

KIMBERLY WEST-FAULCON

PROFESSOR OF LAW
LOYOLA LAW SCHOOL
919 ALBANY STREET
LOS ANGELES, CA 90015

(213) 736-8172 • kimberly.west-faulcon@lls.edu • <http://www.lls.edu/academics/faculty/west-faulcon.html>

PROFESSIONAL EXPERIENCE

- LOYOLA LAW SCHOOL** Los Angeles, CA
2011-Present James P. Bradley Chair in Constitutional Law
2010-Present Professor of Law
2005-2010 Associate Professor of Law
Courses: Constitutional Law; Advanced Topics in Constitutional Law: Abortion, Race, Sex, & Gender Identity; Advanced Topics in Constitutional Law: Second Amendment, Equal Protection, & Religion; Constitutional Law I & II; Intelligence, Testing, and the Law; Employment Discrimination Law; Principles of Social Justice; Social Justice Lawyering
- USC GOULD SCHOOL OF LAW** Los Angeles, CA
2016-2019 Visiting Professor
Course: Constitutional Law: Rights (Fall 2016, Spring 2018, & Fall 2019)
- UCLA SCHOOL OF LAW** Los Angeles, CA
2013-2015 Visiting Professor
Courses: Constitutional Law I (Fall 2013); Employment Discrimination Law (Fall 2014), Civil Rights (Spring 2015)
2010 Visiting Professor
Course: Intelligence, Testing, and the Law
2004 Visiting Lecturer
Course: Race-Conscious Remedies (with Professor Cheryl Harris)
- 1998-2005 **NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC** Los Angeles, CA
Western Regional Counsel & Western Regional Director-Counsel
- 1996-1998 **SKADDEN FELLOW** New York, NY
NAACP Legal Defense and Educational Fund, Inc.
- 1995-1996 **THE HONORABLE STEPHEN REINHARDT** Los Angeles, CA
United States Court of Appeals for the Ninth Circuit
Law Clerk

EDUCATION

- 1992-1995 **YALE LAW SCHOOL** New Haven, CT
Juris Doctor
Yale Law Journal, Senior Editor
Research Assistant to Sterling Professor of Law Owen M. Fiss
Project SAT, Founder, Director and Tutor
Black Law Students Association, Community Outreach Chair
- 1988-1992 **DUKE UNIVERSITY** Durham, NC
Bachelor of Arts, *summa cum laude*, Phi Beta Kappa
GPA: 3.9 (*Class Rank:* 9 of 1182)
Duke University Rankin Award for Constitutional Law; Rankin Award for American Government; & Procter and Gamble Political Science Award
- 1991 Rhodes Scholar Finalist
1990 Harry S. Truman Scholar
1990 Duke University Faculty Scholar Award (for excellence in academic scholarship)
1988 Duke University Angier B. Duke Scholar (4-year full-tuition, merit scholarship)
- 1991 **OXFORD UNIVERSITY** Oxford, England
Course of Study: British Political Economy & Economic History

U.S. SUPREME COURT AMICUS BRIEFS

Brief Amicus Curiae of Kimberly West-Faulcon in Support of Respondents, ABIGAIL NOEL FISHER v. UNIVERSITY OF TEXAS, ET AL., No. 14-981, in the Supreme Court of the United States (Nov. 2, 2015).

Brief Amicus Curiae of Kimberly West-Faulcon in Support of Respondents, ABIGAIL NOEL FISHER v. UNIVERSITY OF TEXAS, ET AL., No. 11-345, in the Supreme Court of the United States (Aug. 13, 2012).

SELECTED BRIEFS CITING SCHOLARSHIP

Brief of Amicus Curiae Asian Americans Advancing Justice and Organizations and Professors Supporting Holistic Admissions Policies, STUDENTS FOR FAIR ADMISSIONS, INC. v. THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, No. 1:14-cv-00954-LCB-JLW (M.D.N.C. Mar. 4, 2019) (citing *More Intelligent Design: Testing Measures of Merit* article).

Memorandum of Amici Curiae Students in Opposition to Plaintiff's Motion for Summary Judgment, STUDENTS FOR FAIR ADMISSION, INC. v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE (HARVARD CORPORATION), No. 1:14-cv-14176-ADB (D. Mass. Aug. 30, 2018) (citing *Obscuring Asian Penalty with Illusions of Black Bonus* article).

Amici Curiae Brief of Harvard-Radcliffe Black Students Association et al. (Coalition for a Diverse Harvard) in Support of Defendants' Motion for Summary Judgment, STUDENTS FOR FAIR ADMISSION, INC. v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE (HARVARD CORPORATION), No. 1:14-cv-14176-ADB (D. Mass. July 30, 2018) (citing *More Intelligent Design: Testing Measures of Merit* article).

PUBLICATIONS

We The (Equally Protected) People: Restoring the Preamble, Declarationist, and Abolitionist Equal Protection Clause (in progress)

Disparate Impact Deception: The Unacknowledged but Steady Weakening of the "Black People Are Less Intelligent" Critique of Disparate Impact (in progress)

Obscuring Asian Penalty with Illusions of Black Bonus, 64 UCLA L. REV. DISC. 590 (2017).

Reversed Protection: A Discrimination Gone Wild in Fisher v. Texas, 7 UC IRVINE L. REV. 133 (2017).

Liberty Bound: Obergefell's Eclipse of Autonomy in Sexual Intimacy, 49 LOY. L. REV. 351 (2016).

Liberty to Subordinate?, 99 IOWA L. REV. BULL. 153 (2014).

Forsaking Claims of Merit: The Advance of Race-Blindness Entitlement in Fisher v. Texas, 29 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK 335 (Steven Saltzman & Cheryl I. Harris, eds. 2013).

Reading Ricci: Whitening Discrimination, Racing Test Fairness (with Cheryl I. Harris), 58 UCLA L. REV. 73 (2010), reprinted in 27 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK 291 (Steven Saltzman, ed. 2011).

