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## VINAY HARPALANI

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**Professor of Law**

**Don L. & Mabel F. Dickason Endowed Chair in Law**

**University of New Mexico School of Law**

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### AREAS OF EXPERTISE

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- Racial Diversity and Elite School Admissions
- Asian and South Asian American Racialization
- Racial Identity Development Among Black Children
- Skin Color Discrimination Law

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### EDUCATION

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- 2009**      **J.D., New York University School of Law**
- *New York University Law Review* (Articles Editor)
  - Gary E. Moncrieffe Award (“outstanding student in Racism and Law”)
  - Vanderbilt Medal (“outstanding contributions to the School of Law”)
  - Arthur Garfield Hays Fellow – Palmer Weber Fellowship in Civil Rights
  - Derrick A. Bell, Jr. Scholarship for Public Service
- 2005**      **Ph.D., Education, University of Pennsylvania**
- Specialization: Interdisciplinary Studies in Human Development
  - Dissertation: *Racial Stereotypes and Achievement-Linked Identity Formation During Adolescence*. Awarded distinction.
  - American Educational Research Association-Institute of Education Sciences Dissertation Grant recipient
  - Spencer Foundation Urban Education Predoctoral Fellowship
- 2004**      **Master of Bioethics, University of Pennsylvania**
- 1999**      **Master of Science in Education, University of Pennsylvania**
- 1997**      **B.A., *summa cum laude*, Psychology, University of Delaware**
- Nominee for Rhodes Scholarship (state finalist)
- 1996**      **H.B.A., *summa cum laude*, Biology, University of Delaware**
- Phi Beta Kappa - Herbert Ellis Newman Award (outstanding junior)
  - Paynter Memorial Prize (outstanding premedical student)
  - National Cancer Federation Fellowship
  - Barry M. Goldwater Scholarship

**ACADEMIC APPOINTMENTS**

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- 2019-**        **University of New Mexico**
- Don L. & Mabel F. Dickason Endowed Chair in Law (2023-)
  - Professor of Law (2022-)
  - Affiliated Faculty, Department of Africana Studies (2023-)
  - Lee & Leon Karelitz Chair in Evidence & Procedure (2022-23)
  - Henry Weihofen Professor (2020-22)
  - Associate Professor of Law (2019-22)
- Spring**        **Boston University School of Law**  
**2024**
- Visiting Professor of Law
- 2018-19**        **Drake University School of Law**
- Visiting Professor of Constitutional Law
  - Visiting Scholar, Drake Constitutional Law Center
- 2014-19**        **Savannah Law School**
- Associate Professor of Law
- 2012-14**        **Illinois Institute of Technology Chicago-Kent College of Law**
- Visiting Assistant Professor of Law
- 2010-12**        **Seattle University School of Law**
- Fred T. Korematsu Center for Law and Equality Teaching Fellow
- 2009-10**        **New York University School of Law**
- Derrick Bell Fellow in Constitutional Law
- 2005-06**        **University of Pennsylvania**
- Lecturer, Education
  - Adjunct Faculty, Africana Studies & Asian American Studies
  - Resident Faculty Fellow, W.E.B. Du Bois College House

**TEACHING AREAS**

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- Constitutional Law
- Civil Procedure
- Employment Discrimination
- Race and the Law
- Education Law
- Voting Rights/Election Law
- Asian American Racialization and the Law

## **PROFESSIONAL HONORS & RECOGNITION**

- Proposed Judicial Nominee for U.S. Court of Appeals for the Tenth Circuit, American Constitution Society (vetted and submitted to Biden-Harris White House) (2021)
- Derrick A. Bell, Jr. Award, Association of American Law Schools Section on Minority Groups (awarded to “a junior faculty member who, through activism, mentoring, collegueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice”) (2017)
- Equality Law Scholars Forum (one of five applicants chosen from over 50 candidates for inaugural workshop on equality law) (2017)
- Society of American Law Teachers Junior Faculty Award (awarded to “an outstanding recent entrant into legal education who demonstrates a commitment to justice, equality and academic excellence”) (2016)

