

**DARIA ROITHMAYR**  
University of Colorado Law School  
2450 Kittredge Loop  
Boulder, CO 80309

**FACULTY POSITIONS**

2023-present      *Professor, Provost Professor, University of Colorado Wolf Law School*

2010-2023      *Professor, Richard L. and Antoinette S. Kirtland Professor University of Southern California Gould School of Law*

June 2006-      *Professor, University of Southern California Law School*

May 2005      *Full Professor, University of Illinois College of Law*

2000-2005      *Associate Professor, University of Illinois College of Law*

1996-2000      *Assistant Professor, University of Illinois College of Law*

**VISITING PROFESSORSHIPS AND FELLOWSHIPS**

2017-18      *Visiting Professor, Yale Law School*

2016-17      *Visiting Scholar, Harvard University Program in Evolutionary Dynamics*

Fall 2015      *Visiting Professor, University of Chicago Law School*

Fall 2009      *Visiting Professor, Georgetown University Law Center*

Fall 2005      *Visiting Professor, University of Minnesota Law School*

2003-2004      *Visiting Professor, University of Michigan Law School*

2001-2001      *Visiting Professor, University of Pretoria, South Africa*

**PROFESSIONAL EXPERIENCE**

2005      *Special Counsel, People For the American Way, U.S. Supreme Court nominations of Justice John Roberts and Harriet Miers*

1991-95      *Practicing Attorney (Washington, D.C. and Phoenix, Arizona)*

1990, 1991      *Special Counsel, Senator Edward Kennedy, US Senate Judiciary Committee (nominations of Justices David Souter and Clarence Thomas)*

- 1999 *Special Counsel*, South African Human Rights Commission, World Conference Against Racism
- 1990-1991 *Law Clerk*, Judge Marvin J. Garbis, U. S. District Court, Baltimore, MD

## EDUCATION

### **UNIVERSITY OF CALIFORNIA LOS ANGELES, B.S. 1984**

B.S.: Psychobiology  
Honors: National Championship, Cross Examination Debate Association  
(1982, 1983)

### **GEORGETOWN UNIVERSITY LAW CENTER, J.D. 1990**

Honors: *Magna Cum Laude*, Order of the Coif  
Georgetown Law Journal  
Senior Notes Editor (1989)  
Member (1988)

## PUBLICATIONS

### **Books and Book Chapters**

REPRODUCING RACISM: HOW EVERYDAY CHOICES LOCK IN WHITE ADVANTAGE (NYU Press January 2014) (2d. edition 2021)

*The Dynamics of Constitutional Law* in Research Methods in Constitutional Law: A Handbook (David Law and Malcolm Langford eds. Elgar 2021)

*Evolutionary Dynamics and the Law* in Methodologies of Law and Economics (Thomas Ulen ed. Elgar 2017)

*Introduction, RACE IS, RACE ISN'T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION* (Laurence Parker and Donna Deyhle eds. 1998)

### **Articles**

*Racism Pays: How Racial Exploitation Gets Innovation Off the Ground*, 28 MICH. J. RACE & L. 145 (2023).

*The CPD Dataset: Personnel, Use of Force and Complaints in the Chicago Police Department* (with Thibaut Horel, Lorenzo Masoerio, Raj Agrawal and Trevor Campbell, NeurIPS Datasets and Benchmarks 2021/2023)

*Humble Pie is Cold Comfort* (reviewing Michael Sandel, *The Tyranny of Merit*), 1 AMER. J. OF LAW AND INEQUALITY 100 (2021)

*Cat and Mouse: The Dynamics of Getting Around the Law* (with Justin Chin, Fei Fang and Bruce Levin) Proceedings of 2019 Computational Social Science Association (2020)

*The Structure of Police Misconduct*, 5 J. Sociological Research in A Dynamic World 1 (2019) (with Andrew Papachristos and George Wood)

*The Dynamics of Excessive Force* 2016 U Chicago Legal Forum 407 (2016)

*Should Law Keep Pace With Society: Relative Update Rates Determine the Co-evolution of Institutional Punishment and Citizen Contributions to Public Goods*, 6 GAMES 124 (2015) (with Alex Isakov and David Rand)

*More than a Woman: Insights Into Corporate Governance After the French Sex Quota* (with Darren Rosenblum) 48 INDIANA L. REV. 889 (2015)

*How the Other Half Doesn't Bank* (reviewing Mehrsa Baradaran, *How the Other Half Banks* (2015)) JOTWELL (October 2015)

*Critical Race Theory Meets Social Science*, 10 ANNUAL REV. L. SOCIAL SCI. 149 (2014) (with Devon Carbado)

*Faking It* (reviewing Nancy Leong, *Racial Capitalism*, 126 HARV. L. REV. 2151 (2013)), JOTWELL (September 2013)

*Poverty, Prisons and Power* (reviewing Ian Haney Lopez, *Post-Racial Racism*, 98 CAL. L. REV. 1023 (2010)), JOTWELL (October 2012)

