

Nancy Leong

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Academic Appointments

University of Denver Sturm College of Law

<i>Associate Dean of Faculty Scholarship</i>	2022-present
<i>Constitutional Rights and Remedies Program Director</i>	2021-present
<i>William M. Beane Memorial Research Chair</i>	2020-present
<i>Professor</i>	2017-present
<i>Associate Professor with Tenure</i>	2014-2017
<i>Assistant Professor</i>	2011-2014

Courses: Constitutional Law I & II; Criminal Procedure; Constitutional Litigation; Critical Race Theory; Commodification & Law

Awards: University Distinguished Scholar Award, 2017-2018; Voted Most Outstanding Faculty Member by the law school student body, 2021-2022 and 2020-2021

Affiliated Faculty: Gender and Women's Studies Program, 2014-present

Representative Service: Appointments Committee, 2022-2023 (member), 2021-2022 (chair), 2012-2013 (member); Promotion and Tenure Committee, 2020-2021 (chair, elected), 2017-2022 (member, elected); Tenure Reform Committee, 2020-2021 (chair); Admissions Committee, 2011-2012; 2014-2019 (member); *Denver Law Review* Advisor, 2012-present; Faculty Senate, 2014-2017

University of Iowa School of Law

<i>Adjunct Lecturer</i>	Spring 2021
<u>Course:</u> Constitutional Law II	

Washington University School of Law

<i>Visiting Professor</i>	Spring 2017
<u>Courses:</u> Constitutional Law I; Commodification & Law Seminar	

UCLA School of Law

<i>Visiting Professor</i>	Fall 2013
<u>Courses:</u> Criminal Procedure; Commodification & Law Seminar	

William & Mary School of Law

<i>Assistant Professor</i>	2010-2011
<u>Courses:</u> Criminal Procedure; Evidence	

American University Washington College of Law

<i>Adjunct Professor</i>	2009-2010
<u>Courses:</u> Criminal Procedure; Legal Ethics	

Education

Stanford Law School, JD with distinction, 2006

- *Stanford Law Review*, Notes Editor 2005-2006; member 2004-2005
- *Stanford Journal of Civil Rights & Civil Liberties*, member 2005-2006

Northwestern University, B.A., *magna cum laude*, 2001

Publications

Book

IDENTITY CAPITALISTS: THE POWERFUL INSIDERS WHO EXPLOIT DIVERSITY TO MAINTAIN INEQUALITY (STANFORD UNIVERSITY PRESS 2021)

Articles

Civil Rights Liability for Bad Hiring, 108 MINNESOTA LAW REVIEW ____ (forthcoming 2024)

Pleading Failures in Monell Litigation, 73 EMORY LAW JOURNAL ____ (forthcoming 2024)(with Katelyn Elrod and Matt Nilsen)

How Crime Dramas Undermine Miranda, 14 IRVINE LAW REVIEW ____ (forthcoming 2024)(with Ian Farrell)

Municipal Failures, 108 CORNELL LAW REVIEW ____ (forthcoming 2023)

Enjoyed by White Citizens, 108 GEORGETOWN LAW JOURNAL 1421 (2021)

Them Too, 96 WASHINGTON UNIVERSITY LAW REVIEW 941 (2019)

Against Women's Sports, 95 WASHINGTON UNIVERSITY LAW REVIEW 1251 (2018)

The New Public Accommodations: Race Discrimination in the Platform Economy, 105 GEORGETOWN LAW JOURNAL 1271 (2017)

Identity Entrepreneurs, 104 CALIFORNIA LAW REVIEW 1333 (2016)

- Selected for presentation at Yale/Stanford/Harvard Junior Faculty Forum, June 26-27, 2016

Negative Identity, 88 SOUTHERN CALIFORNIA LAW REVIEW 1357 (2015)

Enforcing Rights, 62 UCLA LAW REVIEW 306 (2015) (with Aaron Belzer)

Improving Rights, 100 VIRGINIA LAW REVIEW 377 (2014)

Racial Capitalism, 126 HARVARD LAW REVIEW 2151 (2013)

- Response: Richard Ford, *Capitalizē on Race and Invest in Justice*, 126 HARVARD LAW REVIEW FORUM 252 (2013)
- Reply: *Reflections on Racial Capitalism*, 126 HARVARD LAW REVIEW FORUM (2013)

Gideon's Law Protective Function, 122 YALE LAW JOURNAL 2460 (2013) (symposium)

"So Closely Intertwined": Labor and Racial Solidarity, 81 GEORGE WASHINGTON LAW REVIEW 1135 (2013) (with Charlotte Garden)

Consent Forms and Consent Formalism, 2013 WISCONSIN LAW REVIEW 751 (2013) (with Kira Suyeshi)

