

## **AYA GRUBER**

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### **ACADEMIC POSITIONS**

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**UNIVERSITY OF COLORADO LAW SCHOOL, Boulder, CO** 2010–present  
POSITION: Ira C. Rothgerber Professor of Constitutional Law and Criminal Justice

AWARDS: Jules Milstein Award for Best Faculty Scholarship (2021)  
Jules Milstein Award for Best Faculty Scholarship (2017)  
Fellow, Center for Values and Social Policy (2015–present)  
Gilbert Goldstein Writing Fellowship (2015)  
Outstanding New Faculty Member Award (2012)  
38<sup>th</sup> Annual Austin Scott, Jr. Lecture (2012)

**HARVARD LAW SCHOOL, Cambridge, MA** Fall 2017  
POSITION: Visiting Professor (1L Criminal Law; Feminism & Crime Control Seminar)

**UNIVERSITY OF IOWA COLLEGE OF LAW, Iowa City, IA** 2008–2010  
POSITION: Professor of Law

**FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF LAW, MIAMI, FL** 2002–2009  
POSITION: Associate Professor of Law with Tenure  
Assistant Professor of Law  
Founding Faculty Member

**COURSES TAUGHT:** Criminal Law, Criminal Procedure: Investigation; Criminal Procedure: Adjudication, Criminal Law in Context Seminar, Feminism and Crime Control Seminar, Critical Theory Colloquium, Torts, International Criminal Law, International Terrorism Law Seminar

**RESEARCH AREAS:** Criminal Law, Criminal Procedure, Feminist Legal Theory, Critical Race Theory, Critical Legal Studies, Jurisprudence, Comparative Criminal Law and Procedure, International Criminal Law

### **OTHER TEACHING:**

**HARVARD LAW SCHOOL, Cambridge, MA** September 2009  
POSITION: Visiting Instructor, Trial Advocacy Workshop

**UNIVERSIDAD DE SEVILLA, SEVILLA, SPAIN** Summer 2009  
POSITION: Co-instructor (with Spanish faculty), International Criminal Law and Terrorism

## EDUCATION

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### HARVARD LAW SCHOOL, J.D., 1997

- HONORS: *magna cum laude*  
High grades (A+) in 1L Criminal Law/Procedure and American Democracy (West and Unger)
- JOURNALS: *Women's Law Journal* (Articles Editor, vol. 19; General Editor, vol. 18)  
*International Law Journal* (General Editor, vol. 37)
- ACTIVITIES: Interracial Law Students' Association (founder, director), APALSA, Trial Team, Women's Law Society, Asia Law Society (conference chair), Drama Society

### UNIVERSITY OF CALIFORNIA AT BERKELEY, B.A. with honors in Philosophy, 1992

- HONORS: Highest Distinction in General Scholarship (*summa cum laude*)  
Phi Beta Kappa  
Honors for graduate work and thesis: *An Analysis of P.F. Strawson's Objection to Immanuel Kant's Solution to the Third Antinomy of Pure Reason*  
Dean's List (all semesters)

## PUBLICATIONS AND WRITINGS

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### BOOKS:

The FEMINIST WAR ON CRIME: THE UNEXPECTED ROLE OF WOMEN'S LIBERATION IN MASS INCARCERATION (UC Press 2020).

#### Select Reviews of *The Feminist War on Crime*:

- HARVARD LAW REVIEW, *The Feminist Script for Punishment*.  
MICHIGAN LAW REVIEW, *The Progressive Love Affair with the Carceral State*.  
PEN AMERICA, *A Modern Feminist Reckoning: A Review of The Feminist War on Crime*.  
LITERARY HUB, *The Complicated History of Feminism's Impact on Incarceration*.  
WOMEN'S REVIEW OF BOOKS, *Crime Wave Feminism, The Feminist War on Crime*.  
THE BAFFLER, *Who Keeps Us Safe*.  
JOTWELL, *Recovering Feminist Lessons From the Past for a Less Carceral Future*.  
REASON MAGAZINE, *Will Feminists Please Stop Calling the Cops*.  
FEMINIST FORMATIONS, *The Feminist War on Crime*.  
LIBRARY JOURNAL, *Review of The Feminist War on Crime*.  
JOURNAL OF WOMEN'S HISTORY, *Review of the Feminist War on Crime*  
LAW AND LIBERTY, *Imprisoning the Patriarchy*.  
CHOICE, *The Feminist War on Crime*.  
BERKELEY J. GENDER L. & JUST, *New Book Mincees No Words*.  
THE FORGE, *White Feminism Promotes Mass Incarceration*.  
ARKANSAS DEMOCRAT GAZETTE, *Unintended Consequences*.  
WASHINGTON STATE LAW LIBRARY (MEDIUM), *Unintentionally Complicit*.

KAPLAN, WEISBURG & BINDER, CRIMINAL LAW: CASES AND MATERIALS (Aspen, contributor to 9<sup>th</sup> ed., 2021; co-author on 10<sup>th</sup> ed., forthcoming 202\_).

COMPARATIVE CRIMINAL PROCEDURE: UNITED STATES, ARGENTINA, AND NETHERLANDS (with V. de-Palacios & P.H. Van Kempen) (Carolina Academic Press 2012) (primary author and editor).