*Lessons From Mazibuko: Shifting From Rights to the Commons*, 2010(3) CONSTITUTIONAL COURT REVIEW 317 (2010) (peer-reviewed South African journal)

*Racial Cartels*, 16 MICH. J. RACE AND LAW 45 (2010)

*Them That Has, Gets*, 27 MISS. C. L. REV. 373 (2007-08)

*A Dangerous Supplement*, 55 J. LEGAL ED. 80 (2005) (review-essay reviewing DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF RACIAL HIERARCHY*)

*Locked In Segregation*, 12 VA. J. SOCIAL POLICY AND LAW 197 (2004)

*Tacking Left: A Radical Critique of Grutter*, 21 CONST. COMMENT. 191 (2004)

*Locked In Inequality: The Persistence of Discrimination*, 9 MICH. J. RACE AND LAW 31 (2003)

*Access, Adequacy, and Equality: The Constitutionality of School Fee Financing in Public Education*, 19 SOUTH AFR. J. HUM. RTS. 382 (2003)

*Easy for You to Say: "An Essay on Outsiders, the Usefulness of Reason, and Radical Pragmatism"*, 57 U MIAMI L. REV. 939 (2003)

*A Bad Subject*, 9 CARDOZO WOMEN'S L. J. 501 (2003)

*Direct Measures: An Alternative Affirmative Action Program for Law Schools*, 7 MICH. J. RACE AND LAW 1 (2001) (lead article)

*Left (Over) Rights*, 22 CARDOZO L. REV. 1113 (2001)

*Leftover Rights: Are Rights Still Useful After the Critique of Indeterminacy?* in JOURNAL OF LAW, TEXT AND CULTURE (Austin Sarat and Penny Pether, eds. 2001)

*Barriers to Entry: A Market Lock-in Model of Discrimination*, 86 VIRGINIA L. REV. 727 (2000)

*Guerrillas in Our Midst: The Assault on Radicals in American Law*, 96 MICH. L. REV. 1658 (1998)

*Deconstructing the Distinction Between Bias and Merit*, 85 CAL. L. REV. 1449 (1998)

### **WORKS-IN-PROGRESS**

*The Contagiousness of Police Violence* (with Thibaut Horel, Raj Agarwal, Lorenzo Masoero, Trevor Campbell) (submitted to Nature Communications)

The Health Effects of Felonizing Fentanyl (with Paul Christine, Cole Jurecka, Pranav Padmanabhan, Kate LeMasters and Josh Barrocas)

The Health Effects of Choosing Where to Locate Affordable Housing in Denver's Inclusionary Zoning Programs (with Cole Jurecka, Paul Christine and Josh Barrocas\_

WHAT RIGHTS GET WRONG WHEN IT COMES TO RACE (Book Manuscript, Solicited by Oxford Press, Inalienable Rights Series)

Racial Capitalism and the Law, in RACE, RACISM AND THE LAW (Guy Charles and Aziza Ahmed eds.) (Elgar forthcoming 2024)

### **SELECTED PROFESSIONAL PRESENTATIONS**

*Racism Pays*, Northwestern University Law School (January 2022)

*Racism Pays*, Faculty Workshop, University of Chicago Law School Workshop (May 2020)

*Racism Pays*, Faculty Workshop, Brown University Economics Department (April 2020)

*Racism Pays*, Private Law Workshop, Yale Law School (April 2020)

*The Contagiousness of Police Violence*, University of Chicago Public Law Workshop (November 2018)

*The Contagiousness of Police Violence*, University of Michigan Faculty Workshop (October 2018)

*The Cat and Mouse of Payday Lending*, Faculty Workshop, Yale University (March 2018)

*The Cat and Mouse of Payday Lending*, Faculty Workshop, The University of Chicago (October 2015)

*Should Law Keep Pace with Society? An Evolutionary Game Theory Approach*, American Law and Economics Association Conference (May 2014)

*Should Law Keep Pace with Society? An Evolutionary Game Theory Approach*, Harvard Program for Evolutionary Dynamics (March 2014)

*Structural Inequality* (Keynote, Consumer Financial Protection Bureau, Washington DC (2013).

*Reproducing Racism: How Everyday Choices Lock In White Advantage* (presented at Duke University Law School, June 2010)

*Racial Cartels* (presented at Georgetown Law School, October 2009)

*Reproducing Racism: How Everyday Choices Lock In White Advantage* (presented at Santa Fe Institute on Complex Systems, March 2009)

*Locked in Segregation* (presented at the Washington College of Law, American University, March 2005)

*Lock-In and Institutional Feedback Loops* (presented at University of Minnesota Law School faculty workshop, September 2005)

*Race, Class and Lock-In* (presented at Lat-Crit Annual Conference, San Juan, Puerto Rico, October 2005)

*Lock-In and Institutional Feedback Loops* (presented at University of Minnesota Law School faculty workshop, September 2005)

*On The Road Again: The Future of Diversity in Higher Education* (appointed as national expert on Diversity in Higher Education, presented to Steering Committee for the Center for Institutional Diversity, University of Michigan, Ann Arbor, May 2005)

