

**MARAH STITH MCLEOD**

1107 N. Notre Dame Ave. South Bend, Indiana 46617

312.771.3448 · mmcleod2@nd.edu

---

**ACADEMIC APPOINTMENTS**

**Notre Dame Law School**, Associate Professor, 2016–present

**Columbia Law School**, Associate in Law, 2014–2016

**CLERKSHIPS**

**Hon. Clarence Thomas**, United States Supreme Court, Law Clerk, 2009–2010

**Hon. Diarmuid O’Sconnlain**, Ninth Circuit Court of Appeals, Law Clerk, 2006–2007

**EDUCATION**

**Yale Law School**, J.D., 2006

- *Yale Law Journal*, Notes Editor
- Hillhouse Scholars Program, Director of Mentorship
- Initiative for Promoting Public Interest Employment, Executive Committee
- Greenhaven Prison Project

**Harvard University**, A.B. in Government (political theory), *magna cum laude*, 2002

- Thesis: *Is Moral Relativism Good for Democracy? A Practical View from Tocqueville’s America*
- Elizabeth Cary Agassiz Certificate of Merit, Harvard College Scholarship
- Harvard Motorcycle Club, Founder

**ARTICLES**

*The Death Penalty as Incapacitation*, 104 VA. L. REV. 1123 (2018)

*Does the Death Penalty Require Death Row? The Harm of Legislative Silence*, 77 OHIO ST. L.J. 525 (2016)

*Immigration Control: A Catholic Dilemma?*, 84 U. DET. MERCY L. REV. 73 (2007)

*The Semblance of Autonomy: Treatment of Persons with Disabilities Under the Uniform Health-Care Decisions Act*, 22 ISSUES L. & MED. 39 (2006)

**SHORTER WORKS**

*A Humble Justice*, 127 YALE L.J. F. 196 (2017)

*White Paper of Democratic Criminal Justice*, 111 NW. L. REV. 1693-1705 (2017) (one of 18 co-authors)

*A Plebiscitary Bargain*, 1 LONDON L. REV. 497 (2005)

## **WORKS-IN-PROGRESS**

“Communicating Punishment”

“Decisional Transparency in Plea Agreements”

## **PROFESSIONAL AND OTHER EXPERIENCE**

**Sidley Austin LLP**, Chicago, Senior Litigation Associate, 2011–2014

- Handled civil litigation, negotiations, and appeals.
- Represented three death-row prisoners seeking post-conviction relief in Alabama.
- Received Thomas Morsch Pro Bono Award for non-capital federal habeas case.

**Office of Legal Counsel**, United States Department of Justice, Attorney-Adviser, 2007–2009

**Gibson, Dunn & Crutcher LLP**, Washington, D.C., Summer Associate, 2005

**United States Attorney’s Office**, Western District of Washington, Summer Law Clerk, 2004

**Daya Dan Orphanage**, Kolkata, India, Caretaker of Orphans, 2002–2003

## **COURSES TAUGHT**

**Notre Dame Law School (2016 – present)**

- Criminal Law
- Criminal Adjudication
- Plea Bargaining

**Columbia Law School (2014 – 2016)**

- Legal Writing

## **BAR ADMISSIONS**

- New York
- District of Columbia
- Illinois
- Supreme Court of the United States
- Court of Appeals for the First Circuit
- Court of Appeals for the Ninth Circuit
- Northern District of Illinois

## PROFESSIONAL AND SERVICE ORGANIZATIONS

- Notre Dame Center for Ethics and Culture, Faculty Advisory Committee
- Notre Dame Law School, Clerkship Committee, 2016 - present
- AALS, Criminal Justice Section, Member, 2017 - present
- Fr. Michael J. McGivney Center of Hope & Healing, Board Member, 2013 - 2014

LANGUAGES: German (advanced), Spanish (conversational)

## INVITED TALKS AND PRESENTATIONS (LISTED BY PAPER PRESENTED)

### *Communicating Punishment*

- Chicagoland Junior Scholars Conference, Loyola University Chicago (October 2018)
- Women in Law Teaching Conference, University of Minnesota Law School (July 2018)

### *The Death Penalty as Incapacitation*

- Northwestern University Pritzker School of Law Faculty Presentation (March 2018)
- Notre Dame Law School Faculty Presentation (February 2018)
- Indiana University Maurer School of Law Faculty Presentation (January 2018)
- Federalist Society Convention, Works-in-Progress Panel (January 2018)

### *Decisional Transparency in Plea Agreements*

- CrimFest 2015, Cardozo Law School (July 2015)

### *Does the Death Penalty Require Death Row? The Harm of Legislative Silence*

- Columbia Law School, Associates & Fellows Workshop (April 2015)
- St. John's University School of Law, Faculty Workshop (March 2015)