

HELEN L. NORTON
University of Colorado School of Law
Wolf Law Building, 401 UCB
Boulder, CO 80309-0401
Helen.Norton@colorado.edu
303/492-5751

EMPLOYMENT

University of Colorado School of Law	
Ira C. Rothgerber, Jr. Chair in Constitutional Law	since 2016
Professor of Law	since 2015
Associate Professor	since 2007
Associate Dean for Academic and Faculty Affairs	2011-14
Special Counsel on Constitutional and Civil Rights to the Attorney General for the State of Colorado	since 2020
University of Maryland School of Law	2002-2007
Visiting Assistant Professor	
University of Wyoming College of Law	2001
E. George Rudolph Distinguished Visiting Chair in Law	
U.S. Department of Justice	1998-2001
Deputy Assistant Attorney General for Civil Rights	
Counsel to the Assistant Attorney General for Civil Rights	
National Partnership for Women and Families	1989-1998
Director of Legal and Public Policy	

EDUCATION

J.D., Boalt Hall School of Law, University of California, Berkeley
Associate Editor, California Law Review

B.A., Stanford University
Graduated with distinction

SCHOLARSHIP

Books

THE GOVERNMENT'S SPEECH AND THE CONSTITUTION (Cambridge University Press 2019)

Articles, Symposium Essays, and Book Chapters

Discrimination, The Speech That Enables It, And The First Amendment, 2020 U. CHI. L. FOR. 209 (2020)

Free Speech and Democracy: A Pragmatic Primer for 21st Century Reformers, 54 U.C. DAVIS L. REV. (forthcoming 2021) (with Toni M. Massaro)

Pregnancy and the First Amendment, 87 FORDHAM L. REV. 2417 (2019)

Powerful Speakers and Their Listeners, 90 U. COLO. L. REV. 441 (2019)

(At Least) Thirteen Ways of Looking at Election Lies, 71 OKLA. L. REV. 117 (2018)

The Government's Manufacture of Doubt, 16 FIRST AM. L. REV. 342 (2018)

Artificial Intelligence and the First Amendment, in Woodrow Barfield & Ugo Pagallo, ed., RESEARCH HANDBOOK ON LAW AND ARTIFICIAL INTELLIGENCE (Edward Elgar Press 2018) (with Toni M. Massaro)

The Government's Lies and the Press Clause, 89 U. COLO. L. REV. 453 (2018)

What's New is Old Again (And Vice Versa), in Ronald Collins & David Skover, ROBOTICA: SPEECH RIGHTS AND ARTIFICIAL INTELLIGENCE (Cambridge University Press 2018)

Robotic Speakers and Human Listeners, 41 SEATTLE U. L. REV. 1145 (2018)

Government Speech and the War on Terror, 86 FORDHAM L. REV. 543 (2017)

Siri-ously 2.0: What Artificial Intelligence Reveals About the First Amendment, 101 MINN. L. REV. 2481 (2017) (with Toni M. Massaro and Margot E. Kaminski)

Employers' Duties of Honesty and Accuracy, 21 EMP. RIGHTS AND EMP. POL'Y J. 575 (2017)

Truth and Lies in the Workplace: Employer Speech and the First Amendment, 101 MINN. L. REV. 31 (2016)

Siri-ously? Free Speech Rights for Artificial Intelligence, 110 NW. U. L. REV. 1169 (2016) (with Toni M. Massaro)

The Government's Lies and the Constitution, 91 IND. L.J. 73 (2015)

Government Speech and Political Courage, 68 STAN. L. REV. ONLINE 61 (2015)

Lies To Manipulate, Misappropriate, and Acquire Government Power, in Austin D. Sarat, ed., *LAW AND LIES: DECEPTION AND TRUTH-TELLING IN THE AMERICAN LEGAL SYSTEM* (Cambridge University Press 2015)

Setting the Tipping Point For Disclosing The Identity of Anonymous Online Speakers: Lessons from Other Disclosure Contexts, 49 WAKE FOREST L. REV. 565 (2014)

Lies and the Constitution, 2012 SUPREME CT. REVIEW 161 (2013)

The Equal Protection Implications of Government's Hateful Speech, 54 WM. & MARY L. REV. 159 (2012)

Secrets, Lies, and Disclosures, 27 JOURNAL OF LAW AND POLITICS 641 (2012)

Government Speech in Transition, 57 S. DAK. L. REV. 421 (2012)

Campaign Speech Law With a Twist: When Government is the Speaker, Not the Regulator, 61 EMORY L.J. 209 (2011)

Imaginary Threats to Government's Expressive Interests, 61 CASE WESTERN L. REV. 1265 (2011)

Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age, 91 BOSTON U. L. REV. 1435 (2011) (with Danielle Keats Citron)

The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality, 52 WM. & MARY L. REV. 197 (2010)

Shining a Light on Democracy's Dark Lagoon, 61 S. CAR. L. REV. 535 (2010)

Government Speech 2.0., 87 DENV. U. L. REV. 899 (2010) (with Danielle Keats Citron)

Constraining Public Employee Speech: Government's Control of Its Workers' Speech to Protect Its Own Expression, 59 DUKE L.J. 1 (2009)

The Measure of Government Speech: Identifying Expression's Source, 88 BOSTON U. L. REV. 587 (2008)

Government Workers and Government Speech, 7 FIRST AM. L. REV. 75 (2008)

Re-Shaping Federal Jurisdiction: Congress' Latest Challenge to Judicial Review, 41 WAKE FOREST L. REV. 1003 (2006)

Stepping Through Grutter's Open Doors: What the University of Michigan Affirmative Action Cases Mean for Race-Conscious Government Decisionmaking, 78 TEMPLE L. REV. 543 (2005)

Not for Attribution: Government's Interest in Protecting the Integrity of Its Own Expression, 37 U.C. DAVIS. L. REV. 1317 (2004)

You Can't Ask (or Say) That: The First Amendment Implications of Civil Rights Restrictions on Decisionmaker Speech, 11 WM. & MARY BILL RTS. J. 727 (2003)

What Bush v. Gore Means for Elections in the 21st Century, 2 WYO. L. REV. 419 (2002)

Shorter Works

Reproductive Health Care Exceptionalism and the Pandemic, JOTWELL (November 9, 2020) (reviewing B. Jessie Hill, *Essentially Elective: The Law and Ideology of Restricting Abortion During the Covid-19 Pandemic*, 106 Va. L. Rev. Online 99 (2020)), <https://conlaw.jotwell.com/reproductive-health-care-exceptionalism-and-the-pandemic/>

Government Corruption, Public Employees' Speech, and the First Amendment, FIRST AMENDMENT WATCH <https://firstamendmentwatch.org/trashed-4/>; FIRST AMENDMENT NEWS <https://www.thefire.org/first-amendment-news-250-a-commentary-on-warenker-v-hempstead-union-school-dist-and-the-public-employee-speech-doctrine/> (Apr. 16, 2020)

The Government's Speech and Why it Matters, BALKINIZATION (for the Symposium on THE GOVERNMENT'S SPEECH AND THE CONSTITUTION) (Mar. 28, 2020)

The Government's Speech and Its Complexities, BALKINIZATION (for the Symposium on THE GOVERNMENT'S SPEECH AND THE CONSTITUTION) (Mar. 27, 2020), <https://balkin.blogspot.com/2020/03/the-governments-speech-and-its.html>

Can the Constitution Stop the Government From Lying to the Public?, THE CONVERSATION (Jan. 14, 2020), <https://theconversation.com/can-the-constitution-stop-the-government-from-lying-to-the-public-128967>

The Uses and Abuses of the Government's Tools of Information Control, JOTWELL (October 7, 2019) (reviewing Nathan Cortez, *Information Mischief Under the Trump Administration*, 94 CHI.-KENT L. REV. 315 (2019)), <https://conlaw.jotwell.com/the-uses-and-abuses-of-the-governments-tools-of-information-control/>.

Remedies and the Government's Constitutionally Harmful Speech, 9 CONLAWNOW 49 (2018), <http://ideaexchange.uakron.edu/conlawnow/vol9/iss1/6>

Excavating the Forgotten Suspension Clause, JOTWELL (October 26, 2018) (reviewing Amanda Tyler, *HABEAS CORPUS IN WARTIME: FROM THE TOWER OF LONDON TO GUANTANAMO BAY* (2017)), <https://conlaw.jotwell.com/excavating-the-forgotten-suspension-clause/>.

Taking Listeners' First Amendment Interests Seriously, FIRST AMENDMENT NEWS (Sept. 20, 2018), <https://concurringopinions.com/archives/2018/09/fan-200-first-amendment-news-helen-norton-taking-listeners-first-amendment-interests-seriously.html>

Gambling With Our Constitution, DENVER POST (Apr. 20, 2018),
<https://www.denverpost.com/2018/04/20/gambling-with-our-constitution/> (with David Super)

Checking the Government's Deception Through Public Employee Speech, JOTWELL (September 25, 2017)
(reviewing Heidi Kitrosser, *The Special Value of Public Employee Speech*)
<https://conlaw.jotwell.com/checking-the-governments-deception-through-public-employee-speech/>.

