

FACULTY PUBLICATIONS
AND INTELLECTUAL LIFE



 UNIVERSITY OF
DENVER

Sturm College of Law



INTELLECTUAL LIFE AT THE STURM COLLEGE OF LAW

The Sturm College of Law is a research institution that takes the pursuit and dissemination of knowledge through scholarly discourse quite seriously. We boast a long tradition of rigorous legal scholarship, which has always been a central component of our academic mission.

Our faculty members have placed articles over the past several years in many of the nation's leading academic journals, including *Yale Law Journal*, *Stanford Law Review*, *Virginia Law Review*, *UCLA Law Review*, *Georgetown Law Journal*, *Texas Law Review*, *Duke Law Journal*, *Iowa Law Review*, *Hastings Law Journal*, *Notre Dame Law Review*, *Indiana Law Journal*, *Illinois Law Review*, *Wisconsin Law Review*, *U.C. Davis Law Review*, *Emory Law Journal*, *George Washington Law Review*, *Fordham Law Review*, *Boston College Law Review*, and *North Carolina Law Review* and in numerous specialty journals at leading law schools. The school's commitment to its scholarly mission is supported by the recent appointment of Alan Chen as its first Associate Dean for Faculty Scholarship to help facilitate and promote our faculty's research.

The College of Law also has an extensive presence at the annual meeting of the Association of American Law Schools (AALS), where our faculty members routinely present papers and play leadership roles in a variety of AALS sections. In addition, we enjoy a long history of interdisciplinary scholarship, following in the tradition of our role as one of the founding law schools of the Law and Society Association.



Martin J. Katz
Interim Dean & Professor of Law



FACULTY PUBLICATIONS

RACHEL ARNOW-RICHMAN



Books

Employment Law: Private Ordering and Its Limitations, with Timothy Glynn and Charles Sullivan (Aspen, 2006).

Articles

"Response to Working Group on Chapter 2 of the Proposed Restatement of Employment Law: Putting the Restatement in its Place," *13 Emp. Rts. & Emp. Pol'y J.* 143 (2009).

"Employment as Transaction," *39 Seton Hall L. Rev.* 447 (2009).

"Cubewrap Contracts: The Rise of Delayed Term, Standard Form Employment Agreements," *49 Ariz. L. Rev.* 637 (2007).

"Public Law and Private Process: Toward an Incentivized Organizational Justice Model of Equal Employment Opportunities for Caregivers," *Utah L. Rev.* 25 (2007).

ARTHUR BEST



Books

Basic Tort Law: Cases, Statutes, and Problems, 2nd ed., with David W. Barnes (Aspen, 2007).

Evidence: Examples and Explanations, 7th ed. (Aspen Publishers, 2009).

Book Chapters & Supplements

Wigmore On Evidence Annual Cumulative Supplements (Aspen Publishers).

Articles

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JEROME BORISON



Books

Problems and Materials In Trusts and Estates, with Naomi Cahn, Susan Gary and Paula Monopoli (Aspen Publishers, 2010).

Civil Tax Procedure, 2d ed. (LexisNexis, 2007).

JAY BROWN



Books

Administrative Law: A Casebook, 6th ed., with Bernard Schwartz and Roberto Corrada (Aspen Publishers, 2006).

Book Chapters & Supplements

The Regulation of Corporate Disclosure, supplement (Aspen Publishers, 2007).

Raising Capital: Private Placement Forms, supplement (Aspen Publishers, 2007).

Articles

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PHOENIX CAI



Articles

"Think Big and Ignore the Law: U.S. Corn and Ethanol Subsidies and WTO Law," *40 Geo. J. Int'l L.* 867 (2009).

"Aid for Trade: A Roadmap for Success," *36 Denv. J. Int'l L. & Pol'y* 101 (2008).

KRISTEN CARPENTER*



Book Chapter

"Repairing Reparations in the American Indian Nation Context," in *Reparations For Indigenous Peoples In International and Comparative Law*, with Sarah Krakoff, Federico Lenzerini, ed. (Oxford University Press, 2009).

