*: Historical Disputations”; “The *Case*’s Significance in the Founding of Women’s, Catholic, and Black Colleges in the Nineteenth Century,” Presentations at symposium, Dartmouth College (September 29-30, 2019)

“Collateral Consequences of Non-Conviction Records,” University of Michigan Law School, Ann Arbor, MI (August 15-16, 2019)

“The Founder of the Women’s Campaign School at Yale,” President’s House, New Haven, CT (June 17, 2019)

“The Supreme Court and Criminal Law, October Term 2018,” New Haven Lawn Club (May 30, 2019)

“Ben Wittes on Robert Mueller” (moderator) Yale Law National Security Group (April 16, 2019)

“Talk With Will Levi YLS Class of 2009: On Lawyers, The Senate, and the DOJ,” Yale Law School (March 26, 2019)

“Congress’s Power of the Purse: The Last Thirty Years,” Symposium presentation, U.C. Hastings College of Law, San Francisco, CA (March 14-15, 2019)

“Setting the Stage for *The Dartmouth College Case*: A Reenactment,” United States Supreme Court, Washington, DC (January 31, 2019)

“Michael Mattis and Police Use of Deadly Force: A Telling Story,” SMC, Hamden, CT (January 19, 2019)

“Judge Richard Sullivan and the Law,” Yale Law School (December 13, 2018)

Harvard Law School Ad Hoc Task Force, “Fentanyl and Federal Law Enforcement,” Cambridge, MA (Sept. 28, 2018)

“The Remarkable Koh Family,” Immigrant Heritage Hall of Fame, Plantsville, CT (Sept. 27, 2018)

Supreme Court Nominee Brett Kavanaugh on Separation of Powers and International Law, American Constitution Society, Yale Law School (September 11, 2018)

“Corporate Criminal Liability and Statutory Interpretation,” National Business Law Scholars Conference, Athens, GA (June 22, 2018)

“Sentencing Reform from the Bench,” New York University Annual Survey of American Law, New York, NY (March 26, 2018)

“A Conversation with Chief Judge Merrick Garland,” Yale Law School (March 1, 2018)

“Roundtable: Restoration of Ex-Offender Rights,” American Law Institute/National Conference of State Legislatures, Washington, D.C. (January 12, 2018)

“Common Ground on Criminal Justice Reform,” Yale Law School (November 1, 2017)

“The Sentencing Guidelines at Age 30,” Hofstra University School of Law, Hempstead, NY (October 23, 2017)

“The Opioid Crisis in Connecticut,” conference co-sponsored with Office of the U.S. Attorney, District of Connecticut, Yale Law School (2017)

“Responsible Corporate Officer Criminal Liability,” New York University Program on Corporate Compliance and Enforcement, New York, NY (2017)

“The Pardon Power as an Early Release Mechanism” (with P. Larkin), Yale Law School (2017)

“Justice Thomas, the *Ocasio* Mess, and the Vagueness Doctrine,” Federalist Society Conference on Justice Clarence Thomas, Yale Law School (2017)

Oral History of Judge Janet B. Arterton, Connecticut Bar Foundation History of Women in the Legal Profession, CPTV, Hartford, CT (2017)

Oral History of Kate Stith, Connecticut Bar Foundation History of Women in the Legal Profession, CPTV, Hartford, CT (2017)

“Electing Women Around the World,” Women’s Campaign School, Yale Law School (2016)

“Should DOJ Charge a Corporation If No Individuals Are Charged?” New York University Program on Corporate Compliance and Enforcement, New York, NY (2016)

“Capital Punishment and LWOP,” Liman Center Colloquium, Yale Law School (2016)

“The SEC’s Choice of Forum: Strategies and Concerns,” Yale Law School Center for the Study of Corporate Law, New Haven, CT (2016)

“The Sentencing Commission’s Authority to Issue Broader Compassionate Release Policies,” U.S. Sentencing Commission, Washington, DC (2016) (testimony delivered in absentia)