## ARTICLES:

- Sex Exceptionalism in Criminal Law*, 75 STANFORD L. REV. 10001 (forthcoming 2023).
- Policing and “Bluelining,”* 58 HOUSTON L. REV. 867 (2021).
- Sex Wars as Proxy Wars*, 6 CRIT. ANALYSIS L. 1, 102 (2019).
- Equal Protection under the Carceral State*, 112 NW. U. L. REV. 1 (2018).
- Penal Welfare and the New Human Trafficking Intervention Court*, 68 FLA. L. REV. 1333 (2017) (with A. Cohen & K. Mogulescu).
- Consent Confusion*, 38 CARDOZO L. REV. 415 (2017).
- Anti-Rape Culture*, 64 U. KANSAS L. REV. 1027 (2016)
- A Provocative Defense*, 103 CALIF. L. REV. 273 (2015).
- When Theory Met Practice: Distributional Analysis of Race and Gender in Criminal Law*, 83 FORDHAM L. REV. 3211 (2015).
- Race to Incarcerate: Punitive Instinct and the Bid to Repeal Stand-Your-Ground*, 68 U. MIAMI L. REV. 961 (2014).
- Murder, Minority Victims, and Mercy*, 85 COLORADO L. REV. 129 (2014).
- Neofeminism*, 50 HOUSTON L. REV. 1325 (2013).
- A “Neo-feminist” Assessment of Rape and Domestic Violence Law Reform*, 15 J. RACE, GENDER & JUST. 583 (2012)
- A Distributive Theory of Criminal Law*, 52 WM. & MARY L. REV. 1 (2010).
- An Unintended Casualty of the War on Terror*, 27 GA. ST. U. L. REV. 299 (2010).
- Rape, Feminism, and the War on Crime*, 84 WASH. L. REV. 581 (2009).
- Garbage Pails and Puppy Dog Tails: Is That What Katz is Made of?*, 41 U.C. DAVIS L. REV. 781 (2008).
- The Feminist War on Crime*, 92 IOWA L. REV. 741 (2007).
- Who’s Afraid of Geneva Law?*, 39 ARIZ. ST. L.J. 1017 (2007).
- Raising the Red Flag: The Continued Relevance of the Japanese Internment in the Post-Hamdi World*, 54 KANSAS L. REV. 307 (2006).
- Righting Victim Wrongs: Responding to Philosophical Criticisms of the Nonspecific Victim Liability Defense*, 52 BUFFALO L. REV. 433 (2004).
- Victim Wrongs: The Case for a Criminal Defense Based on Wrongful Victim Behavior in an Era of Victim’s Rights*, 76 TEMP. L. REV. 645 (2003).
- Pink Elephants in the Rape Trial: The Problem of Tort-type Defenses in the Criminal Law of Rape*, 4 WM. & MARY J. WOMEN & L. 203 (1998).

## ESSAYS, BOOK CHAPTERS, AND OTHER WORKS

*Humanizing Animals, Dehumanizing Humans*, in *CARCERAL LOGICS: HUMAN INCARCERATION AND ANIMAL CAPTIVITY* (Cambridge U. Press 2022).

*Consent Country Report (United States)*, in *CONSENT IN SEXUAL RELATIONS* (NOMOS 2022).

*Affirmative Consent*, in *CONSENT IN SEXUAL RELATIONS* (NOMOS 2022).

*Commentary on Erotic Services Provider Legal Education and Research Project v. Gascon*, in *FEMINIST JUDGMENTS: CRIMINAL LAW* (Cambridge U. Press 2022) (with K. Mogulescu).

*When We Breathe: Re-envisioning Safety and Justice in a Post-Floyd Era*, 18 *OHIO STATE J. CRIM. L.* 692 (2021) (10<sup>th</sup> annual David H. Bodiker lecture).

*The Complexity of College Consent*, in *ADJUDICATING CAMPUS SEXUAL MISCONDUCT: CONTROVERSIES AND CHALLENGES* (Cognella 2020).

*#MeToo and Mass Incarceration*, 17 *OHIO STATE J. CRIM. L.* 275 (2020) (symposium editor's introduction).

*Race and Capital Punishment Studies and the Level-up Problem*, 55 *HARV. CR-CL L.J.* 657 (2020) (capital punishment symposium).

*Governance Feminism in New York's Prostitution Diversion Courts*, in *GOVERNANCE FEMINISM: NOTES FROM THE FIELD* (U. Minnesota Press 2019) (with A. Cohen).

*An Accidental Governance Feminist: An Interview with Kate Mogulescu, Director of Legal Aid's Trafficking Victim's Advocacy Project*, in *GOVERNANCE FEMINISM: NOTES FROM THE FIELD* (U. Minnesota Press 2019) (with A. Cohen).

*The Duty to Retreat and Violence against Women*, *OXFORD HANDBOOK ON CRIMINAL LAW ONLINE* (2017).

*Neofeminism*, in *THE SAGE ENCYCLOPEDIA OF PSYCHOLOGY AND GENDER* (2017).

*Zero Tolerance Comes to International Law*, 109 *AM. J. INT'L L. UNBOUND* 337 (2016).

*Rape Law Revisited*, 13 *OHIO ST. J. CRIM. L.* 279 (2016) (symposium editor's introduction).

*Not Affirmative Consent*, 47 *MCGEORGE L. REV.* 683 (2016) (response to Stephen Schulhofer, *Consent: What It Means to Get It and Why It's Time to Require It*).

*Duncan Kennedy's Third Globalization, Criminal Law and the Spectacle*, 3 *COMP. L. REV.* 3.4 (2012) ("Three Globalizations" symposium).

*Miscarriages of Race and Gender Justice*, 76 *ALBANY L. REV.* 1571 (2012-13) (miscarriages of justice symposium).

*One More Casualty of the War on Terror*, in *COURTS AND TERROR* (Cambridge U. Press 2011).

*From Neoliberalism to Libertarianism: Why Neither Criminalization nor Privacy is the Answer for Battered Women*, in *CRIMINAL LAW CONVERSATIONS* (Oxford U. Press 2009).

*Hope with a Sprinkling of Concern*, in *OBAMA REFLECTIONS* (Ohio State Kirwan Institute 2009).

