

# MARGARET B. KWOKA

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University of Denver Sturm College of Law ♦ 2255 E. Evans Avenue ♦ Denver, CO 80208  
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## ACADEMIC APPOINTMENTS

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Associate Professor, University of Denver Sturm College of Law <u>Courses</u> : Civil Procedure, Administrative Law, Federal Courts, National Security Law	2016-present
Assistant Professor, University of Denver Sturm College of Law	2013-2016
Assistant Professor, The John Marshall Law School <u>Courses</u> : Civil Procedure, Administrative Law, Federal Courts	2011-2013
Professorial Lecturer, George Washington University School of Law <u>Course</u> : Public Interest Lawyering	Spring 2010

## EDUCATION

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Northeastern University School of Law	J.D., 2007
Brown University	A.B. in Biology, 2002

## JUDICIAL CLERKSHIPS

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The Honorable Michael Murphy, U.S. Court of Appeals for the Tenth Circuit	2010-2011
The Honorable Phillip Rapoza, Chief Justice, Massachusetts Appeals Court	2007-2008

## PUBLICATIONS

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### LAW REVIEW ARTICLES, BOOK CHAPTERS

*First-Person FOIA*, 127 YALE LAW JOURNAL --- (forthcoming 2018)

*The Other FOIA Requesters*, in TROUBLING TRANSPARENCY: THE FREEDOM OF INFORMATION ACT AND BEYOND (David Pozen & Michael Schudson, eds., forthcoming Columbia University Press 2018)

*The Procedural Exceptionalism of National Security Secrecy*, 97 BOSTON UNIVERSITY LAW REVIEW 103 (2017)

*FOIA, Inc.*, 65 DUKE LAW JOURNAL 1361 (2016)

*Leaking and Legitimacy*, 48 UC DAVIS LAW REVIEW 1387 (2015)

*Deference, Chenery, and FOIA*, 73 MARYLAND LAW REVIEW 1060 (2014)

*Deferring to Secrecy*, 54 BOSTON COLLEGE LAW REVIEW 185 (2013)

*The Freedom of Information Act Trial*, 61 AMERICAN UNIVERSITY LAW REVIEW 217 (2011)

- cited in *Moffat v. United States Department of Justice*, 716 F.3d 244, 254 n.10 (1st Cir. 2013)
- quoted in *National Security Council v. CIA*, 960 F. Supp. 2d 101, 204 n.77 (D.D.C. 2013)
- quoted in *Citizens for a Strong New Hampshire, Inc. v. IRS*, 2015 WL 5098536 at \*8 (D.N.H. Aug. 31, 2015).

*Disparate Impact Claims Under Title VI Would Not Harm National Security*, with Michael Kirkpatrick, 46 HARVARD JOURNAL ON LEGISLATION 503 (2009)

*Vindicating the Rights of People Living With AIDS Under the Alien Tort Claims Act*, 40 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 643 (2009)

*Female Genital Surgeries: Rethinking the Role of International Human Rights Law*, HUMAN RIGHTS LAW COMMENTARY (University of Nottingham 2007)

### **SHORTER ACADEMIC WORKS**

*Inside FOIA, Inc.*, 126 YALE LAW JOURNAL FORUM 265 (2016) (invited contribution)

*Securing Access to National Security Information*, 67 ADMINISTRATIVE LAW REVIEW ACCORD 78 (2016) (invited review of Susan Nevelow Mart & Tom Ginsburg, *[Dis-]informing the People's Discretion: Judicial Deference Under the National Security Exemption of the Freedom of Information Act*, 66 ADMINISTRATIVE LAW REVIEW 725 (2014))

*Judicial Rejection of Transsubstantivity: The FOIA Example*, 15 NEVADA LAW JOURNAL 1493 (2015) (invited symposium contribution)

*Setting Congress Up to Fail*, 7 TOURO LAW JOURNAL OF RACE, GENDER, AND ETHNICITY & 17 BERKELEY JOURNAL OF AFRICAN-AMERICAN LAW & POLICY 97 (2015) (invited symposium contribution)

