

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. Comparative Criminal Sentencing. Criminal Law. Criminal Procedure: Adjudication. Criminal Procedure: Investigations. Criminal Sentencing. Cuba and the United States. Federal Criminal Law (and Advanced Federal Criminal Law). Federal Criminal Prosecution. Free Exercise Clinic: Fieldwork and Seminar (and Advanced Free Exercise Clinic). Opioid Crisis. Prosecution Externship. Special Counsels: From Watergate to the Present. Theories of the Fourth Amendment. University Governance. White Collar Criminal Defense.

PUBLICATIONS

Books and Monographs

PROSECUTORS AND PARDONERS (examining “independent” prosecutors and subsequent questionable presidential pardons, in progress)

DEFINING FEDERAL CRIMES (Aspen Press) (1st ed. 2014; 2nd ed. 2018, 2019; 3rd ed. in progress) (with D. Richman)

CAMPUS SPEECH IN CRISIS (Encounter Books, 2016) (with J.A. Cabranes)

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)

Articles and Book Chapters

National Constitution Center *Interactive Constitution*: Entry on Article 1, Section 9 (Appropriations Clause, 2015, updated 2025). Entry on Fifth Amendment (Grand Jury Clause, Double Jeopardy Clause, and Privilege Against Compelled Self-Incrimination) (with Paul Cassell) (2015, updated 2025)

Samuel Alito on Criminal Law, Harvard Journal of Law & Public Policy (Per Curiam) (April 2023)

Apprendi's Two Rights, 99 North Carolina Law Review 1229 (2021)

Weinstein on Sentencing II, 32 Federal Sentencing Reporter 155 (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)

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

The Appropriations Clause of Article I, Section 9, www.constitutioncenter.org/interactive-constitution/article-1-section-9, National Constitution Center (2015)

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 PRESENTATIONS

Annual Presentations at Yale Law School

First-Year Students: "Creating Your Law School Curriculum"

Transfer Students: "You are a Small Group"

Admitted Students: "Death on the Mignonette—Is Necessity a Defense to Intentional Homicide?"

Opening of The Campaign School at Yale (five-day session in June): "Why you are here"

Discussant, Roundtable on Religious Liberty Clinical Curricula, U. of Texas at Austin School of Law, Austin, TX (May 7, 2026)

Discussant, THE PRESIDENTIAL PARDON (by S.B. Prakash), U. of Virginia School of Law, Charlottesville, VA (March 30, 2026)

Discussant, Notre Dame Law School Religious Liberty Summit, Dublin, Ireland (June 22-26, 2025)

Remarks on David M. Zornow, prize recipient, Yale Law School Corporate Law Center Annual Meeting, New York, NY (June 18, 2025)

Organizer and Moderator, “The January 6 Prosecutions in Retrospect,” Yale Law School (April 10, 2025)

Presentation: “Out-of-Wedlock Children,” Rosenkranz Originalism Conference, Yale Law School (March 6, 2025)

Presentation: “How the Woodward Report’s Meaning Has Changed,” Inaugural Conference of Yale Law Center for Academic Freedom and Free Speech, *Revisiting the Woodward Report* (February 14, 2025)

Panelist, Religious Liberty Law Clinic Summit, Brigham Young University J. Reuben Clark Law School, Provo, Utah (August 14 – 16, 2024)

Participant, Heterodox Academy Annual Conference, Chicago, IL (June 6 – 8, 2024)

Commentator, Young Scholars Roundtable, Columbia Law School (by Zoom) (May 3 & 4, 2024)

Interview with Judge Julius Richardson (USCA, 4th Cir.), Yale Law School (March 13, 2024)

Presentation: “Professor W. Michael Reisman’s Astounding Records,” Yale Law School Faculty (March 8, 2024)

Discussant: “Next Strategies for The Campaign School at Yale,” Washington, DC (February 15 – 16, 2024)

Moderator: “Should University Leaders Be Neutral?,” Faculty for Yale, New Haven (October 25, 2023)

Remarks, Stanford Law School Religious Liberty Clinic 10th Anniversary Conference, Stanford, CA (March 12, 2023)