Making Rights, 92 BOSTON UNIVERSITY LAW REVIEW 405 (2012)

Civilizing Batson, 97 IOWA LAW REVIEW 1561 (2012) (symposium)

Judicial Erasure of Mixed-Race Discrimination, 59 AMERICAN UNIVERSITY LAW REVIEW 469 (2010)

A Noteworthy Absence, 59 JOURNAL OF LEGAL EDUCATION 279 (2009) (peer reviewed)

The Saucier Qualified Immunity Experiment: An Empirical Analysis, 36 PEPPERDINE LAW REVIEW 667 (2009)

Multiracial Identity and Affirmative Action, 12 UCLA ASIAN PACIFIC AMERICAN LAW JOURNAL 1 (2007)

Attorney-Client Privilege in the Public Sector: A Survey of Government Attorneys, 20 GEORGETOWN JOURNAL OF LEGAL ETHICS 163 (2007)

Essays, Book Chapters, and Other Publications

Challenges in Substantive Due Process Litigation, 76 SMU LAW REVIEW ____ (forthcoming 2023)(invited symposium contribution)

Naming Them, in INTEGRATING DOCTRINE AND DIVERSITY (NICOLE P. DYSZLEWSKI ET AL., EDS.) (2021)

Talking Out of Public School, 100 BOSTON UNIVERSITY LAW REVIEW ONLINE 84 (2020)(solicited response for online symposium on JUSTIN DRIVER, THE SCHOOLHOUSE GATE)

State Court Diversity and Attorney Discipline, 89 FORDHAM LAW REVIEW 1223 (2021)(symposium)

The Marketplace of Racist Ideas, LAW, CULTURE AND THE HUMANITIES (2020)(with Kevin Whitfield)(peer reviewed; solicited commentary)

Sex Segregation in Sports as a Public Health Issue, 40 CARDOZO LAW REVIEW 1813 (2019) (with Emily Bartlett)

In A Different Force, 85 GEORGE WASHINGTON UNIVERSITY LAW REVIEW 1552 (2018) (symposium)

The Platform Identity Crisis, in *THE LAW OF THE SHARING ECONOMY* (2018) (EDS. NESTOR DAVIDSON, MICHELE FINCK, & JOHN J. INFRANCA) (with Charlotte Garden)

The Race Neutral Workplace of the Future, 51 U.C. DAVIS LAW REV. 719 (2017) (symposium)

The First Amendment and Fair Housing in the Sharing Economy, 78 OHIO STATE LAW JOURNAL 1001 (2017) (symposium)

New Economy, Old Biases, 100 MINNESOTA LAW REVIEW 2153 (2016) (symposium)

The Misuse of Asian Americans in the Affirmative Action Debate, 64 UCLA LAW REVIEW DISCOURSE 90 (2016)

Excessive Force and the Media, 102 CORNELL LAW REVIEW ONLINE 1 (2016) (with Miranda Dalpiaz)

Communication in Cyberspace, 94 NORTH CAROLINA LAW REVIEW 105 (2015) (with Joanne Morando)

Gender Diversity and Same-Sex Marriage, 114 COLUMBIA LAW REVIEW SIDEBAR 97 (2014) (with Ian Farrell)

Dissenting In and Dissenting Out, 90 CHICAGO-KENT LAW REVIEW 723 (2014) (symposium)

Half/Full, 3 IRVINE LAW REVIEW 1125 (2013) (symposium)

Discursive Disparities, 8 FLORIDA INTERNATIONAL UNIVERSITY L. REV. 369 (2013) (symposium)

Is Marriage for Rich People?, 44 CONNECTICUT UNIVERSITY LAW REVIEW 1325 (2012) (solicited review of *A Book Review of Ralph Richard Banks' IS MARRIAGE FOR WHITE PEOPLE?*)

The Open Road and the Traffic Stop: Narratives and Counternarratives of the American Dream, 64 FLORIDA LAW REVIEW 305 (2012)

The Persistent Gender Disparity in Student Note Publication, 23 YALE JOURNAL OF LAW AND FEMINISM 385 (2011) (with Jennifer Mullins)

Rethinking the Order of Battle in Constitutional Torts, 105 NORTHWESTERN UNIVERSITY LAW REVIEW 969 (2011) (colloquy essay)

Nancy Leong, *Examining the Conservative Family Planning Agenda*, 7 GEORGETOWN JOURNAL OF GENDER & LAW 81 (2006)

Note, *Beyond Breimhorst: Appropriate Accommodation of Students with Learning Disabilities on the SAT*, 57 STANFORD LAW REVIEW 2135 (2005)

Other Writing

[Revisiting Justice Powell's Affirmative Action Legacy](#), JOTWELL, October 29, 2019 (reviewing *Diversity to Deradicalize* by Asad Rahim)

