

# MARGARET TARKINGTON

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•509 N. Walnut St., Batesville, Indiana 47006

•(812) 717-0344

•mtarking@iupui.edu

## ACADEMIC EMPLOYMENT

### **Indiana University Robert H. McKinney School of Law**

*Professor of Law, 2014–Present*

*Associate Professor of Law, 2011–2014*

- Courses: Professional Responsibility, Seminar in Constitutional Law: The First Amendment and Attorney Regulation, Civil Procedure, and Federal Courts
- Online Innovator Award (for excellence in online instructional design & teaching), Spring 2021
- Director, J.D. Program Evaluation & Assessment, 2020–Present (Co-Director 2019)
- Dean’s Fellow for Excellence in Research, 2018
- IUPUI Trustees’ Teaching Award, Spring 2015
- Selected as Hooding Professor by Class of 2015

### **J. Reuben Clark Law School, Brigham Young University**

*Associate Professor of Law, Fall 2008–August 2011*

*Visiting Assistant Professor of Law, Fall 2006–Winter 2008*

- Courses: Professional Responsibility, Federal Courts, Civil Procedure, and Torts
- Student Bar Association Professor of the Year for First Year Courses, 2006–2007
- Recipient of “Restore Integrity Award” from POPULAR, June 2010

### **University of Cincinnati College of Law**

*Visiting Associate Professor of Law, Fall 2010–Spring 2011*

- Courses: Legal Ethics, Civil Procedure I, Constitutional Law II, Torts

## PUBLICATIONS

*“Breathing Space to Survive”*: *The Missing Component of Model Rule 8.4(g)*, HOFSTRA LAW REVIEW (forthcoming 2022).

*The Role of Attorney Speech and Advocacy in the Subversion and Protection of Constitutional Governance*, WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY (forthcoming 2022).

*Reckless Abandon: The Shadow of Model Rule 8.4(g) and a Path Forward*, 95 ST. JOHN’S LAW REVIEW 101 (2021).

*Throwing Out the Baby: The ABA’s Subversion of Lawyer First Amendment Rights*, 24 TEXAS REVIEW OF LAW & POLITICS 41 (2020).

*Introduction: The Ethics of Lawyers in Government*, 52 INDIANA LAW REVIEW 265 (2019).

VOICE OF JUSTICE: RECLAIMING THE FIRST AMENDMENT RIGHTS OF LAWYERS (Cambridge University Press, 2018).

PROFESSIONAL RESPONSIBILITY IN FOCUS (Wolters Kluwer—Aspen Casebook Series, 2018 & 2d Ed. 2020 (with JOHN P. SAHL, R. MICHAEL CASSIDY, & BENJAMIN P. COOPER).

*Lost in the Compromise: Free Speech, Criminal Justice, and Attorney Pretrial Publicity*, 66 FLORIDA LAW REVIEW 1873 (2014).

*Freedom of Attorney-Client Association*, 2012 UTAH LAW REVIEW 1071.

*A First Amendment Theory for Protecting Attorney Speech*, 45 UC DAVIS LAW REVIEW 27 (2012).

*Attorney Speech and the Right to an Impartial Adjudicator*, 30 REVIEW OF LITIGATION 849 (2011).

*Government Speech and the Publicly Employed Attorney*, 2010 BYU LAW REVIEW, no. 6, 2175.

*A Free Speech Right to Impugn Judicial Integrity in Court Proceedings*, 51 BOSTON COLLEGE LAW REVIEW 363 (2010).

*The Truth Be Damned: The First Amendment, Attorney Speech, and Judicial Reputation*, 97 GEORGETOWN LAW JOURNAL 1567 (2009).

*Rejecting the Touchstone: Complete Preemption and Congressional Intent after Beneficial National Bank v. Anderson*, 59 SOUTH CAROLINA LAW REVIEW 225 (2008).

*Must a Court Establish Personal Jurisdiction Prior to Dismissing a Case on the Ground of Forum Non Conveniens?*, 34 PREVIEW OF THE UNITED STATES SUPREME COURT CASES, no. 4, 194 (2007).

*Should the Rule in Blakely Be Applied Retroactively in Habeas Corpus Proceedings?*, 34 PREVIEW OF THE UNITED STATES SUPREME COURT CASES, no. 2, 92 (2006).

*Abridging the Freedom of Non-English Speech: English-Only Legislation and the Free Speech Rights of Government Employees*, 2001 BYU LAW REVIEW, no. 4, 1641.