*Intersecting Experiential Education and Social Justice Teaching*, 6 NORTHEASTERN UNIVERSITY LAW JOURNAL 111 (2013) (invited symposium contribution)

*Good But Not Great: Improving Access to Public Records Under the D.C. Freedom of Information Act*, with Melissa Davenport, 13 UNIVERSITY OF THE DISTRICT OF COLUMBIA LAW REVIEW 359 (2010) (invited symposium contribution)

## **BOOK**

DESIGNING NATIONAL PESTICIDE LEGISLATION, with Jessica Vapnek and Isabella Pagotto (United Nations Food and Agriculture Organization 2007)

## **OTHER WRITING**

White Paper, *Access Denied: Colorado law enforcement refuses public access to records of police misconduct* (with Bridget DuPey and Christopher McMichael), <http://www.law.du.edu/documents/news/Access-Denied-Kwoka.pdf> (February 2018)

Contributing Editor, Jotwell (Journal of Things We Like (Lots)) (September 2017-present)

Guest Contributor, PrawfsBlawg (February 2016)

*Entering the Law Teaching Market* (September 2011)

- Distributed by the Society of American Law Teachers

*Citizen's Guide to the District of Columbia Freedom of Information Act* (D.C. Open Government Coalition 2009)

*Legalized Racial Profiling Returns?*, Z MAGAZINE (June 2008)

*Tostan: A New Use of Human Rights Law*, MASS DISSENT (November 2006)

## **AWARDS**

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Hughes-Ruud Research Professorship (2017-2019)

Hughes-Ruud Pilot Grant Recipient (2016)

Hughes-Ruud Pilot Grant Recipient (2015)

Society of American Law Teachers Junior Faculty Teaching Award (2014)

Northeastern University Outstanding Graduate Student Award for Research in Social Sciences (2007)

## **PRESENTATIONS**

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### **GOVERNMENTAL PRESENTATIONS**

*FOIA, Inc.*, Department of Labor, Office of the Solicitor, Denver CO (August 2017)

*FOIA, Inc.*, Securities and Exchange Commission, Freedom of Information Act Office (July 2016)

Witness, United States Senate Committee on the Judiciary, FOIA at Fifty: Has the Sunshine Law's Promise Been Fulfilled? (July 12, 2016)

*FOIA, Inc.*, Freedom of Information Act Advisory Committee, National Archives and Records Administration (April 2016)

*FOIA, Inc.*, Office of Government Information Services, National Archives and Records Administration (January 2016)

### **SCHOLARLY PRESENTATIONS**

*Global Transparency Tensions*, Symposium Honoring Hope Lewis, Northeastern University School of Law (November 2017)

*First-Person FOIA*, Yale Law Journal Contemporary Scholarship Workshop, Yale Law School (October 2017)

*The Other FOIA Requesters*, Villanova Law Review Norman J. Shachoy Symposium, Villanova University Charles Widger School of Law (October 2017)

*First-Person FOIA*, Administrative Law New Scholarship Roundtable, The Ohio State University Moritz College of Law (June 2017)

*First-Person FOIA*, Law and Society Association Annual Meeting (June 2017)

*FOIA, Inc.*, Workshop on Regulation and Coordination, The Murphy Institute at Tulane University (January 2016)

*FOIA, Inc.*, Northeastern University School of Law Faculty Colloquium (November 2015)

*FOIA, Inc.*, DePaul University College of Law Faculty Colloquium (October 2015)

*FOIA, Inc.*, LatCrit 2015 (October 2015)

*The Procedural Exceptionalism of National Security Secrecy*, Junior Faculty Works-In-Progress Series, Marquette University Law School (September 2015)

*FOIA, Inc.*, University of California Hastings College of the Law Faculty Colloquium (September 2015)

*The Procedural Exceptionalism of National Security Secrecy*, Civil Procedure Workshop, Seattle University Law School (July 2015)

*FOIA, Inc.*, Law and Society Association Annual Meeting (May 2015)

*Leaking and Legitimacy*, Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney College of Law (November 2014)

*Leaking and Legitimacy*, University of Oklahoma College of Law (November 2014)