Articles

"In Defense of Property," with Sonia Katyal and Angela Riley, *118 Yale L. J.* 1022 (2009).

"Interpretive Sovereignty: A Research Agenda," *33 Am. Indian L. Rev.* 111 (2008-09).

"Sacred Property and American Indian Peoplehood," *27 Stan. Envtl L. J.* (2008).

"A Property Rights Approach to Sacred Sites: Asserting a Place for Indians as Non-Owners," *52 UCLA L. Rev.* 1061 (2005).

FEDERICO CHEEVER



Books

Natural Resources and Conservation Law: A Place-Based Book of Problems and Cases 2nd ed., with Christine Klein and Bret Birdsong (Aspen Publishers, 2009).

Book Chapters & Supplements

"The United States and Sustainable Forest Law: The First Years of the Twenty-First Century," in *Agenda For A Sustainable America*, with Ward Scott, John Dernbach, ed. (Environmental Law Institute, 2009).

"Critical Habitat," in *The Endangered Species Act: Law, Policy and Perspectives*, 2nd ed., Donald Baur and Robert Irvin, eds. (American Bar Association, Section of Environment, Energy, and Resources, 2008).

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"British National Parks for North Americans: What We Can Learn From a More Crowded Nation Proud of Its Countryside," *26 Stan. Envtl. L. J.* 247 (2007).

ALAN CHEN



Articles

"Rosy Pictures and Renegade Officials: The Slow Death of *Monroe v. Pape*," *78 UMKC L. Rev.* (forthcoming 2009/2010).

"Bureaucracy and Distrust: Germaneness and the Paradoxes of Academic Freedom Doctrine," *77 U. Colo. L. Rev.* 955 (2006).

"The Facts About Qualified Immunity," *55 Emory L. J.* 229 (2006) (also reprinted in *22 Civil Rights Litigation and Attorney Fees Annual Handbook*, Thomson West, 2006).

CHRISTINE CIMINI



Articles

"Ask, Don't Tell: Ethical Issues Surrounding Undocumented Workers' Status in Employment Litigation," *61 Stan. L. Rev.* 355 (2008).

ROBERTO CORRADA



Books

Labor Law In The Contemporary Workplace, with Kenneth Dau-Schmidt, Christopher Cameron, Martin Malin and Catherine Fisk (Thomson West, 2009).

Administrative Law: A Casebook, 6th ed., with Bernard Schwartz and Jay Brown (Aspen Publishers, 2006).

Book Chapters & Supplements

"United States Labor and Employment Law," in *International Encyclopedia of Labor and Employment Law*, with Alvin Goldman, Roger Blanpain, ed. (Kluwer Law International, 2009).

"2008 Casebook Supplement" for *Employment Discrimination Law: Cases And Materials On Equality In The Workplace*, with Dianne Avery, Maria Ontiveros and Michael Selmi (Thomson West, 2008).

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"Toward an Ethic of Teaching: Class, Race and the Promise of Community Engagement," *50 Vill. L. Rev.* 837 (2005).

WENDY DUONG

Books

Daughters of the River Huong (Ranven-syard Ltd., 2009).

Articles

"Ghetto'ing Workers With Hi-Tech: Exploring Regulatory Solutions for the Effect of Artificial Intelligence on 'Third World' Foreign Direct Investment," *22 Temple Int'l & Comp. L. J.* 63 (2009).

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RASHMI GOEL

Articles

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ROBERT HARDAWAY

Books

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Colorado Evidence Courtroom Manual, with Arthur Best, Frank Jamison and Glen Weissenberger (LexisNexis, 2006).

Book Chapters & Supplements

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Articles

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K.K. DUVIVIER

Articles

"Animal, Vegetable, Mineral—Wind?; The Severed Wind Power Rights Conundrum," *49 Washburn Law Journal* (2009).

