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EDUCATION:

A.B., Oberlin College, 1984 with Honors in Politics.

J.D., New York University School of Law, 1987. Managing Editor, *N.Y.U. Review of Law & Social Change*.

BAR ADMISSIONS:

United States Supreme Court
Second Circuit Court of Appeals
Sixth Circuit Court of Appeals
United States District Court for the S.D.N.Y.
United States District Court for the E.D.N.Y.

Ohio State Bar
New York State Bar

LAW RELATED EMPLOYMENT:

September, 1987 to August, 1988, Law Clerk to Hon. Julia Cooper Mack, District of Columbia Court of Appeals.

September, 1988 to August, 1989, Karpatkin Fellow in the national legal office of the American Civil Liberties Union, New York, New York. Duties included: researching and drafting U.S. Supreme Court *amicus curiae* briefs on criminal procedure issues; preparing articles and other materials for public debate; and monitoring general federal and state litigation for the national legal department.

November, 1989 to May, 1993, Litigation Associate with Skadden, Arps, Slate, Meagher & Flom, New York, New York. Experience included: drafting briefs, motions, and other pleadings in state and federal court; arguing appeals as a Special Assistant District Attorney for the Brooklyn District Attorney's Office; co-counsel in school financing and

voting fraud trials; co-counsel in international commercial arbitration; and argued motion to confirm arbitration award.

August, 1993 to July, 1997, Assistant Professor of Law, Louis D. Brandeis School of Law at the University of Louisville; July 1, 1997 to July 31, 2000, Associate Professor of Law; Professor of Law, since August 1, 2000.

Wyatt, Tarrant & Combs Professor (2019-)

Associate Dean for Academic Affairs, 2001-2004

My duties included, *inter alia*: academic counseling; certification of bar applicants for the Character and Fitness Committee; overseeing the Honor Committee; supervising the Student Records, Academic Support, and Public Interest offices; handling academic grievances; coordinating student transfers, leaves of absences, and dismissals; advising students who are on academic probation; distributing recruiting scholarships; working on the LBA-Brandeis Law Camp, working on the Honors Reception and Commencement; course schedule; and clarifying requirements for all of our joint degree programs.

Associate Dean for Research and Faculty Development, 2015-17

My duties included: devising and scheduling faculty workshops on a wide range of topics from community engaged scholarship, the Bar Exam and the law school curriculum, the Socratic Method and teaching, to scholarly presentations and faculty fora; Chair, Faculty Excellence Community responsible for advancing a discussion, along with the Strategic Planning Committee, on incentives and awards for scholarship, and faculty evaluation; tracking scholarly impact; coordinating candidates for distinguished Presidential awards; mentoring junior faculty members and advancing their scholarship; and serving as a senior member of the Dean's administrative team.

Interim Associate Dean for Academic Affairs, (fall, 2017)

My duties included: preparing and revising the course and exam schedule (spring 2018); assisting with the preparation of the Strategic plan for the site visit; representing the law school during the fall 2017 ABA/AALS site visit; Chair, Personnel Committee (three promotion reviews: one to full professor and two tenure votes); responding to all survey requests, including ABA, U.S. News, University, and CPE; coordinating (with Admissions) annual revisions to the admissions view book; serving on various University committees on behalf of the law school; speak at Orientation and other law school events; fill in for Dean of Students when out; fill in for Dean when out.

Courses taught:

Trial Practice (1993-94): Upper division course, which covers basic civil

litigation practice skills. Students conduct pretrial discovery, file motions, draft appropriate pleadings (complaint, answer, interrogatories, request for documents, and legal memoranda), and present arguments (opening and closing, direct and cross-examination, and rebuttal) during a day-long trial.

Criminal Procedure I (1993-94): Upper division course, which is a survey of the Fourth, Fifth, and Sixth Amendments of the Constitution.

Evidence: Upper division course in Evidence. Topics covered include: relevance, presentation of proof, witnesses (impeachment), hearsay, the Best Evidence Rule, authentication, presumptions, and judicial notice.

Criminal Law: First Year Introductory course to the substantive law of crimes.

Professional Responsibility: Upper division course which covers the ABA Model Rules of Professional Conduct, the ABA Code of Professional Responsibility, and the ABA Model Code of Judicial Conduct.

Constitutional Law I: Upper division course which focuses on justiciability, the scope of national power, the scope of state power, intergovernmental relationships within the federal system, separation of powers, and substantive due process.

Constitutional Law II: Upper division course which focuses on individual rights, due process, equal protection, and the First Amendment.

Race and the Law: Upper division perspectives seminar examining the legal treatment and status of groups of color including African-Americans, Latinos/as, Asian Americans and Native Americans.

Critical Race Theory (“CRT”) (2014-): Upper division seminar focusing on a comprehensive examination of the major tenets of CRT, including: (i) interest convergence (the concept that any “progress” on racial issues is purely the product of whether it contributes to the status quo of inequality); (ii) revisionist history (a critique of how history has been de-contextualized to advance a distorted historical narrative of America’s racial progress); (iii) colorblindness and post-racialism (a critique of “neutrality” and the role it plays in the maintenance of systemic subordination of people of color); and (iv) structural determinism (the proposition that racism is structural and adaptable so that societal change is incremental and limited).

Law and Literature (2015-): Upper division perspective seminar examining the law through the lens of literature and critiquing how law functions, orders, disrupts, and legitimizes core principles and tensions in society.

Basic Legal Skills (1997-98): First Year Introductory course in analytical reasoning, research, preparation of office memoranda, and appellate brief writing.

BOOKS

POST-RACIAL CONSTITUTIONALISM AND THE ROBERTS COURT: RHETORICAL NEUTRALITY AND THE PERPETUATION OF INEQUALITY (Cambridge University Press) (2023)

RACIAL JUSTICE IN AMERICAN LAND USE (Craig Anthony Arnold, Cedric Merlin Powell, Laura Rothstein, and Cate Fosl, Co-Editors) (under contract, Cambridge University Press)

POST-RACIAL FEDERALISM: RACE, LIBERTY, AND THE DEMOCRATIZATION OF OPPRESSION (under contract Cambridge University Press, forthcoming 2025)

BOOK CHAPTERS

Race Displaced: Buchanan v. Warley and the Neutral Rhetoric of Due Process in RACIAL JUSTICE IN AMERICAN LAND USE (forthcoming)

Affirmative Action and Critical Race Theory in AFFIRMATIVE ACTION: CONTEMPORARY PERSPECTIVES, Chapter 11 (Praeger 2014) (James Beckman, ed.)