## PRESENTATIONS

*The 2020 Election, the Big Lie, & Constitutional Governance: Examining the Rights & Responsibilities of Lawyers*, 2022 Distinguished Lecture for the Miller Becker Center for Professional Responsibility, University of Akron School of Law (forthcoming April 8, 2022)

Panelist, *Lawyering for the President: Testing the Limits of Ethics and Professionalism*, 22nd Annual Symposium on Legal Ethics and Professionalism, University of Georgia School of Law (forthcoming February 25, 2022)

*The Role of Attorney Speech and Advocacy in the Subversion and Protection of Constitutional Governance*

- Presented at *After the Trump Administration: Lessons and Legacy for the Legal Profession*, Symposium of the WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY, November 12, 2021

Panelist, *Bright Ideas and Best Practices for Online Teaching in Professional Responsibility Courses*, AALS Professional Responsibility Section Program, AALS Annual Meeting 2021, January 5, 2021

Panelist, *Excellence in Teaching Professional Responsibility Online*, Program for the Advancement of Legal Ethics at Texas A&M University School of Law, August 4, 2020

Panelist, *What's In a Word? The Succubus, The Twittersphere, The First Amendment, and The Rule of Eights*, Association of Professional Responsibility Lawyers (APRL), San Francisco, California, August 9, 2019

Panelist, *Liberty for Lawyers in America*, SEALS (Southeastern Association of Law Schools), Boca Raton, Florida, August 2, 2019

*Throwing Out the Baby: The ABA's Subversion of Lawyer First Amendment Rights*

- Presenting at the 2019 Legal Ethics Schmooze, UC Irvine School of Law, Irvine, California, June 7-8, 2019
- Presented at the J. Rueben Clark Law Society Annual Conference, New Orleans, Louisiana, January 2, 2019

Moderator and Organizer, *The Ethics of Lawyers in Government*, AALS Professional Responsibility Section Program, AALS Annual Meeting, New Orleans, Louisiana, January 3, 2019

*Voice of Justice: Reclaiming the First Amendment Rights of Lawyers*, Book Talk and CLE, Indiana McKinney School of Law, Indianapolis, Indiana, November 29, 2018

*Of Hobbes and Locke: Conceptualizing Attorneys' First Amendment Rights as Officers of the Court and Delegates of State Power*, 2017 Legal Ethics Schmooze, UCLA School of Law, Los Angeles, California, July 21, 2017

*Indiana's Professional Conduct Rule 8.4(g): Interpretation and First Amendment Concerns*, ICLEF, *RFRA Claims, What are the Issues?* Indianapolis, Indiana, May 18, 2017

Moderator and Speaker, *Approaching Free Speech and Lawyer Regulation*, International Legal Ethics Conference VII, Fordham University School of Law, New York, New York, July 15, 2016

Panelist, *Uncivil Speech and the First Amendment*, Indiana University McKinney School of Law, Indiana, Indianapolis, March 25, 2014

Panelist, *Who Are They to Judge?—Ethical and Professionalism Issues Facing the Bench*, University of Georgia Law School Symposium, Athens, Georgia, February 21, 2014

*Biting the Hand: Professionalism, Punishment, and Attorney Speech*, The Federalist Society, Indianapolis Lawyers Chapter, Indianapolis, Indiana, December 13, 2013

*Lost in the Compromise: Free Speech, Criminal Justice, and Attorney Pretrial Publicity*

- Presented to the Indiana University Maurer School of Law faculty, Bloomington, Indiana, January 24, 2014
- Presented at the Legal Ethics Scholars Roundtable, Fordham University School of Law, New York, New York, October 7, 2013

*Freedom of Attorney-Client Association*

- Presented to the University of Illinois Law School faculty, Champaign, Illinois, October 25, 2012
- Presented at the Big Ten Untenured Conference, Indiana University Maurer School of Law, Bloomington, Indiana, August 3, 2011

*Attorney Speech and the Right to an Impartial Adjudicator*, AALS Section on Litigation Program, *Current Issues in Judicial Disqualification*, AALS Annual Meeting, San Francisco, California, January 7, 2011

*Preserving the Role of the Attorney through the Protection of Attorney Speech*, University of London's Institute of Advanced Legal Studies conference, *Regulating and Deregulating Lawyers in the 21<sup>st</sup> Century*, London, England, June 3, 2010

*Impugning Judicial Integrity: A Guide for Attorneys*, Annual State and Local Government Conference, Provo, Utah, March 19, 2010