*Sending the Self-Execution Doctrine to the Executioner*, 3 FIU L. REV. 54 (2007) (inaugural FIU Law Review symposium).

*Navigating Diverse Identities: Building Coalitions through Redistribution of Academic Capital, an Exercise in Praxis*, 35 SETON HALL L. REV 1201 (2005) (LatCrit symposium).

*Public Housing in Singapore: The Use of Ends-based Reasoning in the Quest for a Workable System*, 38 HARV. INT'L L. J. 236 (1997) (recent development).

#### **WORKS IN PROGRESS:**

*The Crime of Sex* (nascent book project).

*A Tale of Two Me Toos*, \_\_ U. ILL. L. REV. \_\_ (forthcoming 2023).

*Feminism*, in ELGAR ENCYCLOPEDIA OF CRIMINAL LAW (forthcoming 2023).

*Carceral Feminism and Decolonialism*, in ROUTLEDGE HANDBOOK ON DECOLONIZING JUSTICE (forthcoming 2023).

*Commentary on #MeToo and Black Lives Matter*, in BLACK LIVES MATTER AND #METOO MOVEMENTS (UC Press forthcoming 2023).

*Bad White Feminists*, in RACE, RACISM AND THE LAW HANDBOOK (Edward Elgar forthcoming 202\_\_).

*The Critique of Carceral Feminism*, \_\_ YALE J. L. & FEMINISM \_\_ (forthcoming 2023).

*Manifesting Feminism*, \_\_ ARIZONA ST. J. SOC. JUST. \_\_ (forthcoming 2023).

*Feminism and the Criminalization of Online Sex*, in CRIMINALISING INTIMATE IMAGE ABUSE (OXFORD U. PRESS forthcoming 2024).

#### **OPINION EDITORIALS AND ONLINE COMMENTARY:**

*Criminal "Justice" as Racial Justice* (reviewing Guyora Binder & Ekow Yankah, *Police Killings As Felony Murder*, 17 HARVARD L. & POL. REV. 1 (2022)), JOURNAL OF THINGS WE LIKE LOTS [JOTWELL] (Nov. 2022).

*Crime Rates Rise and Fall. The Police Mostly Have Nothing to Do with It*, THE GARRISON PROJECT (republished by THE REAL NEWS NETWORK) (October 2021).

*The Fourth Amendment's Forgotten Free-Speech Dimensions* (reviewing Karen Pita Loor, *The Expressive Fourth Amendment* (2021)), JOURNAL OF THINGS WE LIKE LOTS [JOTWELL] (Oct. 2021).

*Against Carceral Feminism*, AEON MAGAZINE (June 2021).

*The Atlanta Massacre and US Anti-trafficking Laws*, AL JAZEERA OPINIONS (April 2021).

*Carceral Feminism at a Crossroad*, LAW AND POLITICAL ECONOMY (August 2020).

*The Carceral State Will Not Be Feminist*, GENDER POLICY REPORT (August 2020) (a top download of 2020).

*How Police Became the Go-to Response to Domestic Violence*, SLATE (July 2020).

*Facts About Defunding the Police*, NEW YORK DAILY NEWS (JUNE 2020) (with B. Beck).

*Why Amy Cooper Felt the Police Were Her Personal "Protection Agency,"* SLATE (May 2020).

*Colorado Supreme Court Fails to Protect State Residents as Coronavirus Grows "Exponentially" in Jails*, THE APPEAL (Apr. 2020) (with B. Levin).

*#MeToo Doesn't Always Have to Mean Prison*, NEW YORK TIMES (Mar. 2020) (with L. Bazelon).

*Domestic Violence is Also a Virus: During the Coronavirus Crisis, We Need the Right Criminal Justice Response to the Crime*, NEW YORK DAILY NEWS (Feb. 2020) (with L. Goodmark).

*After the Weinstein Verdict: Relief, and Some Fears a Bad Precedent May Have Been Set*, NEW YORK DAILY NEWS (Feb. 2020) (with C. Godsoe).

*Do Abolitionism and Constitutionalism Mix?* (reviewing Dorothy Roberts, *Abolition Constitutionalism* (2019)), JOURNAL OF THINGS WE LIKE LOTS [JOTWELL] (Feb. 2020).

*Making Drunk Sex a Crime: Why a New Push to 'Close a Loophole' Would Actually Establish a Troubling New Legal Regime*, NEW YORK DAILY NEWS (Jan. 2020).

*The Left's Law-and-Order Agenda* (reviewing Kate Levine, *Discipline and Policing* (2019)), JOURNAL OF THINGS WE LIKE LOTS [JOTWELL] (Mar. 2019).

*Corroboration is not Required*, THE HILL (Oct. 2018).

*The LGBT Piece of the Underenforcement-Overenforcement Puzzle* (reviewing Jordan Blair Woods, *LGBT Identity and Crime* (2017)), JOURNAL OF THINGS WE LIKE LOTS [JOTWELL] (Sept. 2016).

*Anti-Rape Culture* (reviewing Janet Halley, *Trading the Gavel for the Megaphone* (2014)), JOTWELL (Sept. 2015).

*Colorado Fetal Homicide Law Goes Too Far*, DENVER POST (April 2015) (with J. Hendricks).

*Zero Tolerance for Zero Tolerance of Domestic Violence*, NEW YORK TIMES (Feb. 2014).

*Marked!* (reviewing Issa Kohler-Hausmann, *Managerial Justice and Mass Misdemeanors* (2014)), JOTWELL (Nov. 2014).

*Rethinking Domestic Violence, Rethinking Violence* (reviewing LEIGH GOODMARK, *A TROUBLED MARRIAGE* (2012)), JOTWELL (Jan. 2014).

*Why We Need a Progressive Account of Violence* (reviewing James Forman, Jr., *Racial Critiques of Mass Incarceration: Beyond the New Jim Crow* (2012)), JOTWELL (Aug. 2012).