What We Learn From Government Speech About Hate, LAWFARE, Aug. 15, 2017,
<https://lawfareblog.com/what-we-learn-government-speech-about-hate> (with Danielle Keats Citron)

Does Alexa Have Free Speech Rights?, SLATE, Mar. 22, 2017,
http://www.slate.com/articles/technology/future_tense/2017/03/does_amazon_s_alexa_have_free_spech_rights.html (with Toni M. Massaro and Margot E. Kaminski)

Recovering Forgotten Struggles Over the Constitutional Meaning of Equality, JOTWELL (October 6, 2016)
(reviewing Katie Eyer, *Ideological Drift and the Forgotten History of Intent*, 51 Harv. C.R.-C.L. L. Rev. 1
(2016), available at SSRN), <http://conlaw.jotwell.com/recovering-forgotten-struggles-over-the-constitutional-meaning-of-equality/>.

A Few Thoughts on Free Speech Constitutionalism, 2015 U. ILL. L. REV. SLIP OPINIONS 98 (2015)

Cyberharassment and Workplace Law, B.U. L. REV. ANNEX (Oct. 20, 2015),
<http://www.bu.edu/bulawreview/norton-cyberharassment-workplace-law/>

How Do We Know When Speech is of Low Value?, JOTWELL (May 8, 2015) (reviewing Genevieve Lakier,
The Invention of Low-Value Speech, <http://conlaw.jotwell.com/how-do-we-know-when-speech-is-of-low-value>

The Equal Protection Implications of Government's Hateful Speech, Legal Workshop, Dec. 12, 2012,
<http://legalworkshop.org/2012/12/12/the-equal-protection-implications-of-the-governments-hateful-speech>

Excluding Unemployed Workers from Job Opportunities: Why Disparate Impact Protections Still Matter, 2011
HASTINGS L.J. VOIR DIRE 1

The Court's Post-Racial Turn, Legal Workshop, Feb. 28, 2011,
<http://legalworkshop.org/2011/02/28/william-and-mary-post>

Regulating Cyberharassment: Some Thoughts on Sexual Harassment 2.0, 87 DENV. U. L. REV. ONLINE 11
(2010)

Constraining Public Employee Speech, Legal Workshop, Oct. 19, 2009,
<http://legalworkshop.org/2009/10/19/1689>

The Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer-Sponsored Health Plans, 8 EMP. RTS. & EMP. POL'Y J. 523 (2004) (transcripted remarks)

Reprintings of Articles

Pregnancy and the First Amendment, selected for reprinting in Rodney Smolla, ed., THE FIRST AMENDMENT LAW HANDBOOK (2019-20 edition)

Government Speech and the War on Terror, selected for reprinting in Rodney Smolla, ed., THE FIRST AMENDMENT LAW HANDBOOK (2018-19 edition)

Constraining Public Employee Speech: Government's Control of Its Workers' Speech to Protect Its Own Expression, selected for reprinting in Rodney Smolla, ed., THE FIRST AMENDMENT LAW HANDBOOK (2010-11 edition)

The Measure of Government Speech: Identifying Expression's Source, selected for reprinting in Rodney Smolla, ed., THE FIRST AMENDMENT LAW HANDBOOK (2008-09 edition)

Works in Progress

Manipulation and the First Amendment

Government Speech, Democratic Harm, and the First Amendment (forthcoming 2021 OHIO ST. L. J. ONLINE)

Negative First Amendment Theory and Its Limits

Securities Law and the First Amendment (with Erik Gerding)

AWARDS AND PUBLIC LECTURES

2019 Austin Scott Lecture, *The Government's Speech and the Constitution*, University of Colorado School of Law

2016 Excellence in Teaching Award, University of Colorado School of Law

2015 Gamm Justice Award (for outstanding written work addressing critical issues in justice; for *The Government's Lies and the Constitution*) (co-recipient)

2014 President's Teaching Scholar, University of Colorado

2013 Excellence in Teaching Award, University of Colorado School of Law

2012 Provost's Faculty Achievement Award, University of Colorado (for *Constraining Public Employee: Government's Control of Its Workers' Speech to Protect Its Own Expression*)

2012 Clifford J. Calhoun Public Service Award, University of Colorado School of Law

2011 Jules Milstein University of Colorado School of Law Faculty Writing Award, University of Colorado School of Law (for *Constraining Public Employee: Government's Control of Its Workers' Speech to Protect Its Own Expression*)

2011 Byron R. White Center for the Study of American Constitutional Law Faculty Writing Award, University of Colorado School of Law (for *The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality*) (co-recipient)