Panelist, *Teaching National Security and Social Justice*, Society of American Law Teachers Biennial Teaching Conference, University of Nevada Las Vegas Boyd School of Law (October 2014)

*Leaking and Legitimacy*, Law and Society Association Annual Meeting (May 2014)

Panelist, *Judicial Rejection of Transsubstantivity: The FOIA Example*, Symposium Honoring Stephen N. Subrin, Northeastern University School of Law (April 2014)

*Leaking and Legitimacy*, Midwestern People of Color Legal Scholarship Annual Meeting, Indiana Tech Law School (April 2014)

*Deference, Chenery, and FOIA*, The Association of American Law Schools Annual Meeting, New Voices in Administrative Law (January 2014)

*Deference, Chenery, and FOIA*, LatCrit 2013 (October 2013)

Panelist, *Experiential Education – Imagining the Future and the Integrated Curriculum*, The Southeastern Association of Law Schools Annual Meeting (July 2013)

Discussant, *Experiential Legal Education – Assessing the Present and Imagining the Future*, The Southeastern Association of Law Schools Annual Meeting (July 2013)

*Deference, Chenery, and FOIA*, Law and Society Association Annual Meeting (June 2013)

*Deferring to Secrecy*, Chicago Junior Faculty Workshop, Loyola University Chicago School of Law (November 2012)

*Intersecting Experiential Education and Social Justice Teaching*, Northeastern University School of Law, Experience the Future Symposium (October 2012)

*Deferring to Secrecy*, The Southeastern Association of Law Schools Annual Meeting, New Scholars Program (July 2012)

*Deferring to Secrecy*, Law and Society Association Annual Meeting (June 2012)

*The Freedom of Information Act Trial*, Central States Law Schools Association Annual Conference, University of Toledo College of Law (October 2011)

*Corporate Hijacking of FOIA: How Our Government Transparency Apparatus Serves Fewer Human People*, LatCrit XVI Annual Conference (October 2011)

*The Freedom of Information Act Trial*, LatCrit XV Annual Conference (October 2010)

*Good But Not Great: Improving Access to Public Records Under the D.C. Freedom of Information Act*, University of the District of Columbia David Clarke School of Law Law Review Symposium (February 2010)

### **OTHER PRESENTATIONS**

Panelist, *Examining Privilege, Inclusivity, Equity, and Social Justice in the Classroom: A Workshop on Best Practice*, Rocky Mountain Collective on Race, Place, and Law, University of Denver Sturm College of Law (October 2017)

Panelist, Pro Bono Work, University of Denver Sturm College of Law (October 2017)

Panelist, Law Review Information Session, University of Denver Sturm College of Law (April 2017)

Moderator, Public Interest Law Week Panel, University of Denver Sturm College of Law Public Interest Law Group Chapter (March 2017)

Panelist, *Russian Hacks, Edward Snowden, and the NSA*, University of Denver Sturm College of Law (February 2017)

Guest Lecturer, Administrative Law, University of Colorado Law School (October 2016)

Moderator, (T)error Film Screening, University of Denver Sturm College of Law ACLU Chapter (April 2016)

Panelist, *Justice Scalia's Legacy and The Nomination of His Successor*, Constitutional Rights and Remedies Program, University of Denver Sturm College of Law (February 2016)

Moderator, Introduction to SALT/LatCrit Values, Junior Faculty Development Workshop, Society of American Law Teachers and LatCrit, Orange County, CA (October 2015)

Moderator, *Government Lawyering: Serving the Public From the Inside*, Lawyering for the Public Good: A Gathering of Denver Law Students Committed to Justice, University of Denver Sturm College of Law (September 2015)

Panelist, *Local School Boards and Public Accountability*, ACLU Student Chapter Panel on School Boards (January 2015)

Panelist, Denver University Law Review Clerkship Roundtable (November 2014)

Paper Commentator, *Non-Economic Damage Caps*, Rocky Mountain Junior Scholars Forum, University of Utah S.J. Quinney School of Law (November 2014)

Mock Interviewee, *Mock AALS Interview*, Junior Faculty Development Workshop, Society of American Law Teachers and LatCrit, University of Nevada Las Vegas Boyd School of Law (October 2014)