*Race, Regionalism, Residential Segregation and Education* (presented at Conference on Race and Regionalism, University Minnesota, May 2005)

*Locked in Segregation* (presented at the University of Virginia, Charlottesville, February 2005)

*Residential Segregation, The Lock-In Model of Inequality and Institutionalism* (presented at Legal Theory Faculty Workshop, University of Michigan Law School, March 2004)

*Constitutionality of School Fees in South Africa* (Steering Committee, Education Rights Project, Johannesburg, South Africa, September 2002)

*Constitutionality of School Fees in South Africa* (Follow-up Symposium to National Conference Against Racism, South African Human Rights Commission, Johannesburg, South Africa, September 2002)

*The Lock-In Model of Discrimination: Applications for South Africa*, (Law Faculty, University of Cape Town, Cape Town, South Africa, September 2002)

*Locked In Inequality: The Lock-in Model of Discrimination in South Africa* (Law Faculty, University of Pretoria, Pretoria, South Africa, May 2002)

*Rights Discourse in the U.S. and in South Africa*, (Lecture for Center for Human Rights, Pretoria, South Africa September 2001)

*Strategies to Combat Racism*, (presenter and organizer) (United Nations World Conference Against Racism, Durban, South Africa, August 2001)

*Directions for Academics in a Post-Durban World*, (United Nations World Conference Against Racism, Durban, South Africa, August 2001)

*Comparative Critical Race Theory: Rights Discourse in the U.S. and South Africa* (Critical Legal Theory Conference, Birkbeck College, University of London, September 1999)

*Postmodern Rights Discourse* (Conference on Anti-Formalism, Harvard Law School, April 1999)

*Barriers to Entry: A Market Lock-In Model of Discrimination* (Faculty workshop, University of Illinois College of Law, March 1999)

### **GRANTS AWARDED**

2003 UIUC Cross-Campus Initiative Award, William and Flora Hewlett Foundation  
Joint Project on Globalization and Inequality, University of Illinois and University of Cape Town

2003 Center for African Studies Travel Grant

### **TEACHING EXPERIENCE**

LEGISLATION AND REGULATION	2023
CIVIL PROCEDURE I	1996-2020
CONSTITUTIONAL LAW RTS	2019-
CRITICAL RACE THEORY	1996-
EVIDENCE	1996-2010
FEMINIST JURISPRUDENCE	1996-97
LATINOS AND THE LAW	1998-99
MATH MODELING OF LAW & SOCIETY	2013-
GLOBALIZATION AND THE LAW	2001, 2003
GLOBALIZATION IN LATIN AMERICA	2004
SOUTH AFRICAN CONSTITUTIONALISM	2004
LAW, LANGUAGE AND VALUES	2012-2014

### **SERVICE TO THE COLLEGE OF LAW AND THE UNIVERSITY**

Law School:

Member:

*Administrative and Finance Committee (2022-23)*  
*Appointments Committee (2006—008; 2013-14, 2017-18)*  
*Curriculum Committee (1998-2000)*  
*Clerkship Committee (2012)*  
*Discipline Committee (2001)*  
*Diversity Committee (co-chair 1999-2000, 2003, member 1998-99, 2019)*  
*Lectures Committee (1996-97, 2001)*  
*Technology Committee (1997-98)*  
*Appointments Committee (2006-08)*

Advisor: *Latino/a Law Students Association* (1996-2001, 2003, 2006-08)  
Coach, *Hispanic National Bar Association Moot Court Team* (1997-98,  
1999-2001)

Chief Organizer:

Joint Reading Group, Evolutionary Game Theory and The Law,  
Georgetown University Law Center, University of Chicago and USC  
Gould School of Law (2008-13)

Joint Faculty Exchange, University of Illinois and University of Cape  
Town (2004)

University

Member:

*Game Theory and Human Behavior Group*, Univ. of Southern Cal. (2010-)

*University Advisory Committee to Latino/a Cultural Center*, University of Illinois  
(1997-2006)

*University Research Group for Latino/a Studies Program*, Center for Advanced  
Studies, University of Illinois (1998-2001)

*Provost/Chancellor Committee on the Impact of Conflict on the Community*,  
2002-03

*Internal Advisory Committee for Center on Democracy in a Multiracial Society*,  
2002-03

*Law School-Education Commemorative Committee on Brown v. Board of  
Education, 50<sup>th</sup> Jubilee*, 2003

**PROFESSIONAL ASSOCIATIONS**

California State Bar Association (admitted in 1990, inactive)  
Arizona State Bar Association (admitted in 1993, inactive)  
U.S. District Court for the District of Maryland (Admitted to practice, 1991)  
U.S. Court of Appeals for the Fourth Circuit (Admitted to practice, 1991)  
Los Abogados, Latino/a Lawyers' Association, Phoenix, Arizona (1992-95)  
Hispanic National Bar Association (1990-1996)  
East Central Illinois Women Lawyers' Association, Champaign, Illinois (1995-2003)  
Board Member, East Central Illinois Chapter of Planned Parenthood (2003-2004)  
American Law Institute (2019—present)