Fairness Feuds: Competing Conceptions of Title VII Discriminatory Testing, 46 WAKE FOREST L. REV. 1035 (2011).

More Intelligent Design: Testing Measures of Merit, 13 U. PA. J. CONST. L. 1235 (2011).

Reading Ricci: Whitening Discrimination, Racing Test Fairness (with Cheryl I. Harris), 58 UCLA L. REV. 73 (2010).

Testing the Master Tools, 158 U. PA. L. REV. PENNUMBRA 305 (2010).

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws, 157 U. PA. L. REV. 1075 (2009).

A Desegregation Tool that Backfired: Magnet Schools and Classroom Segregation, 103 YALE L.J. 2567 (1994).

AIDS and the Anti-Gay Crusade, 9 DUKE J. POLITICS 75 (Spring 1991).

SELECTED PRESENTATIONS

2019-2020 Supreme Court Review

Panelist

American Constitution Society, Los Angeles and Sacramento Lawyer Chapters & Mexican American Bar Association

Virtual (July 29, 2020)

<https://www.acslaw.org/video/acs-los-angeles-2019-2020-supreme-court-review/>

A Marriage of Church and State?

Speaker (with Eric Segall)

The Hammer Museum

Los Angeles, CA

Virtual (July 16, 2020)

<https://hammer.ucla.edu/programs-events/2020/marriage-church-and-state>

The Role of Government During Pandemic

Panelist (with Mayor of New Haven Justin Elicker)

Constitution Café

International Festival of Arts & Ideas

New Haven, CT

Virtual (June 3, 2020)

<https://www.artidea.org/event/2020/4173>

What's Going on With (Chief Justice) John Roberts?

Guest Commentator

VICE News

Live Stream (July 2, 2020)

https://www.youtube.com/watch?v=e_WzFxDU6go

COVID-19 & The Constitution

Panelist
Legal Lunch Bites
Loyola Law School
Los Angeles, CA
Virtual (May 27, 2020)
<https://www.youtube.com/watch?v=fKaMxVCFsb0>

Disparate Impact Deception

Presenter
Faculty Workshop
Wake Forest University School of Law
Winston-Salem, NC (April 2, 2020)
CANCELLED DUE TO COVID-19

Supreme Court Matters: A Discussion of this Term's Landmark Cases

Speaker (with Eugene Volokh)
The Athenaeum
Claremont McKenna College
Claremont, CA (Original Date: March 31, 2020)
EVENT POSTPONED UNTIL FURTHER NOTICE

What the Constitution Means to Us

Mark Taper On-Stage Post-Feb. 27th Performance of *What the Constitution Means to Me* Panel
Panelist (with Cast & Southern California ACLU Executive Director Hector Villagra)
Los Angeles Magazine
Mark Taper Forum
Los Angeles, CA (February 27, 2020)

The Empirical Challenges

Panelist/Moderator
Bridging the Gap Between Litigation Strategy and Research
Co-Facilitator
Identifying and Dismantling Racial Obstacles to Educational Access
African American Policy Forum
UCLA School of Law
Los Angeles, CA (February 21, 2020)

Using Title IX to Fight Discrimination Against Transgender Students

Panelist
Exploring Critical Topics in Sports and Entertainment
2020 Entertainment Law Review Symposium
Loyola Law School
Los Angeles, CA (February 2, 2020)

Community Conversation: What the Constitution Means to Me?

Panelist
Center Theatre Group (Mark Taper Forum)
Los Angeles, CA (January 31, 2020)

Affirmative Action: Legal Strategy Session
Invited Scholar Contributor
Lawyers' Committee for Civil Rights
Washington, DC (November 4, 2019)

Article II: The Executive Branch
Keynote Speaker
Constitution Happy Hour
The Hammer Museum
Los Angeles, CA (November 1, 2020)
<https://www.youtube.com/watch?v=tNiinMM1Qrs>

#NotYourWedge: Building an Education Equity Agenda for Students of Color
Panelist
LDF Civil Rights Training Institute (Airlie)
Potomac, MD (October 19, 2019)

Supreme Court Preview
Panelist (with Rick Hasen, Jennifer Chacon, & Derek Muller)
The Hammer Museum
Los Angeles, CA (September 19, 2019)
<https://hammer.ucla.edu/programs-events/2019/09/supreme-court-preview>

Constitutional Law Workshop: Equality, Equity and Adequacy in Education, Critiquing Federal and State Definitions
Panelist
Southeastern Association of Law Schools (SEALS)
Boca Raton, FL (July 28, 2019)

Supreme Court Review
Panelist
American Constitution Society, Los Angeles Chapter
Mexican Bar Association
Los Angeles, CA (July 17, 2019)

The "Big" Lies that "Whiten" Discrimination
Opening Plenary Panelist
Promoting Affirmative Action in Higher Education: Legal Strategy Session
Columbia Law School's Center for Intersectionality and Policy Studies & African American Policy Forum
Columbia Law School
New York, NY (May 9, 2019)

The Establishment Clause & American Legion v. American Humanist Assoc.
Speaker
Supreme Court Docket Update
LLS ACLU
Loyola Law School
Los Angeles, CA (April 10, 2019)

The State of Affirmative Action: Jurisprudence and Strategies Moving Forward

Panelist

Liberation Lawyering Conference

UCLA National Lawyers Guild, UCLA Black Law Students Association, UCLA South Asian Law Students Association

UCLA Law School

Los Angeles, CA (March 2, 2019)

Why Congress Holds the Cards on Constitutionality of Trump's Emergency Declaration

Speaker

Trump National Emergency and the Wall Event

Loyola Law School

Los Angeles, CA (February 19, 2019)

Originalism and Non-Originalism: Beyond the Myths

Panel Speaker

Constitutional Interpretation Panel Event

Department of Political Science

Azusa Pacific University

Azusa, CA (September 18, 2018)

From Kennedy to Kavanaugh: What it Means for Our Rights?