Legal Considerations in Downsizing: The Issue of Race, Chapter 3, 13th Annual Warns Labor and Employment Law Institute (1996)

ARTICLES, ESSAYS, and BOOK REVIEWS:

2023 Green Bag Almanac & Reader 77 (book review)

Woke? John McWhorter's Woke Racism (book review essay), 25 Green Bag 2d 123 (2022)

10 J.L.: Periodical Laboratory of Legal Scholarship 255 (2020)

Down Here On the Ground: Prosecutorial Discretion, Intersectionality, Police Transparency, and Unintended Consequences, 58 U. Louisville L. Rev. 407 (2020)

The Structural Dimensions of Race: Lock Ups, Systemic Chokeholds, and Binary Disruptions, 57 U. Louisville L. Rev. 7 (2018) (symposium essay)

The Rhetorical Allure of Post-Racial Process Discourse and the Democratic Myth, 2018 Utah L. Rev. 523

2019 Green Bag Almanac & Reader 102 (book review), *reprinted in* 9 J.L.: Periodical Laboratory of Leg. Scholarship (Almanac Excerpts) 214 (2019) (book review)

2018 Green Bag Almanac & Reader 330 (book review)

2017 Green Bag Almanac & Reader 361 (book review)

2016 Green Bag Almanac & Reader 303, *reprinted in* 6 J.L.: Periodical Laboratory of Leg. Scholarship (Almanac Excerpts) 213 (2016) (book review)

Milliken, "Neutral Principles," and Post-Racial Determinism, 31 Harvard Journal of Racial & Ethnic Justice Online 1 (2015) (inaugural online symposium issue)

Justice Thomas, Brown, and Post-Racial Determinism, 53 Washburn L. Rev. 451 (2014) (*Brown* 60th Anniversary, Topeka, Kansas)

Gideon v. Wainwright: Process, Substance, and the Illusiveness of Fairness, 52 University of Louisville Law Review Online 1, www.louisvillelawreview.org (2013)

Critiquing Neutrality: Critical Perspectives on Schools, the First Amendment, and Affirmative Action in a "Post-racial" World (Inaugural Faculty Showcase Lecture), 52 Univ. of Louisville L. Rev. 105 (2013)

Identity, Liberal Individualism, and the Neutral Allure of Post-Blackness (book review of *Touré, Who's Afraid of Post-Blackness?*), 15 The Green Bag 2d 341 (2012)

Harvesting New Conceptions of Equality: Opportunity, Results, and Neutrality, 31 St. Louis Univ. Pub. L. Rev. 255 (2012)

From Louisville to Liddell: Schools, Rhetorical Neutrality, and the Post-Racial Equal Protection Clause (essay), 40 Wash. U. J. L. & Pol'y 153 (2012)

From Page to Practice (Panel Speech in Commemoration of the 40th Anniversary of the NYU Review of Law & Social Change), 34 NYU Rev. Law & Soc. Change 446 (2010)

Schools, Rhetorical Neutrality, and the Failure of the Colorblind Equal Protection Clause, Symposium, 10 Rutgers Race & the Law Rev. 347 (2008)

The Rhetoric of Colorblind Constitutionalism: Individualism, Race and Public Schools in Louisville, Kentucky (co-author with Professor Enid Trucios-Haynes), Symposium, 112 Penn. State L. Rev. 947 (2008)

Rhetorical Neutrality: Colorblindness, Frederick Douglass, and Inverted Critical Race

Theory, 56 Cleve. St. Univ. L. Rev. 823 (2008)

The Future of Integration in America: A Symposium Summary, 46 U. Louisville L. Rev. 559 (2008)

The Scope of National Power and the Centrality of Religion, 38 Brandeis L. J. 643 (2000)

Hopwood: Bakke II and Skeptical Scrutiny, 9 Seton Hall Const. L. J. 811 (1999)

Speaking Truth to Power: The Jurisprudence of Julia Cooper Mack, 40 Howard L. J. 399 (1997) (written Symposium with Derrick Bell, J. Clay Smith, Nancy Polikoff, Walter Walsh, et. al.)

Blinded By Color: The New Equal Protection, The Second Deconstruction, and Affirmative Inaction, 51 U. Miami L. Rev. 191 (1997)

The Mythological Marketplace of Ideas: R.A.V., Mitchell, and Beyond, 12 Harv. BlackLetter L. J. 1 (1995)

ENCYCLOPEDIC ENTRIES

New York Times v. United States in 3 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 404-406 (Tannenhaus et. al. eds., Macmillan 2008)

Missouri v. Jenkins in 3 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 314-315 (Tannenhaus et. al. eds., Macmillan 2008)

OTHER PUBLICATIONS

Op-ed, New York Daily News, *They Dishonored her Black Life: Louisville failed Breonna Taylor*, September 23, 2020

Structural Inequality, Transdisciplinary Research, and Community Empowerment, Louisville Urban League, The State of Black Louisville Annual Report (2018)

Op-ed, *A Flawed and Conflicted System*, Lexington-Herald Leader, December 9, 2014

Op-ed (co-author with Barry Barker), Community Forum, January 13, 2014, The Courier-Journal, at A11

Interview, Minority Corporate Counsel Association (MCCA), Diversity & the Bar Magazine 43 (July/August 2012)

Op-ed (co-author with Barry Barker), *Public Transit at a Crossroads*, The Courier-

Journal, July 8, 2012, at H

The Roberts Court and Post-Racial Constitutionalism, National Bar Association Magazine, Vol. 18, No. 1 (August-December 2011)

Op-ed (with Catherine Fosl and Cathy Hinko), *Breaking Down Barriers Louisville Needs Diversity in Housing, Schools*, Courier-Journal, December 12, 2010, at H