2011 Excellence in Teaching Award, University of Colorado School of Law

2009 Excellence in Teaching Award, University of Colorado School of Law

2008 Excellence in Teaching Award, University of Colorado School of Law

2007 Teacher of the Year, University of Maryland School of Law

Commencement Speaker, University of Wyoming College of Law, May 2003

E. George Rudolph Distinguished Visiting Lecture, "What *Bush v. Gore* Means for Elections in the 21st Century," University of Wyoming School of Law, December 2001

TESTIMONY BEFORE LEGISLATIVE AND ADMINISTRATIVE BODIES

Federal Antidiscrimination Law Implications of Excluding Currently Unemployed Workers from Consideration for Job Opportunities, Equal Employment Opportunity Commission (2011)

The Protecting Older Workers Against Discrimination Act: Hearing on H.R. 3721 Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. on the Judiciary, 111th Cong. (2010)

The Protecting Older Workers Against Discrimination Act: Hearing on S. 1756 Before the S. Comm. on Health, Education, Labor, and Pensions, 111th Cong. (2010)

Employment Non-Discrimination Act: Ensuring Opportunity for All Americans: Hearing Before the S. Comm. On Health, Education, Labor, and Pensions, 111th Cong. (2009)

Protecting American Employees from Workplace Discrimination: Hearing on H.R. 1431 Before H. Subcomm. on Health, Employment, Labor and Pensions of the H. Comm. on Education and Labor, 110th Cong. (2008)

The Employment Non-Discrimination Act of 2007: Hearing on H.R. 2015 Before H. Subcomm. on Health, Employment, Labor, and Pensions of the H. Comm. on Education and Labor, 110th Cong. (2007)

Department of Justice Civil Rights Division Oversight: Hearing Before S. Comm. on the Judiciary, 110th Cong. (2007)

AMICUS BRIEFS

Brief filed in the U.S. Court of Appeals for the Third Circuit on behalf of *Amici Women’s Law Project, et al.*, in *Greater Philadelphia Chamber of Commerce v. City of Philadelphia* (September 2018)

Brief filed in the U.S. Court of Appeals for the District of Columbia Circuit on behalf of *Amici National Women’s Law Center, et al.*, in *UPMC Braddock v. Perez* (December 2013)

Brief filed in the United States Supreme Court on behalf of *Amici National Women’s Law Center, et al.*, in *Thompson v. North American Stainless, LP* (September 2010)

Brief filed in the United States Supreme Court on behalf of *Amici National Partnership for Women & Families, Mexican American Legal Defense and Education Fund, Lawyers’ Committee for Civil Rights under Law, et al.*, in *Lewis v. City of Chicago* (November 2009)

Brief filed in the United States Supreme Court on behalf of *Amici National Partnership for Women & Families, et al.*, in *Ricci v. DeStefano* (April 2009)

Brief filed in United States Circuit Court of Appeals for the Fourth Circuit on behalf of *Amici National School Boards Association, American Association of School Administrators, National League of Cities, et al.*, in *Page v. Lexington County Sch. Bd. No. One* (October 2007)

SCHOLARLY PRESENTATIONS

Presenter, “Free Speech and Democracy: A Pragmatic Primer for 21st Century Reformers,” Free Expression Scholars Conference, Yale Law School, October 2020

Presenter, “Negative First Amendment Theory and Its Limits,” Constitutional Law Colloquium, Loyola-Chicago University Law School, November 2020

Presenter, “The Government’s Speech and Equality,” University of Chicago Law School Public Law and Legal Theory Workshop, March 2020

Presenter, “The Government’s Speech and the Constitution,” Raymond & Mary Simon Speaker Series, Loyola-Chicago University Law School, February 2020

Presenter, “The Government’s Speech and the Constitution,” American Constitution Scholars Forum, Barry University School of Law, February 2020

Presenter, “The Government’s Speech and the Constitution,” Loyola-Chicago University Law School Constitutional Law Colloquium, November 2019

Presenter, “Discrimination and the Speech That Enables It,” Symposium on “What’s the Harm: The Future of the First Amendment,” University of Chicago School of Law, October 2019

Presenter, “The Government’s Speech and the Constitution,” University of New Mexico School of Law Colloquium Series, September 2019

Presenter, “Discrimination, The Speech That Enables It, and the First Amendment,” Law and Society Annual Meeting, Washington DC, June 2019

Presenter, “The Government’s Speech About Speech,” Free Expression Scholars Conference, Yale Law School, April 2019

Presenter, “The Government’s Speech and Equality,” National Conference of Constitutional Law Scholars, University of Arizona School of Law’s Rehnquist Center on Constitutional Rights, March 2019

Presenter, “The Government’s Speech and the Constitution,” Pepperdine Law School Colloquium Series, March 2019