“Building Bridges: New Haven and the New Haven Police,” U.S. Attorney’s Office for the District of Connecticut and the Greater New Haven Clergy Association (2015)

Closed Roundtable on The United States and Cuba, Yale Law School (2015)

“Criminal Law and Sentencing,” University of Minnesota School of Law, Minneapolis, MN (2015)

“Our Recent History,” Annual Meeting of Connecticut Bar Foundation Fellows, Hartford, CT (2015)

Criminal Justice Roundtable, Yale Law School (2015)

“A Conversation About Sentencing” (with Judge Richard Sullivan), Federalist Society of Yale Law School (2015)

“Wither Prosecutorial Discretion?” University of Minnesota School of Law, Minneapolis, MN (2015)

Police Reform: Citizen Review (moderator), Criminal Justice Foundation, New Haven, CT (2015)

“Plea Bargaining: Limits on Criminal Case Settlement,” University of Minnesota School of Law, Minneapolis, MN (2015)

“Stan Wheeler, Jazz, and Social Science” (memorial service, Yale Law School, 2015)

“Karen Dunn ’06: A Non-Linear Career” (interview), Yale Law School (2015)

“The Editor Needs a Lawyer” (interview of David Shribman and Fritz Byers), Yale Law School (2015)

“The Grand Jury and the Police: Ferguson, MO and Staten Island, NY,” Yale Law School (2014)

“Quinton Johnstone: His Many Careers” (memorial service, Yale Law School, 2014)

“Conversation with Justices Samuel Alito ’75, Sonia Sotomayor ’79, and Clarence Thomas ’74,” Woolsey Hall, Yale University (2014)

“Sentencing Bargaining in Federal Court,” Fordham Law School Lecture Series on Advanced Criminal Law, New York, NY (2014)

“The Furman Brothers: Jesse and Jason” (interview), Yale Law School (2014)

“Jed Rakoff, Judge” (interview), American Constitution Society, Yale Law School (2014)

“Alexander Bickel and the Pentagon Papers,” The Benchers, New Haven, CT (2013)

“The Role of International Law in Domestic Law” (moderator), Yale Law School Alumni Panel

(2013)

“White Collar Defense: Inside vs. Outside Counsel,” Forum on Criminal Justice, Yale Law School (2013)

“The Foreign Corrupt Practices Act: What Keeps You Up At Night?” Yale Law School Center for the Study of Corporate Law, New York, NY (2013)

“Schools of Thought on 40 Years of Coeducation,” Dartmouth College (2013)

“Cuba’s Judicial System: The Revolution and the Courts,” Havana, Cuba (2012)

“The U.S. Sentencing Commission: Why is it Still Doing the Same Old Thing?” Yale Law School (2012)

“Corporate Criminal Liability” with Judge Richard Sullivan and U.S. Attorney Preet Bharara, Yale Law School (2012)

“Federal Sentencing: The One-Way Ratchet,” New York City Bar Association First Annual Conference on White Collar Crime (2012)

Criminal Law Roundtable, Columbia Law School (2012)

“Trade of Innocents: A Global Perspective on Human Trafficking” (organizer and speaker), Yale Law School (2012)

“Sentencing and Plea Bargaining” with Judge Reena Raggi, Federalist Society of Yale Law School (2012)

“Comparative Sentencing Reform,” Haifa University Faculty of Law, Haifa & Jerusalem, Israel (2012)

“Developments in Plea Bargaining” with Stephanos Bibas and Jenny Roberts, Yale Law School Criminal Justice Workshop (2011)

“Sentencing and the Supreme Court” with Linda Greenhouse, Yale Law School (2011)

“GPS and the Fourth Amendment” with Orin Kerr and Timothy O’Toole, Federalist Society of Yale Law School (2011)

“The Office of Legal Counsel Past and Present: A Conversation with Jonathan Cedarbaum ’96,” Yale Law School (2011)

“Sentencing Law: Rhetoric and Reality,” University of Pennsylvania Law Review Symposium, Philadelphia, PA (with Amy Baron-Evans, delivered in absentia) (2011)