*The False Promise of Retributive Proportionality* (reviewing Alice Ristroph, *How (not) to Think Like a Punisher* (2009)), JOTWELL (July 2010).

## **BRIEFS**

Brief of Amicus Curiae Colorado Criminal and Constitutional Law Professors in Support of Petition for Writ of Certiorari, *State v. Kennedy*, 2021SC662 (Colo. 2021).

Brief of the National Association of Criminal Defense Lawyers as Amicus Curiae in Support of Petitioner, *Gonzalez v. Crosby*, 545 U.S. 524 (2005).

## **SELECT RECENT PRESENTATIONS (FULL LIST AVAILABLE ON REQUEST)**

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<i>Sex Exceptionalism in Criminal Law</i> , Washington University Law School Presented draft at faculty colloquium.	November 2022
<i>The Feminist War on Crime</i> , Boston U. Law School Book talk for critical race theory course.	November 2022
<i>The Feminist War on Crime</i> , USC Law School Presented book at faculty colloquium.	November 2022
<i>Sex Exceptionalism in Criminal Law</i> , Harvard Law School Presented draft at legal history workshop.	October 2022
<i>A Tale of Two Me Toos</i> , Villanova Law School Presented draft at Criminal Law in Virtual Spaces workshop.	October 2022
<i>The Feminist War on Crime</i> , Harvard Law School Q&A session for combined 1L criminal law sections.	October 2022
<i>The Feminist War on Crime, Neofeminism, &amp; the Carceral State</i> , Cal. Western Law School Featured Speaker at law-school-wide event.	Oct. 2022
<i>Changing Notions of Sexual Consent</i> , 10 <sup>th</sup> Cir. Bar and Bench Conference Presentation for judges and federal attorneys.	September 2022
<i>Policing and Bluelining</i> , Lyon University Presentation at International Association of Law and Mental Health Conference.	July 2022
<i>After Carceral Feminism</i> , ISCTE University Lisbon Presentation at Law and Society Conference.	July 2022
<i>The Feminist War on Crime</i> , U. of Georgia Law School Book talk for faculty and students.	April 2022
<i>Virtual Carceral Feminism</i> , U. of Illinois Law School Presented at law review symposium on virtual spaces.	March 2022
<i>Teaching Race in 1L Criminal Law</i> , Michigan Law School Participated in panel on racial justice pedagogy sponsored by NLG.	March 2022
<i>The Model Penal Code and Sexual Assault</i> , Penn. Law School Q&A on the Model Penal Code for criminal law course.	March 2022
<i>Carceral Feminism</i> , Harvard Law School Q&A on carceral feminism for law and film course.	March 2022
<i>Carceral Feminism and Mass Incarceration</i> , Wm. & Mary Law School Presented at Bill of Rights Journal symposium on mass incarceration.	February 2022
<i>The Feminist War on Crime</i> , S.D. Fla. Federal Public Defender's Office Book event sponsored by the Federal Public Defender, S.D. Fla.	February 2022
<i>Perspectives on The Chauvin Verdict</i> , Northwestern Law School Participated in panel event for faculty and students.	February 2022
<i>Abolition and Global Movements</i> , UCLA Law School Participated in law review symposium, Abolitionist Futures.	January 2022
<i>The Feminist War on Crime</i> , U. of Chicago Law School	November 2021

Book talk sponsored by Chicago Defenders and Women's Law Caucus.

<i>Sexual Autonomy and Criminal Justice</i> , Humboldt University, Berlin Featured speaker at Blankensee Colloquium on sex-crime law and mass incarceration.	November 2021
<i>The Feminist War on Crime</i> , NYU Law School Book event sponsored the Birnbaum Women's Leadership Network and Zimroth Center.	October 2021
<i>Feminism and Sexual Assault Law</i> , Yale Law School Q&A session for 1L criminal Law class.	September 2021
<i>Sex Exceptionalism in Criminal Law</i> , Berkeley Law School Presented draft at faculty colloquium.	September 2021
<i>Sexual Consent Country Report: US</i> , U. of Koln, Germany Presented at international symposium, Consent in Rape Law.	September 2021
<i>The Feminist War on Crime</i> , Colorado Public Defender Association Book talk for Public Defenders' annual conference.	September 2021
<i>The Feminist War on Crime</i> , Washington, DC Court of Appeals Book talk for DC Court of Appeals law clerks.	August 2021
<i>Presumed Incompetent</i> , Law and Society Conference (Chicago) Panel discussion on Presumed Incompetent book series.	June 2021
<i>The Feminist War on Crime</i> , Law and Society Conference (Chicago) Author meets reader session.	August 2021
<i>Policing and "Bluelining,"</i> Humboldt University, Berlin, Germany Delivered keynote lecture for Crimsapes Conference.	May 2021
<i>Sex Exceptionalism in Criminal Law</i> , Political Turn in Criminal Law (international) Presented draft in international online series.	May 2021
<i>The Feminist War on Crime</i> , Duke Law School Book talk for Duke Law School's Novel Justice Series.	April 2021
<i>Three Views of Feminism and Mass Incarceration</i> , SALT Webinar Special event sponsored by Salt (with Jo Ross and Adrienne Davis).	April 2021
<i>Policing and "Bluelining,"</i> Cleveland Marshall Law School Delivered annual keynote Criminal Justice Forum lecture.	April 2021
<i>Sex Exceptionalism in Criminal Law</i> , Stanford Law School Presented early draft at faculty colloquium.	March 2021
<i>The Feminist War on Crime</i> , Fordham Law School Book talk for criminal law workshop.	March 2021
<i>The Feminist War on Crime</i> , UCLA Law School Book talk in Critical Race Studies program's book series.	March 2021
<i>A World Without Prisons</i> , Fordham Law School Participated in panel event for students and faculty.	March 2021
<i>The Feminist War on Crime</i> , Harvard Law Alumni Association of D.C. Book talk and fireside chat event.	February 2021