Op-ed, *Public Advocacy Right to Reduce Caseload*, Lexington Herald-Leader, August 18, 2008, at A7

Op-ed, The Courier-Journal, *A Constitutional Crisis in the Commonwealth*, August 11, 2008, at A8

Op-ed, *A Narrow Crack in the Schoolhouse Door*, LEO, July 4, 2007, at 9

PRESENTATIONS:

Axios Interview (April Rubin, June 29, 2023)

<https://www.axios.com/2023/06/29/scotus-decisions-affirmative-action-colleges>,
June 29, 2023

Guest, Podcast, Perspective with Derwin L. Webb, June 29, 2023,
<https://youtu.be/aVDBWUDR1q8>

Presentation on the UNC-Harvard Affirmative Action decision to Stoel Rives, LLC, June 27, 2023

Boston Globe Interview (Hilary Burns), Affirmative Action and Ed Blum, May 24, 2023

FRONTLINE Interview (Jill Ingram), May 4, 2023, Justice Clarence Thomas and Affirmative Action

Fortune Magazine Interview (Ellen McGirt), May 3, 2023, The Affirmative Action Decisions

Inaugural Broady Lecture, *Post-Racial Constitutionalism and the Roberts Court*, April 13, 2023

Howard Human & Civil Right Law Review, Derrick Bell Mini-Symposium, Section 1983, Howard University School of Law, April 11, 2023

Faculty Presentation, *Post-Racial Constitutionalism and Post-Racial Federalism*, University of Louisville Brandeis School of Law, April 7, 2023

Presentation to Howard Law Journal, A Symposium Preview of Post-Racial Federalism, March 28, 2023

Presentation to Constitutional Adjudication Class (Professors Gavil and Crooms-Robinson), *Post-Racial Constitutionalism and the Roberts Court: Rhetorical Neutrality and the Perpetuation of Inequality*, January 17, 2023

Panelist, *In Conversation*, WFPL, The First Amendment and Hate Speech, December 2, 2022 (with Dr. Aaron Barnes; Dr. JoAnne Sweeney; and Dr. Monica Band)

Quoted in *Newsweek*: Steve Friess, *Ending Affirmative Action Will Be An 'Earthquake' for Colleges*, *Newsweek*, November 16, 2022

Affirmative Action Panel Discussion, November 10, 2022, Howard University School of Law with Professors Tuneen Chisholm, Lisa Crooms-Robinson, and Justin Hansford

African-American Initiative, Voting Rights Discussion with Senator Gerald Neal, Fran Wagner, Raoul Cunningham, Erin Smith, and Louis Bedford (Texas County Clerk), November 7, 2022

Newsweek Interview, Affirmative Action, Steve Friess, November 2, 2022

Howard Human & Civil Rights Law Review, Presentation to Student Members, November 1, 2022

Howard University School of Law, Faculty Presentation, *Post-Racial Federalism: Race, Liberty, and the Democratization of Oppression*, October 27, 2022

Howard University School of Law, Education Law Society, Critical Race Theory Discussion, October 25, 2022

Panelist, Equality Post-*Dobbs*, Cleveland State Law Review, *Post-Racial Federalism: Race, Liberty, and the Democratization of Oppression*, October 20, 2022, Cleveland, Ohio

Participant-Commentator, Thirteenth Annual John Mercer Langston Writing Workshop, July 7-8, 2022, Emory University School of Law, Atlanta, Georgia

Interviewed by Rose Wagner, Courthouse News, January 6 Hearings, June 29, 2022

Scholars Strategy Network, *No Jargon* Podcast, Post-Racial Constitutionalism and the Roberts Court Rhetorical Neutrality and the Perpetuation of Inequality, June 27, 2022

Kentucky Alliance WLLV 1240 AM, Abortion, Guns and *Miranda*, June 25, 2022

LBA, CLE: Critical Race Theory: History, Central Tenets, and Context, June 1, 2022

Critical Race Theory and Post-Racialism, Anthropology: Race and Racism (Dr. Lisa Markowitz), April 13, 2022

Moderator, Inaugural Breonna Taylor Structural Inequality Lecture, Laura McNeal: Say Her Name: Lawyering and Social Change, April 10, 2022

Law School Admitted Students Day, *The First Amendment and Compelled Affirmation and Belief*, April 1, 2020, via Zoom

Critical Race Theory: Fact v. Fiction with Dr. Kenneth Clarke and Professor Etienne Toussaint (University of South Carolina School of Law), Tompkins County Office of Human Rights, Ithaca, New York, March 28, 2022

Cards ‘N Politics, NAACP-Young Democrats-BLSA-Alpha Phi Alpha, March 23, 2022, the Red Barn, University of Louisville

Interview, Court House News, Is Judge Ketanji Brown Jackson soft on Crime? March 22, 2022

Interview, Sydney Kashiwagi and Matt Stiles, *The Nation’s first Black female Supreme Court Nominee will face questioning from a panel dominated mostly by white men*, GRID, March 21, 2022, <https://www.grid.news/politics/>

Interview, Hannah Albazari, *If I were a Senator: What Lawyers Would Ask Judge Jackson*, March 21, 2022, Law360, <https://www.law360.com/pulse/articles/1474243/if-i-were-a-senator-what-lawyers-would-ask-judge-jackson>

Panelist, Alpha Phi Alpha Midwestern Region-Wake Forest University School of Law, *Ketanji Brown Jackson and the United States Supreme Court Nomination Process*, with Andre Davis, Retired Judge, Fourth Circuit Court of Appeals; Gregory S. Parks, Professor of Law, Wake Forest; Matthew P. Shaw, Assistant Professor of Law, Vanderbilt University; and Etienne Toussaint, Assistant Professor of Law, University of South Carolina, March 13, 2022

Interview, Supreme Court Nomination of Ketanji Brown Jackson, Kentucky Alliance Against Racist and Political Repression, 1240AM WLLV, February 26, 2022

Moderator, University of Louisville Law Review Symposium, Mental Health and the Legal Profession, *Inoculating the Next Generation of Lawyers: Mandating Law School Substance Use and Mental Health Education*, Dean Janet Stearn, February 26, 2022