Panelist

Summer Civil Rights Litigation Spotlight

LLS ACLU

Loyola Law School

Los Angeles, CA (October 1, 2018)

150 and Beyond: Debating the 14th Amendment

Panelist

We the People: 150th Anniversary of the 14th Amendment Conference

National Constitution Center

Philadelphia, PA (April 23, 2018)

Impact of Presumptions of Black Intellectual Inferiority

Presenter

Trumping Our Rights Symposium

National Black Law Journal

UCLA School of Law

Los Angeles, CA (March 16, 2018)

Supreme Court Review and Preview

Speaker

Wm. Matthew Byrne, Jr. Judicial Clerkship Institute

Pepperdine School of Law

Los Angeles, CA (March 16, 2018)

Disparate Impact Deception

Speaker

Law, Politics, and Identity Workshop

Duke School of Law

Durham, NC (March 7, 2018)

The 14th Amendment: What the Equal Protection Clause Means to Students
Keynote Speaker (with Terrence Roberts, one of the “Little Rock Nine”)
Central District of California Law Day
Ninth Circuit Court of Appeals
Pasadena, CA (March 2, 2018)

Racial Justice Reform after Obama: Reconsidering Goals and Means
Presenter
University of Virginia School of Law
Charlottesville, VA (June 6, 2017)

Taking Public Interest Work into the Academy
Commentator
Skadden Fellows Southern California Reunion Symposium
Skadden Fellowship Foundation
Los Angeles, CA (April 21, 2017)

Trans Students’ Rights: GG v. Gloucester County
Speaker
OutLaw
Loyola Law School
Los Angeles, CA (March 29, 2017)

Affirmative Action Jurisprudence: Reversing Equal Protection
Speaker
Constitutional Law & Challenges in Today’s Environment
SCALL Institute
San Diego, CA (February 3, 2017)

Debrief Event: Trump Travel Ban Executive Order
Panelist
ACLU & South Asian Law Student Association
Loyola Marymount University
Los Angeles, CA (February 6, 2017)

We Are Not Saved by the Constitution
Inauguration Day Teach-In
Live Webcast
Speaker
Loyola Marymount University
Los Angeles, CA (January 20, 2017)

Race, Racism and American Law: Re-visioning for the 21st Century
Presenter
UCLA School of Law
Los Angeles, CA (September 23, 2016)

Supreme Court Review: The Constitution at a Crossroads
Panelist
American Constitution Society
USC Gould School of Law
Los Angeles, CA (September 19, 2016)

Considering the Why, What and How of a US Education Amendment

Panelist
Southeastern Association of Law Schools (SEALS)
Amelia Island, FL (August 8, 2016)

Supreme Court Review

Panelist
American Constitution Society
Loyola Law School
Los Angeles, CA (April 6, 2016)

Remembering the 13th Amendment Event

Panelist
Stereotype Awareness Coalition, American Constitutional Society, Black Law Student Association, La Raza, Employment Law Student Association
Pico Union Project
Loyola Law School
Los Angeles, CA (January 15, 2016)

More Intelligent Understandings of Intelligence

Keynote
Posse Foundation
New York, NY (January 13, 2016)

Rethinking Merit in the Selective Admissions Process

Panelist
Symposium on Higher Education Access
UC Irvine School of Law
Irvine, CA (September 25, 2015)

Countering Colorblindness Across the Disciplines

Presenter
African American Policy Form
Center for Advanced Study in Behavioral Sciences at Stanford University
University of Oregon
Eugene, OR (June 3, 2015)

Post-Fisher Litigation Challenges

Panelist
Fisher v. UT: *Study on Race and Ethnicity in Admissions Workshop*
UCLA School of Law
Los Angeles, CA (March 19, 2015)

Hiring for Diversity in the Context of Recent Supreme Court Decisions

Panelist
Annual Meeting of the American Academy of Religion
San Diego, CA (November 23, 2014)

Law School 101

Panelist
La Raza de Loyola Law School Admissions Workshop
Los Angeles, CA (October 25, 2014)

Bakke to Bollinger, Quotas to Affirmative Action, Diversity to Sponsorship

Panelist
Langston Law Institute
Los Angeles, CA (September 13, 2014)

Inequity in Education 60 Years after Brown

Panelist
American Constitution Society San Diego Lawyer Chapter
San Diego, CA (May 31, 2014)

Impact Litigation

Panelist
PILF Speaker Series
Public Interest Law Foundation
Loyola Law School
Los Angeles, CA (February 11, 2014)

Understanding the Supreme Court's Affirmative Action Jurisprudence

Panelist
Black Law Students Association
Loyola Law School
Los Angeles, CA (November 13, 2013)

Pledging Work (Not Faith) in Our Constitution: Deeds of Dissent

Keynote Address
Constitution Day
Loyola Marymount University
Los Angeles, CA (September 17, 2013)

Roundtable on Law and Race

Higher Education
Commentator
Stanford Law School
Palo Alto, CA (April 27, 2013)

Fisher v. UT Austin: Impact on the APA Community

Panelist
Asian Pacific American Law Students Association
UC Irvine School of Law
Irvine, CA (November 7, 2012)

Fisher v. UT Austin

Guest Speaker
American Constitution Society, Black Law Students Association, La Raza
Loyola Law School
Los Angeles, CA (October 30, 2012)

Race, Class, and Civil Rights Concerns in Transportation Policy

Panelist
Southeastern Association of Law Schools (SEALS)
Amelia Island, FL (August 4, 2012)

From Ricci to Fisher: Navigating Affirmative Action in the Age of Colorblind Determinism

8th Annual Social Justice Writers Workshop

Presenter

African American Policy Forum

Negril, Jamaica (July 17, 2012)

Impact of Public Interest Work on Law Teaching

Panelist

Skadden Fellows Southern California Reunion Symposium

Skadden Fellowship Foundation

Los Angeles, CA (June 22, 2012)

Civil Rights Law

Instructor

Journalist Law School

Loyola Law School

Los Angeles, CA (May 31, 2012)