Panelist and Presenter, Symposium on Monetary Policy sponsored by The Liberty Fund, Santa Fe, New Mexico (January 19 – 22, 2023)

Presentation: “Mental Illness on Trial: The Fall and Rise of Kenneth Donaldson,” New Haven, CT (November 12, 2022)

Speaker: “A Celebration of Women and 50 Years of Coeducation at Dartmouth,” Dartmouth Hall (by Zoom), Hanover, NH (November 11, 2022)

Eulogy, President James Wright, Dartmouth College, Hanover, NH (October 26, 2022)

Commentator on Miriam Baer, *Myths and Misunderstandings in White-Collar Crime*, Brooklyn Law School (by Zoom), New York, NY (May 23, 2022)

Advisory Committee Presenter and Discussant, *MPC - Sexual Assault*, American Law Institute, Philadelphia, PA & Washington, DC 2016- 2023 (final vote: May 17, 2023)

Discussant: “Early Women at Dartmouth,” Hanover, NH (April 27, 2022)

Moderator: “The Morality of Abortion Laws,” Nathan Hale Conference, Yale Law School Federalist Society (April 13, 2022)

Presentation: “The Criminal Law Jurisprudence of Justice Alito,” the James Madison Program at Princeton University and the American Enterprise Institute, Washington, DC (March 24, 2022)

Moderator: “Litigating Free Speech: Left and Right Unite,” Yale Law School Federalist Society (March 10, 2022)

Interview with Judge Michael Park (USCA, 2d Cir.), Yale Law School (March 7, 2022)

Panelist: “Ending the Opioid Epidemic” (with Daniel Suhr), Yale Law School (November 6, 2021)

Panelist: “Judge Constance Baker Motley: A Centennial Retrospective,” Connecticut Bar Association (by Zoom) (September 21, 2021)

Commentator, Conference on Freedom of Religion and Other Individual Rights, Notre Dame University School of Law, South Bend, IN (June 28-29, 2021)

Affiant and Witness, *State v. Clyde Meikle*, Application for Release, Cheshire CT (by Zoom) (December 19, 2020 and January 15, 2021)

Discussant with Judge Britt Grant (USCA, 11th Cir.) on Regulation of Sexual Medical Treatment, Yale Law School (October 26, 2020)

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

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

Interview with James Comey, Yale Law School National Security Group (October 8, 2019)

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

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

Presentation: “The Supreme Court and Criminal Law, October Term 2018,” Wiggin & Dana Supreme Court Round-up, New Haven Lawn Club (May 30, 2019)

Interview with Ben Wittes on Special Counsel Robert Mueller, Yale Law School National Security Group (April 16, 2019)

Interview with Will Levi, '09: "Lawyers, The Senate, and the DOJ," Yale Law School (March 26, 2019)

Presentation: "Congress's Power of the Purse in the Last Thirty Years," U.C. Hastings College of Law Symposium, San Francisco, CA (March 14-15, 2019)

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

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

Interview with Judge Richard Sullivan (USCA, 2d Cir.), Yale Law School (December 13, 2018)

Discussant: "Fentanyl and Federal Law Enforcement", Harvard Law School symposium, Cambridge, MA (Sept. 28, 2018)

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

Presentation: "Corporate Criminal Liability and Statutory Interpretation," National Business Law Scholars Conference (by remote video), Athens, GA (June 22, 2018)

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

Interview with Chief Judge Merrick Garland (USCA, DC Cir.), Yale Law School (March 1, 2018)

Discussant, "Restoration of Ex-Offender Rights," American Law Institute and National Conference of State Legislatures, Washington, DC (January 12, 2018)

Panelist, "Common Ground on Criminal Justice Reform," Yale Law School (November 1, 2017)

Presentation: "The Sentencing Guidelines at Age 30," Hofstra University School of Law symposium, Hempstead, NY (October 23, 2017)

Moderator: "The Opioid Crisis in Connecticut," co-sponsored with Office of the U.S. Attorney, District of Connecticut, New Haven, CT (September 29, 2017)

Presentation: "Responsible Corporate Officer Criminal Liability," New York University Program on Corporate Compliance and Enforcement, New York, NY (2017)

Discussant (with P. Larkin): "The Pardon Power as an Early Release Mechanism," Yale Law School (2017)