## **PUBLIC INTEREST WORK**

- Co-counsel, [Brief of Legal Scholars Defending Race-Conscious Admissions in Support of Respondents](#), *Students for Fair Admissions v. Harvard/University of North Carolina Chapel Hill* (2023) (with Jonathan Feingold)
- Advisor to coalition of public interest organizations led by NAACP Legal Defense Fund and Lawyers Committee for Civil Rights Under Law Affirmative Action, for U.S. Supreme Court Amicus Briefs and Academic Research Working Groups for *Students for Fair Admissions, Inc. v. Harvard/Univ. of North Carolina* (2023), and U.S. Supreme Court amicus briefs in *Fisher v. Univ. of Texas at Austin II* (2016).
- Advisor to Conservation Law Foundation on legality of race-conscious provisions in proposed environmental justice legislation in Massachusetts (2020)
- *Of Counsel* to Akin Gump LLP, Brief of Amici Curiae Fred T. Korematsu Center for Law and Equality et al. in Support of Defendant-Appellant in *People v. Bridgeforth*, 69 N.E.3d 611 (N.Y. 2016)
- Co-counsel, [Brief of Legal Scholars Defending Diversity in Higher Education as Amici Curiae in Support of Respondents](#), *Fisher v. Univ. of Texas at Austin II*, 579 U.S. 365 (2016) (with Shakira D. Pleasant)

## **BAR ADMISSIONS**

- New York
- U.S. Supreme Court

## PUBLICATIONS

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### Journal Articles

- 2024**      [\*Roberts Rules of \(Dis\)Order: Doctrinal Doublespeak on Affirmative Action and Stare Decisis\*](#), 77 SMU LAW REVIEW (forthcoming)
- The Racial Triangulation of Asian American Achievement*, 75 UNIV. OF CALIFORNIA LAW JOURNAL (forthcoming)
- “Bait-and-Switch”: *How Asian Americans Were Used to Dismantle Affirmative Action*, 71 DRAKE LAW REVIEW (forthcoming)
- 2023**      [\*The Supreme Court, 2022 Term – Response: The Need for an Asian American Supreme Court Justice\*](#), 137 HARVARD LAW REVIEW FORUM 23
- Response to Angela Onwuachi-Willig, *The Supreme Court, 2022 Term – Comment: Roberts’s Revisions: A Narratological Reading of the Affirmative Action Cases*, 137 HARVARD LAW REVIEW 192 (2023).
- [\*Secret Admissions\*](#), 48 JOURNAL OF COLLEGE & UNIVERSITY LAW 325
- [\*Originalism, Equality, and the Conundrums of Colorblindness\*](#), 83 MARYLAND LAW REVIEW 231 (with Jeffrey D. Hoagland)
- [\*From the DeVine Gift to the Devil’s Bargains: Asian Americans in the Ideology of White Supremacy\*](#), 103 BOSTON UNIV. LAW REVIEW ONLINE 151
- Author reply to commentaries from Professors Stacy Hawkins, Robert Chang, Shakira Pleasant, and Matthew Shaw.
- [\*“With All Deliberate Speed”: The Ironic Demise of \(and Hope for\) Affirmative Action\*](#), 76 S.M.U. LAW REVIEW FORUM 91
- 2022**      [\*Asian Americans, Racial Stereotypes, and Elite University Admissions\*](#), 102 BOSTON UNIV. LAW REVIEW 233
- Cited in U.S. Supreme Court amicus brief of Asian American Legal Defense and Education Fund in *Students for Fair Admissions v. Harvard/University of North Carolina* (2023).
- [\*Testing the Limits: Asian Americans and the Debate Over Standardized Entrance Exams\*](#), 73 SOUTH CAROLINA LAW REVIEW 759
- 2021**      [\*Racial Triangulation, Interest-Convergence, and the Double-Consciousness of Asian Americans\*](#), 27 GEORGIA STATE UNIV. LAW REVIEW 1361
- Cited in U.S. Supreme Court amicus brief of Asian American Legal Defense and Education Fund in *Students for Fair Admissions v. Harvard/University of North Carolina* (2023).

[Can “Asians” Truly Be “Americans”?](#) 27 WASH. & LEE JOURNAL OF CIVIL RIGHTS & SOCIAL JUSTICE 559

[“Trumping” Affirmative Action](#), 66 VILLANOVA LAW REVIEW ONLINE—TOLLE LEGE 1

**2020** [Civil Rights Law in Living Color](#), 79 MARYLAND LAW REVIEW 881

**2019** [Race-Conscious Admissions, Diversity, and Academic Freedom](#), 22 UNIV. OF PENN. JOURNAL OF CONSTITUTIONAL LAW ONLINE 101

**2017** [“Safe Spaces” and the Educational Benefits of Diversity](#), 13 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 117

- Cited in U.S. Supreme Court amicus briefs of Asian Americans Advancing Justice (AAAJ) and of 1,246 American Social Science Researchers and Scholars in *Students for Fair Admissions v. Harvard/University of North Carolina* (2023).