“Prosecuting Smart on Crime,” Yale Law School Criminal Justice Forum (2011)

Conference on Comparative Prosecution (panelist), University of Minnesota School of Law, Minneapolis, MN (2011)

“Sentencing Policy After *Booker*,” Federalist Society of Yale Law School (2011)

“In and Out of Government,” Liman Center Colloquium, Yale Law School (2011)

“Discrimination in the Criminal Justice System,” CELS Conference, Yale Law School (2010)

“Regulation or Criminalization?” George Mason University School of Law & The National Association of Criminal Defense Lawyers, Washington, DC (2010)

“The CSI Effect?” Yale Law School Alumni Panel (2010)

Investiture of David B. Fein, U.S. Attorney, D. Conn., Host and Speaker, Yale Law School (2010)

“Daniel Freed, Teacher” (memorial service, Yale Law School, 2010)

Conversation with Massachusetts Supreme Judicial Court Justice Margaret Marshall, final session of Celebration of 40 Years of Coeducation, Woolsey Hall, Yale University (2010)

“Corporate Criminal Liability: What, Why, and How,” Yale Law School Center for the Study of Corporate Law, New Haven, CT (2010)

“Tools to Represent the Poor,” Rebellious Lawyering Conference, Yale Law School, (2010)

“Over-Incarceration and De-Carceration,” Liman Center Colloquium, Yale Law School (2010)

Conversation with Justice Sonia Sotomayor, Woolsey Hall, Yale University (2009)

“Evaluating Judges, Judging and Judicial Institutions,” Duke Law School Workshop, Durham, NC (2009)

The Life of Constance Baker Motley: A Conference and Living History sponsored by Quinnipiac University School of Law and Yale Law School, Hamden, CT (2009)

Criminal Justice Roundtable, Vanderbilt University School of Law, Nashville, TN (2009)

Congressional Black Caucus: Rethinking Federal Sentencing Policies (testimony), Washington, DC (2009)

U.S. Senate Committee on the Judiciary, Hearings on the Nomination of Judge Sonia Sotomayor to be Associate Justice of the United States Supreme Court (testimony), Washington, DC (2009)

“Electing Women,” Women’s Campaign School, Yale Law School (2009)

“Regulation by Prosecutors,” New York University Program on Corporate Compliance and Enforcement, New York, NY (2009)

Comparative Constitutional Law Panel, Aspiring Scholars Symposium, Yale Law School (2009)

“Comparative Sentencing Reform,” University of Ljubljana, Slovenia (2009)

“The Sentencing Guidelines: What Went Right? What Went Wrong?” Conference on Clinical Education, Yale Law School (2009)

“The Trial of the Nazi Saboteurs,” Federal Bar Council, Los Cabos, Mexico (2009)

“International Criminal Law,” Conference in Honor of Mirjan Damaska, Yale Law School (2008)

“The Pardon Power and Second Look Sentencing Reforms,” Pardon Study Group, Washington DC (2008)

“Government Ethics and the Prosecutor,” Yale Law School (2008)

“Through the Glass Ceiling in Connecticut,” Women’s Leadership Forum, University of Connecticut, Storrs, CT (2008)

“Bridges Across the Divide” and “Standing on the Shoulders of Giants,” addresses at the National Association of State Sentencing Commissions, Stanford Law School Criminal Justice Center, Stanford, CA (2008)

“Practicing Capital Punishment,” Yale Law School (2008)

“Comparative Sentencing Law: The American Experience,” Honours Seminar on Criminal Law, Faculty of Law and Criminology, University of Leiden, Netherlands, (2008)

“The Future of Self-Incrimination: Fifth Amendment, Confessions, and Guilty Pleas,” Benjamin N. Cardozo School of Law, New York, NY (2008)

“The Choir-Master and the Lawyer: A Morality Tale,” The Benchers, New Haven, CT (2008)

“The Nature of Discretion in Criminal Investigation and Prosecution,” Fordham Law School Seminar on Advanced Criminal Law, New York, NY (2008)

“The ‘Culture of Waiver’ and the Corporate Attorney Client Privilege,” Yale Law School Center for the Study of Corporate Law, Washington, DC (2008).