[Symphony Orchestras Have a Pay Discrimination Problem](#), Slate, December 19, 2018 (with Tenly Williams)

[Protecting the Intangible](#), JOTWELL, November 27, 2018, *reviewing* Chante Westmoreland, *An Analysis of the Lack of Protection for Intangible Tribal Cultural Property in the Digital Age*, 106 CALIF. L. REV. 959 (2018)

[Men Should Worry About the Future of Roe v. Wade, Too](#), Washington Post, July 10, 2018

[Preliminary Thoughts on the Summary Judgment Motions in the Harvard Affirmative Action Litigation](#), Take Care Blog, June 18, 2018

[A Free Press Requires a Strong and Independent Judiciary](#), Take Care Blog, October 19, 2017

[Don't Use Asian Americans to Justify Anti-Affirmative Action Politics](#), Washington Post, August 3, 2017 (with Erwin Chemerinsky)

[The Voting Rights Agenda Must Include Felon Reenfranchisement](#), Take Care Blog, July 10, 2017

[With Supreme Court Opinions, More Is Not Always More](#), Take Care Blog, June 29, 2017

[What Do Many Mass Shooters Have In Common? A History of Domestic Violence](#), Washington Post, June 15, 2017

[Assessing Airbnb's Prospects in its San Francisco Litigation](#), Yale J. on Regulation Blog, July 15, 2016 (with Ben Edelman)

[Can Civil Rights Law Stop Discrimination on Airbnb?](#), Washington Post, May 1, 2016 (with Aaron Belzer)

[A Fresh Look at Qualified Immunity](#), JOTWELL, December 3, 2015, *reviewing* Aaron Nielson & Chris Walker, *The New Qualified Immunity*, 87 S. CAL. L. REV. (forthcoming 2015)

[Donald Trump and Fake Diversity](#), Huffington Post, November 30, 2015

[Preparing for Law School](#), Ms. JD, July 6, 2015

[Racial Fluidity Complicates the Value We Assign to Race](#), New York Times, June 17, 2015

[The Anti-Climax of *Elonis v. United States*](#), Hamilton and Griffin on Rights, June 8, 2015

[The Federalism Argument for Judicial Diversity](#), JOTWELL, January 24, 2015, *reviewing* Sharon Rush, *Federalism, Diversity, Equality, and Article III Judges: Geography, Identity, and Bias*, 79 MISSOURI LAW REV. 119 (2014)

[Proposed Bill Will Lead to More Animal Abuse, Not Less](#), The Denver Post, January 23, 2015 (with Justin Marceau)

[Death Penalty Becomes More Rare and More Problematic](#), Huffington Post, January 5, 2015

[Domestic Violence Is Violence](#), Slate, December 22, 2014

[Executing the Mentally Ill](#), American Constitution Society Blog, December 2, 2014

[Guest Post, Argument Recap, *Elonis v. United States*](#), Hamilton and Griffin on Rights, December 1, 2014

[Will Texas Execute a Mentally Ill Man?](#), The Atlantic, December 1, 2014 (with Justin Marceau)

[Getting the Facts Right About the Ferguson Grand Jury Decision](#), Huffington Post, November 28, 2014

[The Sharing Economy Has a Race Problem](#), Salon, November 2, 2014

[“Lost Rights Cause Harm Each Day”: The Costs of the Supreme Court’s Refusal to Hear a Same-Sex Marriage Case](#), Huffington Post, October 8, 2014

[The Other Marriage Discrimination](#), Huffington Post, September 2, 2014

[Constitutional Rights in the Digital Age](#), Huffington Post, July 19, 2014

- Reprinted in *The Digital Age* (August 2015)

[Let’s Stop the Stays](#), The Denver Post, July 13, 2014

[Colorado’s New Revenge Porn Statute Is Good Law and Sound Policy](#), Huffington Post, June 1, 2014 (with Ian Farrell and Justin Pidot)

[Police Don’t Pay](#), JOTWELL, November 7, 2013, *reviewing* Joanna C. Schwartz, *Police Indemnification*, 89 N.Y.U. L. REV. (2014)

[How Should Judges Spend Their Time?](#), JOTWELL, June 14, 2013, *reviewing* Marin K. Levy, *Judicial Attention as a Scarce Resource: A Preliminary Defense of How Judges Allocate Time Across Cases in the Federal Courts of Appeals*, 81 GEORGE WASHINGTON LAW REVIEW 401 (2013)

Guest Contributor, PrawfsBlawg (May 2012; January 2014)

[Guest Commentary on *Camreta v. Greene*: Allowing Appeals by Winners](#), SCOTUSblog, June 2, 2011