Interview, LiveNOW, the Confirmation Process, February 25, 2022

Interview, LiveNOW, the announcement of Ketanji Brown Jackson as nominee for the United States Supreme Court, February 25, 2022

Commentator, University of Louisville Law Review Symposium, Mental Health in the Legal Profession, February 26, 2022

Panelist, Straight Talk Live with Senator Gerald Neal, SB 138 and the censoring of the American Mind February 19, 2022

Interview, LiveNOW, The Psychological Impact of Microaggressions, February 11, 2022

Panelist, *12 Years A Slave* and the Fugitive Slave Act, Louisville Free Public Library Film Series, February 6, 2022

Presenter, The Right and Power to Vote, Redeemer Lutheran Church, February 6, 2022

Interview, USA Today, Supreme Court Nomination, February 2, 2022

Interview, Voice of America (VOA), Supreme Court Nominees, January 31, 2022

Interview, Justice Breyer Retirement, LiveNOW, January 26, 2022

Quoted in *Philadelphia Inquirer*, Editorial by Helen Ubinas, *Supreme Court Justice Gorsuch Mask Dispute Provides a Lesson in Enabling*, January 19, 2022

Interview, Political Meaning of January 6, 2021, Kentucky Alliance Against Racist Oppression, WLLV 1240AM, January 8, 2022

Presenter, CRT: Context, Theory, and Application, Center for Nonprofit Excellence, November 30, 2021

Presenter, *Evolution of Legal Remedies for Past Discrimination*, 2021 Governor's LEAD Conference, "Diversity & Inclusion: Powering a Better Kentucky," November 19, 2021

Panelist, African American Initiative (AAI) Education Censorship Summit, November 15, 2021 (with Adrienne Dixon, Ph.D., University of Illinois and Keffelyn D. Brown, University of Texas Austin)

Interview, *Solutions to Violence*, Forward Radio WFMP LP 106.5 FM, November 10, 2021

Panelist-Commentator, Langston Writing Workshop, *The Road to Tenure*, November 5, 2021

Presenter, Straight Talk with Senator Gerald Neal, CRT, October 23, 2021

Documentary Film, Alberta Jones, Second Interview, October 22, 2021

Panelist, “Critical Race Theory ... Why Is It Under Attack”? October 17, 2021, The Yearlings Club, Virtual Forum Series

Panelist, Alpha Legal Scholars on Critical Race Theory, September 11, 2021, Virtual Panel Discussion, Wake Forest University School of Law

Documentary Film, Alberta Jones, July 25, 2021

Critical Race Theory, WHAS, July 22, 2021

Louisville Forum, Critical Race Theory, July 21, 2021

JCPS Board Retreat, *Understanding Racial Equity Issues Under the Current Political and Social Climate*, July 13, 2021

Participant, Twelfth Annual (Virtual) John Mercer Langston Writing Workshop, University of California, Berkeley School of Law, July 8-9, 2021

Supreme Court Voting Rights Decision (*Brnovich v. DNC*), Evening Words with Nick Taliaferro, WURD, Philadelphia, PA, July 1, 2021

Vice News, Brooklyn, NY, Critical Race Theory, July 1, 2021

Critical Race Theory, WDRB, June 23, 2021

Equity and Inclusion Committee Meeting, Louisville Metro Council, June 17, 2021 (reported on WAVE3 News)

Louisville Metro Council, Equity and Inclusion Committee Meeting, June 17, 2021, Critical Race Theory Discussion

What is Critical Race Theory?, June 5, 2021, WLLV 1240 AM, Louisville, KY

Is America Racist? Critical Race Theory and the Significance of History, BNC, May 3, 2021

LBA Law Day Video, *The Significance of Brown v. Board of Education*, April 29, 2021

Kentucky Bar Association Young Lawyer's Division, *Why Choose Law?*, April 24, 2021

The Intersection of Law and Research, Black Male EDquity Network ("BMEN"), March 17, 2021

Tag Talk, Limiting Dangerous Rhetoric and Free Speech, March 9, 2021

8:46 The Killing Of George Floyd Documentary, BNC, March 8, 2021

Panelist, *Detroit*, Annual Black History Month Film Series, Louisville Public Library-University of Louisville Office of Diversity and Health Equity, February 28, 2021

George Floyd Documentary, Black News Channel ("BNC"), February 24, 2021

Moderator, *Democracy: The Third Reconstruction (And Now What?)*, February 16, 2021

Panelist, *Harriett*, Annual Black History Month Film Series, Louisville Free Public Library-University of Louisville Office of Diversity and Health Equity, February 7, 2021

Know Your Rights: Social Injustice, Louisville Black Lawyers Association & Louisville Bar Association, January 19, 2021

Law School Town Hall (Office of Student Affairs and Diversity and SBA) Panelist with Professors Mazo and Chambers Armstrong, *"Questions Anyone? Fall 2020, Post-Election Results and YOU,"* November 10, 2020

Guest, WVON Radio, Chicago, The Afternoon Show Interview with Hosts Matt McGill and Kimberley Egonmwan, Amy Coney Barrett Confirmation and Court Packing, October 27, 2020

Panelist, "Debunking the Myth of Colorblindness," Muhammad Ali Center, "I am America," Speaker Series, October 21, 2020

Panelist, Office of International, Diversity, and Engagement Programs, Yearlings Club, Race & Policing: An "Unfinished Conversation," Qualified Immunity and Police Misconduct (Virtual Conversation Series), October 18, 2020

"Evening Wurds" with Nick Taliaferro, WURD Radio, Philadelphia. The Supreme Court Confirmation Process and Judge Amy Coney Barrett, October 14, 2020

Commentator, Law Review Symposium, Israel Goldowitz, *Public Pension Reform: Can*

the Kentucky System Be Saved, October 10, 2020

BBC World Service Radio, Breonna Taylor Grand Jury Recording, October 2, 2020

Moderator, ADA at 30, Live Event with Professor Laura Rothstein, October 2, 2020

KY Alliance Against Racist and Political Repression Radio Show, Breonna Taylor, September 26, 2020