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

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

Interviewed by Judge Janet B. Arterton (D. Conn.), Connecticut Bar Foundation Oral History of Women

in the Legal Profession, CPTV, Hartford, CT (2017)

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

Panelist, “Capital Punishment versus Life-Without-Parole,” Liman Center Colloquium, Yale Law School (2016)

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

Testimony (read in abstentia): “The Sentencing Commission’s Authority to Issue Broader Compassionate Release Policies,” U.S. Sentencing Commission, Washington, DC (2016)

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

Panelist on closed “Roundtable on Cuba,” Yale Law School (2015)

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

Keynote Address, Annual Meeting of Connecticut Bar Foundation Fellows, Hartford, CT (2015)

Panelist, Young Scholars Criminal Justice Roundtable, Yale Law School (2015)

Interview with Judge Richard Sullivan (SDNY), Yale Law School Federalist Society (2015)

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

Moderator: “Police Reform and Citizen Review,” Criminal Justice Foundation, New Haven, CT (2015)

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

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

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

Moderator: “The Editor Needs a Lawyer” (with Poynter Fellows David Shribman and Fritz Byers), Yale University (2015)

Panelist: “The Grand Jury and the Police in Ferguson and Staten Island,” Yale Law School Auditorium (2014)

Eulogy, Professor Quinton Johnstone, Yale Law School (2014)

Interview of Justices Samuel Alito ’75, Sonia Sotomayor ’79, and Clarence Thomas ’74, Woolsey Hall,

Yale University (2014)

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

Interview of “the Furman Brothers: Jesse and Jason,” Yale Law School (2014)

Interview of Judge Jed Rakoff (SDNY), American Constitution Society, Yale Law School (2014)

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

Moderator, “The Role of International Law in Domestic Law,” Yale Law School Reunion Panel (2013)

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

Panelist, “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)

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

Lecture: “The Vagaries of Criminal Law and Criminal Trials in Cuba,” visit sponsored by Yale Alumni Academy, presented in Havana, Cuba (2012)

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

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

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

Panelist, Young Scholars Criminal Law Roundtable, Columbia Law School (2012)

Organizer and Speaker, “Trade of Innocents: A Global Perspective on Human Trafficking,” with U.S. Attorney’s Office for D. Conn., Yale Law School (2012)

Interview of Judge Reena Raggi (USCA, 2d Cir.) on federal sentencing guidelines, Yale Law School (2012)

Address: “Comparative Sentencing Reform: The Case of Israel,” sponsored by Haifa University Faculty of Law, Haifa & Jerusalem, Israel (2012)

Interview of Professors Stephanos Bibas and Jenny Roberts, Yale Law School Criminal Justice Workshop (2011)

Interview of Linda Greenhouse on Criminal Sentencing, Yale Law School (2011)

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

Interview of Jonathan Cedarbaum ’96 regarding Office of Legal Counsel, Department of Justice Group, Yale Law School (2011)

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

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

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

Panelist, Sentencing Policy After *Booker*, Yale Law School Federalist Society (2011)

Moderator, panel on alumni in and out of government, Liman Center Colloquium, Yale Law School (2011)

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

Moderator and panelist: “Regulation or Criminalization?”, sponsored by George Mason University School of Law and The National Association of Criminal Defense Lawyers, Arlington, VA (2010)

Moderator: “The CSI Effect?”, Yale Law School Reunion Panel (2010)

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

Eulogy, Daniel Freed, 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)

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

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

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

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

Panelist: “Evaluating Judges, Judging and Judicial Institutions,” Duke Law School Workshop,

Durham, NC (2009)

Panelist, “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)

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

Testimony before the Congressional Black Caucus, “Rethinking Federal Sentencing Policies”, Washington, DC (2009)

Testimony before the 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, Washington, DC (2009)

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

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

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

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

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

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

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

Lecture: “The Prosecutor’s Ethics,” Yale Law School (2008)

Panelist, Through the Glass Ceiling, sponsored by the Women’s Leadership Forum, University of Connecticut, Storrs, CT (2008)

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

Moderator and Commenter: “Practicing Capital Punishment,” Federal Bar Foundation symposium, Yale Law School (2008)