“The Woman Who Defied the Odds,” Women’s Campaign School, Yale Law School (2007)

“*Rita* and *Booker* and the Courts of Appeals,” U.S. Court of Appeals for the First Circuit Judicial Conference, Boston, MA (2007)

Third Annual Criminal Justice Roundtable, Yale Law School (2007)

“What International Law?” Yale Law School (2007)

“Informed Consent and Professional Responsibility,” Connecticut Bar Association, New Britain, CT (2007)

“Israel and Sentencing Guidelines,” Committee on Law and Justice, Israeli Knesset, Jerusalem, Israel (2006)

“The Revolution in Plea-Bargaining and Sentencing,” Harvard Law School Conference on CRIMINAL PROCEDURES STORIES, Cambridge, MA (2006)

“Criminal Law in the 21st Century,” New Haven LEAP, Branford, CT (2006)

“What *Booker* Portends,” Federalist Society of Yale Law School (2006)

“The Reporter As Witness for the Prosecution,” Yale Law School Program on Journalism (2006)

“The Criminal Law Scholarship of Professor Abraham S. Goldstein” (memorial service, Yale Law School, 2005)

“High Crimes or Misdemeanors: The Role of Criminal Law and Civil Enforcement in the Post-Enron Environment,” Yale Law School Center for the Study of Corporate Law, New York, NY (2005)

“Sentencing and Mitigation,” Yale Medical School Seminar on Forensic Psychiatry (September 2005; September 2004)

“The Real PATRIOT Act,” U.S. Coast Guard Academy, New London, CT (2005)

“What *Booker* Wrought,” U.S. Court of Appeals for the Fourth Circuit, Judicial Conference, Williamsburg, VA (2005)

“*United States v. Booker*: The Supreme Court and the Sentencing Guidelines,” Yale Law School (2005)

“Theories of Punishment and State Sentencing Guidelines,” Columbia Law Review Symposium, New York, NY (2005)

“Federal Law and Federal Courts,” Federalist Society of Connecticut, Hartford, CT (2005)

“Whither the Federal Sentencing Guidelines,” U.S. Court of Appeals for the Third Circuit, Judicial Conference, Hershey, PA (2004)

“The End of the Sentencing Guidelines?” Benjamin N. Cardozo Law School, New York, NY (2004)

“Reimagining Sentencing Guidelines,” Stanford Law School Conference on *Blakely v. Washington*, Stanford, CA (2004)

“*Blakely*: The Academic Perspective,” American Constitution Society, Yale Law School (2004)

“Honoring the Founders,” Connecticut Bar Association, 10th Anniversary Celebration of the James W. Cooper Fellows Program, Hartford, CT (2004)

“Determinant Sentencing and the Supreme Court,” U.S. District Court for the District of Connecticut, Judicial Conference, Portland, CT (2004)

“The Future of Federal Sentencing,” Administrative Office of the U.S. Courts, Defender Services Division, Washington, DC (2004)

“The Criteria of Judicial Independence,” The Party School of the People, Beijing, China (2004)

“Investigating Financial Scandals,” Federal Bar Council Symposium, Yale Law School (2003)

“The Feeney Amendment and the PROTECT Act” (co-authored submission to U.S. Senate Judiciary Committee) (2003)

“Prosecutorial Discretion, Screening Cases, and Plea-Bargaining,” Tulane Law School, held in Philadelphia, PA (2003)

“Judges and Politics,” Yale Law School Alumni Association, Boston, MA (2003) (with J.A. Cabranes)

“The Supreme Court, Justice White, and the Criminal Law,” University of Colorado School of Law, Boulder, CO (2003)

“Justice White’s Judicial Legacy” (memorial service, United States Supreme Court, Washington, DC 2002)

“The PATRIOT Act,” Knight Fellowship Symposium, Yale Law School (2002)