<i>The Feminist War on Crime</i> , Yale Law School Presented on panel, International Feminist Perspectives on Incarceration.	February 2021
<i>Policing and Domestic Violence</i> , Law Enforcement and Public Health Conference Participated in gender violence panel.	February 2021
<i>Teaching Race in 1L Criminal Law</i> , Michigan Law School Participated in panel on racial justice pedagogy sponsored by NLG.	February 2021
<i>Feminism and Criminal Law</i> , Harvard Law School/Bangkok Presented to lawyers in Southeast Asia for Harvard's Global Law and Policy program.	February 2021
<i>Sex Exceptionalism in Criminal Law</i> , U. of Miami Law School Presented early draft at faculty colloquium.	February 2021
<i>The Feminist War on Crime</i> , U. of Arizona Law School Book event for faculty and students.	November 2020
<i>Until We Breathe</i> , Ohio State U. Law School Delivered 10 <sup>th</sup> annual David H. Bodiker lecture.	October 2020
<i>The Feminist War on Crime</i> , Berkeley Law School Book event for students for Domestic Violence Awareness month.	October 2020
<i>Exclusion in the Asian American Community</i> , ABA Minority Section (Chicago) Participated in panel event.	October 2020
<i>Policing and "Bluelining"</i> , Houston Law School Presented at Frankel Lecture symposium.	October 2020
<i>The Feminist War on Crime</i> , Brooklyn Law School Book event for faculty, students, and community.	September 2020
<i>The Feminist War on Crime</i> , Washington & Lee Law School Book talk at #MeToo Conference.	September 2020
<i>The Feminist War on Crime</i> , Utah Judicial Conference Book event for Utah judges at annual judicial conference.	September 2020
<i>The Feminist War on Crime</i> , Booksmith San Francisco Reading at Booksmith bookstore.	August 2020
<i>The Feminist War on Crime</i> , U.C. Irvine Law School Presented at workshop, Perspectives on Policing Intimate Partner Violence.	August 2020
<i>Sex Exceptionalism in Criminal Law</i> , Cardozo Law School Presented paper idea at summer criminal law workshop.	June 2020
<i>The Feminist War on Crime</i> , Stanford Law School Presented draft chapters in Criminal Law Colloquium course.	May 2020
<i>Suffrage and Sexual Assault</i> , Boulder, U. of Colorado Law School Presented at annual Rothgerber conference	April 2020
<i>Criminal Law as Racialized Social Control</i> , Boston U. Law School Presented on race and criminal law pedagogy panel.	March 2020
<i>The Feminist War on Crime</i> , U. of Maryland Law School Presented draft chapters to law faculty.	February 2020
<i>The Feminist War on Crime</i> , NYU Law School	November 2019

Presented at Governance Feminism conference.

*Feminism and Carceral Logic*, U. of Denver Law School November 2019  
 Delivered closing keynote at Against Cages and Carceral Logic conference.

*The Feminist War on Crime*, Harvard Law School October 2019  
 Presented draft at faculty colloquium.

*Abolitionism's*, U. of Texas Law School September 2019  
 Presented at prison abolition conference.

*Sex Wars as Proxy Wars*, Yale Law School September 2019  
 Presented at symposium, Queer Legal Studies.

*Sex Wars as Proxy Wars*, Berkeley Law School January 2019  
 Presented at #MeToo Event sponsored by Center on Race, Sexuality & Culture.

*The Feminist War on Crime*, AALS Conference (New Orleans) January 2019  
 Presented ideas from book for criminal law section panel and evidence section panel.

*The Laws of Attraction*, U. of Colorado Law School November 2018  
 Public lecture to Denver legal community on sexual consent.

*The Feminist War on Crime*, Harvard Law School October 2018  
 Book event for students organized by Prison Legal Assistance Program.

*The Feminist War on Crime*, Harvard Law School October 2018  
 Presented ideas at students' annual Lambda conference.

*The Feminist War on Crime*, Law and Society Conference (Toronto) June 2018  
 Presented early chapter ideas at conference.

*The Feminist War on Crime and Rape Culture*, Chicago-Kent Law School March 2018  
 Presented early book chapters at faculty colloquium.

*The Feminist War on Crime and Rape Culture*, U. Kansas Law School Jan. 2018  
 Presented early book chapters at faculty colloquium.

*Equal Protection Under the Carceral State*, Northwestern Law School October 2017  
 Presented paper at symposium on *McCleskey v. Kemp*.

*Consent Confusion*, Harvard Law School October 2017  
 Event for students organized by the American Constitution Society.

## **PROFESSIONAL MEMBERSHIPS AND SERVICE**

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### **MEMBERSHIP**

American Law Institute (ALI) (2016-present)  
 Law and Society (2018-present)  
 Society of American Law Teachers (2009-2017)  
 Florida Bar (1998-present)  
 District of Columbia Bar (1999-present)  
 American Bar Association (1998-present)  
 Asian Pacific American Bar Association of South Florida (2004-09) (founder, board member)  
 Non-Law: Japanese American Citizens' League, ACLU, NAACP  
 Nonprofit: Bimini Biological Field Station (board member)