*Government Speech and the Publicly Employed Attorney*, BYU Law Review Symposium, *The Emerging Complexities of Government Speech*, Provo, Utah, March 11, 2010

*A Free Speech Right to Impugn Judicial Integrity in Court Proceedings*

- Presented to the Washington & Lee Law School faculty, Lexington, Virginia, November 16, 2009
- Presented at the Rocky Mountain Junior Scholars Forum, BYU, Provo, Utah, September 25, 2009

Panelist, *Corporations, Courtrooms & and Constitution: Shades of Gray in the World of Legal Ethics*, Mississippi College Law Review Symposium, Jackson, Mississippi, February 25, 2009

*The Enforcement of Decorum: Civility, Justice, and the First Amendment*, 25th Annual State and Local Government Conference, Provo, Utah, March 29, 2007

*Rejecting the Touchstone: Complete Preemption and Congressional Intent after Beneficial National Bank v. Anderson*, Texas Junior Legal Scholars Conference, Fort Worth, Texas, August 10–11, 2007

## PROFESSIONAL ASSOCIATIONS

### **Pound Civil Justice Institute**

- Academic Fellow, 2020-Present

### **AALS Professional Responsibility Section**

- Executive Committee Member, 2022-2025
- Chair, 2018-2019
- Chair-Elect, 2017-2018
- Treasurer, 2015–2016
- Executive Committee Member, 2011–2014
  - Proposed and helped develop the topic for the 2012 Professional Responsibility Section Program, *Does the First Amendment Protect Attorney Advice, Assistance, and Representation?*
  - Served on Subcommittee to plan Section event for 2014 Annual Meeting
- Section Newsletter Editor, 2010–2017
  - Each Spring and Fall, solicited submissions for, edited, and circulated the section Professional Responsibility Newsletter, which includes substantive articles, a 50-state and federal survey of updates in lawyer regulation, announcements of upcoming conferences, summaries of recent conferences, and a scholarship update, among other material
- Authored “MRPC 8.2: A Trap for Lawyers” in Spring 2011 Professional Responsibility Newsletter

### **American Bar Association**

- Member, Center for Professional Responsibility

### **AALS Civil Procedure Section**

- Authored “New Books of Interest” in 2009 Civil Procedure Section Newsletter
- Participated in discussions and planning of 2010 Civil Procedure Section Program

## EDUCATION

### **J. Reuben Clark Law School, Brigham Young University**

*Juris Doctor, summa cum laude, April 2002*

- Order of the Coif
- Class Rank: 2/172
- Executive Editor, Law Review
- J. Reuben Clark Award for academic excellence, integrity and service, 2000 & 2002
- Edwin S. Hinckley Scholar
- International Moot Court Team, 2000–2001
- SBA 2L Class Representative, 2000-2001
- Executive Board Member, Public Interest Law Foundation, 1999–2000

### **Brigham Young University**

*Bachelor of Arts, summa cum laude and University Honors, April 1999*

- Major: History; Major GPA: 4.0; Cumulative GPA: 3.99
- Valedictorian for Department of History, 1999
- Convocation speaker for the College of Family, Home, and Social Sciences, 1999
- Outstanding Undergraduate History Student, 1998
- Golden Key Senior Scholarship Award, 1998
- Karl G. Maeser Scholar, 1997–1998
- Willard J. Snow Award for Best Undergraduate Paper in Western History, 1998
- 1998 Research and Creative Activities Award
- University Scholarship 1994–1997

### EMPLOYMENT EXPERIENCE

#### **Wood Crapo, Salt Lake City, Utah**

*Associate & Of Counsel, July 2004–July 2006; Summer Associate, May–June 2000*

#### **Sommer Barnard, Indianapolis, Indiana**

*Associate, September 2003–June 2004*

#### **Judge Kenneth F. Ripple, United States Court of Appeals for the Seventh Circuit, South Bend, Indiana**

*Law Clerk, August 2002–August 2003*

#### **Cravath, Swaine & Moore, New York, New York**

*Summer Associate, April–June 2002*

#### **Paul, Weiss, Rifkind, Wharton & Garrison, New York, New York**

*Summer Associate, May–August 2001*

### ADMISSIONS

**New York State Bar** (Admitted January 29, 2003)

**Indiana State Bar** (Admitted October 20, 2003; Inactive Status)

**Utah State Bar** (Admitted May 24, 2005; Inactive Status)