"Jousting at Wind Mills: When Wind Power Development Collides with Oil, Gas, and Mineral Development," *Rocky Mtn. Min. L. Inst. Paper No. 9* (2009).

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"State Ballot Initiatives in the Federal Preemption Equation: A Medical Marijuana Case Study," *40 Wake Forest L. Rev.* 221 (2005).



NANCY EHRENREICH

Books

Editor, *The Reproductive Rights Reader: Law, Medicine, and the Construction of Motherhood* (NYU Press, 2008).

Articles

"Conceptualizing Substantive Justice," *Iowa J. Gender Race & Just.* (2009).

"Intersex Surgery, Female Genital Cutting, and the Selective Condemnation of 'Cultural Practices,'" *40 Harv. C.R.-C.L. L. Rev.* 71 (2005).



MIKE HARRIS

Articles

"Standing In The Way of Judicial Review: Assertion of the Deliberative Process Privilege in APA Cases," *53 St. Louis U. L. J.* 349 (2009).



SHEILA HYATT



Books

Colorado Evidence Law, Vol. 23 (Thomson West, Colorado Practice Series, 2008).

Colorado Civil Rules Annotated, Vols. 4 and 5, with Stephen A. Hess, Esq. (Thomson West, Colorado Practice Series, 2006).

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SAM KAMIN



Articles

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MARTIN KATZ



Articles

"Gross Disunity," 114 *Penn St. L. Rev.* (forthcoming 2009/2010)

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TAMARA KUENNEN



Articles

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JAN LAITOS



Books

The Right of Non-Use (Oxford University Press and Cambridge University Press, 2010).

The Regulation of Toxic Substances and Hazardous Wastes, 2nd ed. (Foundation Press, 2009).

Cases and Materials on Natural Resources Law (Thomson West, 2006).

RCRA and CERCLA: The Law of Hazardous Waste, with John S. Applegate (Foundation Press, 2006).

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"Airspace Near Airport Runways: Private Property Rights Versus Rights of the Traveling Public," 59 *Planning & Envtl. L.* 1 (2007).

JUSTIN MARCEAU



Articles

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LUCY MARSH



Books

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G. KRISTIAN MICCIO



Articles

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MICHAEL MIRELES*



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VIVA MOFFAT



Articles

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VED NANDA



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"The Protection of Human Rights Under International Law: Will the U.N. Human Rights Council and the Emerging New Norm 'Responsibility to Protect' Make a Difference?," *35 Denv. J. Int'l L. & Pol'y.* 353 (2007).

JULIE NICE*

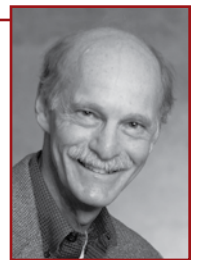


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STEVE PEPPER



Book Chapters

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BRUCE PRICE*

Articles

"A Butterfly Flaps Its Wings in Menlo Park: An Organizational Analysis of Increases in Associate Salaries," *2005 Wis. L. Rev.* 713 (2005).



ROCK PRING

Books

Specialized Access To Justice: Creating and Improving Environmental Courts and Tribunals, with Kitty Pring (World Resources Institute, 2009).

International Environmental and Human Rights Law Affecting Mining Law Reform in Reforming Mining Law in a Changing World With Special Reference to Finland (University of Lapland, 2009).



Book Chapters & Supplements:

Chapters co-authored in *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2008-2009):

"Amazon River," (with Christian Troncoso); "Amu and Syr Darya Rivers and Aral Sea," (with Braden Angel); "Brahmaputra River," (with Shawn Davlin); "Colorado River," (with Ryan Moehring); "Columbia River," (with Kirk Whitehead); "Jordan River," (with Donald Frick); "Orange River," (with Matthew Abosedra); "Rio Grande River," (with Jeffery Roth); "Volga River," (with Timothy Franklin); "Zambezi River," (with Katie Allison).