Shultz-Zedek Effective Lawyering Conference

Admissions Working Group Invited Member

UC Berkeley School of Law

Berkeley, CA (March 2-3, 2012)

Disparate Impact Mischief

Workshop Presenter

Cardozo Law Faculty Workshop

Cardozo School of Law

New York, NY (February 27, 2012)

The Barber of Birmingham: A Foot Soldier in the Civil Rights Movement

Film Discussion Moderator & Commentator

Simon Wiesenthal Center Museum of Tolerance

Los Angeles, CA (January 15, 2012)

Roundtable on Intersection of Critical Race Theory and Employment

Panelist

Sixth Annual Labor and Employment Law Colloquium

Southwestern Law School, Loyola Law School, and UCLA's Downtown Labor Center

Los Angeles, CA (September 16, 2011)

Civil Rights and the K through 12 Education Reform Agenda

Panelist

Curricular Development Workshop

Southeastern Association of Law Schools (SEALS)

Hilton Head, SC (July 26, 2011)

Civil Rights Law

Instructor

Journalist Law School

Loyola Law School

Los Angeles, CA (June 16, 2011)

More Intelligent Design: Testing Measures of Merit

Colloquium Speaker
Re-envisioning Law Colloquium
University of Houston Law Center
Houston, TX (March 3, 2011)

More Intelligent Design: Testing Measures of Merit

Workshop Presenter
Vanderbilt Law School Faculty Workshop
Vanderbilt Law School
Nashville, TN (March 2, 2011)

More Intelligent Design: Testing Measures of Merit

Workshop Presenter
UNC School of Law Faculty Workshop
UNC School of Law
Chapel Hill, NC (February 21, 2011)

Beyond the Movies: What is Really Happening in Public Schools

Moderator
St. Thomas More Law Honor Society Speaker Series
Loyola Law School
Los Angeles, CA (February 17, 2011)

Teaching in a Transformative Era: The Law School of the Future

Panelist
Law School Admissions and Exclusion
Society of American Law Teachers
Honolulu, HI (December 11, 2010)

Twenty Years After the 1991 Civil Rights Act: What Does the Future Hold?

Symposium Speaker
Wake Forest Law Review
Wake Forest University Law School
Winston-Salem, NC (November 5, 2010)

Where Are We Now After Ricci v. DeStefano

Panelist
Labor & Employment Law Workshop
Southeastern Association of Law Schools
Palm Beach, FL (August 4, 2010)

Civil Rights Implications of High Stakes Testing

Workshop Presenter
Journalist Law School
Loyola Law School
Los Angeles, CA (June 17, 2010)

Interventions: The Possibilities of Law

Panelist
Workshop on “Post-Racial” Civil Rights Law
2010 Mid-Year Meeting
American Association of Law Schools
New York, NY (June 10, 2010)

Black Los Angeles: American Dreams and Racial Realities

Symposium Moderator
Bunche Center for African American Studies
University of California Los Angeles (UCLA)
Los Angeles, CA (May 25, 2010)

High Stakes Testing: The Erik V. v. Causby Litigation

Guest Lecturer
Doctoral Course: Legal and Policy Issues in Education
Doctoral Program in Educational Leadership for Social Justice
School of Education
Loyola Marymount University
Los Angeles, CA (March 22, 2010)

Civil Rights

Speaker
Black History Month Panel
Black Law Students Association
Pepperdine Law School
Malibu, CA (February 25, 2010)

Lessons From Little Rock

Keynote Speaker (with Terrence Roberts, one of the “Little Rock Nine”)
Simon Wiesenthal Center Museum of Tolerance
Los Angeles, CA (February 1, 2010)

Reading Ricci: The New Haven Firefighters’ Case

Panelist
Hot Topics Panel
2010 American Association of Law Schools Annual Meeting
New Orleans, LA (January 8, 2010)

Law and Limits of Testing: Ricci v. DeStefano

Speaker
Medical Education Program
Encino-Tarzana Regional Medical Center Hospital
Tarzana, CA (July 27, 2009)

Employing Tests: Situating Ricci v. DeStefano in the Current Discourse on Race and Testing

Workshop Presenter
Journalist Law School
Loyola Law School
Los Angeles, CA (June 18, 2009)

Intelligence, Testing and the Law

Workshop Presenter

Colorblind Disciplining of Race-Conscious Work: Critical Interventions Across the Academy

Center for Advanced Study in the Behavioral Sciences (CASBS)

Stanford University

Palo Alto, CA (June 2, 2009)

Reaching Forward: A Discussion between Academics and Advocacy Organizations

Panelist Speaker

Fred T. Korematsu Center for Law and Equality

Seattle University School of Law

Seattle, WA (April 18, 2009)

Obama's Education Reform Agenda and No Child Left Behind

Speaker

Forum on National Education Reform

Thomas Jefferson School of Law

San Diego, CA (April 1, 2009)

More Intelligent Design

Panelist

Race in Colorblind Spaces

Third Annual Critical Race Studies Symposium

UCLA School of Law

Los Angeles, CA (March 7, 2009)

Employing Tests: Practical Value vs. Psychometric Validity in Ricci v. DeStefano

Panelist

Civil Rights and the Roberts Court

American Constitution Society

UCLA School of Law

Los Angeles, CA (February 25, 2009)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

Workshop Presenter

UCLA School of Law Faculty Colloquium

UCLA School of Law

Los Angeles, CA (October 10, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

Workshop Presenter

Loyola Law School Faculty Workshop

Loyola Law School

Los Angeles, CA (September 18, 2008)

France's Statistical Color-Blindness in Question: Statistical Analysis as Proof of Racial "Effect" Discrimination

Workshop Presenter

Perspectives on Anti-Discrimination and Affirmative Action Policies in the United States and France

Center d'Etudes et de Recherches Internationales

Paris, France (May 20, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

Workshop Presenter

Conference of Asian Pacific American Law Faculty (CAPALF) and Western Law Teachers of Color Conference

University of Denver Sturm College of Law

Denver, CO (April 25, 2008)

Gender and Racial Diversity in the Legal Profession

Speaker

American Bar Association Law Loyola Law Student Division

Diversity Day

Loyola Law School

Los Angeles, CA (March 26, 2008)

Return of a Civil Rights Hero from Little Rock to Los Angeles

(with Dr. Terrence Roberts, one of the “Little Rock Nine”)

Simon Wiesenthal Center Museum of Tolerance

Los Angeles, CA (February 18, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

UCLA Critical Race Studies Workshop

UCLA School of Law

Los Angeles, CA (February 4, 2008)

What Can We Do, Post-Michigan Proposal 2?