Race, Equity & Law Seminar (Dean Colin Crawford, Breonna Taylor's Louisville), Neutrality and Voter Suppression, September 17, 2020

Court of Appeals CLE (with Professor Enid-Trucios-Haynes), Race and the Suffragette Movement and What is a Vote Worth? August 14, 2020

African American Initiative: *From Slavery to Protest Where From Here?* (Podcast), July 13, 2020

Panelist with Dr. Laura McNeal, University of Louisville; Dr. Cate Fosl, University of Louisville; Dr. Heather Pruss, Bellarmine University; and Dr. Broderick Sawyer University of Louisville OCD Clinic, "Addressing Systemic Inequality: A Guide to White Allyship," July 9, 2020

Principal Commentator, Eleventh Annual (Virtual) John Mercer Langston Writing Workshop, University of California, Berkeley School of Law, July 9-10, 2020

Faculty Presentation, *Race Displaced: Buchanan v. Warley* and Modern Day Neutrality, Wake Forest University School of Law, January 23, 2020

First Annual College Day, DuBois Academy, December 5, 2019

What is A Vote Worth? Panelist, Louisville Bar Association CLE, November 19, 2019

Panelist, Policing and the Black Community, NAACP-BLSA-ACS, October 17, 2019

Moderator-Panelist, University of Louisville Law Review-Coalition for Public Safety Symposium: Criminal Justice Reform in the Commonwealth, September 13, 2019

Principal Commentator, Tenth Annual John Mercer Langston Writing Workshop, Howard University School of Law, Washington, D.C., July 13-16, 2019

Legal Talk Network Podcast with Professors Ted Shaw, UNC Chapel Hill, and Justin Hansford, Howard University, January 23, 2019 (discussing significance of MLK, Jr.'s legacy)

Keynote Address, *Why We Can't Wait and Where Do We Go From Here? Chaos or Community?* 35th Annual MLK, Jr. Day Memorial Luncheon, NAACP of Salt Lake City, Utah, January 20, 2019

Welcome and Introductory Remarks, Movement Lawyering, October 19, 2018

Presenter, Legal Aid Society, Training Blitz: Evidence (Character Evidence; Habit; Hearsay; Hearsay and the Confrontation Clause; Impeachment), September 28, 2018

Panelist, Constitution Day, Bellarmine University, September 17, 2018

Principal Commentator, Ninth Annual John Mercer Langston Writing Workshop, UCLA School of Law, Los Angeles, California, July 5-8, 2018

Moderator, James Forman, Jr., *Locking Up Our Own: Crime and Punishment in America*, April 5, 2018, University of Louisville

Presenter, *From Heller to Parkland: The Long March to Washington, D.C.*, American Constitution Society, with Congressman John Yarmuth, April 3, 2018, University of Louisville

Invited Traveling Scholar, MLK50, *Where Do We Go From Here?* University of Memphis, Cecil C. Humphreys School of Law and National Civil Rights Museum, April 2, 2018

Co-Organizer and Panelist, inaugural *Dismantling Structural Inequality Symposium: Lockups, Systemic Chokeholds, and Race-based Policing* (with Paul Butler, Georgetown and Nirej Sekhon, Georgia State) "*Post-Racial Rhetoric: The Permanence of Racism and the Power of Transformative Social Change*," March 23, 2018

Presenter, Symposium: Racial Justice in Zoning: 100 Years After *Buchanan: Race Displaced: Buchanan v. Warley and the Neutral Rhetoric of Due Process*, November 10, 2017

Panelist, *Take A Knee*, Race and Structural Inequality, Chao Auditorium, Ekstrom Library, University of Louisville, November 7, 2017

Panelist, *An Outrage*, Speed Art Museum Cinema, October 4, 2017

Principal Commentator. Eighth Annual John Mercer Langston Scholarship Workshop, Drexel University Kline School of Law, Philadelphia, PA, July 6-9, 2017

The Fourteenth Amendment: Transforming American Democracy, Law Day Keynote

Address, Fort Knox, KY, May 17, 2017

When Silence is Betrayal: Remarks on the 50th Anniversary of Martin Luther King, Jr.'s Visit to the Law School, March 30, 2017

Principal Commentator, Seventh Annual John Mercer Langston Scholarship Workshop, University of Miami School of Law, Miami Florida, July 7-10, 2016

Supreme Court Term, 2016, Mark Herbert Radio Show, University of Louisville Radio, June 29, 2016

The National Institute for Restorative Justice, "Except as Punishment for Crime," the Thirteenth Amendment and the Criminalization of Black America, January 29-30, 2016, East Cleveland Public Library, Cleveland, Ohio

2016 Law Symposium In Commemoration of the 50th Anniversary of the Kentucky Civil Rights Act of 1966, Tensions between Civil Rights and the Constitution, January 27, 2016, University of Kentucky, Lexington, Kentucky

Jack and Jill Midwestern Regional Meeting, The Voting Rights Act of 1965, Where Are We Now? Louisville Marriott, November 7, 2015

Presenter and Principal Commentator, Sixth Annual John Mercer Langston Scholarship Workshop, University of California-Irvine School of Law, July 10, 2015

Participant, Policy Discussion with Chief Conrad, Mayor's Office, and community leaders, June 24, 2015

Panelist, Freedom From Fear II: Black Childhood and Other Dangers, Black Childhood and Philosophy, The New Racial Discourse of Post-Racial Proceduralism and Its Impact on Children of Color, Lewis & Clark Law School, Portland, OR, April 17, 2015

Panelist, From Parkland to Ferguson: The Persistence of Racial Disparities, Health Science Campus, Translational Research Building, April 3, 2015

Member, Signature Partnership Initiative Discussion Group, West Louisville Quality of Life Discussion, Louisville Urban League, March 21, 2015

Participant, Healing Possible Quorum Initiative-Racial Equity Policy and Assessment Implementation Resource ("REPAIR") Initiative, March 16, 2015

Education, Law, and Policy (President Marvin Krislov), Oberlin College via Skype, March 9, 2015

State of the Union Panel Discussion, Louisville Alumanae Chapter of Delta Sigma Theta and Urban League Young Professionals, January 20, 2015