"Congo River," with Carolyn Witkus, in *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2007).

"The Impact of Energy on Health, Environment, and Sustainable Development: The Tanstaaf Problem," with Alexandra Haas and B. Tyler Drinkwine, in *Beyond The Carbon Economy* (Oxford University Press, 2008).

"Alternatives To Conventional Regulation In The United States Environmental Law," with Rick A. Feger, in *The Changing Face of Regulation in the Energy and Natural Resources Sector* (Oxford University Press, 2006).

"International Law and Mineral Resources Development," with Linda Siegele, in *International and Comparative Mineral Law and Policy: Trends and Prospects* (Kluwer Law International, 2004, updated 2005).

Chapters co-authored in *International and Comparative Mineral Law and Policy: Trends and Prospects* (Kluwer Law International, 2004, Updated 2005): "Mineral Development and the Impact of Climate Change Convention," with Linda Siegele, "The Law of Public Participation In Global Mining," with Linda Siegele.

RAJA RAGHUNATH

Articles

"A Promise the Nation Cannot Keep: What Prevents the Application of the Thirteenth Amendment in Prison?," *18 Wm. & Mary Bill of Rts. J.* (forthcoming 2010).

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JOHN REESE

Articles

"Bursting the Chevron Bubble: Clarifying the Scope of Judicial Review in Troubled Times," *73 Fordham L. Rev.* 1103 (2004).



EDWARD ROCHE, JR.

Articles

"Lease Cancellation Payments are Capital Gain," *102 Journal Of Taxation* 364 (2005).



LAURA ROVNER

Articles

"The Unforeseen Ethical Ramifications of Classroom Faculty Participation in Law School Clinics," *75 U. Cin. L. Rev.* 1113 (2007).

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NANTIYA RUAN

Articles

"Facilitating Wage Theft: How Courts Use Procedural Rules to Undermine Substantive Rights of Low-Wage Workers," *Vand. L. Rev.* (forthcoming 2010).

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ANN SCALES

Books

Legal Feminism: Activism, Lawyering, & Legal Theory (New York University Press, 2006).

Book Chapters & Supplements

"Nobody Broke It, It Just Broke: Causation as an Instrument of Obfuscation and Oppression," in *Fault Lines: Tort Law as Cultural Practice*, David Engel and Michael McCann, eds. (Stanford University Press, 2009).

Articles

"Student Gladiators and Sexual Assault: A New Analysis of Liability for Injuries Inflicted by College Athletes," *15 Mich. J. Gender & L.* 205 (2009).



JOHN SOMA

Books

Privacy Law Nutshell, with Stephen D. Rynerson (Thompson West, 2008).

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Articles

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"Spam Still Pays: The Failure of the Can-Spam Act of 2003 and Proposed Legal Solutions," with Patrick Singer and Jeffrey Hurd, *45 Harv. J. On Legis.* 165 (2008).



CATHERINE SMITH

Articles

"A Cautionary Tale: Obama's Coalition, Anti-Subordination Principles and Proposition 8," with Jennifer Holladay, *86 Denv. U. L. Rev.* 819 (2009).

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"John Calmore's America," with Robert Chang, *86 N.C. L. Rev.* 739 (2008).

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MICHAEL SOUSA

Book Chapters

"Recent Developments in Chapter 11," in *Norton Annual Survey of Bankruptcy Law* (Thomson West, 2008).

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Articles

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DON SMITH

Articles

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JOYCE STERLING

Book Chapters & Supplements

"The Cultural Agenda of Tort Litigation: Constructing Responsibility in the Rocky Mountain Frontier," in *Fault Lines: Tort Law as Cultural Practice*, David Engel and Michael McCann, eds. (Stanford University Press, 2009).

Articles

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CELIA TAYLOR



Articles

"Teaching Ethics in Context: *Wood v. Lucy, Lady Duff-Gordon* in the First Year Curriculum," *28 Pace L. Rev.* 249 (2008).