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

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

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

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

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

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

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

Panelist, Criminal Justice Roundtable, Yale Law School (2007)

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

Panelist, Informed Consent and Professional Responsibility (CLE), Connecticut Bar Association, New Britain, CT (2007)

Testimony before the Committee on Law and Justice, Israeli Knesset, on Sentencing Guidelines, Jerusalem, Israel (2006)

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

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

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

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

Eulogy, Professor Abraham S. Goldstein, Yale Law School (2005)

Panelist: “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)

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

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

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

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

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

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

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

Panelist, Is This the End of the Sentencing Guidelines?, Benjamin N. Cardozo Law School, New York, NY (2004)

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

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

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

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

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

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

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

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

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

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

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

Eulogy, Justice Byron R. White, United States Supreme Court Rotunda, Washington, DC (2002)

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

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

Presentation: “The Jury in Terrorism Trials,” Horace Mann School, New York, NY (2002) (with J.A. Cabranes)

Panelist, Capital Punishment in Connecticut, Connecticut Bar Foundation Symposium, Yale Law School (2002)

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

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

Address: “Daniel Webster and University Governance,” Dartmouth Lawyers Association, Hanover, NH (2000)

Presentation: “Criminal Sentencing—State vs Federal,” Saint Louis University Law School Symposium, St. Louis, MO (2000)

Panelist, The Corporation Before the Grand Jury, Federal Bar Council Symposium, Stamford, CT (1999)

Presentation, “Privileges Under the Federal Rules,” Federal Bar Council Annual Conference, Kona, HA (1999)

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

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

Panelist, The Present Crisis and the Independent Counsel, Yale Law School (1998)

Presentation: “Violence Against Women and the Criminal Law,” Permanent Commission on the Status of Women, Capitol Law Conference, Hartford, CT (1998)

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

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

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

Panelist, Global Constitutionalism from the American Perspective, Conference on Democracy in the Former Soviet Union, Dartmouth College, Hanover, NH (1996)

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

Remarks: “The Murder of Nicole Brown,” Yale Law School Town Hall in the wake of O.J. Simpson acquittal (1995)

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

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

Address: “Reconsidering the *Dartmouth College* Case” and recitation of Daniel Webster’s Peroration, Old Supreme Court Chamber, U.S. Capitol, Washington, DC (1994)

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

Remarks: “The Trial of Rodney King,” Yale Law School Town Hall in the wake of acquittal in *California v. Koon* (1992)

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

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

Presentation: “The Disquiet of Mandatory Sentencing,” Yale Law Journal Conference on the Federal Sentencing Guidelines (1992)

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

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

Organizer and Presenter: “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)

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

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

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

Presentation: “The Supreme Court and the Fifth Amendment,” American Bar Association Annual Meeting, Panel on Criminal Law, Toronto, ON (1988)

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

Panelist, The Constitutional Role of Special Prosecutors, Federal Bar Council Annual Conference, Maui, HA (1988)

Lecture: “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)

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

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

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

PROFESSIONAL ACTIVITIES

Board of Directors, Heterodox Academy (2022 – present)

Faculty for Yale, organizer and member (2023 – present)

Board of Directors, Collateral Consequences Resource Center, Washington, DC (2018 – present; President, 2024 – present)

ABA Task Force on Sentencing (2017 – present)

Connecticut Supreme Court Historical Society Board of Directors (2017 – present)

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

Committee on Professional Ethics, Connecticut Bar Association (2002 – present; Vice-Chair, 2007 – present)

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

Connecticut Bar Foundation Board of Directors (1987 – 2011) (President, 1999 – 2002)

American Law Institute, Adviser to MODEL PENAL CODE: Sexual Assault Crimes (2014 – 2023)

FEDERAL SENTENCING REPORTER, Advisory Board (1993 – 2025)

OHIO STATE JOURNAL OF CRIMINAL LAW, Board of Advisors (2002 – 2022)

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 (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)

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 (appointed by Chief Justice) (1995 – 2001)

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

Dartmouth College Board of Trustees (1989 – 2000)

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 (life member)

Bar Memberships: District of Columbia, State of Connecticut

Born: St. Louis, MO March 16, 1951 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