[Counterstereotypic Identity Among High-Achieving Black Students](#), 14(1) PENN GSE PERSPECTIVES ON URBAN EDUCATION (online)

**2016** [Victory is Defeat: The Ironic Consequence of Justice Scalia’s Death for Fisher v. University of Texas](#), 164 UNIV. OF PENN. LAW REVIEW ONLINE 155

**2015** [The Double-Consciousness of Race-Consciousness and the Bermuda Triangle of University Admissions](#), 17 UNIV. OF PENN. JOURNAL OF CONSTITUTIONAL LAW 821

[Narrowly Tailored but Broadly Compelling: Defending Race-Conscious Admissions After Fisher](#), 45 SETON HALL LAW REVIEW 761

- Cited in six U.S. Supreme Court amicus briefs in *Students for Fair Admissions v. Harvard* (2023), *Students for Fair Admissions v. UNC* (2023), and *Fisher v. University of Texas at Austin II* (2016).

[To Be White, Black, or Brown? South Asian Americans and the Race-Color Distinction](#), 14 WASH. UNIV. GLOBAL STUDIES LAW REVIEW 609

- Cited in Brief of Defendant-Appellant and amicus brief of Fred T. Korematsu Center for Law and Equality et al. in *People v. Bridgforth*, 69 N.E.3d 611 (N.Y. 2016).

**2013** [DesiCrit: Theorizing the Racial Ambiguity of South Asian Americans](#), 69 N.Y.U. ANNUAL SURVEY OF AMERICAN LAW 77

[From Roach Powder to Radical Humanism: Professor Derrick Bell’s “Critical” Constitutional Pedagogy](#), 36 SEATTLE UNIV. LAW REVIEW. xxiii

[Fisher's Fishing Expedition](#), 15 UNIV. OF PENN. JOURNAL OF CONSTITUTIONAL LAW ONLINE 57

- Cited in Society of American Law Teachers amicus brief in *Fisher v. University of Texas at Austin II*, 579 U.S. 365 (2016).

**2012** [Diversity Within Racial Groups and the Constitutionality of Race-Conscious Admissions](#), 15 UNIV. OF PENN. JOURNAL OF CONSTITUTIONAL LAW 463

- Quoted (with citation omitted) in *Fisher v. Univ. of Texas II*, 579 U.S. 365, 417 n.9 (2016) (Alito, J., dissenting).
- Cited in eight U.S. Supreme Court amicus briefs in the *Fisher v. University of Texas at Austin I* (2013) and *Fisher II* (2016).

**2010** Note, [Maintaining Educational Adequacy in Times of Recession: Judicial Review of State Education Budget Cuts](#), 85 N.Y.U. LAW REVIEW 258

**2009** [Ambiguity, Ambivalence, and Awakening: A South Asian Becoming "Critically" Aware of Race in America](#), 11 BERKELEY JOURNAL OF AFRICAN-AMERICAN LAW & POLICY 71

- Reprinted in 2 CRITICAL RACE THEORY IN EDUCATION: MAJOR THEMES IN EDUCATION 93 (Adrienne D. Dixson et al. eds., 2018)
- Cited in *U.S. v. Mahbub*, 818 F.3d 213, 224 n.12 (6th Cir. 2016)
- Cited by Defendant-Appellant in *People v. Bridgeforth* (N.Y. 2016)

**2004** [Simple Justice or Complex Injustice?: American Racial Dynamics and the Ironies of Brown and Grutter](#), 3 PENN GSE PERSPECTIVES ON URBAN EDUCATION (online)

*Understanding Hypermasculinity in Context: A Theory-Driven Analysis of Urban Adolescent Males' Coping Responses*, 1 RESEARCH IN HUMAN DEVELOPMENT 229 (with Margaret Beale Spencer et al.)

**2003** *Psychosocial Development in Racially and Ethnically Diverse Youth: Conceptual and Methodological Challenges in the 21st Century*, 15 DEVELOPMENT & PSYCHOPATHOLOGY 743 (with Dena Phillips Swanson et al.)

*Vulnerability to Violence: A Contextually-Sensitive, Developmental Perspective on African American Adolescents*, 59 JOURNAL OF SOCIAL ISSUES 33 (with Margaret Beale Spencer et al.)