National Association for College Admission Counseling (NACAC) 63rd National Conference

Austin, TX (September 27, 2007)

More Intelligent Design

New Scholars Presentation

Southeastern Association of Law Schools (SEALS)

Amelia Island, FL (August 2, 2007)

From Race Preference to Race Discrimination: Examining the Federal Obligation to Use Race After Proposition 209

Southeast/Southwest People of Color Legal Scholarship Conference

Florida A&M University College of Law

Orlando, FL (March 17, 2007)

From Race Preference to Race Discrimination: Does Proposition 209 Permit Remedial Affirmative Action?

Boalt Hall Earl Warren Institute Equal Opportunity in Higher Education: The Past and Future of Proposition 209” Conference

UC Berkeley Boalt Hall School of Law

Berkeley, CA (October 28, 2006)

Supreme Court Justice (with Dean Ken Starr, Professor Gail Heriot and Professor Cheryl Harris)

Meredith v. Jefferson County Board of Education Supreme Court Moot

UCLA American Constitution Society

UCLA School of Law

Los Angeles, CA (October 24, 2006).

Legal Significance of California Proposition 209

African-American Attorneys in Downtown Firms “Tenth Anniversary of California Proposition 209”
Loyola Law School
Los Angeles, CA (May 25, 2006)

Multi-Racial Litigation as Civil Rights Strategy in Abercrombie v. Gonzalez

Loyola Law School Asian Pacific American Law Students Association (APALSA)
Loyola Law School
Los Angeles, CA (February 2006)

More Intelligent Design

National Black Law Journal 35th Anniversary Symposium
“Regression Analysis: The Status of African Americans in American Legal Education”
UCLA School of Law
Los Angeles, CA (November 18, 2005)

Using Castaneda v. UC Regents to Show How Post-Affirmative Action Schools Can Do More

UCLA Chicano-Latino Law Review Symposium “Proposition 209: Ten Years Later”
UCLA School of Law
Los Angeles, CA (November 1, 2005)

Distinguishing Corporate Social Justice as Profit Maximization

Center on Corporations, Law & Society at Seattle University School of Law
Fourth Annual Conference of the Equal Justice Society
“New Strategies for Justice: Linking Corporate Law with Progressive Social Movements”
UCLA School of Law
Los Angeles, CA (April 9, 2005)

Promoting Equal Opportunity Post-Grutter

African American Policy Forum & The Leadership Conference on Civil Rights
"A Strategy Summit on Affirmative Action: Reclaiming the High Ground 50 Years After Brown"
Washington, DC (October 14, 2004)

Reform in the Los Angeles Police Department: Where do we go from here?

Keynote Address
The Urban Issues Breakfast Forum of Greater Los Angeles
Los Angeles, CA (July 2004)

Nuts and Bolts of Federal Civil Rights Litigation as Applied to Poverty Law Practice

National Legal Aid & Defender Association Substantive Law Conference
University of California at Los Angeles
Los Angeles, CA (July 2004)

Case-study of Castaneda v. UC Regents

Guest Lecturer
Stanford Law School Racial Justice Advocacy Seminar (taught by Michelle Alexander)
Stanford Law School
Palo Alto, CA (April 2004)

Meeting the Challenges to Economic Opportunity and Diversity

Greenlining Institute Economic Development Summit
Los Angeles, CA (April 2004)

Reporting on the 50th Anniversary of Brown v. Board of Education
Annual National Meeting of the Education Writers Association
Los Angeles, CA (April 2004)

The Merits of Testing as Understood by the U.S. Supreme Court
Guest Lecturer
Race Conscious Remedies (taught by Professor Kimberlé Crenshaw)
Joint Columbia Law and UCLA Law Seminar
UCLA School of Law
Los Angeles, CA (February 2004)

Understanding Test Score Misuse in College Admissions and Scholarship Awards
National Association for College Admission Counseling (NACAC) 59th National Conference
Long Beach, CA (October 2003)

Affirmative Action in the New Millennium (with Lani Guinier, Connie Rice and Eva Paterson)
Just the Beginning Foundation and the California Law Community Consortium
San Francisco, CA (September 2000)

Maintaining Diversity After I-200
Presentation to Regents of the University of Washington
University of Washington
Seattle, WA (May 19, 1999)

Social Activism and Legal Representation of Underserved Communities
California State University Long Beach and The City University of New York
Long Beach, CA (November 1998)

Legal Theories to Address Misuse of Tests and Other Classifying Devices
Lawyers' Committee for Civil Rights Conference "Challenging Education Discrimination"
Atlanta, GA (September 1997)

COMMENTARIES

Affirmative Action Allegations, Trump's Newest Diversion Tactic, Are Fake News, HUFFINGTON POST BLOG, Aug. 4, 2017.

Surprisingly, Facts Rule the Day in Fisher II, SCOTUS BLOG, June 24, 2016.

Playing the Class Card in Racial Affirmative Action Cases, AMERICAN CONSTITUTION SOCIETY BLOG, Dec. 23, 2015.

The Story Behind Justice Scalia's "Slower-Track" Comments, HUFFINGTON POST BLOG, Dec. 15, 2015.

Why Abigail Fisher's Lawsuit is a Modern Day Trojan Horse, THE GRIOT, Dec. 9, 2015.