Presenter, “Discrimination, The Speech That Enables It, and the First Amendment,” Symposium on Gender Equality and the First Amendment, Fordham Law School, November 2018

Presenter, “Discrimination, The Speech That Enables It, and the First Amendment,” Loyola-Chicago University Law School Constitutional Law Colloquium, November 2018

Presenter, “Powerful Speakers and Their Listeners,” Rothgerber Constitutional Law Conference, University of Colorado School of Law, April 2018

Presenter, “Discrimination, Information, and the First Amendment,” Free Expression Scholars Conference, Yale Law School, April 2018

Presenter, “Questioning Discrimination,” American Constitutional Law Scholars Forum, Barry University School of Law, March 2018

Presenter, “(At Least) Thirteen Ways of Looking at Election Lies,” Symposium on Falsehoods, Fake News, and the First Amendment, University of Oklahoma School of Law, February 2018

Presenter, “The Dark Side of Utility,” Symposium on Singularity: Artificial Intelligence and the Law, Seattle University School of Law, February 2018

Presenter, “Government Speech and the Manufacture of Doubt,” Eighth Annual Loyola-Chicago University Law School Constitutional Law Colloquium, November 2017

Presenter, "Remedies and the Government's Constitutionally Harmful Speech," Symposium on The Constitution and Remedies: Remedying Harms and Circumscribing Relief, The Center for Constitutional Law at Akron Law School, November 2017

Presenter, "Government Speech and the Manufacture of Doubt," Symposium on "Distorting the Truth: 'Fake News' and Free Speech," University of North Carolina School of Law, October 2017

Presenter, "Antidiscrimination Law, Employer Inquiries, and the First Amendment," Colloquium on Scholarship of Labor and Employment Law, Texas A&M School of Law, September 2017

Presenter, "Government Speech and the War on Terror," Free Expression Scholars Conference, Yale Law School, April 2017

Presenter, "Government Speech and the War on Terror," Symposium on Terrorist Incitement on the Internet, Fordham Law School, April 2017

Presenter, "Government Lies and the Press Clause," Symposium on Truth, Lies, and the Constitution, University of Colorado School of Law, April 2017

Presenter, "Government Speech and the War on Terror," Utah Law School Colloquium Series, April 2017

Presenter, "Employers' Duties of Honesty and Accuracy," Labor Law Group Symposium on the Restatement of Employment Law, Indiana University Maurer School of Law, November 2016

Presenter, "Listeners and the First Amendment," Seventh Annual Loyola-Chicago University Law School Constitutional Law Colloquium, November 2016

Presenter, "Truth and Lies in the Workplace: Employer Speech and the First Amendment," Free Expression Scholars Conference, Yale School of Law, May 2016

Co-presenter, "Siriously? Free Speech Rights for Artificial Intelligence," We Robot 2016 Conference, University of Miami School of Law, April 2016

Commenter, "A Listener-Based Approach to Campaign Disclosures," Keller Center for the Study of the First Amendment Conference on Money and the First Amendment, University of Colorado, April 2016

Presenter, "The Government's Lies and the Constitution," American Constitution Society's Second Annual Constitutional Law Scholars Forum, Barry University School of Law, April 2016

Presenter, "The Free Speech Rights and Responsibilities of Powerful Speakers," Speech Holes: A Workshop on Free Speech Theory, University of Arizona College of Law, February 2016

Co-presenter, "Siriously? Free Speech Rights for Artificial Intelligence," Symposium on Free Speech Foundations, Northwestern University Law Review, October 2015

Presenter, "Lies to Manipulate, Misappropriate, and Acquire Governmental Power," Sixth Annual Loyola University Law School Constitutional Law Colloquium, November 2015

Commenter, "Law and the Production of Violence," Yale Free Expression Scholars Conference, May 2015

Presenter, "Workplace Truth and Lies," Fifth Annual Constitutional Law Colloquium, Loyola-Chicago Law School, November 2014

Presenter, "Lies to, About Being, and to Become the Government," Symposium on "Law and Lies," University of Alabama School of Law, October 2014

Presenter, "Workplace Truth and Lies," Colloquium of Scholarship on Labor and Employment Law, University of Colorado School of Law, September 2014

Presenter, "When Government Lies: The Constitutional Implications of Government's Deliberate Falsehoods," Yale Free Expression Scholars Conference, May 2014

Presenter, "The Equal Protection Implications of Government's Hateful Speech," University of Colorado Public Law Colloquium: Race in America, February 2014

Presenter, "When Government Lies: The Constitutional Implications of Government Falsehoods," Fourth Annual Constitutional Law Colloquium, Loyola-Chicago School of Law, November 2013