## SERVICE

Adviser, ALI Model Penal Code Sexual Assault Project (2012-2021)  
Member's Consultative Group, ALI Campus Sexual Assault Project (2016-present)  
Member's Consultative Group, ALI Campus Principles of Policing Project (2016-present)  
VIOLENCE AGAINST WOMEN (Journal) Editorial Board (2020-present)  
Colorado Criminal Defense Institute Board (2020-present)  
FEMINIST JUDGMENTS: CRIMINAL LAW (book) Advisory Board (2019-present)  
Association for the Study of Law Culture & Humanities, Program Committee (2015-16)  
American Association of Law Schools (AALS) Mid-year Meeting Committee (2014-15)  
AALS Paper Selection Committee (2013-14)  
AALS Committee on Sections and the Annual Meeting (2012-13)  
Law & Society Feminist Legal Theory Network, Conference Planning Committee (2012-13)  
APABA Board of Directors (2004-07); APABA Chair of Community Service (2004-05)

## ACADEMIC SERVICE

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### LAW SCHOOL SERVICE

Committees: Colloquium Committee (Chair, 2019-present); Appointments Committee (2018-19, 2010-11, 2004-05); Salary Grievance Committee (Chair, 2018-19); Academic Support Director Search Committee (Chair, 2016-17); Academic Support Committee (Chair, 2014-17); Judicial Clerkship Committee (2011-2018); Academic Affairs Committee (2013-15); Colloquium Committee (2013-14); Summer Stipend Committee (2015-16, 2012-13); Admissions Committee (2011-13, 2002-05); Diversity Committee (2009-10), Curriculum Committee (2009-10, 2007-08), Externship Subcommittee (2009-10), Academic Standards Committee (2006-08, Chair 2007-08), Library Committee (2002-08, Chair 2007-08) Academic Support Committee (2006-07), Graduate Program Committee (2006-07), Clinical Review Committee (2004-05), Ad Hoc Committee on Diversity Hiring (2003-04).

Other Service: Women of Color Collective dinner organizer (2022, 2020); Speaker for student-organized event on anti-Asian hate (2022), Mass incarceration week event for NLG (2022, 2020), Mock class for orientation (various years, 2012-present), Mock class for admitted students (various years, 2012-present), Mock class for Women's Law Day (various, from 2013-present), Colorado Law Talk (2018), Advisor to Veteran Law Students' Association (2018), Advisor to the dean on sexual misconduct policy (2018), Law review note advisor (various years, 2012-present), Mock trial judge (various years from 2007-present), Organizer of faculty of color event (2015), Feminism and Criminal Law workshop organizer (2013); Director of Critical Theory Colloquium (2013), Diversity survey administration (2011-12), Adjunct faculty liaison (2011), Moot court problem advisor (various years from 2010 to present), Mock Class for U. Iowa Hubbard Minority Recruitment Program (2010), Iowa Women's Law Society Mock Class (2009), Iowa *Journal of Race Gender & Justice* Welcome Remarks (2009), Advisor to FIU Phi Alpha Delta (2004-08), Advisor to FIU Criminal Law Society (2002-05), Advisor to FIU Women's Law Society (2003-

05), Organizer of FIU Women Faculty-Student Forum (2005), Independent Study Advisor (various years, 2002-present).

## **UNIVERSITY SERVICE**

Faculty Senate Grievance Committee (2015-present)  
Vice Chair (2020-present)  
Executive Committee (2016-present)  
Panel Chair (2016-present)  
Trained in Mediation with CDR Associates (2016)  
University of Colorado, Center for Critical Thought Executive Committee (2019-present)  
University of Colorado Faculty Assembly Faculty Affairs Committee (2014-2021)  
University of Colorado at Faculty Assembly (2013-2018)  
Representative from Law (2013-2018)  
Committee to Investigate Academic Freedom (“Adler Committee”) (2013-14)  
Iowa Psychology Post-doctoral Study Advisor (2008-09)  
FIU Institutional Review Board (IRB) (2003-08)  
FIU University Faculty Senate Academic Policies Committee (2007-08)  
FIU Psychology Master Thesis Advisor (2003-04)

## **RECENT MEDIA**

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### **COVERAGE OF *THE FEMINIST WAR ON CRIME***

#### **Radio and Podcast Interviews**

CURRENT AFFAIRS PODCAST; SIGNAL BOOST SIRIUS XM RADIO; CRIME STORY WITH AMANDA KNOX PODCAST; UNREGISTERED PODCAST; IPSE DIXIT PODCAST; SAFER SOCIETY WEBCAST; PROJECT 39A PODCAST (New Delhi); WHY RACISM RADIO SHOW, CRAIG SILVERMAN SHOW; ABA MODERN LAW LIBRARY PODCAST (a top podcast episode of 2020); NEW BOOK NETWORK PODCAST; THIS IS HELL RADIO SHOW (a top episode of 2020); GOOD LAW/BAD LAW PODCAST; PARALLAX VIEWS PODCAST; TALK COCKTAIL RADIO SHOW, MAINE BEACON PODCAST; KEEP YOUR MIND IN TUNE INTERVIEW.

#### **Print Coverage (in addition to reviews)**

THE GUARDIAN, “The ‘Missing White Woman Syndrome’ still plagues America;” CURRENT AFFAIRS, “How feminist shaped the carceral state,” MS. MAGAZINE; “The Feminist Case for Ending the Death Penalty;” THE NATION, “How the Violence Against Women Act Failed Women;” THE NEW YORKER, “Kamala Harris and the Noble Path of the Prosecutor”; EL PAÍS, “Políticas rápidas y baratas contra la prostitución”; ELECTRIC LIT, “Why Didn’t We Notice the Man Convicted of Alice Sebold’s Rape Was Innocent?,” Government AND LAWS MAGAZINE (HONG KONG), Featured Interview: Aya Gruber; HARVARD LAW TODAY, “HLS Authors”; CRIME REPORT, “Is #MeToo a Driver of Mass Incarceration?”; JEZEBEL, “Cops Don’t Care About Violence Against Women”; ABA JOURNAL, “Listen to our 10 favorite podcast episodes of 2020;” REASON, “JOE BIDEN Should Stop Bragging About the Violence Against Women Act”; ABA JOURNAL, “We need to reckon with feminism’s contributions to mass incarceration, says law professor”; REASON, “Robert Kraft and Florida Massage Workers Are Still Fighting Unconstitutional Surveillance Video;” ARCDIGITAL MEDIA, “Feminism, Racism, and the Damsel in Distress”; REASON, “Massage Parlor Panic”; LEGAL TALK NETWORK, “How

Feminism Worsened Mass Incarceration - and How it Can Stop"; REASON, "Joe Biden Wants to Close the Boyfriend Loophole."