*"Every Shut Eye Ain't Sleep": Studying How People Live Culturally*, 32 EDUCATIONAL RESEARCHER 6 (with Carol D. Lee & Margaret Beale Spencer)

[Contributions, Controversies, and Criticisms: In Memory of John U. Ogbu \(1939-2003\)](#), 2 PENN GSE PERSPECTIVES ON URBAN EDUCATION (online) (with Raymond Gunn)

*A Theoretical and Empirical Examination of Identity as Coping: Linking Coping Resources to the Self Processes of African American Youth*, 7 APPLIED DEVELOPMENTAL SCIENCE 18 (with Margaret Beale Spencer & Suzanne Fegley)

**2002** [\*What Does "Acting White" Really Mean?: Racial Identity Formation and Academic Achievement among Black Youth\*](#), 1 PENN GSE PERSPECTIVES ON URBAN EDUCATION (online)

*Identity Processes and the Positive Youth Development of African Americans: An Explanatory Framework*, in 95 NEW DIRECTIONS FOR YOUTH DEVELOPMENT 73 (Richard M. Lerner et al. eds.) (with Dena Phillips Swanson et al.)

**2001** *Identity and School Adjustment: Questioning the "Acting White" Assumption*, 36 EDUCATIONAL PSYCHOLOGIST 21 (with Margaret Beale Spencer et al.)

**1996** *The Athletic Dominance of African Americans - Is there a Genetic Basis?*, 2 JOURNAL OF AFRICAN AMERICAN STUDIES 39  
 • Reprinted in AFRICAN AMERICANS IN SPORT 103 (Gary A. Sailes ed., 1998)

### Book Chapters

**2023** *From Consensus-Seeker to Critic: Justice Ruth Bader Ginsburg's Race Jurisprudence*, in THE JURISPRUDENTIAL LEGACY OF JUSTICE RUTH BADER GINSBURG 238 (Ryan Vacca & Ann Bartow eds.) (with Jeffrey D. Hoagland)

**2019** Editor for Chapter 14.1 - *Federal Constitutional Powers Over Education*, in LAW OF HIGHER EDUCATION (William A. Kaplin, Barbara A. Lee, Neal H. Hutchens, & Jacob H. Rooksby eds.)

**2016** [\*"Gifted with Second-Sight": Professor Derrick Bell the Teacher\*](#), in COVENANT KEEPER: DERRICK BELL'S ENDURING EDUCATION LEGACY 17 (Gloria J. Ladson-Billings & William F. Tate eds.)

**2015** *Conceptualizing the Self*, in 3 HANDBOOK OF CHILD PSYCHOLOGY AND DEVELOPMENTAL SCIENCE 750 (Michael E. Lamb & Cynthia García Coll eds.) (with Margaret Beale Spencer & Dena Phillips Swanson)

**2008** *What Does "Acting White" Actually Mean?: Racial Identity, Adolescent Development, and Academic Achievement among Black Youth*, in MINORITY STATUS, OPPOSITIONAL CULTURE, AND SCHOOLING 222 (John U. Ogbu ed.) (with Margaret Beale Spencer)

*Colorism Embodied: Skin Tone and Psychosocial Well-Being in Adolescence*, in DEVELOPMENTAL PERSPECTIVES ON EMBODIMENT AND CONSCIOUSNESS 281 (Willis F. Overton et al. eds.) (with Suzanne G. Fegley et al.)

**2006** *Understanding Vulnerability and Resilience from a Normative Development Perspective: Implications for Racially and Ethnically Diverse Youth*, in 1 HANDBOOK OF DEVELOPMENTAL PSYCHOPATHOLOGY 627 (Dante Cicchetti & Donald J. Cohen eds.) (with Margaret Beale Spencer et al.)

**2004** *Nature, Nurture, and the Question of How?: A Phenomenological Variant of Ecological Systems Theory (PVEST)*, in NATURE AND NURTURE: THE COMPLEX INTERPLAY OF GENETIC AND ENVIRONMENTAL INFLUENCES ON HUMAN BEHAVIOR AND DEVELOPMENT 53 (Cynthia García Coll et al. eds.) (with Margaret Beale Spencer)

**2003** *Historical and Developmental Perspectives on Black Academic Achievement: Debunking the "Acting White" Myth and Posing New Directions for Research*, in 1 SURMOUNTING ALL ODDS: EDUCATION, OPPORTUNITY, AND SOCIETY IN THE NEW MILLENNIUM 273 (Carol Camp Yeakey & Ronald D. Henderson eds.) (with Margaret Beale Spencer et al.)