Moderator, *Government Service: Insider Strategies to Protecting the Public Interest*, Rocky Mountain Public Interest and Social Justice Retreat, University of Denver Sturm College of Law (September 2014)

Guest Lecture, Civil Rights Clinic, University of Denver Sturm College of Law (April 2014)

Panelist, Opening Doors to Academia: A Workshop for Practicing Lawyers Interested in Law Teaching in the U.S., Northeast People of Color Legal Scholarship Conference, Universidad de Puerto Rico (December 2013)

Paper Commentator, *Criminalizing Charity: The Anti-Food Sharing Cases*, Northeast People of Color Legal Scholarship Conference, Universidad de Puerto Rico (December 2013)

Panelist, Supreme Court Preview, Colorado Lawyer Chapter of the American Constitution Society, Faegre Baker Daniels, Denver, CO (October 2013)

Paper Commentator, *The Constitutionally Infirm Felon, or the New Slaves*, Midwestern People of Color Legal Scholarship Conference, Marquette Law School (April 2012)

Panelist, Screening of *Hot Coffee: The Movie*, The John Marshall Law School (January 2012)

Panelist, *Gender Dynamics in the Law and Workplace*, Women's Law Caucus, The John Marshall Law School (November 2011)

Panelist, *Mock AALS Interview*, Faculty Development Workshop, Society of American Law Teachers and LatCrit (October 2011)

Panelist, *Different Paths In: How to Break In to the Academy*, as part of Breaking In: How to Become a Law Professor or Law School Administrator, Society of American Law Teachers (September 2011)

*Becoming a Public Interest Lawyer: Carrying on the Tradition of Fun, Interesting and Meaningful Work*, Howard University Law School (February 2010)

Panelist and Moderator, *FOIA in the Digital Age*, Computers, Freedom, and Privacy Conference (June 2009)

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## SERVICE

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### UNIVERSITY OF DENVER STURM COLLEGE OF LAW

- Member, Admissions Committee (Spring 2015-present)
- Member, Planning Committee, inaugural Rocky Mountain Public Interest and Social Justice Retreat (September 2014)

### JOHN MARSHALL LAW SCHOOL

- Chair, Faculty Scholarship Roundtable Committee (2012-2013)
- Member, Career Services Committee (2012-2013)
- Member, Faculty Scholarship Roundtable (2011-2012)
- Organizer and Moderator, *Fine Print, Federalism, and the Fate of the Class Action*, The John Marshall Law School (March 2012)

### GOVERNMENT

- Member, Freedom of Information Act Advisory Committee, National Archives and Records Administration (2016-2018)
- Co-Chair, Proactive Disclosure Subcommittee, Freedom of Information Act Advisory Committee, National Archives and Records Administration (2016-2018)

### LEGAL ACADEMY

- Society of American Law Teachers (SALT)
  - Member, Board of Governors (October 2013-present)
  - Member, Planning Committee for the Annual Dinner, Association of American Law Schools Annual Meeting (January 2016)
  - Member, Nominations Committee (2015)
  - Chair, Planning Committee for the Annual Dinner, Association of American Law Schools Annual Meeting (January 2015)
  - Member, Planning Committee for the Annual Dinner, Association of American Law Schools Annual Meeting (January 2014)
  - Member, Planning Committee, *Teaching Social Justice, Expanding Access to Justice: The Role of Legal Education and the Legal Profession*, SALT Teaching Conference, University of Maryland (October 2012)
- Co-Chair, Planning Committee, LatCrit/SALT Junior Faculty Development Workshop (October 2015)
- Organizer, Chicago Junior Faculty Workshop (April 2013)
- Mentor, Spark, Inc., worked with eighth grade student interested in legal career (March-May 2012)



## PRO BONO REPRESENTATION

- Lead Attorney for Plaintiffs, *Animal Legal Defense Fund, Stop Animal Exploitation Now, Companion Animal Protection Society, & Animal Folks v. United States Department of Agriculture & Animal and Plant Health Inspection Service*, 3:17-cv-00949 (N.D. Cal), 17-16858 (9th Cir.).
- Author, Brief of *Amici Curiae* Project on Government Oversight, Citizens for Responsibility and Ethics in Washington, and OpenTheGovernment.org in support of Plaintiff-Appellant, *Public Investors Arbitration Bar Association v. United States Securities and Exchange Commission*, No. 13-5137 (D.C. Cir. Dec. 2, 2013).