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DAVID THOMSON



Books

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Articles

"Using a Wiki to Increase Student Engagement in Administrative Law," *The Law Teacher* (2007).

ELI WALD



Articles

"The Legal Profession and the Economic Meltdown," *77 Fordham L. Rev.* (forthcoming 2010).

"The Other Legal Profession and the Orthodox View of the Bar: The Rise of Colorado's Elite Law Firms," *80 U. Colo. L. Rev.* 605 (2009).

"Book Review," *59 J. Legal Educ.* (reviewing Richard L. Abel, *Lawyers In The Dock*, 2008) (2009).

"Loyalty In Limbo: The Peculiar Case of Attorneys' Loyalty to Clients," *40 St. Mary's L. J.* 909 (symposium issue) (2009).

"The Rise and Fall of the WASP and Jewish Law Firms," *60 Stan. L. Rev.* 1803 (2008).

"The Rise of the Jewish Law Firm or Is the Jewish Law Firm Generic?," *76 UMKC L. Rev.* 885 (2008).

"Notes from Tsinghua: Law and Legal Ethics in Contemporary China," *23 Conn. J. Int'l L.* 369 (2008).

"Taking Attorney-Client Communications (and Therefore Clients) Seriously," *42 U. S. F. L. Rev.* 747 (2008).

"Disqualifying a District Attorney When a Government Witness Was Once the District Attorney's Client: The Law Between the Courts and the State," *85 Denv. U. L. Rev.* (2007).

"Lawyer Mobility and Legal Ethics: Resolving the Tension Between Confidentiality Requirement and Contemporary Lawyers' Career Paths," *31 J. Legal Prof.* 199 (2007).

EDWARD ZIEGLER



Books

Land Use Regulation: Cases and Materials, 2nd ed., with Daniel Selmi and James Kushner (Aspen Publishers, 2008).

Principal Arthur for Revision, *Rathkopf's the Law of Zoning and Planning*, 5 Vols. (Thomson-West) (4th ed., 1983- 2010).

Book Chapters and Supplements

"American Cities, Urban Planning Laws and Places of Worship: Local Controls and National Protection in the United States," in *Urban Controls For Diversity In Places of Worship* (Fundació Carles Pi i Sunyer Publications, Barcelona, Spain, 2009).

Semi-Annual Cumulative Supplements, *Rathkopf's the Law of Zoning and Planning*, 5 Vols. (Thomson West) (4th ed., 1983-2010).

"China's Satellite Cities, Regional Growth and Sustainable Development: Urban Planning, Energy and the Automobile," in *China's Growth and Sustainable Development* (Federal Institute for Spatial Landscape Planning, Zurich, 2008).

"China's Cities, Globalization, and Sustainable Development: Comparative Thoughts on Urban Planning, Energy, and Environmental Policy," in *Urbanization In India* (ICFAI, India, 2008).

"Urban Planning and Place-Based Crime Prevention," in *Crime Prevention In India* (ICFAI, India, 2008).

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"The Case for Megapolitan Growth Management in the Twenty-First Century: Regional Urban Planning and Sustainable Development in the United States," *1 International J. of Law in the Built Envt.* 105 (University of Manchester, UK) (2009).

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"Villes Américaines, planification urbaine, et prévention situationnelle de la délinquance," *8 Town Planning And Housing Law 1* (Panthéon-Sorbonne University of Paris I) (2008).

"American Cities, Urban Collapse and Environmental Doom: An Urban Planning Agenda for the Next President," *60 Planning & Envtl. L.* 7 (2008).

"American Cities, Urban Planning and Place-Based Crime Prevention," *31 Urb. Law.* 859 (2007).



IN MEMORIAM

ERIK BLUEMEL

The Sturm College of Law community mourns the loss of Assistant Professor Erik Bluemel, who died May 6, 2009.



Bluemel came to DU last fall for the 2008/09 academic year. He taught courses in administrative, environmental and indigenous peoples law. His research interests included environmental federalism, climate governance, international administrative law and environmental rights.