[Guest Commentary on *Pearson v. Callahan*](#), SCOTUSblog, Jan. 23, 2009

Honors and Awards

Voted Most Outstanding Faculty Member by the University of Denver School of Law student body, 2020-2021; 2021-2022

Member, American Law Institute, 2017-present

Recipient, University of Denver Distinguished Scholar Award 2017-2018 (annual award given for extraordinary accomplishment in scholarship; first law school faculty recipient since 1996)

Participant, 2016 Yale/Stanford/Harvard Junior Faculty Forum held at Yale Law School in New Haven, Connecticut (twelve papers selected from over 100 submissions)

Recipient, Conference of Asian Pacific American Law Faculty 2015 Eric K. Yamamoto Emerging Scholar Award

Academic Presentations

2023

Constitutional Accountability Through State Tort Law, Public Law in the States Conference at University of Wisconsin School of Law, June 1-2, 2023

Challenges in Substantive Due Process Litigation, The Future of Substantive Due Process: What Are the Stakes?, Symposium sponsored by the National Civil Justice Institute and the SMU Dedman School of Law, March 30-April 1, 2023

Civil Rights Liability for Bad Hiring, Northwestern Public Interest Law Colloquium, March 9, 2023

2022

Municipal Hiring Immunity, University of North Carolina Faculty Colloquium, October 6, 2022

Municipal Hiring Immunity, AAPI-MENA Conference, University of California Davis, September 17, 2022

Municipal Failures, University of Wisconsin School of Law Faculty Colloquium, April 6, 2022

Featured Speaker, *Exploiting Identity: When Insiders Use Diversity to Their Advantage*, NYU Law Center for Diversity, Inclusion, and Belonging, April 5, 2022

Identity Capitalists, Symposium Organized by *New England Law Review* and New England Center for Business Law, March 31, 2022

Municipal Failures, California Western School of Law Faculty Colloquium, March 24, 2022

Identity Capitalists, California Western School of Law, March 23, 2022

Municipal Failures, University of Utah School of Law Faculty Colloquium, February 2, 2022

2021

Identity Capitalists, University of Michigan College of Education, Center for Higher and Advanced Education Lecture, November 9, 2021

Identity Capitalists, University of Notre Dame School of Law, Faculty Colloquium, September 10, 2021

Enjoyed by White Citizens, Houston Law School Faculty Colloquium, April 19, 2021

Identity Capitalists, Arizona State University School of Law Faculty Colloquium, March 18, 2021

Enjoyed by White Citizens, Iowa College of Law Faculty Colloquium, March 11, 2021

Identity Capitalists, Golden Gate Law School Faculty Colloquium, March 1, 2021

Enjoyed by White Citizens, University of Denver School of Law Faculty Colloquium, February 8, 2021

2020

Enjoyed by White Citizens, U.C. Davis School of Law Faculty Colloquium, October 8, 2020

Invited Speaker, *Critical Race Theory and White Privilege: Origins, Definitions, and Realities*, University of Denver School of Law, September 11, 2021

Moderator, *Legal Histories of Criminal Law, Policing, and Imprisonment*, Law & Society Annual Meeting, May 29, 2020

Panelist, *The Politicization of Safety*, Law & Society Annual Meeting, May 29, 2020

Enjoyed by White Citizens, Northwestern University School of Law Faculty Colloquium, March 1, 2020

2019

Panelist, Supreme Court Preview, American Constitutional Society Western Regional Convening, University of Denver, October 26, 2019

Invited Participant, Notre Dame Equity Scholars Roundtable, Notre Dame School of Law, October 24-25, 2019

Invited Senior Commentator, Junior Faculty Federal Courts Conference, University of Arkansas, September 6-7, 2019

Discussant, *Aspiring Law Teachers Workshop: Crafting Your Scholarship Goals*, Southeastern Association of Law Schools Annual Meeting, Fort Lauderdale, Florida, July 29, 2019

Panelist, *The Limits of Expressive Conduct Under the First Amendment*, Southeastern Association of Law Schools Annual Meeting, Fort Lauderdale, Florida, July 28, 2019

Invited Moderator, *The Ties That Bind: Contemporary Transnational Challenges*, Northern Kentucky University, April 12, 2019

Invited Panelist, *Academic Freedom and Free Speech at the University*, Emory University, March 22, 2019

Ending Reproductive Exceptionalism, Discussion Group on Constitutional Law, University of Maryland School of Law, March 9, 2019

Them Too, University of Denver School of Law Faculty Colloquium, February 9, 2019

2018

Invited Panelist, *Post-Sentence Consequences and Perpetuating Inequality*, Confronting Bias in the Criminal Justice System, Gonzaga Law School, September 28, 2018

Invited Panelist, *Post-Sentence Consequences and Perpetuating Inequality*, Presentation Honoring the Civil Rights Clinic, University of Denver School of Law, September 14, 2018