Presenter, "Setting the Tipping Point for Disclosing the Identity of Anonymous On-line Speakers: Lessons from Other Disclosure Contexts," Symposium on Internet Privacy Regulation, Wake Forest School of Law, October 2013

Commenter, "Regulating Hate Speech," Yale Free Expression Scholars Conference, May 2013

Presenter, "Lies and the Constitution," Chicago-Kent College of Law Colloquium Series, January 2013

Presenter, "Lies and the Constitution," Third Annual Constitutional Law Colloquium, Loyola-Chicago School of Law, November 2012

Presenter, "The Equal Protection Implications of Government's Hateful Speech," Law and Society Annual Meeting, June 2012

Presenter, "Secrets, Disclosure, and First Amendment Autonomy," Symposium on Anonymity and Identity in the Information Age, Cardozo School of Law, May 2012

Presenter, "Government Speech in Transition," Symposium on the Future of Government Speech, University of South Dakota School of Law, March 2012

Presenter, "Secrets, Lies, and Disclosure," Conference on Disclosure, Anonymity and the First Amendment, University of Virginia School of Law, October 2011

Presenter, "Government Speech and Equal Protection," Second Annual Constitutional Law Colloquium, Loyola-Chicago School of Law, October 2011

Presenter and Roundtable Participant, "Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age," Roundtable on Hate Speech, Center on the Internet and Society, Stanford University School of Law, January 2011

Presenter, "The Unexpected Virtues of Government's Partisan Speech," Symposium on Government Speech: The Government's Ability to Compel and Restrict Speech, Case Western University Law School, November 2010

Presenter, "The Unexpected Virtues of Government's Partisan Speech," Constitutional Law Colloquium: How Democratic is the Constitution?, Loyola-Chicago Law School, November 2010

Presenter, "Electoral Exceptionalism and Government Expression," Symposium on Structural and Doctrinal Questions in Constitutional Law: Is Our Constitutional Order Broken?, University of Connecticut School of Law, October 2010

Presenter, "The Supreme Court's Post-Racial Turn," Law and Society Annual Meeting, Chicago, May 2010

Presenter, "Government Speech 2.0," Ira C. Rothberger, Jr. Conference on Government Speech, University of Colorado Byron White Center on Constitutional Law, Denver, January 2010

Commenter, "Cyberharassment, Regulation, and Free Speech," Cyber Civil Rights Symposium: New Challenges for Civil Rights and Civil Liberties in Our Networked Age, Denver University School of Law, November 2009

Presenter, "Government Speech in Transition," Symposium on The Fourth Circuit Court of Appeals: Its Tradition, Its Jurisprudence, and Its Future, University of South Carolina School of Law, October 2009

Presenter, "The Post-Racial Constitution: What *Ricci* Means for Equal Protection Law," Colloquium on Current Scholarship in Labor and Employment Law, Seton Hall University School of Law, September 2009

Presenter, “Does Empathy for Some Necessarily Mean Prejudice Against Others? What *Ricci* Means for Antidiscrimination Law,” Rocky Mountain Junior Legal Scholars Workshop, Brigham Young University School of Law, September 2009

Commenter, “Workplace Discrimination: How it Occurs and Legal Responses,” Law and Society Annual Meeting, Denver, May 2009

Commenter, “Cyber Civil Rights,” Fordham University Law Center on Law and Information Policy, January 2009

Presenter, “When May Government Control Its Workers’ Speech to Protect Its Own Expression?” Colloquium on Current Scholarship in Labor and Employment Law, California Western, University of San Diego, and Thomas Jefferson Schools of Law, October 2008

Presenter, “Policing the Line Between Government Speech and Censorship,” Northeast People of Color and the Law Conference, Boston University School of Law, September 2008

Presenter, “Government’s Expressive Interests in the Speech of Its Employees,” Jurisgenesis: New Voices in the Law, Washington University and St. Louis University Schools of Law, June 2008

Presenter, “Government Workers and Government Speech,” Symposium: Public Citizens, Public Servants – Free Speech in the Post-*Garcetti* Workplace,” University of North Carolina School of Law, February 2008

Presenter, “An Employment Law Perspective on Conscience-Based Refusals by Health Care Workers,” Maryland Health Care Ethics Committee Network, University of Maryland School of Law, June 2006

Panelist, “The Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer-Sponsored Health Plans,” Joint Program of the Employment Discrimination and Employee Benefits Law Sections, American Association of Law Schools Annual Meeting, January 2004

SERVICE AND OUTREACH ACTIVITIES

Major Law School Service

Chair, Evaluations Committee, 2020-2021 and 2017-18

Member, Law School Dean Search Committee, 2020-21

Member, COVID-19 Planning Task Force, 2020 (upper-level curriculum subcommittee; teaching subcommittee)