*Identity, Self, and Peers in Context: A Culturally-Sensitive, Developmental Framework for Analysis*, in 1 HANDBOOK OF APPLIED DEVELOPMENTAL SCIENCE: PROMOTING POSITIVE CHILD, ADOLESCENT, AND FAMILY DEVELOPMENT THROUGH RESEARCH, POLICIES, AND PROGRAMS 123 (Richard M. Lerner et al. eds.) (with Margaret Beale Spencer et al.)

**2002** *Structural Racism and Community Health: A Theory-Driven Model for Identity Intervention*, in 2 AFRICAN AMERICAN EDUCATION: RACE, COMMUNITY, INEQUALITY, AND ACHIEVEMENT A TRIBUTE TO EDGAR G. EPPS 259 (Walter R. Allen et al. eds.) (with Margaret Beale Spencer & Tabitha Dell' Angelo)

**2001** *Race and Gender Influences on Teen Parenting: An Identity-focused Cultural-ecological Perspective*, in 1 ADOLESCENCE AND EDUCATION 231 (Timothy Urdan & Frank Pajares eds.) (with Margaret Beale Spencer et al.)

### Encyclopedia Entries

**2013** *Doll Studies*, in ENCYCLOPEDIA OF RACE & RACISM 2e 67 (Patrick L. Mason ed.) (with Ahmad Khalid Qadafi & Margaret Beale Spencer)

*Biracialism*, in ENCYCLOPEDIA OF RACE & RACISM 2e 237 (Patrick L. Mason ed.) (with Angeline M. Thomas & Michelle M. Muñoz-Miller)

*Reconstruction Amendments, in* ENCYCLOPEDIA OF RACE & RACISM 2e 483 (Patrick L. Mason ed.) (with Ryan Mitchell)

- 2010** *U.S. v. Thind (1923), in* 2 ASIAN AMERICAN HISTORY & CULTURE: AN ENCYCLOPEDIA 363 (Huping Ling & Allan Austin eds.)
- Status, in* THE CHILD: AN ENCYCLOPEDIA COMPANION 954 (Richard A. Shweder, ed.) (with Margaret Beale Spencer)
- 2008** *Racial Identity, in* 3 ENCYCLOPEDIA OF RACE, ETHNICITY, & SOCIETY 1105 (Richard T. Schaefer ed.)
- 2005** *Racism, in* 2 APPLIED DEVELOPMENTAL SCIENCE: AN ENCYCLOPEDIA OF RESEARCH, POLICIES, AND PROGRAMS 905 (Celia B. Fisher & Richard M. Lerner eds.) (with Margaret Beale Spencer)
- 2001** *African American Adolescents, Identity in, in* 1 ADOLESCENCE IN AMERICA: AN ENCYCLOPEDIA 26 (Richard M. Lerner & Jacqueline V. Lerner eds.) (with Margaret Beale Spencer)
- African American Adolescents, Research on, in* 1 ADOLESCENCE IN AMERICA: AN ENCYCLOPEDIA 30 (Richard M. Lerner & Jacqueline V. Lerner eds.) (with Margaret Beale Spencer)

### Policy Papers

- 2015** [\*Defending the Constitutionality of Race-Conscious University Admissions\*](#), American Constitution Society for Law and Policy (ACS), 9 ADVANCE: JOURNAL OF ACS ISSUE BRIEFS 73, (Oct. 29)
- 2001** *Multi-systemic Perspectives on Family and Youth Development*, Paper commissioned by Annie E. Casey Foundation under contract with the OMG Center for Collaborative Learning (Nov. 6) (with Margaret Beale Spencer, Sophia A. Ginzburg, & Cleopatra Y. Jacobs)
- 2000** *African American Males' Academic Achievement Experiences: Assumptions About Opportunities and Facts About Normative Developmental Needs and Inopportune Structural Conditions*, Paper commissioned by U.S. Department of Education, Special Task Force on African American Males (Dec. 4)(with Margaret Beale Spencer & Gregory D. Seaton)
- 1998** *Phenomenological Variant of Ecological Systems Theory (PVEST): A Conceptual Framework for Discussing Resiliency*, Paper commissioned by the Kellogg Children's Resiliency group (with Margaret Beale Spencer et al.)