Invited Panelist and Moderator, *Social Media and Due Process*, The Globalization of the #MeToo Movement, Berkeley Law School, May 15, 2018

Racial Capitalism, Presentation to Case Western Law School American Constitutional Society, April 19, 2018

Against Women's Sports, Case Western Law School Faculty Colloquium, April 19, 2018

Against Women's Sports, Vanderbilt Law School Faculty Colloquium, April 18, 2018

Invited Panelist, *Ingroup Bias in Measuring Scholarly Impact*, Loyola Law Journal Symposium, April 6, 2018

Invited Panelist, *Free Speech on Campus*, Boston College Law School, March 20, 2018

2017

Invited Panelist, *Women Police Officers and Excessive Force*, George Washington University Law Review Symposium, October 26, 2017

Against Women's Sports, Chicago-Kent School of Law Faculty Colloquium, October 9, 2017

Against Women's Sports, Penn State University School of Law Faculty Colloquium, September 21, 2017

Against Women's Sports, Northern Kentucky University School of Law Faculty Colloquium, September 19, 2017

Speaker, *The Constitution in an Age of New Technology*, Grand Lake, Colorado, Constitution Week Celebration, September 12, 2017

Presenter, *Sex Segregation in Sports as a Public Health Issue*, Law & Contemporary Problems Symposium, Duke School of Law, August 25, 2017

Moderator, *Internationalism, Federalism, and States' Rights*, Cannabis Law Institute, July 28, 2017

Panelist, *Race Discrimination in the Platform Economy*, Platform Law: Public and Private Regulation of Online Platforms, University of California at Berkeley School of Law, April 21, 2017

The New Public Accommodations: Race Discrimination in the Sharing Economy, Washington University School of Law Faculty Colloquium, March 22, 2017

Panelist, *Immigration and Executive Power*, Washington University School of Law, January 31, 2017

Invited Panelist, *The Race-Neutral Workplace of the Future*, University of California at Davis Law Review Symposium, January 28, 2017

2016

The New Public Accommodations: Race Discrimination in the Sharing Economy, Notre Dame Program on Law and Market Behavior, Toulouse School of Economics, December 13, 2016

Invited Panelist, *Freedom of Association and Public Accommodations*, Ohio State Law Journal Symposium, November 18, 2016

Invited Presenter, *The Shared Economy: Lawyers as Intermediaries Between Existing Law and the Evolving Economy*, South Asian Bar Association CLE, November 15, 2016

The New Public Accommodations: Race Discrimination in the Sharing Economy, Cannon Memorial Lecture, University of Toledo School of Law, September 27, 2016

The New Public Accommodations: Race Discrimination in the Sharing Economy, Emory Law School Faculty Colloquium, September 14, 2016

Presenter: *Identity Entrepreneurs*, Yale/Stanford/Harvard Junior Faculty Forum, June 26-27, 2016

Presenter: *Communication in Cyberspace*, Colorado Women's Bar Association Annual Meeting, May 21, 2016 (with Joanne Morando)

Keynote Speaker: *Miranda: More Than Words?*, Adams County Law Day, May 6, 2016

Moderator, *The State of the Death Penalty*, University of Denver Criminal Law Review Death Penalty Symposium, April 2, 2016

Discussant: *Increasing Author Diversity in Legal Scholarship*, AALS Annual Meeting, January 9, 2016

Panelist: *Becoming a Legal Scholar*, AALS Annual Meeting, January 9, 2016

Panelist: *Affirmative Action After Fisher*, AALS Annual Meeting, January 7, 2016

2015

Identity Entrepreneurs, University of Southern California Sociology Department 100 Year Anniversary Celebration, October 28-30, 2015

Invited Panelist, *Reproductive Freedom: Analyzing the Law Through a Racial Justice Lens*, University of Denver, ACLU Student Affiliate-Sponsored Presentation to Student Body, October 27, 2015

Invited Panelist: *Why Discrimination Law Must Reach Private Actors*, Minnesota Law Review 100 Year Anniversary Celebration Symposium, October 2, 2015

Identity Entrepreneurs, Minnesota Law School Faculty Colloquium, October 1, 2015

Identity Entrepreneurs, Georgia State University Law School Faculty Colloquium, September 28, 2015

Identity Entrepreneurs, Berkeley Law School, Presentation to Student Body, September 17, 2015

Invited Speaker: *Developments in Cyberharassment Law*, Presentation to Annual Meeting of Colorado Judges, September 20, 2015

Panelist: *Judging Excessive Force*, Law and Society Association Annual Meeting, Seattle, Washington, May 29, 2015

Identity Entrepreneurs, Discussion Group on Constitutional Law, University of Maryland School of Law, February 27, 2015