Chair, Appointments Committee, 2019-20 and 2015-16

Chair, Academic and Student Affairs Committee, 2018-19 and 2016-17

Chair, Legal Writing Faculty Search Committee, 2016-17

Member, Dean's Search Committee, 2015-16

Member, ABA Self-Study Committee, 2015

Member, Evaluations Committee, 2015-16

JD/MPA Dual Degree Advisor, 2008-present

Associate Dean for Academic Affairs, University of Colorado School of Law, 2011-14

Member, Policy, Management, & Budget Committee, 2011-14, 2015-16

Member, Academic and Student Affairs Committee, 2011-14

Member, Public Service Committee, 2012-15

Member, Dean's Committee for Diversity, 2010-14

Co-Chair, Legal Writing Coordinator and Legal Writing Faculty Search Committees, 2012

Member, Scholarship Application Review Committee, 2012 and 2010

Member, Faculty Appointments Committee, 2010-11 and 2008-09

Member, Admissions Committee, 2009-2010

Member, Clinical Hiring Committee, 2008-09

Faculty Secretary, 2007-08

University of Colorado at Boulder Service

Member, Vice-Chancellors' Advisory Committee, 2019-present

Mentor, CU-Boulder Faculty Mentoring Program, 2020-21

University of Colorado Excellence in Leadership Program Fellow, 2020-21

President's Teaching Scholar, 2014-present

Member, Presidential Teaching Scholar Selection Committee, 2019-20 and 2017-18

Member, Timmerhaus Ambassador Selection Committee, 2017-18

Member, University of Colorado Department of Athletics' Gender Equity Compliance Review Committee, 2016-17; 2009-2010

Member, Intercollegiate Athletics Committee, University of Colorado, 2008-14

Member, Provost's Faculty Achievement Award Selection Committee, 2013

Professional Service

Member, Free Expression Legal Network, 2018-present

Member, Litigation Committee, American Association of University Professors, 2011-present

Member, 20th Judicial District Victims Assistance and Law Enforcement Board 2008-13

Presidential Transition Team, Lead Agency Reviewer for the Equal Employment Opportunity Commission, 2008-09

Member, National Advisory Commission, Workplace Flexibility 2010 (2008-2010); Legal Working Group, Workforce Flexibility 2010 (2005-08)

Co-chair, American Bar Association, Section on Labor and Employment Law, Committee on Equal Opportunity in the Profession (2001-2004)

Co-chair, ABA Section on Labor and Employment Law, EEO Law Committee (1997-2000)

President, Board of Directors, YWCA of the National Capital Area (1995-97); Board Member (1993 – 2002)

Member, Board of Directors, National Employment Law Project (1994-98)

Volunteer Attorney, Washington Legal Clinic for the Homeless (1991-99)

Selected Public and Professional Presentations

Presenter, "Race and the Constitution," Race and the Law Series, University of Colorado School of Law, December 2020

Presenter, "Academic Freedom: A Conversation on Rights and Responsibilities," Keller Center for the Study of First Amendment Law, University of Colorado, December 2020

Speaker, “The Future of Reproductive Rights After *June Medical Services*,” If/When/How, Boulder, July 2020

Speaker, “Lies, Election Lies, and the Constitution,” University of Colorado Mini Law School, September 2020

Speaker, “The Legacy of Ruth Bader Ginsburg,” OUT Boulder, September 2020

Speaker, “Listeners and the First Amendment,” University of Colorado Mini Law School, November 2019

Presenter, Colorado Law’s Supreme Court Review, Denver, Colorado, July 2019

Presenter, Colorado Federalist Society’s Supreme Court in Review, Denver, Colorado, July 2019

Presenter, Speaker, “The Dark Side of the Government’s Speech,” Constitution Week, Grand Lake, Colorado, September 2018

Speaker, “The Government’s Speech and the Constitution,” University of Colorado Mini Law School, September 2018

Speaker, “The Constitution: Still Our National Treasure?” Conference on World Affairs, University of Colorado, April 2018

Speaker, “Government Speech in the Age of Twitter,” CUNext, Washington DC, April 2018

Speaker, “Government Speech in the Age of Twitter,” Twitter Campus, WonderWomanWednesday Series, Boulder, CO, March 2018

Speaker, “Government Speech and the Constitution,” Colorado Law Talks, Denver, February 2018

Speaker, “Government Speech in the Age of Twitter,” CUNext, Los Angeles, February 2018

Speaker, “The Dark Side of Government Speech,” CU on the Weekend, Boulder, January 2018

Speaker, "Hate Speech," University of Colorado Miramontes Arts & Science Program, November 2017