The Real Cheating Scandal of Standardized Tests, MILLER-MCCUNE, Aug. 22, 2011.

Reverse or Rehearsed Discrimination in College Admissions, L.A. DAILY NEWS, Jun. 29, 2009.

Is Sotomayor a Reverse Racist? Testing the Limits of Tests, TODAY'S WORKPLACE, May 28, 2009.

Weighing in on Test Score Equality, L.A. DAILY JOURNAL, May 13, 2009.

Ricci v. DeStefano: A Test on Race, L.A. TIMES, April 24, 2009.

Looking Beyond the Numbers, L.A. DAILY JOURNAL, Nov. 4, 2003.

Stop Playing the SAT Numbers Game, PHILADELPHIA TRIBUNE, May 8, 2001 (with Elaine R. Jones).

OTHER PUBLICATIONS

Randolph County: A Game of Discovery, CENTER FOR COMPUTER-ASSISTED LEGAL INSTRUCTION (CCALI), Copyright 2003 (civil procedure instructional computer game)
(with Owen M. Fiss and Ronald F. Wright).

MEDIA EXPERIENCE

Featured, quoted and interviewed by various national and local media, including: CNN, *The New York Times*, *The Washington Post*, *Los Angeles Times*, *Black Issues in Higher Education*, *Education Week*, *The Los Angeles Sentinel*, *Los Angeles Daily News*, *The Los Angeles Daily Journal*, *San Francisco Chronicle*, *San Francisco Examiner*, *Savoy Magazine*, *Ebony*, *The New Crisis*, *Black Enterprise.com*, , KPCC-FM *AirTalk* with Larry Mantle, *Forum*, *BET*, *One on One*, and National Public Radio's *Tavis Smiley Show*, *Lovett Or Leave It*, *Voice of America*, *The Philip DeFranco Show*, & *VICE News*. Blog posts: *The Griot*, *Huffington Post*, *American Constitution Society Blog*, *SCOTUSblog*.

REPRESENTATIVE MEDIA INTERVIEWS, QUOTES & FEATURES

“Biden Vs. Trump: Judicial Nominations And The Impact On The Courts”
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
September 8, 2020

“‘Law School 101’: How Supreme Court ended its term” (quoted)
The Christian Science Monitor
July 10, 2020

“Are L.G.B.T. employees at Catholic institutions protected by the new SCOTUS ruling?” (quoted)
America
June 19, 2020

“GOP Senate sits on broad gay rights bill as high court bans LGBTQ job bias” (quoted)
San Francisco Chronicle
June 15, 2020

“‘Messy’ Powers Question Intentional” (presentation described)
New Haven Independent
June 4, 2020

“PBS NewsHour and Politico host final Democratic debate of 2019” (quoted)
Los Angeles Sentinel
December 26, 2019

“Fired for being gay? LGBTQ rights return to Supreme Court” (quoted)
The Christian Science Monitor
October 8, 2019

“Supreme Court conservatives poised to make their mark in new term” (quoted)
The Christian Science Monitor
October 7, 2019

“Harvard Discrimination Case and Its Potential to Go to SCOTUS” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
October 2, 2019

“Harvard Ruling May Offer ‘Roadmap’ for Other Affirmative Action Cases” (quoted)
The Harvard Crimson
October 2, 2019

“Everything is Not Sunshine: What the Harvard Decision Means for Race-Conscious Admissions”
(quoted)
The Chronicle of Higher Education
October 1, 2019

“Winery that refused to hold a wedding for same-sex couple reverses course following criticism”
(quoted)
Los Angeles Times
September 13, 2019

“Michael Cohen delivered his explosive testimony — what now?” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
February 28, 2019

“The Trump Presidency: Border Battle” (feature on-camera interview)
CBSLA/CBS KCAL9 News
February 14, 2019

“The Future of Affirmative Action Explained” (feature on-camera interview)
The Philip DeFranco Show
<https://youtu.be/hd2qtQuGDts>
December 19, 2018

“Can Trump end birthright citizenship?—and should it end” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
October 30, 2018

“Sandra Day O'Connor announces possible Alzheimer diagnosis” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
October 23, 2018

“Post-confirmation, we look at Kavanaugh’s judicial philosophy and where it sits within the SCOTUS
conservative bloc” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
October 9, 2018

“Kavanaugh: What You Need to Know About the SCOTUS Nominee” (feature interview)
The Los Angeles Loyolan
September 12, 2018

“Legal and political analysis of Kavanaugh confirmation hearings as abortion documents snag—
Spotlight on Day 3” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
September 6, 2018

“Supreme Court hearings are broken, both parties say—How they can be fixed” (feature interview)
Christian Science Monitor
September 7, 2018

“At Kavanaugh Hearings, Questions of How Much Power a President Should Hold” (feature
interview)
Christian Science Monitor
September 4, 2018

“Revelations in Harvard Admissions Suit Unlikely to Prove Discrimination, Experts Say” (quoted)
Harvard Crimson
June 19, 2018

“Lawsuit Against Harvard Could Unravel Diversity” (quoted)
Voice of America
July 16, 2018

“Autoerotic Obstruction of Justice” (interview for podcast taped in front of live audience at *The
Hollywood Improv*)
Lovett or Leave It with Jon Lovett
June 8, 2018

“Experts Say DOJ Brief in Admissions Suit Will Have Little Impact” (quoted)
Harvard Crimson
April 10, 2018

“We're About to Find Out What Happens When a Liberal State Asserts its Right Not to Follow a
Federal Law” (quoted)
BuzzFeed News
March 8, 2018

“Trump's Latest Affirmative Action Move Exploits Asian-American Students” (feature interview)
Bustle
November 28, 2017

“The Data on Affirmative Action” (feature interview)
Sojourner Truth with Margaret Prescod
August 29, 2017

“Lowering the bar: Possible changes to lawyer exam could help students of color, immigrants”
(feature interview)
NPR Take Two
89.3 KPCC
August 2, 2017