Negative Identity, Gender and Women's Studies Program, University of Denver, January 27, 2015

2014

Participant, *Judicial Supremacy and Its Critics*, 2014 University of Wisconsin Discussion Group on Constitutionalism, November 21-22, 2014

Panelist, *The Discourse of Race and Inequality*, ClassCrits VII, UC Davis School of Law, November 14, 2014

Improving Rights, Presentation to Professor Adam Samaha's Class "Originalism and Its Alternatives," New York University Law School, November 12, 2014

Symposium, *Whiteness as Property*, UCLA School of Law, October 3, 2014

Panelist, *Where Do We Go From Ferguson?*, Talk Hosted by ACLU Students' Organization, University of Denver Sturm College of Law, September 9, 2014

Panelist, *Prospective Law Professors Workshop: Navigating the Hiring Process*, Southeastern Association of Law Schools Annual Meeting, August 2, 2014

Discussant, *Defining Multiracialism and Its Impact on the Law*, Southeastern Association of Law Schools Annual Meeting, August 1, 2014

Invited Panelist, *Reviewing the Supreme Court's 2013-14 Term: A Panel Discussion*, Colorado Lawyers Chapter of the Federalist Society, July 18, 2014

Identity Entrepreneurs, Federalist Society Junior Scholars Conference, Georgetown University Law Center, May 14, 2014

Invited Panelist: *Navigating Racial Identity in Institutions of Power*, Reinvisioning Race in a "Post-Racial" Era, New Approaches in Critical Race Theory, Yale Law School, April 5, 2014

Invited Panelist: *Diversity on Law Reviews*, Program by Ms. JD and *New York Law School Law Review*, Fish & Richardson, New York City, April 3, 2014

Identity Entrepreneurs, Fordham Law School Faculty Colloquium, April 3, 2014

Identity Entrepreneurs, Duke Law School Colloquium on Identity Politics and Law, January 22, 2014

How to Write a Student Note, Presentation to University of Denver Law Student Body, January 13, 2014

2013

Dissenters as Entrepreneurs, Symposium, Intragroup Dissent, Chicago-Kent School of Law, November 8, 2013

Improving Rights, UCLA School of Law Faculty Colloquium, November 1, 2013

Enforcing Rights, Sixth Annual Junior Faculty Federal Courts Workshop, Brooklyn Law School, upcoming October 4-5, 2013

Racial Capitalism, Samford University Cumberland School of Law Faculty Colloquium, April 19, 2013

Panelist: *How to Do Things with Women's Words*, Symposium Honoring the Work of Professor Ann Scales, University of Denver School of Law, March 30, 2013

Gideon's Law Protective Function, Symposium: Fiftieth Anniversary of *Gideon v. Wainwright*, Yale Law School, March 7, 2013

Discursive Disparities, Symposium: Minding the Gap: Reflections on the Achievement Gap Between Men and Women in the Workplace in 2013, Florida International University School of Law, February 28, 2013

Racial Capitalism, Florida State University College of Law, February 17, 2013

Moderator, *Law and the Schools Our Children Attend*, Symposium: Forty Years Since *Keyes v. School District No. 1*: Equality of Educational Opportunity and the Legal Construction of Modern Metropolitan America, University of Denver School of Law, February 1, 2013

Speaker, Martin Luther King Day Celebration: Theorizing Racial Justice: Reflecting on *Whiteness as Property*, DePaul School of Law, January 21, 2013

The Persistent Gender Disparity in Student Note Publication, Presentation to *University of Denver Law Review*, January 14, 2013

How to Write a Student Note, Presentation to University of Denver Sturm College of Law Student Body, January 14, 2013

2012

Racial Capitalism, UCLA School of Law Faculty Colloquium, November 9, 2012

Racial Capitalism, Columbia University School of Law Legal Theory Workshop, October 31, 2012

Co-Organizer and Panelist: *Race and the Criminal Justice System: Harmonizing Clinical and Doctrinal Teaching to Advance Social Justice*, University of Maryland, October 5, 2012

Panelist: *On Professionalism & Balance: Academic and Personal Success*, SALT/LatCrit Faculty Development Workshop, University of Maryland, October 5, 2012

Racial Capitalism, University of Texas Faculty Colloquium, September 20, 2012

Racial Capitalism, University of Iowa Faculty Colloquium, August 23, 2012

Roundtable Participant: *Impact of Remedies on Constitutional Law*, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida, July 31, 2012

Moderator: *Supreme Court and Legislative Update: Individual Rights*, Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida, July 29, 2012

Racial Capitalism, Critical Race Theory Workshop, UCLA School of Law, July 13, 2012

Racial Capitalism, Law and Society Association Annual Meeting, Honolulu, Hawaii, June 8, 2012