## **OTHER LEGAL EXPERIENCE**

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Attorney and Equal Justice Works Fellow, Public Citizen Litigation Group	2008-2010
Associate Mentor for Law and Policy, Jack Kent Cooke Foundation	2008-2009
Legal Intern, Public Citizen Litigation Group	Spring 2007
Legal Intern, Public Defender Division of CPCS, Boston, MA	Fall 2006
Legal Intern, United Nations Food and Agriculture Organization	Spring 2006
Legal Intern, The Honorable Dolores K. Sloviter, Third Circuit Court of Appeals	Fall 2005
Student Legal Advocate, Shelter Legal Services, Boston, MA	2004-2006

## **OTHER TEACHING EXPERIENCE**

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Education Volunteer, United States Peace Corps, Djibasso, Burkina Faso	2002-2004
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## **BAR ADMISSIONS AND PROFESSIONAL ASSOCIATIONS**

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Massachusetts State Bar  
District of Columbia Bar  
Ohio State Bar  
Colorado State Bar (certified for pro bono practice only)  
U.S. District Court for the District of Columbia Bar  
U.S. Court of Appeals for the Ninth Circuit Bar  
U.S. Court of Appeals for the Tenth Circuit Bar  
American Bar Association  
Society of American Law Teachers, board member, 2013-present  
National Lawyers Guild  
Washington D.C. Chapter of National Lawyers Guild, board member, 2009-2010

## MEDIA APPEARANCES

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- Jeffrey A. Roberts, *DU Study: Limited Access To Records, Leaves Coloradans 'in the dark' About Police Misconduct*, Colorado Freedom of Information Coalition, reprinted in the Longmont Observer (Feb. 7, 2018).
- Pro Bono Representation Featured, Animal Welfare Institute, *Animal protection coalition continues to fight for animal welfare records to be restored online by USDA*, YubaNet.com (Feb. 5, 2017)
- Interview Featured, Shannon Hughes, *Enforcing Transparency: A Conversation With Margaret Kwoka*, Climate West (Nov. 2, 2017)
- Pro Bono Representation Featured, Lydia Wheeler, *Court dismisses suit over missing animal welfare records*, THE HILL (Aug. 16, 2017)
- Pro Bono Representation Featured, Nicholas Iovino, *Animal Rights Groups Lose a Round Against Federal Government*, Courthouse News Service (Aug. 15, 2017)
- Amicus Brief Featured, Allison Grande, *4<sup>th</sup> Circ. Wrongly Applied Spokeo In FCRA Row, Groups Say*, Law 360 (June 2, 2017)
- Quoted, Steve Horn, *Newspaper Owned by Fracking Billionaire Leaks Memo Calling Pipeline Opponents Potential "Terrorists"*, DeSmog: Clearing the PR Pollution that Clouds Climate Science (April 23, 2017)
- Quoted, Issie Lapowsky, *Leaks are Totally American – They're Just Easier Now*, Wired (February 2, 2017)
- Quoted, Alexandra Ellerbeck, *Transition to Trump: What Obama's Freedom of Information legacy means for press*, Committee to Protect Journalists Blog (December 27, 2016)
- Quoted and Research Featured, *DU Law Professor Testifies in Front of Senate Hearing*, University of Denver Newsroom (July 18, 2016)
- Quoted and Research Featured, Kevin Bogardus, *Senators debate more changes for FOIA*, Environment and Energy News (July 13, 2016)
- Quoted and Research Featured, Sophie Murguia, *Senate committee considers what's next for FOIA*, Reporters Committee for Freedom of the Press (July 13, 2016)
- Quoted and Research Featured, Samantha Ehlinger, *The FOIA Improvement Act was a great step, but the work on fixing FOIA isn't done, senators and witnesses said in a recent hearing*, FedScoop (July 13, 2016)
- Quoted and Research Featured, Jack Bouboushian, *At 50 Years, Sunshine Law Looks a Bit Murky*, Courthouse News Service (July 12, 2016)
- Quoted, Li Zhou, *FBI Recommends No Rap for Clinton's Emails*, Politico (July 6, 2016)
- Quoted and Research Featured, *FOIA Federal Advisory Committee Votes to Update Outdated FOIA Fee Guidance; More*, Unredacted, National Security Archive (April 19, 2016)
- Quoted and Research Featured, Bianca Spinosa, *Government only as transparent as its technology, advocates say*, FCW (Apr. 19, 2016)
- Research cited, Alex Howard, *New Freedom of Information Act Reform Bill Introduced in Congress*, E Pluribus Unum (Jan. 11, 2016)
- Quoted and Research Featured, Gardiner Harris, *House to Weigh Overhaul of Open Records Process*, N.Y. TIMES A14 (Jan. 11, 2016)