“Justice Department Investigating Harvard University's Affirmative Action policies, Threatens to Sue”
(quoted)
NBC News.com
November 21, 2017

“Scholars: Fisher Decision Gives Colleges ‘Breathing Room’ to Consider Race in Admissions”
Diverse Issues in Higher Education
June 23, 2016

“Supreme Court Upholds Use of Affirmative Action at Universities” (quoted)
Los Angeles Times
June 23, 2016

“Justice Scalia’s Slower-Track Comments” (feature interview)
KABC7
December 10, 2015

“How Fair is the LA Fire Department’s Current Hiring Practices?” (feature interview)
AirTalk
KPCC
October 3, 2014

“Michigan Race Case Likely Also to Decide California’s Affirmative Action Law” (quoted)
Los Angeles Daily Journal
October 16, 2013

“Is Affirmative Action at Risk Again?” (quoted)
Colorlines
October 15, 2013

“Wake Schools Under Multiple Federal Civil Rights Investigations” (quoted)
News and Observer
July 5, 2012

“L.A. Agreement Sets Limits on Seniority-Based Teacher Layoffs” (quoted)
Education Week
October 13, 2010

“Challenges to SAT are Cited as Ways to Right Race-Conscious Bans on Admissions” (law review article described)
Chronicle of Higher Education
June 17, 2009

“What Legal Experts Think of Sotomayor’s Performance” (feature interview)
The Los Angeles Times
July 17, 2009

“Legal Experts’ Views on the Sotomayor Hearings” (feature interview)
The Los Angeles Times
July 16, 2009

“Legal Experts on Day Two of the Sotomayor Hearings” (feature interview)
The Los Angeles Times
July 15, 2009

“Day One of the Sotomayor Hearings: A Legal Perspective” (feature interview)
The Los Angeles Times
July 14, 2009

“Abercrombie & Fitch Bias Case is Settled” (quoted)
The New York Times
November 17, 2004

“Abercrombie & Fitch Settles Discrimination Suit” (quoted)
NPR Morning Edition
National Public Radio
November 17, 2004

“Judge Accepts Abercrombie Plan to Settle Hiring Lawsuits” (quoted)
Los Angeles Times
November 17, 2004

“Desegregation Case Established Precedent a Decade Before Brown” (quoted)
Education Reporter
Vol. 38, No. 3
May/June 2004

Civil Rights Litigation (feature interview)
Working Assets Radio
April 16, 2002

“California Proposition 54” (feature interview)
NPR *AirTalk* hosted by Larry Mantle
89.3 KPCC
October 6, 2003

“Lawsuit Alleges Abercrombie & Fitch Bias” (feature interview)
The Tavis Smiley Show
National Public Radio
December 9, 2003

“Race Matters” (feature interview)
The New Crisis Magazine
November/December 2002

“No LAPD Insiders Make List of Three Finalists for Chief” (quoted)
Los Angeles Times
September 20, 2002

“Ten for Tomorrow: African-American Leaders of the 21st Century” (featured)
Ebony
December 1999

“30 Leaders of Future” (featured)
Ebony
November 1999

“Federal Civil Rights Lawsuit Filed by Minority Students” (feature interview)
Forum with Michael Krasny
KQED Radio
February 10, 1999

“Californian Students Strikes Back” (quoted)
Black Issues in Higher Education
February 18, 1999

“Civil Rights Groups Sue UC-Berkeley Over Admissions Criteria” (quoted)
Education Week
February 10, 1999

“Discrimination Lawsuit Against UC Berkeley” (feature interview)
Lead Story
Black Entertainment Television (BET)
February 7, 1999

“Civil Rights Groups Suing Berkeley Over Admissions Policy” (quoted)
The New York Times
February 3, 1999

“High Stakes Tests: Truths or Consequences” (feature interview)
Education Week
October 22, 1997

SELECTED RECOGNITIONS

James P. Bradley Chair in Constitutional Law
Loyola Law School

Southern California Freedom’s Sister
Simon Wiesenthal Museum of Tolerance

William M. Rains Fellow
Loyola Law School

Southern California Super Lawyer
Law & Politics and *Los Angeles Magazine*

Influence in Black Los Angeles
Profile of 25 of L.A.’s most influential African-American leaders
Los Angeles Wave

Southern California Super Lawyer
Law & Politics and Los Angeles Magazine

Southern California Super Lawyer
Law & Politics and Los Angeles Magazine

Southern California Rising Star Lawyer
Law & Politics and Los Angeles Magazine

Award of Excellence for Outstanding Contributions to the Los Angeles Civic Community
Los Angeles African American Women's Public Policy Institute

Trailblazers to Star Chasers: Biographies of Ten Inspiring Individuals
profiled with Carter Woodson, Colin Powell, and Tiger Woods in Black History Month curriculum
guide
Los Angeles Daily Journal

Ebony's "Ten for Tomorrow"
profiled with Jesse Jackson, Jr., Lauryn Hill, Serena Williams, Brandy, Sean Combs, Chris Rock,
Bernice King, Tiger Woods, and Marion Jones) as one of ten "promising personalities" expected to
redefine their fields in the next millennium
Ebony Magazine (Millennial Issue: December 1999)

Ebony's "30 Leaders of the Future"
November 1999

Featured as one of the top lawyers under the age of 40 "making their mark in the legal world"
Los Angeles Daily Journal's California Law Business

REPRESENTATIVE LEGISLATIVE TESTIMONY

Brown v. Board of Education: 50 Years Later
California Assembly Select Committee on Urban Youth
California State Legislature
Sacramento, CA (May 4, 2004)

Civil Rights Consequences of Proposed California Proposition 54
Los Angeles County Board of Supervisors
Los Angeles, CA (July 29, 2003)

Los Angeles Anti-Predatory Loan Ordinance
Los Angeles City Council
Los Angeles, CA (November 22, 2002)