Community Conversation on Ferguson, Louisville Urban League, December 9, 2014

Panelist, Black Childhood & Fear, The Dangers of Neutrality: Structural Inequality, Schools, and Post-Racial Determinism, University of Kentucky College of Law, November 21, 2014

Panelist, 25th Anniversary of the St. Louis Black Leadership Roundtable Education Summit, Harris-Stowe University, November 15, 2014

Panelist, Education: Equal But Separate? Equality 50 Years After the 1964 Civil Rights Act, Texas A&M University, November 6, 2014

Ferguson, Louisville, the Community, and Criminal Justice, Highland Presbyterian Church, September 21, 2014

Lead-Commentator Panelist, Fifth Annual John Mercer Langston Black Male Law Professor Writing Workshop, UNLV School of Law, Las Vegas, Nevada, July 10-13, 2014

Panelist, *Brown v. Board at 60: Looking Back-Looking Forward* Symposium, Washburn University School of Law, Topeka, Kansas, February 26-27, 2014

2014 William E. McAnulty, Jr, Trailblazer Award, Remarks on Empathy, February 25, 2014

Panelist, Symposium, Post-Racial Constitutionalism and the Roberts Court, The Alexander Hamilton Historical Society of Kentucky and the Political Science Club, Bellarmine University, February 22, 2014

Presenter, Metro Human Relations Annual Conference, Kentucky Center for African American Heritage, February 13, 2014, Post-Racial Constitutionalism: *Fisher, Shelby County, and Schuette*

Lead Commentator-Panelist, Fourth Annual John Mercer Langston Black Male Law Professor Writing Workshop, University of Denver Sturm College of Law, July 11-14, 2013

Supreme Court Update: Voting Rights Act and Affirmative Action, WLOU 1350 AM, Kentucky Alliance, June 29, 2013

Kentucky Bar Association 2013 Annual Convention, The *Gideon* decision: Constitutional Mandate or Empty Promise? Panel Discussion with Amy Bach, Stephen B. Bright, Stephen Hanlon, and William Leahy, June 19, 2013

From *Brown* to *Fisher*: How the Supreme Court Has Shaped the Struggle For Equality In Education (with Professor Enid Trucios-Haynes), National Bar Association Region VI Conference, Hosted by Louisville Black Lawyers Association, May 17, 2013

Is There Anything to Remedy? The Shift from Colorblind Constitutionalism to Post-Racial Constitutionalism: *Shelby County v. Holder*, April 11, 2013, American Constitution Society-BLSA Panel Presentation

Criminalizing Hate: Thought Crime or Necessary Mens Rea ? Vermont Law School, November 27, 2012 (with Professor James Jacobs, NYU; Nat Hentoff, Cato Institute; and Professor John Echeverria, Vermont Law School), (sponsored by The Federalist Society, BLSA, The Criminal Law Society, and Alliance)

Inaugural Faculty Scholarship Showcase, Critiquing Neutrality: Critical Perspectives on Schools, the First Amendment, and Affirmative Action in a Post-Racial World, November 7, 2012

School Choice Panel, ELPS & the Federalist Society, October 17, 2012 (Clark Neily, Institute for Justice and Professor Laura Rothstein)

Voter Disenfranchisement and the Myth of American Democracy, American Constitution Society, October 16, 2012

Lead Primary Commentator-Panelist, Third Annual John Mercer Langston Black Male Faculty Writing Workshop, Suffolk University Law School, Boston, MA, June 28-30, 2012

Moderator, What is Justice? Criminal Justice Summit, African American Initiative (AAI), Jefferson County Community & Technical College, June 8, 2012

Moderator, Who is in the System? Where from There? (with J. Michael Brown, Secretary of Justice, Commonwealth of Kentucky), Criminal Justice Summit, AAI, June 8, 2012

Panelist, Commemorating the Desegregation Movement in St. Louis, *From Louisville to Liddell Schools, Rhetorical Neutrality, and the Post-Racial Equal Protection Clause*, Washington University School of Law, St. Louis, Missouri, March 22, 2012

“*What is Constitutional Law?*” A Discussion with the Harlan Scholars, October 27, 2011

Presenter, Post-Racialism, Post-PICS: Liberal Individualism, Choice, and the Politics of Race; Commentator, 2011 Joint Meeting of the SE/SW/MW People of Color Legal Scholarship Conferences, Ft. Lauderdale, Florida, April 1, 2011

From Brown to PICS/Meredith: Process, Results, and Post-Racialism, March 16, 2011, Bellarmine University

Current Ethical Issues in Administrative Hearings, Kentucky Association of Administrative Adjudicators, Frankfort, Kentucky, February 23, 2011

Hate Crime Law: Unnecessary and Undesirable or Essential and Indispensable? Federalist Society Debate with Professor James Jacobs, NYU School of Law, January 13, 2011

Debate League Workshop (with Professor Luke Milligan), Du Pont Manual High School, Punishment of Juveniles as Adult Offenders, January 10, 2011

Presenter, the *crit* legal scholarship conference, "Harvesting New Conceptions of Equality: Opportunity, Results, and Neutrality," University of Idaho School of Law, September 24, 2010

Constitution Day Keynote Address: The Justice as Referee: Balls, Strikes, and the Fallacy of Neutrality, September 17, 2010

Panelist, John Mercer Langston Writing Conference, SMU Dedman School of Law, Dallas, Texas, June 24-26, 2010

Panelist, National Executive Leadership Conference, University of Louisville, March 12, 2010

The Legacy of *Brown*: Liberal Individualism, Colorblind Constitutionalism, and Schools, Bellarmine University, March 10, 2010

Saturday Academy, Diversity and Professor of Color University of Louisville, February 27, 2010

Panelist, The Jurisprudence of Justice Clarence Thomas, Stetson University College of Law, Gulfport, Fla., February 12, 2010

AALS Faculty Recruitment Conference, Washington, D.C., November 5-7, 2009

Diversity Forum: Racial Profiling (with Chief White and Professor Rajack-Talley), November 3, 2009

Affirmative Action: Is it Good or Bad? Debate with Professor Nicolas Cipaldi, Federalist Society, October 28, 2009

