

Nancy Leong

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Academic Appointments

University of Denver Sturm College of Law

Associate Dean of Faculty Scholarship 2022-present
Provost Professorship 2023-present
Constitutional Rights and Remedies Program Director 2021-present
William M. Beaney Memorial Research Chair 2020-present
Professor 2017-present
Associate Professor with Tenure 2014-2017
Assistant Professor 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: Distinguished University Professor Selection Committee, 2024-present; Sponsored Program Academic Research Counsel, 2022-present; Appointments Committee, 2022-present (*ex officio* as Associate Dean for Faculty Scholarship); 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

Adjunct Lecturer Spring 2021
Course: Constitutional Law II

Washington University School of Law

Visiting Professor Spring 2017
Courses: Constitutional Law I; Commodification & Law Seminar

UCLA School of Law

Visiting Professor Fall 2013
Courses: Criminal Procedure; Commodification & Law Seminar

William & Mary School of Law

Assistant Professor 2010-2011
Courses: Criminal Procedure; Evidence

American University Washington College of Law

Adjunct Professor 2009-2010
Courses: 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

Representative Publications

Book

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

Articles

Diversity Messaging After Affirmative Action, 109 MINNESOTA LAW REVIEW 1059 (2025)

Pleading Failures in Monell Litigation, 73 EMORY LAW JOURNAL 801 (2024)(with Katelyn Elrod and Matthew Nilsen)

Civil Rights Liability for Bad Hiring, 108 MINNESOTA LAW REVIEW 1 (2023)

Municipal Failures, 108 CORNELL LAW REVIEW 345 (2023)

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

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)

Improving Rights, 100 VIRGINIA LAW REVIEW 377 (2014)

Racial Capitalism, 126 HARVARD LAW REVIEW 2151 (2013)

- Response: Richard Ford, *Capitalize 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)

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)

Essays, Book Chapters, and Other Publications

Do Attorneys Matter in Civil Rights Litigation?, 20 FIU L. REV. 913 (2026)(with Mary Emmerling, Aili Miyake, and Rochelle Orlando)

Failure to Supervise as Municipal Custom, 2023 WISCONSIN LAW REVIEW 261 (2025)(with Allyson Harris)

Constitutional Accountability Through State Tort Law, 2023 WISCONSIN LAW REVIEW 1707 (2023)(invited symposium contribution)

Challenges in Substantive Due Process Litigation, 76 S.M.U. LAW REVIEW 459 (2023)(invited symposium lead essay)

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)

Half/Full, 3 IRVINE LAW REVIEW 1125 (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?*)

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

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

Selected Popular Media Publications

[Re-Arming the Private Attorney General](#), Balkinization, March 8, 2023 (reviewing SHIELDED by Joanna Schwartz as part of Balkinization blog symposium)

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

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

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

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

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

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

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

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

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

Selected 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

Selected Academic Presentations

After Affirmative Action, Belinda Sutton Symposium, Harvard Law School, April 18, 2024

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

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

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

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

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

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

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

Invited Panelist and Moderator, *Social Media and Due Process*, The Globalization of the #MeToo Movement, Berkeley Law School, May 15, 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, *Free Speech on Campus*, Boston College Law School, March 20, 2018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judicial Clerkships and Other Legal Experience

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