BAR ADMISSIONS

2015	United States Supreme Court
2005	U.S. Court of Appeals for the Ninth Circuit
2000	U.S. Court of Appeals for the First Circuit
1998	U.S. District Court for the Northern District of California
1998	U.S. District Court for the Central District of California
1998	State of California
1997	U.S. District Court for the Southern District of New York
1997	State of New York

LITIGATION

Castaneda v. University of California Board of Regents, No. 99-0525 SI (N.D. Cal.) (formerly ***Rios v. UC Regents***)

Case filed in February by the Legal Defense Fund (LDF) in coordination with other civil rights organizations on behalf of African-American, Latino and Filipino students denied undergraduate admission to UC Berkeley after the elimination of affirmative action pursuant to California Proposition 209. Led and coordinated the representation of the African-American, Latino and Filipino classes and served as lead counsel for the African-American class. The lawsuit alleged that Berkeley's undergraduate admissions process violated Title VI of the Civil Rights Act of 1964 and its implementing regulations as well as the Fourteenth Amendment because Berkeley made admissions decisions on educationally insignificant differences in SAT scores and unfairly penalized applicants attending schools with limited Advanced Placement and honors course offerings. The district court approved a settlement agreement requiring Berkeley to retain a consultant specializing in measurement of "multiple intelligences" and to produce specified admissions statistics for five years.

Gonzalez v. Abercrombie & Fitch, No. 03-2817 SI (N.D. Cal.)

Lead LDF attorney on legal team representing minority plaintiffs in a national employment discrimination class action lawsuit. The suit charges Abercrombie & Fitch with discriminating against non-whites, including African Americans, Latinos and Asian Americans, on the basis of race, color and/or national origin in hiring, firing, job assignment, compensation and other terms and conditions of employment.

Hunter v. City of Los Angeles (LAPD), No. 92-CV-1897-MMM (C.D. Cal.)

Had responsibility for enforcing consent decree as lead counsel for African-American sworn police officers who have sought or will seek promotion to certain ranks, paygrades and coveted positions within the Los Angeles Police Department (LAPD). The LAPD was bound by the terms of the consent decree through 2009.

Wessmann v. Boston School Committee, No. 97-11923-JTL (D. Mass), No. 98-1657 (1st Cir.)

Lead counsel representing the Boston NAACP and several member parents as "litigating amici" in lawsuit filed by a white ninth-grade student who alleged that the Boston Latin Examination School admissions policy discriminated against her on the basis of her race. The trial court ruled against the plaintiff, finding that the Boston Latin admissions policy was narrowly tailored to meet the Boston School Committee's compelling governmental interests in diversity and in overcoming the vestiges of past discrimination, 996 F. Supp. 120 (D. Mass. 1998). The First Circuit reversed, 160 F.3d 790 (1st Cir. 1998).

Erik V. v. Causby, No. 5-97-CV-587-BO (2) (E.D.N.C.)

Responsible for original research, LDF justification memorandum, drafting pleadings, briefs and major correspondence, and experts. Represented a multi-racial class of African-American, Latino and Caucasian students in challenge of a high stakes standardized testing policy adopted by the Johnston County (North Carolina) Board of Education. The policy required that decisions to promote students to the next grade level or course be based solely on the outcome of scores on a newly-adopted standardized test without regard to the student's grades, teacher evaluations or other assessment criteria. The parties reached settlement after defendants promoted the fourteen named class representatives and made significant changes to the policy.

OTHER PROFESSIONAL EXPERIENCE

Summer 1994	UNITED STATES DEPARTMENT OF JUSTICE <i>Civil Rights Division, Educational Opportunities Section</i> Summer Honors Program Legal Intern.	Washington, DC
Summer 1993	AMERICAN CIVIL LIBERTIES UNION <i>National Legal Department</i> Legal Intern.	New York, NY
Spring 1993	NEW HAVEN LEGAL ASSISTANCE ASSOCIATION, INC. <i>Child Law Unit</i> Legal Intern.	New Haven, CT
Summer 1989	SHELL OIL COMPANY <i>Corporate Law Division</i> Legal Intern.	Houston, TX
Summer 1991	OFFICE OF THE GOVERNOR, STATE OF NORTH CAROLINA <i>Public Education Advisor</i> Intern.	Raleigh, NC
Summer 1990	UNITED STATES SENATE Intern to Senator Terry Sanford (D-NC).	Washington, DC
Summer 1990	UNITED STATES HOUSE OF REPRESENTATIVES Intern to Congressman David Price (D-NC).	Washington, DC
1988-1989	CENTURY III LEADERS National Spokesperson	New York, NY various U.S. cities

LMU LOYOLA LAW SCHOOL INSTITUTIONAL SERVICE

Dean's Advisory Committee (elected by faculty vote) (2019-2020)
COVID-19 Special Committee on Grading and Exam Policy
Phi Beta Kappa Loyola Marymount University Chapter Committee on Members in Course (2019-Present)
Assessment Committee (2017-2018)
Pro Bono & Public Interest Committee (2017-2018)
Rains & Deans Fellowship Committee (2011-2015)
Discriminatory Harassment Committee, Chair (2011-2012; 2016-17)

Externships, Clinics, Pro Bono, & Public Interest Committee (2016-17)
Stereotype Awareness Coalition, Faculty Advisor (2015-2017)
Curriculum Committee (2008-2010)
Ad Hoc Student Evaluation of Teaching Committee (2009-2012)
Public Interest Committee (2005-2009)
Clerkship Committee (2007-2008)
Martin Luther King Event Committee (2006-2010)
Dean's Ad Hoc Committee on Advocacy Concentrations (2009-2010)
Instructional Technology Committee (2013-2014)
Faculty Advisor, Labor and Employment Law Society (2014-2016)

BOARD & COMMITTEE MEMBERSHIPS

Legal Committee, ACLU of Southern California (2019-Present)
Advisory Board for the National Constitution Center's Civil War and Reconstruction Gallery (2018)
Trustee, Oakwood School (2009-2015)
Board Member, Environmental Justice Fund, Liberty Hill Foundation (2000-2002)