Interview, Pan-African Studies Department, Race & Criminal Justice, October 23, 2009

Greater Louisville Idea Development Exposition (“GLIDE”), GLI, Indianapolis, Indiana, October 18-19, 2009

BLSA Regional Academic Retreat Panel, Exam Preparation, October 17, 2009

LSAC Pipeline Conference, Columbus, Ohio, October 1-4, 2009
Panelist, Constitution Day: Justice Sotomayor, Race, and “the Wise Latina,” September 17, 2009

Panelist, State of Affairs, WFPL (NPR Affiliate), Hate Groups, August 5, 2009

Presenter (CLE Presentation), Authentication and Admissibility: Selected Evidence Rules and Documents, Division of Administrative Hearings, June 19, 2009 (Kentucky Historical Society)

Keynote Address: Lincoln, Race, and the Concept of Union, Law Day, Daviess County Bar Association, Owensboro, Kentucky, April 30, 2009

Panelist, From Page to Practice, 40th Anniversary Celebration of the NYU Review of Law & Social Change, New York, NY, March 6, 2009

Law School Discovery Day: The First Amendment: Free Speech and Freedom of the Press, February 28, 2009

Law School Open House for Accepted Students, February 27, 2009

N.E.T.W.O.R.K. Discussion: The Obama Presidency and Race, February 26, 2009

Panelist, Forum on Race, Sports, and Law, December 3, 2008, Pan-African Studies Department, University of Louisville (with Derwin Webb, Esq. and Pat Forde, ESPN)

Moderator, *Separate Is Never Equal: Stories from South Africa and Palestine*, November 20, 2008 (with Dr. Diana Buttú and Rev. Eddie Makue), Chao Auditorium, University of Louisville

2008 Celebration of Teaching and Learning: Developing Community Partnerships: Lessons Learned in Implementing Signature Partnerships in the Classroom, October 17, 2008

Cross-Cultural Connections, African-Americans and Latinos, Metro Human Relations Commission, September-November 2008

Council on Postsecondary Education, Access2Success: Governor's Trusteeship Conference, September 29, 2008

Panelist, Equal Protection or Just "Separate but Equal"? The Future of School Integration, Rutgers Race and the Law Review, Newark, N.J., March 29, 2008

Panelist, LBA CLE on Diversity, February 28, 2008

Speaker, Justice McAnulty Memorial, February 27, 2008

Panelist, The First Amendment and Hate Speech, February 18, 2008 (with Profs. Paul Salamanca, University of Kentucky and William Araiza, Loyola University-L.A.)

Moderator, University of Louisville Law Review Symposium: The Future of School Integration in America: *Meredith v. Jefferson County Board of Education*, January 18, 2008

Open Housing, Discrimination, and Transportation, Central High School, November 27, 2007

Jena 6, Third Monday Dialogue, Beyond Jena 6, Braden Center, November 19, 2007

Jena 6, Criminal Justice and Race Panel, Peace and Justice Week, University of Louisville, Chao Auditorium, October 23, 2007

Meredith and Rhetorical Neutrality, Faculty Workshop, October 19, 2007

Constitution Day: "Bong Hits for Jesus and the First Amendment," University of Louisville, September 17, 2007

State of Affairs, WFPL, Meredith decision panel discussion with Professor Russell Weaver and Gary Orfield, July 3, 2007

Meredith decision, WFPL, June 28, 2007

Meredith decision, WAVE3 News, June 28, 2007

Meredith decision, Fox News, June 29, 2007

Keynote Address, 7th Annual BLSA Convocation, May 11, 2007

Moderator, 2006 Judicial Candidates Forum (Junior League; LBA Women Lawyers Association; Black Lawyers Association; National Council of Jewish Women) (November 2, 2006)

Moderator, Jefferson County Schools Go to Washington: The Supreme Court and the Future of School Desegregation (Diversity Program, Brandeis School of Law at the University of Louisville, October 17, 2006)

Inaugural LBA Leadership Academy: Ethics, Law, and Social Change (CLE) (September, 2006)

Study Skills Workshop, BLSA (September 22, 2006)

Mock Class, Family and Friends Law School Orientation (August 26, 2006)

Mock Class, Central High School at Brandeis School of Law (March 6, 2006)

Panelist-Presenter, Mid-Atlantic People of Color Scholarship Conference, American University-Washington College of Law, Washington, D.C., January 27, 2006

Introduction of Keynote Speaker Professor Charles Ogletree (Harvard Law School), 10th Annual Louisville Metro Human Rights Commission Conference, January 11, 2006

Moderator, Police Community Relations Panel (Rev. Louis Coleman, Laura Douglas, David James, Christopher 2X, Anne Braden, and Chief Robert White), Yearlings Club, November 13, 2005

Presenter, Panel: The ACLU Freedom Files: The Supreme Court (Linda Earls), Louisville Free Public Library, October 27, 2005

Moderator, Jefferson County Judicial Candidates Forum,
October 21, 2004

Brown at 50, Bellarmine University, September 16, 2004

Kentucky Bar Association Annual Convention (Panelist with Professors Linda Greene
(Wisconsin) and Roberta Harding (University of Kentucky), June 23, 2004

Debate on Affirmative Action, *Amicus Club* (ACLU), June 17, 2004

Keynote Address, 47th Annual Law Day Celebration, Warren County-Bowling Green Bar
Association, May, 2004

University Day of Dialogue: Hate in America (A Rationale for Regulation of Hate
Speech), March 31, 2004

University of Kentucky President's Commission on Diversity: *Brown*, March 26, 2004

Hate Speech and the Klan, Tavis Smiley Show, (NPR, WFPL Louisville affiliate),
March 25, 2004

Brown at 50: Process, Results and the Unfulfilled Promise of Diversity, University of
Idaho School of Law, February 25, 2004

Mid-Atlantic People of Color Scholarship Conference, University of Baltimore School of
Law (Presenter, January 31, 2004)

Louisville Metro Commission on Human Rights: Affirmative Action (Panelist),
January 29, 2004

Brown and Affirmative Action, University of Louisville School of Medicine,
January 29, 2004

Oberlin College Inaugural Conference on Law and the Liberal Arts (Panelist),
November 14-16, 2003