“Free Speech in High School,” Federal Bar Council Annual Meeting, San Juan, PR (2002)

“The Jury in Terrorism Trials,” Horace Mann School, New York, NY (2002)

“Capital Punishment in Connecticut,” Connecticut Bar Foundation Symposium, Yale Law School

(2002)

“Terrorism and the Criminal Law,” Yale Law School Town Meeting in the wake of 9/11 (2001)

“Multi-Jurisdictional Practice: Old Rules in a New Game,” Connecticut Bar Foundation Symposium, Hartford, CT (2000)

“Daniel Webster and University Governance,” Dartmouth College (2000)

“Criminal Sentencing, State and Federal,” Saint Louis University Law School, St. Louis, MO (2000)

“The Corporation and the Grand Jury,” Federal Bar Council Symposium, Stamford, CT (1999)

“Privileges in the Federal Courts,” Federal Bar Council Annual Meeting, Kona, HA (1999)

“Congress and the Criminal Law,” Distinguished Visiting Lecturer, University of Nevada School of Law, Las Vegas, NV (1999)

“Alternative Dispute Resolution: Issues and Prospects,” Connecticut Bar Foundation Symposium, Hartford, CT (1998)

“The Present Crisis and the Independent Counsel,” Yale Law School (September 1998)

“Violence Against Women and the Criminal Law,” Annual Capitol Law Conference, Hartford, CT (1998)

“Inter-Judge Sentencing Disparity,” University of Chicago, Conference of the JOURNAL OF LAW & ECONOMICS, Chicago, IL (1997)

“The Shibboleth of Disparity,” New York University School of Law Fortunoff Colloquium, New York, NY (1997)

“The Unsung Heroes,” Opening Ceremony Presentation Celebrating Twenty-Five Years of Coeducation, Dartmouth College (1996)

“Global Constitutionalism from the American Perspective,” Conference on Democracy in the Former Soviet Union, Dartmouth College (1996)

“Juries, O.J. Simpson, and Rodney King,” Federal Bar Council Annual Conference, Nevis (1995)

“The Murder of Nicole Brown,” Yale Law School Town Meeting in the wake of O.J. Simpson Acquittal (1995)

“The Rodney King Case and the Future of Double Jeopardy Law,” Federal Bar Council Forum, Yale Law School (1994)

“Investigating the Executive Branch: Congress and the Independent Counsel,” Yale Law School (1994)

“Reconsidering the *Dartmouth College* Case,” Old Supreme Court Chamber, U.S. Capitol, Washington, DC (1994)

“Crime, Punishment and Politics,” Georgetown Law School Faculty Workshop, Washington, DC (1993)

“The Trial of Rodney King,” Yale Law School Town Meeting in the wake of *California v. Koon* et al. (1992)

“Criminal Process Reform in Italy?” Forum on the Italian Constitutional Court, Yale Law School (1992)

“Child Abuse and Neglect: Constitutional Considerations,” Connecticut Bar Foundation & University of Connecticut School of Law, West Hartford, CT (1992)

“Mandatory Federal Sentencing,” Yale Law Journal Conference on the Federal Sentencing Guidelines (1992)

“Criminal Law and the Constitution,” Conference on Compelling Government Interests, Albany Law School, Albany, NY (1991) (delivered in absentia)

“The Bill of Rights as a Constitution,” Federalist Society Conference on the Bill of Rights, Yale Law School (1991)

“Separation of Powers and the Conduct of Foreign Policy,” The Woodrow Wilson International Center for Scholars, Smithsonian Institution, Washington, DC (1991) (with H.H. Koh)

“The Appropriations Power and the Separation of Powers,” Federalist Society Conference on Constitutional Separation of Powers, Washington, DC (1990)

“The Future of Gramm-Rudman-Hollings,” Annual Research Conference of the Association of Public Policy and Management, Arlington, VA (1989)

“Legal Error and Criminal Appeals,” Legal Theory Workshop, Columbia Law School (1989)

“The Supreme Court and the Fifth Amendment,” American Bar Association Annual Meeting, Toronto, ON (1988)