#### OTHER COMMENTARY AND COVERAGE IN PRINT MEDIA

- 2022 NY MAGAZINE, "Anna Borkowski accused three men of rape. Why did prosecutors stop her?"; COLORADO POLITICS, "Religion, injunctions, affirmative consent: Court conference tackles heavy political subjects"; LA PRENSA LATINA, "MeToo movement celebrates 5th anniversary with new wave of sex abuse trials"; CBS NEWS, "Barry Morphew, who had been charged in death of wife Suzanne Morphew, pleads guilty to casting her ballot for Trump"; CBS NEWS, "Suzanne Morphew mystery: Was a missing Colorado mother murdered or abducted?"; ALTERNET, "How women's liberation put thousands of female defendants behind bars"; COLORADO NEWSLINE, "Lakewood man who alleged police brutality cleared of all charges stemming from 2021 arrest"; COLORADO POLITICS, "Prosecutors, public defenders square off on jury bias bill as Senate committee seeks compromise."
- 2021 DISSENT, "When Title IX is not enough;" NBC NEWS, "R. Kelly's defense used a strategy to prop up famous men and shame female fans;" SLATE, "Why human trafficking raids put sex workers at risk;" NBC NEWS, "Colorado supermarket shooting suspect found not competent to stand trial;" DENVER POST, "Deadly Brighton police chase raises question: When should police engage in vehicle pursuits?;" DENVER POST, "Boulder King Soopers shooting suspect may be incompetent to stand trial, defense attorneys say;" COLORADO POLITICS, "Wheat Ridge officer acted lawfully finding hidden compartment;" DENVER POST, "Deadly Brighton police chase raises question: When should police engage in vehicle pursuits?"; COLORADO POLITICS, "Justices to Reexamine 'Make-My-Day Law';" CHRISTIAN SCIENCE MONITOR, "Chauvin Convicted: Why this big trial broke from pattern"; WASHINGTON MONTHLY, "Chauvin's Murder of Floyd was a Crime Against Humanity"; 5280 MAGAZINE, "Denver Reacts to the Chauvin Verdict"; NBC NEWS, "43 new charges filed against suspect in Colorado supermarket mass shooting"; NBC 10 PHILADELPHIA INQUIRER, "Three Washington Offices Acquitted in Black Man's Detention"; SALON, "Did 'defund the police' lead to an increase in murder?"; BUZZFEED, "American Policing Has Never Seen White People as Threat" (covering *Policing and Bluelining*); INSIDE HIGHER ED, "Biden Faces Title IX Battle Complicated by Politics"; COLORADO TIMES RECORDER, "CU Feminist Law Prof Is Part of Group to Defend Academics with Unpopular Views"; PULP MAGAZINE, "AOC, And What We Talk About When We Talk About Sexual Assault"; THE APPEAL, "She Just Said She Wanted to be Believed"; COLORADO SPRINGS GAZETTE, "Justices to reexamine 'Make My Day Law';" COLORADO POLITICS, "Courtroom support dog for child victim did not violate rights, court rules."
- 2020 THE DENVER POST, "'Enough is enough': Why George Floyd's killing resonated so deeply in Colorado"; THE DENVER POST, "Colorado Supreme Court rules child abuse not applied in womb"; THE APPEAL, "The Defund Movement Aims to Change the Policing and Prosecution of Domestic Violence"; COLORADO POLITICS, "Court of Appeals defines parameters of 'resisting arrest'"; NEW YORK TIMES, "'Finally': Ashley Judd and Other Weinstein Accusers Respond to Verdict"; TIME MAGAZINE, "Harvey