Panelist, Governor's Conference on Post-Secondary Education Trusteeship,
September 21, 2003 (Affirmative Action after *Grutter*)

Hate Speech: Should the Government have the Power to Censor Offensive Speech?
McConnell Center Forum, September 10, 2003 (Russell Weaver, Brandeis School Law;
Dieter Dorr, Gutenberg University, Mainz, Germany; Paul Salamanca, University of
Kentucky; and Eric Sales, Montpellier, France)

Louisville Forum, Affirmative Action: the University of Michigan Supreme Court Case, April 9, 2003 (J. Michael Brown, counsel for duPont; Eric Jaffe, former Law Clerk, United States Supreme Court Justice Thomas; and Bill Stone, Former Chairman, Jefferson County Republican Party)

State of Affairs, WFPL 89.3 (National Public Radio Affiliate), Affirmative Action, March 2003 (Ward Connerly participated via phone as a panelist; Russell Weaver, Brandeis School of Law at the University of Louisville and Paul Webber, University of Louisville)

Panelist, Stranger With A Camera, Appalachian Film Festival, Cincinnati Museum Center, Reakirt Auditorium, April 22, 2001

State of Affairs with Cameron Lawrence, WFPL 89.3 (National Public Radio Affiliate), Faith-Based Organizations, January 31, 2001

Whiteness As Property, February 15, 2000, Multicultural Center. Panel Discussion and Presentation on Race and Entitlement

Warns Labor Law Institute, June, 1998. Presentation on professional responsibility aspects of negotiation, arbitration, and mediation

Hopwood: Bakke II and Skeptical Scrutiny: Presented as a work-in-progress at the 1996 Social Theory Commonwealth Conference at the University of Kentucky on November 1, 1996

Warns Labor Law Institute, June 6, 1996. Presentation on Title VII and the issue of race in downsizing

Blinded By Color: The New Equal Protection, The Second Deconstruction, and Affirmative Inaction: Presented as a work-in-progress at the Second Annual Mid-Atlantic People of Color Legal Scholarship Conference at Howard University Law School, Washington, D.C., February 15-17, 1996

SERVICE TO COMMUNITY AND LEGAL PROFESSION:

Appointed to Transit Authority of River City (“TARC”) Board (2003-19)
By Mayor Abramson (and Reappointed by Mayor Fischer, 2010)

Chair, TARC (2008-2019)

Commissioner, Kentucky Department of Public Advocacy (2006-10)

Leadership Louisville (2003)

Barrister, American Inn of Court (1997- 99)

Member of the American Bar Association

Ad Hoc Committee for Affirmative Action

NATIONAL BOARDS

Board of Advisers, The Green Bag Almanac & Reader (2013-)

The National Institute for Restorative Justice (2014-16)

AALS Executive Committee, Minority Section (2014-16)

UNIVERSITY SERVICE:

Faculty Grievance Officer (2016-22)

Interim Ombuds (2018)

Campus Climate Committee

Vice President General Counsel Search Committee (2020)

Presidential Search Faculty Consultation Committee (2017-18)

Co-operative Consortium for Transdisciplinary Social Justice Research (“CCTSJR”),
Lead Partner Working Group (2016-19)

Member, President’s Leadership Team, Southern Association of Colleges and Schools
(“SACS”) Accreditation (Fall 2005-07)

Member, SACS Educational Compliance Committee (2015-17)

Faculty Senator (1998-2000)

Commissioner, Commission on Diversity and Racial Equality (“CODRE”) (1998-04)

Unit Liaison, Signature Partnership Initiative (2009-22)

Member, Educational Programs Subcommittee, Southern Association of Colleges and
Schools (“SACS”) Accreditation (Spring 2015-2017)

LAW SCHOOL SERVICE:

Member, Decanal Search Committee (2021-22)
Member, Decanal Search Committee (2016-17)
Member, Decanal Search Committee (1999-2000)
Interim Associate Dean for Academic Affairs (2017)
Associate Dean for Academic Affairs (2001-04)
Associate Dean for Research and Faculty Development (2015-17)
Chair, Faculty Excellence Committee (2015)
Affirmative Action Unit Officer (1999-2004)
Student Development/Academic Support Committee
Diversity Committee (1994-1995; 2004-06)
Faculty Recruitment Committee (1995; 2007-12; Chair, 2010-1; 2018-20)
Admissions Committee (1995-2004; 2005-13; Chair, 2012-13)
Reinstatement and Probation Committee (2007; 2014-15)
Member, Harlan Scholars Selection Committee
Faculty Advisor to BLSA (1993- 2016)
Co-Faculty Adviser, American Constitution Society (2017-)
Strategic Planning Committee (2013-14; 2015-16; 2016-17; Co-Chair, 2017-18)
Planning Committee of Annual Mid-Atlantic People of Color Legal Scholarship Conference (February, 1997; February, 2004)

HONORS and AWARDS

Inaugural Earl C. and Anna H. Broady Endowed Chair & Visiting Professor, Howard University School of Law (2022-23)

2021 University Distinguished Teaching Professor

Wyatt, Tarrant & Combs Professor of Law (2019-)

2019 Law School Alumni Distinguished Teaching Award (Professor of the Year)

2018 University Distinguished Faculty Award for Exemplary Career Service

2018 Faculty Favorite, Delphi Center for Teaching & Learning

2014 Chestnut YMCA Adult Black Achiever

Louisville Bar Association (LBA) William E. McAnulty, Jr. Trailblazer Award (2014)

2013-14 Faculty Favorite, Delphi Center for Teaching & Learning

Ferreri Family Fellowship (2008)

Ferreri & Fogle Fellow (2007) (Teaching Award)

Ann Oldfather Fellow (2006) (Teaching Award)

Greenebaum Doll & McDonald Fellow (2004) (Teaching Award)

Barbara Lewis Fellow (2003) (Teaching Award)

Barbara Lewis Fellow (2002) (Teaching Award)

Ferreri & Fogle Fellow (2001) (Teaching Award)

University Multicultural Teaching Award (2000)

Ferreri Family Fellow (1998) (Teaching Award)