“Who Controls Government Spending?” Law and Economics Workshop, University of Toronto Faculty of Law, Toronto, ON (1988)

“The Constitutional Role of Special Prosecutors,” Federal Bar Council Annual Meeting, Maui, HA (1988)

“Government Spending Without Taxes or Deficits: Is There an Executive Power of the Purse?”
Distinguished Scholar in Residence, Valparaiso University Law School, Valparaiso, IN (1987)

“Why a Balanced Budget Amendment is a Bad Idea,” Federalist Society Conference on
Constitutional Law, Arlington, VA (1987)

“Cross-Disciplinary Perspectives on Constitutional Law,” AALS Workshop on
Constitutional Law, Washington, DC (1987)

“Gramm-Rudman: Constitutional Status and Budgetary Impact,” Wesleyan University,
Middletown, CT (1986)

PROFESSIONAL ACTIVITIES

ABA Task Force on Sentencing (2017-present)

Board of Directors, Collateral Consequences Resource Center, Washington, DC (2018 – present)

American Law Institute, Adviser to MODEL PENAL CODE Sexual Assault Crimes (2015 – present);
Consultative Member to STUDENT SEXUAL MISCONDUCT project (2016 – present)

Connecticut Supreme Court Historical Society Board of Directors (2017 – present); Connecticut
membership chair, U.S. Supreme Court Historical Society

Women’s Campaign School at Yale (1992 – 2019); The Campaign School at Yale (2019 –
present): Board of Directors and Faculty Sponsor

Committee on Professional Ethics, State of Connecticut (2002 – present; Vice-Chair, 2007 – present)
Principal author of recent opinions on obligations to former, now disabled, client; counsel fees; fee-
sharing by former partners; lawyer advertising; advance payments by credit card; litigation-related
payments for indigent clients; Rules amendments relating to technology, client solicitation, and clients
with disabilities

THE GREEN BAG, Editorial Advisory Board (1997 – present)

FEDERAL SENTENCING REPORTER, Advisory Board (1993 – present)

OHIO STATE JOURNAL OF CRIMINAL LAW, Board of Advisors (2002 – present)

Yale University Press Board of Governors (2009 – 2019)

Tapping Reeve Legal Educator Award, Connecticut Bar Association (April 12, 2018)

American Law Institute, Young Scholars Selection Committee (2012 – 2019)

American Law Institute, Adviser to MODEL PENAL CODE Sentencing Project (2002 – 2017)

CONNECTICUT LAWYER, Board of Editorial Advisors (2002 – 2016)

ABA Criminal Justice Section Task Force on the Reform of Federal Sentencing for Economic Crimes (April 2013 – 2015)

Connecticut Bar Foundation Board of Directors Executive Committee (1996 –2011); President of the Connecticut Bar Foundation, 1999 – 2002

Whitney Humanities Center Fellow and Executive Committee Member, Yale University (2004 – 2006; 2007– 2008)

LEGAL AFFAIRS, Board of Directors (2001 – 2004)

Federal Bar Council Foundation (New York, NY) Board of Trustees (1996 – 2003)

National Research Council, Committee on Law & Justice (1997 – 2002)

Judicial Conference of the United States, Advisory Committee on the Federal Rules of Criminal Procedure (1995 – 2001)

Dartmouth College Board of Trustees (1989 – 2000)

Civil Justice Advisory Group, US District Court, District of Connecticut (1996 – 1999)

Commissioner, Connecticut Permanent Commission on the Status of Women (appointed by Governor) (1987 – 1996)

Member: American Law Institute (life member), Council on Foreign Relations, American Bar Foundation

Bar Memberships: District of Columbia, State of Connecticut

Born: St. Louis, MO to Richard Taylor Stith and Ann Carter Stith; siblings Richard Stith, Carter Stith, Laura Denvir Stith, Rebecca See Stith

Married to José A. Cabranes. Children: Jennifer C. Braceras, Amy A. Cabranes, Alejo R.S. Cabranes, Benjamín José Cabranes