- Quoted, Jason Meisner & Jeremy Gorner, Chicago forgoes appeal after judge orders release of video of fatal police shooting, CHICAGO TRIBUNE (Nov. 20, 2015)
- Quoted, Elaine McArdle, *Our Country, 'Tis of Thee? From "United We Stand" to Citizens United, America is at a Crossroads in the Fight for Democratic Values*, NORTHEASTERN UNIVERSITY SCHOOL OF LAW MAGAZINE (Summer 2015).
- Quoted, Jonathan Randles, *SEC Stall Tactic Over Wal-Mart Bribery Probe Unlikely To Fly*, LAW360 (Mar. 11, 2015)
- Interviewed, *Reexamining the War on Terror After the Release of the CIA Torture Report*, COPolitics from the Source on Fox31 (Dec. 14, 2014)
- Quoted, Angilee Shah, *These Open Government Advocates Are Suing the Federal Government for Access to Immigration Data*, Public Radio International (May 22, 2014)
- Quoted, David Heinzmann, *Misconduct Complaints Against Chicago Police Should be Public*, CHICAGO TRIBUNE (Mar. 12, 2014)
- Quoted, *Colorado Springs Squares off with State's Pension Fund; Feud May See Trial*, THE GAZETTE (Colorado Springs Nov. 3, 2013)
- Quoted, Class Action, *Inside Concepcion: Consumers' Attorney Discusses Future of Class Actions*, WESTLAW JOURNAL, Vol. 19, Issue 2 (April 2012)
- Interview, CBS Evening News, *Car, Cell Phone Report Exposed* (July 21, 2009)
- Interview, Fox5 DC News, *Cell Phone, Driving Dangers Kept Quiet* (July 21, 2009)
- Interview, NBC Local Station Affiliates, *Hands-Free More Dangerous Than Disclosed* (July 21, 2009)
- Interview, ABC Radio (July 21, 2009)
- Interview, KRLD Dallas, TX (July 21, 2009)
- Interview, WRTI Philadelphia, PA (July 21, 2009)
- Interview, WCCO Minneapolis, MN (July 21, 2009)
- Interview, Air America, The Ron Reagan Show (July 21, 2009)
- Interview, WKTRH Houston, TX (July 22, 2009)
- Interview, WWL New Orleans, LA (July 22, 2009)
- Interview, WJRR Detroit, MI (July 22, 2009)
- Interview, WAAV Rhonda Bellamy, Wilmington, NC (July 23, 2009)
- Interview, WFTL Morning News, Fort Lauderdale, FL (July 23, 2009)
- Interview, WSBT South Bend, IN (July 23, 2009)
- Quoted, MOTHER JONES, *Cell Phone Lawsuit Follows Mojo Investigation* (December 2, 2008)
- Quoted, WASHINGTON EXAMINER, *Group Sues Feds to Release Info. on Phone Use in Traffic Deaths* (December 5, 2008)
- Quoted, BROWNSVILLE HERALD, *Lawsuit Alleges Feds Improperly Withheld Information Regarding Border Fence* (March 11, 2009)
- Quoted, MOTHER JONES, *Why Did the Feds Bury Data on Cell-Phone Dangers?* (July 21, 2009)