In honor of Erik and the many lives he touched during his too-short tenure at DU Law, an international scholars program has been created in his name. The **Erik Bluemel Environmental Law Clinic—LLM International Scholar** will work on a docket of international projects within the Environmental Law Clinic (ELC). The inaugural scholar, Ms. Leandra Zanqueta, will work under the supervision of Prof. Michael Harris, director of the ELC. Zanqueta, a native of Brazil, will research and write about developing legal strategies in the international sphere regarding the impacts of mega dam projects.

Book Chapters & Supplements

"Regional Regulatory Initiatives Addressing GHG Leakage in the USA," in *Climate Change And European Emissions Trading: Lessons For Theory and Practice*, Michael Faure and Marjan Peeters, eds. (Edward Elgar Publishing, 2008).

Articles

"Biomass Energy: Ensuring Sustainability Through Conditioned Economic Incentives," *19 Geo. Int'l Env'tl. L. Rev.* 673 (2007).

"Unraveling the Global Warming Regime Complex: Competitive Entropy in the Regulation of the Global Public Good," *155 U. Pa. L. Rev.* 1981 (2007).



Sturm College of Law







FACULTY SPEAKER SERIES

The Sturm College of Law is proud to host a wide variety of prominent legal scholars and members of the bench and bar from around the country at our faculty colloquia, where our speakers present papers describing their most recent research or on other topics of current interest. The following is a list of speakers who recently visited our school.

October 20, 2009: The Hon. David Edward, former member European Court of Justice: "Nationalism, Constitutionalism and the Future of the European Union."

October 2, 2009: Daniel C.K. Chow, Joseph S. Platt-Porter Wright Morris & Arthur Professorship of Law, The Ohio State University Moritz College of Law: "Understanding Commercial Piracy in China."

September 10, 2009: Lois R. Lupica, Maine Law Foundation Professor of Law, University of Maine School of Law: "The Consumer Debt Crisis and the Reinforcement of Class Position."

April 24, 2009: Faculty Scholar-In-Residence, Lee Epstein, Henry Wade Rogers Professor, Northwestern University School of Law: "Empirical Legal Research: An Introductory Workshop."

April 23, 2009: Faculty Scholar-In-Residence, Lee Epstein, Henry Wade Rogers Professor, Northwestern University School of Law: "Untangling the Causal Effects of Sex on Judging."

April 2, 2009: Douglas W. Kmiec, Caruso Family Chair in Constitutional Law, Pepperdine University School of Law: "The Constitution as a Reflection of Human Nature."

March 30, 2009: Jurist-in-Residence, The Hon. Michael W. McConnell, U.S. Court of Appeals for the Tenth Circuit: "The Religion Clauses Through the Eyes of an Eighteenth Century Lawyer."

March 26, 2009: Professor Oonagh Breen, University College of Dublin Law School: "Conceptions of Charity and the Role of Human Rights Organizations."

March 12, 2009: Kevin Washburn, Rosenstiel Distinguished Professor of Law, University of Arizona James E. Rogers College of Law: "American Indians, Crime and the Law: Critiquing the Structure of Criminal Justice in Indian Country."

February 26, 2009: Jim Chalat, JD'77, Chalat, Hatten, & Koupal, LLC: "Thoughts on the Future of Legal Education."

February 25, 2009: Sara Bronin, Associate Professor of Law, University of Connecticut School of Law: "Modern Lights: The Contours and Allocation of Solar Rights."

February 12, 2009: José E. Alvarez, Hamilton Fish Professor of International Law & Diplomacy & Director, Center on Global Legal Problems, Columbia Law School: "Contemporary International Law: An Empire of Law or the Law of Empire?," 2009 Myres McDougal Distinguished Lecture.

February 6, 2009: Susan Bryant, Director of Clinical Programs and Professor of Law, CUNY School of Law: "Rounds on Teaching: Building a Faculty Learning Community."