The Persistent Gender Disparity in Student Note Publication, Presentation to Annual Top Law Reviews Conference, Philadelphia, Pennsylvania, March 31, 2012

Racial Capitalism, University of Pennsylvania Faculty Colloquium, March 29, 2012

Half/Full, Symposium: Reigniting Community: Strengthening the APA Identity, University of California Irvine School of Law, March 16, 2012

The Persistent Gender Disparity in Student Note Publication, Presentation to Yale Law School Student Body, February 9, 2012

Making Remedies, Fourth Annual Junior Faculty Federal Courts Workshop, Florida International University College of Law, February 3, 2012

2011

Civilizing Batson, Symposium: *Batson* at 25: Perspectives on the Landmark, Reflections on Its Legacy, University of Iowa School of Law, October 21, 2011

Making Rights, University of California Hastings Faculty Workshop, September 27, 2011

The Open Road and the Traffic Stop, Race and Criminal Justice in the West Conference, Gonzaga University School of Law, September 24, 2011

Non-Whiteness as Capital, Sixth Annual Labor and Employment Law Colloquium, Loyola Law School, Los Angeles, September 16, 2011

Moderator & Panelist: *Supreme Court and Legislative Update: Individual Rights*, Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina, July 24, 2011

Moderator: *Bias in the Criminal Justice System: Sources and Effects*, Law and Society Association Annual Meeting, San Francisco, California, June 4, 2011

Overthinking Race, Law and Society Association Annual Meeting, San Francisco, California, June 4, 2011

Making Rights, Virginia Junior Faculty Forum, University of Richmond School of Law, May 5, 2011

Making Rights, University of San Diego School of Law Faculty Workshop, April 1, 2011

Panelist: *Confrontation*, Symposium on Protections Under the Sixth Amendment, William & Mary School of Law, March 23, 2011

Making Rights, Southwest Junior Law Professors Workshop, Arizona State University College of Law, March 14, 2011

Making Rights, Ohio Legal Scholarship Workshop, Capital Law School, February 5, 2011

Making Rights, University of Maryland School of Law Faculty Workshop, February 2, 2011

2010 and before

Panelist: *Law and the Invention of Race*, Law and Society Association Annual Meeting, Chicago, Illinois, May 27, 2010

Saucier *Sequencing and Substantive Outcomes*, Georgetown University Law Center Fellows Workshop, October 9, 2009

Saucier *Sequencing and Substantive Outcomes*, SALT-LatCrit Faculty Development Workshop, Bethesda, Maryland, October 1, 2009

Racial Formalism and Mixed-Race Discrimination, Conceptualizing Substantive Justice Conference, University of Denver, April 18, 2009

Judicial Erasure of Mixed-Race Discrimination, Critical Race Theory 20 Conference: Honoring Our Past, Charting Our Future, University of Iowa College of Law, April 4, 2009

A Noteworthy Absence, Georgetown University Law Center Fellows Workshop February 27, 2009

The Saucier Qualified Immunity Experiment: An Empirical Analysis, Georgetown University Law Center Fellows Workshop, December 5, 2008

Media Appearances

The Majority Report, [Interview Regarding Identity Capitalists](#), February 23, 2021

The Harvard Crimson, [Experts Envision Roads to Supreme Court for Harvard Admissions Lawsuit](#), Dec. 20, 2020

The Denver Post, [Colorado Law Tends to Favor Police Who Shoot “Fleeing Felons,”](#) Aug. 17, 2019

KOA NewsRadio, [Birthright Citizenship Debate](#), November 1, 2018

Fox News, [Masterpiece Cakeshop Baker in New Legal Fight](#), September 21, 2018

Al-Jazeera, [“A Real Human Cost”: American Muslims Decry Travel Ban](#), June 27, 2018

Channel 7 News, [Supreme Court Rules in Favor of Colorado Baker Who Refused to Make Same Sex Wedding Cake](#), June 4, 2018

Colorado Matters, Colorado Public Radio, [Why the SCOTUS Masterpiece Cakeshop Ruling is “Narrow,”](#) June 4, 2018

Knowledge@Wharton, How Corporate America Handles Racism, May 31, 2018 (available on Sirius XM On Demand)

Bitch Media, [The Argument for Ending Sex-Based Segregation in Sports](#), May 30, 2018

The Record, KUOW Seattle Public Radio, [Should we continue to segregate the sexes in scouts and sports?](#), October 17, 2017

On Point, [Rethinking Affirmative Action?](#), August 7, 2017

MSNBC Live, The Affirmative Action Debate, August 5, 2017

MarketWatch, [Racism Is Built Into Sharing Economy](#), December 7, 2016

NYMag, [Here's How People Reacted When Trump Said Clinton is "Such a Nasty Woman,"](#) October 19, 2016