Speaker, “The Government’s Speech and the Constitution,” Constitution Week, Grand Lake, Colorado, September 2017

Speaker, “Government Lies and Government Speech,” #BuffsUnited Engaged Citizenship Teach-In, February 2017

Speaker, "Hate Speech," University of Colorado Miramontes Arts & Science Program, September 2016

Speaker, "Implicit Bias," The Academy, Boulder, January 2015

Speaker, "Implicit Bias and Employment Decisionmaking," Arnold and Porter, Denver, October 2014

Panelist, "Supreme Court Preview," Holland & Hart, Denver, October 2013

Panelist, "Supreme Court Preview," Byron White Center for Constitutional Law, CU Law, October 2013

Speaker, "The First Amendment: Foundational Principles and Emerging Issues," Center for Education in Law and Democracy, Denver, June 2013

Speaker, "Presidential Transition Processes," University of South Dakota Guest Speaker Series, March 2012

Speaker, "Implicit Bias in Decisionmaking," Inclusive Excellence Leadership Series, Denver University School of Law, February 2012

Speaker, "Implicit Bias in Decisionmaking," Colorado Judicial Institute, February 2012

Speaker, "What *Citizens United* Means for Democracy and the First Amendment," Center for Education in Law and Democracy, Denver University, June 2011

Speaker, "Constitutional Equality Arguments Before the Equal Protection Clause," *Creating the American Legal System: 1776-1845*, Four Corners Community History Project, Denver Institute, June 2011

Speaker, "The Role of Unconscious Bias in Legal Practice," Legal Inclusiveness and Diversity Summit, Denver, March 2011

Speaker, "Addressing Implicit Bias in the Legal Workplace," Qwest Legal Group, Denver, February 2011

Speaker, "Implicit Bias and Legal Employment," Deans' Diversity Council, CU-Boulder, October 2010

Speaker, "Implicit Bias and Its Implications for Equal Employment Opportunity," Colorado Campaign for Inclusive Excellence Continuing Legal Education Program, Denver, July 2010

Speaker, "Addressing Implicit Bias in the Workplace," Gibson Dunn & Crutcher Diversity Speakers' Series, Denver, June 2010

Panelist, "The Supreme Court, the First Amendment, and Campaign Finance Reform," Public Forum on *Citizens United v. Federal Election Comm'n*, Keller Center for the Study of the First Amendment, CU-Boulder, March 2010

Speaker, "Addressing Implicit Bias in the Workplace," Holland and Hart PEAK (Professional Education for Attorney Knowledge) Speakers' Series, Denver, July 2009

Speaker, "Employment Litigation in the Post-Ricci World," NAACP Legal Defense and Educational Fund, Inc. National Civil Rights Training Institute, Washington, DC, October 2009

Speaker, "What Can We Expect from the New Equal Employment Opportunity Commission," The Impact Fund's Employment Discrimination Class Action Conference, Berkeley, CA, March 2009

Speaker, "Accommodating Religious Belief and Expression," American Bar Association Annual Meeting, Section on Individual Rights and Responsibilities, New York City, August 2008

Panelist, "Judicial Independence," League of Women Voters Community Forum, Boulder, September 2008

Panelist, "The Supreme Court on Employer Liability for Subordinate Bias: *BCI Coca-Cola Bottling Co. of Los Angeles v. EEOC*," American Constitution Society Briefing, Washington, DC, April 2007

Presenter, "Developments in Federal and State Antidiscrimination Law," Maryland Judicial Education Institute, Baltimore, September 2004

Panelist, "The University of Michigan Cases and Their Implications for Affirmative Action in Employment," American Bar Association Section of Labor and Employment Law Annual Meeting, San Francisco, August 2003

Panelist, "Do Our Differences Make a Difference? Diversity and Law Practice," American Bar Association Section of Labor and Employment Law Annual Meeting, Washington, DC August 2002

Panelist, "The Lessons of *Korematsu* for Today's Fight against Terrorism," University of Wyoming College of Law Post 9-11 Forum (September 2001)

COURSES TAUGHT

Civil Procedure

Constitutional Law

Employment Discrimination Law

Employment Law

Equality, Speech, and Religion: Constitutional Values in Tension (seminar)

First Amendment Law

General Civil Litigation Clinic

Legal Writing

Legislation and Regulation

Problem-Solving, Professional Judgment, and Decisionmaking

Sex Discrimination Law

Torts

BAR MEMBERSHIPS

California (inactive)

Colorado

District of Columbia

Maryland (inactive)

United States Supreme Court

United States Court of Appeals for the First Circuit

United States Court of Appeals for the Fourth Circuit