- Weinstein's Mixed Verdict Shows the Challenge of Prosecuting Sexual Assault"; HUFFPOST, "The Weinstein Verdict Is A Complicated Win For Survivors"; YAHOO NEWS, "With Weinstein's conviction, was #MeToo a success?"; NEW YORK TIMES, "Weinstein Case May Boil Down to 'Credibility Contest'"; ABC NEWS, "Weinstein trial spotlights the use of 'prior bad acts' witnesses"; RAW STORY, "Law professor who studied under Alan Dershowitz shreds his 'shockingly wrong' case against impeaching Trump"; REASON, "Massage Parlor Panic"; THE DENVER POST, "Can a baby be abused in the womb? Colorado Supreme Court weighs a nuanced case."
- 2018-19 THE NEW YORKER, "The End of the Gay-Panic Legal Defense"; VARIETY, "Aziz Ansari, Chris Hardwick's Reemergence Complicate the #MeToo Conversation"; BEYOND THE BOX SCORE, "Towards a new approach to MLB's domestic violence policy"; PEOPLE, "Behind the Scenes of Family Murderer Chris Watts' Surprising Guilty Plea"; ABOVE THE LAW, "Is Redefining Criminal Sexual Misconduct The Way To Address #MeToo?"; THE ALI ADVISER, "Why Is Defining Consent So Difficult?"; CU INDEPENDENT, "What happens after: Title IX as an alternative to civil or criminal court"; CU INDEPENDENT, "Title IX: What is it and how has it evolved to get here?"; PACIFIC STANDARD MAGAZINE, "Brett Kavanaugh's Trip to the Twilight Zone"; PACIFIC STANDARD MAGAZINE, "Why Kavanaugh Should Welcome an FBI Investigation"; PUEBLO CHIEFTAN, "CU professor says Kavanaugh, Thomas hearings considerably different"; COLORADO LAW WEEK, "CU Law Talks Turns to 'Laws of Attraction'"; ABC NEWS, "Bill Cosby's fate could turn on a pivotal court decision expected next week"; MINNEAPOLIS STAR TRIBUNE, "How Alcohol Foils Rape Investigations"; REAL CLEAR POLITICS, "End the Bias in Campus Sexual-Misconduct Tribunals."
- 2016-17 MEDIUM, "Defending Rape Cases as a Feminist"; THE HARVARD LAW RECORD, "The Top 5 Pieces of Advice for 1Ls"; TIMES HIGHER EDUCATION, "DeVos' rule changes on handling sexual assault will benefit everyone"; CU INDEPENDENT, "Boulder Faculty Assembly Condemns Immigration Ban, Urges CU Administration to do the Same"; 9 NEWS, "Does the Fifth Amendment cover documents?"; WESTWORD, "New Bill Could Change Felony-Murder Law, but It Won't Help Luke Pelham"; NBC NEWS.COM, "Bill Cosby Trial: Judge to Decide Whether to Allow Past Accusers' Testimony"; NEW YORK TIMES, "Knicks' Preseason to Begin With Derrick Rose Under Cloud of Rape Case"; FUSION, "Derrick Rose tried to slut-shame his rape accuser"; CU INDEPENDENT, "Inside CU's attempt to combat on-campus sexual assault"; COURTHOUSE NEWS, "Campus Sexual Assault: Who Should Be the Judge and Jury?"; THE GLOBE AND MAIL, "Should universities police sexual assault?"; THE WEEKLY STANDARD, "A Real Dialogue for a Change;" REASON, "Law Professors Against Title IX."

## COMMENTARY AND COVERAGE ON BROADCAST MEDIA

- 2022 Denver 31 News (Police Involved Shooting); Denver 9 News (Supreme Court rolling back rights); Denver 9 News (Dobbs decision); CBS 48 Hours (Suzanne Morpew case); CBS News (Suzanne Morpew case); Background Briefing (rape allegations against Prince Andrew); Denver 9 News (reverse keyword searches and warrants); Denver 9 News (Denver police shooting of bystanders); Denver 9 News (leaked *Dobbs* draft); Denver 7 News (leaked *Dobbs* draft); Denver 9 News (Denver arson case).

- 2021 Denver 9 News (King Soopers case); Denver 7 News (Loveland police brutality case); WGN Chicago (Missing White Woman Syndrome); WGN Chicago (Arbery murder); NBC LX (Chauvin verdict and police reform); NBC LX (Chauvin trial); Minnesota Public Radio (Chauvin verdict); Denver 31 News (Chauvin verdict); Denver 7 News (Chauvin verdict); CNA Broadcasting Asia (Chauvin verdict); Denver 7 News (Aurora police brutality case); Background Briefing (Boulder King Soopers shooting); Denver 7 News (Elijah McClain grand jury); Colorado Public Radio (Jan. 6 insurrection and policing).
- 2019-20 KUNC At the End of the Slope (Colorado Supreme Court); Viewpoints Canada (Weinstein and #MeToo); NPR All Things Considered (Weinstein case and victim behavior); NPR All Things Considered (Weinstein Case and prior bad acts evidence); CBS 48 Hours (Patrick Frazee Murder Conviction); CBS Evening News (Kelsey Berreth homicide); CBS 48 Hours (Kelsey Berreth homicide investigation); KDRO News (Devon Bailey shooting); KDRO News (domestic violence homicides); Public News Service (*Kahler v. Kansas*); ALI Podcast (sexual consent).
- 2016-18 Background Briefing (Kavanaugh Hearing); Denver 9 News (Kavanaugh Hearing); KOA Denver (Kavanaugh hearing); Atlantic Education Summit (#MeToo on College Campuses); Denver 7 News (Taylor Swift Trial); Denver 7 News (Planned Parenthood Shooting). Denver 7 News (Holmes Trial); Denver 7 News (Holmes Jury Selection); Denver 7 News (Dyrel Lane Arrest); Denver 7 News (Dyrel Lane charges); Denver 7 News (Make-my-day Law); Politico (Fetal Homicide Laws); Denver 31 News (Cell Phone Searches); Colorado Public Radio (Death Penalty);

## **PREVIOUS WORK EXPERIENCE**

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- FEDERAL PUBLIC DEFENDER (S.D. FLA.), Miami, FL 2001 - 2002  
*Staff Attorney.* Prepared and litigated federal criminal cases in U.S. District Court.
- PUBLIC DEFENDER SERVICE, Washington, D.C. 1999 - 2001  
*Staff Attorney.* Investigated, prepared, and tried variety of felony criminal cases. Invitee to Annual Judicial Conference (2000).
- EAST ASIA 1998 - 1999  
*Writer.* Wrote travel blog for on-line publication during extensive travel in East Asia and India.
- THE HONORABLE JAMES LAWRENCE KING, U.S. District Court, Miami, FL 1997 - 1998  
*Law Clerk.* Researched and drafted judicial opinions on federal law.
- PROFESSOR ALAN DERSHOWITZ, Harvard Law School, Cambridge, MA 1995 - 1996  
*Research Assistant.* Researched criminal issues. Assisted drafting book, *Reasonable Doubts*.

## **PERSONAL**

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Proficient at hair cutting and styling. Employed in food-court and restaurant jobs from age 15 to 23. Enjoy international travel, song writing, singing, playing guitar and piano, salsa dancing, and free diving.