October 21, 2008: Marc D. Falkoff, Assistant Professor of Law, Northern Illinois University College of Law: "Guantánamo and Habeas Corpus After the Military Commissions Act."

October 14, 2008: Michael Hunter Schwartz, Associate Dean for Faculty and Academic Development and Professor of Law, Washburn University School of Law: "Workshop on Formative Assessment."

October 2, 2008: Hiroshi Motomura, Professor of Law, UCLA Law School: "Workshop on Effective Scholarship Mentoring."

September 4, 2008: Frederick Mark Gedicks, Guy Anderson Chair and Professor of Law, J. Reuben Clark Law School, Brigham Young University: "Truth and Consequences: Theological Candor in Electoral Politics."

August 22, 2008: Hadar Aviram, Associate Professor of Law, Hastings College of Law, University of California: "Trapped in the Law? How Lawyers Reconcile the Legal and Social Aspects of their Work."



Sturm College of Law



CONFERENCES

The Sturm College of Law has hosted and co-sponsored numerous academic conferences during the past year.

2009-2010 ACADEMIC YEAR

April 23-24, 2010: *Access to Justice Conference*

The College of Law will co-sponsor a conference with the Colorado Access to Justice Commission on contemporary issues relating to expanding access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.

March 12-13, 2010: *Motherhood: Reclaiming Our Past, Transforming Our Future*

In the 1970s, a host of feminist scholars raised issues about motherhood – the cultural, political, and legal ramifications of mothering in the 20th Century. Now, in the 21st Century, we are revisiting this issue by reclaiming the past to focus on the future. This conference will examine the issues that frame the economic, legal, political, and cultural position of motherhood in the 21st Century, both here and abroad. This conference will be co-sponsored by the Sturm College of Law, the University College of Dublin Law School, and the School of Social Justice, Republic of Ireland. It will bring together scholars/activists from the Republic of Ireland and from Northern Ireland to help reconceptualize mothering and motherhood in the 21st Century.

March 4-5, 2010: *The Rocky Mountain Land Use Institute 19th Annual Land Use Conference "The New American Landscape"*

Climate change, peak oil, economic turmoil, increasing ethnic diversity, robust population growth and shifting market preferences are creating the most significant change to our human settlements in half a century. The conference will explore the emerging character of the New American Landscape in its urban, suburban and rural contexts.

February 15-18, 2010: *Brazilian Federal Judges Association*

The Brazilian Federal Judges Association—Associação dos Juízes Federais do Brasil (AJUFE)—has selected DU Law for a comparative 'foreign law' conference. The AJUFE is composed of the national government's justices and judges of their Supreme, Appeals, and Trial Courts. The conference will provide field trips to meet with Denver Federal and State Court judges and others.

February 12-13, 2010: *Sustainable Development, Corporate Governance, and International Law*

The International Legal Studies Program, the Nanda Center for International Law, the *Denver Journal of International Law & Policy* at the Sturm College of Law, and the International Law Section of the Colorado Bar Association will host the American Branch International Law Association's International Law Weekend West. At the conference, leading international law, environmental and natural resources scholars, teachers, and practitioners from all over the country will participate in the deliberations on issues of sustainability in areas such as energy, minerals, trade, water and human rights. The conference is in conjunction with the College of Law's annual Sutton Colloquium in International Law.

January 22, 2010: *Government Speech in Transition*

The *DU Law Review* and the University of Colorado's Byron R. White Center for the Study of American Constitutional Law will co-sponsor the 17th Annual Ira C. Rothgerber, Jr. Conference, which will address how constitutional standards for evaluating government's control of its own speech differ dramatically from those that apply to the government's regulation of private expression. While the First Amendment's Free Speech Clause does not permit government to discriminate on the basis of viewpoint when regulating private speech (unless it meets the demanding requirements of strict scrutiny), government remains generally free to adopt and deliver whatever message it chooses when it speaks on its own behalf. Because the Court's government speech doctrine is relatively new and decidedly incomplete, a number of important questions remain unresolved. These are the questions that the 2010 Rothgerber Conference seeks to explore.