Knowledge@Wharton, Sexual Harassment in the Workplace, October 19, 2016 (available on Sirius XM On Demand)

The Diane Rehm Show, [Why Sexual Assault and Sexual Harassment Are So Common](#), October 13, 2016

New York Times, [Special Tax on Women: Trump Tape Is a Reminder of the Cost of Harassment](#), October 10, 2016

Washington Post, [Is Diversity for White People?](#), September 29, 2016

The Takeaway, [Discrimination in the Sharing Economy Goes Way Beyond Airbnb](#), September 9, 2016

The Guardian, [What Happens When Tech Firms End Up at the Center of Racism Scandals?](#), August 30, 2016

The Guardian, [Airbnb Pitches Best Version of Itself at DNC, But Critics Question Muddy Data](#), July 27, 2016

The Christian Science Monitor, [Racial Discrimination is Airbnb's Chief Challenge, CEO Says](#), July 13, 2016

Al-Jazeera, The Stream, [The Sharing Economy's Discrimination Problem](#), July 5, 2016

Slate, [The Civil Rights Act Exempts Racist Bed-and-Breakfasts. Does That Cover Airbnb?](#), June 9, 2016

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Christian Science Monitor, [Denver Baker Sued for Refusing to Write Anti-Gay Slogans on Cake](#), January 22, 2015

ABA Journal, [Baker Who Would Not Decorate a Cake With Anti-Gay Slurs Faces Civil Rights Complaint](#), January 22, 2015

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The Denver Post, [Colorado Attorney General John Suthers Takes Fire Over Gay Marriage](#), July 13, 2014

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Law360, [Scalia Correction Exposes High Court's Transparency Problem](#), May 6, 2014

NPR, On the Media, [The Customer Isn't Always Right: Concerns With Uber's Passenger Rating System](#), Apr. 25, 2014

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Michael Signorile Show, Sirius XM Radio, Utah Same-Sex Marriage Argument, Apr. 10, 2014

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The Denver Post, [Wild-Card 10th Circuit Judge Is Deciding Vote in Gay Marriage Cases](#), April 6, 2014

Al Jazeera, [Whose Version of "Diversity" Did the Oscars Celebrate?](#), Mar. 5, 2014

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The Denver Post, [Mysterious Fourth Man in Fero's Fatal Stabbings Protected as Informant](#), Jan. 28, 2014

Associated Press, [Colorado Legislation Deals with Cyberharassment](#), Jan. 17, 2014

Judicial Clerkships and Other Legal Experience

Law Clerk to Hon. Frederick Weisberg, D.C. Superior Court	2009-2010
Litigation Fellow, Americans United for Separation of Church and State	2007-2008
Law Clerk to Hon. Kermit Lipez, First Circuit Court of Appeals	2006-2007
Research Assistant to Prof. Norman Spaulding, Stanford Law School	2004-2006
Summer Associate, Quinn, Emanuel, San Francisco, CA	2005 & 2006
Summer Associate, Ropes & Gray, Boston, MA	2005

Service

Pro Bono

Signed and provided input on academics' amicus briefs in several Supreme Court cases. Signed and provided input on several amicus briefs to the Colorado Supreme Court.

National

Program Co-Organizer, Demystifying the Academy, SE/SW People of Color Conference, 2012
Mentor, SALT Mentoring Program, 2012-present

University of Denver Sturm College of Law

Appointments Committee, 2021-2022

Chair, 2021-2022

Promotion and Tenure Committee, 2017-2022 (elected)

Chair, 2020-2021

Tenure Reform Committee, 2019-2020

Chair, 2019-2020

Law Review Advisor, 2012-present

Asian Pacific American Law Students Association Advisor, 2022-present

Criminal Law Review Advisor, 2014-2018

Admissions Committee, 2011-2012; 2014-2019

Faculty Senator, 2014-2017 (elected position)

Research Professorship Nomination Committee, 2013-2014 (chair)

Evening Division Examination Committee, 2013-2014

Diversity VAP Selection & Mentoring Committee, 2012-2014

Lateral Appointments Committee, 2012-2013

Organizer, Constitutional Rights & Remedies Summer Scholarship Series, summer 2015 & 2016

Co-Organizer, Junior Faculty Summer Scholarship Series, summer 2012

Co-Organizer, Constitutional Rights and Remedies Reading Group, 2011-2012

William & Mary School of Law

Faculty Advisor, Asian Law Students Association, 2010-2011

Faculty Enrichment Committee, 2010-2011

Bar Admissions

District of Columbia

California (inactive)

U.S. Supreme Court

Fifth Circuit Court of Appeals

Ninth Circuit Court of Appeals

California Supreme Court