November 20, 2009: *Cyber Civil Rights: New Challenges for Civil Rights and Civil Liberties in our Networked Age*

The law school will host a one-day symposium, sponsored by the *DU Law Review*. The symposium is inspired by Professor Danielle Citron's recent article "Cyber Civil Rights" and the spirited online conversations that followed. The symposium will continue and expand on the discussion about cyber harassment, cyber civil rights more generally, and the civil liberties, privacy, security, and regulatory issues implicated by the development of a cyber civil rights agenda.

October 15, 2009: *Cox Price Human Rights Award*

The International Legal Studies Program and the Nanda Center for International Law at the University of Denver Sturm College of Law presented the Cox Price Human Rights Award to Paul Hoffman, Esq., a leading international human rights lawyer.

September 11-13, 2009: *Assessment Conference: Legal Education at the Crossroads v. 3.0*

This conference was organized to respond to the calls for better methods of assessment made in the Carnegie Report, Sullivan, et al., *Educating Lawyers: Preparation For The Profession Of Law* (2007) and affirmed in Stuckey et al., *Best Practices For Legal Education* (2007). It also sought to help those who have begun to engage in institutional assessment and to help illuminate the intersection of curricular reform with assessment methodologies. Participants were given the opportunity to develop and/or expand law school assessment projects anywhere along the spectrum from assessment of student work to program and institutional assessment efforts.

2008-2009 ACADEMIC YEAR

April 17-18, 2009: *Conceptualizing Substantive Justice*

Post-modern critiques have thoroughly discredited many of the Anglo-American legal norms in which modernism finds expression – formal equality, procedural justice, negative liberty, etc. But much room (and need) remains for discussion of new prescriptive paradigms of law and policy – for moving beyond critique to alternatives. For example, is it possible to articulate an alternative vision of justice that relies on positive notions of liberty, substantive notions of equality, and distributive notions of justice—and yet avoids the pitfall of claiming universal applicability or objective legitimacy? Does critical race theory’s endorsement of “looking to the bottom” suggest a methodology for identifying a set of concrete commitments that could ground a substantive notion of justice? How would that methodology be operationalized? Those interested in these or related questions attended and participated in this workshop-styled conference.

April 2-4, 2009: *Critical Race Theory 20: Honoring Our Past, Charting Our Future*

Prominent legal scholars gathered at the University of Iowa for the commemoration of the twentieth anniversary of Critical Race Theory (CRT). Co-sponsored by the University of Denver Sturm College of Law, the CRT20 Conference couldn’t have been more timely: With the election of Barack Obama, numerous pundits have declared that the U.S. has entered a post-racial society. The event afforded an opportunity not only to examine the ongoing meaning of race and difference in our society, but also to honor the ways in which CRT has and continues to shape race discourse within the legal academy. The CRT20 Conference brought together the movement’s founders and its inheritors, provided a venue to help ensure that CRT principles will continue to be mainstays in legal literature, and served as a much-needed reminder in this new era that ignoring race can only perpetuate injustice.

February 27, 2009: *Native Americans, Race & the Constitution* (Co-sponsor with University of Colorado School of Law)

Scholars and practitioners with particular expertise on issues of race and constitutional law as applied in cutting-edge Indian Country cases presented at this conference.

August 29, 2008: *Obama Phenomena: Facets of a Historic Campaign*

This conference brought together a diverse, inter-generational group of scholars to examine the meaning of Barack Obama’s presidential candidacy. The symposium considered aspects ranging from race, gender, religion and difference in contemporary politics, to the changing nature of campaign organizing, to Obama’s potential impact on affirmative action law, election law and U.S. foreign policy.



Sturm College of Law



FACULTY PUBLICATIONS AND INTELLECTUAL LIFE



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