**Selected Blog Posts & Other Short Commentary (2019-present)**

- 2023**     [\*Military academies can still consider race in admissions, but the rest of the nation's colleges and universities cannot, court rules\*](#), THE CONVERSATION (June 30) (with Kristine Bowman & Kimberly Robinson)
- Reprinted in [SALON](#) and other media outlets.
- [\*Asian Americans and the Bait-and-Switch Attack on Affirmative Action\*](#), ACS Expert Forum (American Constitution Society for Law and Policy) (May 13) (cross-posted on Race Rights and the Law Blog (June 6))
- 2022**     [\*The Party Attacking Affirmative Action Just Made the Case for Affirmative Action\*](#), THE EMANCIPATOR (*Boston Globe* & Boston University Center for Antiracist Research) (Oct. 25) (with Jonathan Feingold)
- 2021**     [\*Understanding the Nuances: Diversity Among Asian American Pacific Islanders\*](#), Law School Survey of Student Engagement Insights Blog (May 21)
- [\*"Preservative of All Other Rights": Voting and Social Justice in the Post-Trump Era\*](#), CIVIL RIGHTS INSIDER 5 (Winter Issue) (Feb. 18)
- 2020**     [\*Joe Biden, Racial Identity Politics, and the Vice Presidential Nominee\*](#), Race and the Law Prof Blog (July 13) (cross-posted as [\*The updates on the talk regarding Biden's VP pick\*](#), The Faculty Lounge (July 14))
- [\*Racial Stereotypes, Respectability Politics, and Running for President: Examining Andrew Yang's and Barack Obama's Presidential Bids\*](#), Race and the Law Prof Blog (June 14)
- [\*Can Joe Biden "Keep Hope Alive"?: Reflections From Barack Obama's and Jesse Jackson's Democratic Primary Campaigns\*](#), Race and the Law Prof Blog (Mar. 3)
- 2019**     [\*Kamala Harris and the Complexity of Racial Identity Politics\*](#), Race and the Law Prof Blog (Dec. 29)
- [\*Michael Vick, Robert Byrd, and the Case for Redemption\*](#), Race and the Law Prof Blog (Dec. 20)
- [\*The Supreme Court and the Future of Affirmative Action\*](#), ISCOTUSnow Blog (Institute on the Supreme Court of the United States, Chicago-Kent College of Law) (Oct. 24) (cross-posted on American Constitution Society Blog and Race and the Law Prof Blog)
- [\*"Serving Two Masters" Revisited: Derrick Bell, Joe Biden, and the Paradox of Busing\*](#), Race and the Law Prof Blog (July 4)

**PRESENTATIONS**

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**Selected Invited Talks & Panels (2022-present)**

- 2024** “Responding to the Attack on DEI and Racial Justice Movements” panel, “Racial Justice At the Crossroads: A Summit to Situate the Moment and Shape the Future” symposium, DePaul Law School Racial Justice Initiative (Apr. 19)
- Faculty Colloquium, Northeastern University School of Law (Apr. 17)
- “What is Black Legal Futurism?” panel, “Black Legal Futurism: When We Center African-American Interests” Conference, UNLV School of Law (Apr. 5)
- “Countering Attacks on Diversity” Symposium, *Boston University Law Review* (March 29)
- The Future of Affirmative Action*, Vanderbilt University School of Law, Asian Pacific American Law Students Association and American Constitution Society chapter (Mar. 22)
- “Contextualizing *SFFA*” panel, “Asian Americans & Affirmative Action: Complicating the ‘Asian Penalty’ Argument” Symposium, University of California Berkeley *Asian American Law Journal* (Mar. 13)
- “Identities & Intersectionality” panel, “Equality Besieged: A Critical Analysis of Supreme Court Jurisprudence” Symposium, *California Law Review* (Mar. 1)
- “Racial Triangulation and Intra-racial Dynamics” Panel, “Affirmative Action Overturned: The Changing Landscape of Race and Education” Symposium, *North Carolina Civil Rights Law Review* (Feb. 23)
- “Pathways to Equity: Navigating Racial Equality in the Aftermath of *Students for Fair Admissions (SFFA)*” panel, American Bar Association Mid-Year Conference (Feb. 3)
- “Limits on Citizenship from Schools to the Workplace” panel, “We the People: Citizenship, Race, and Equality” Symposium, *University of California Law Journal* (Feb. 2)
- 2023** *Affirmative Action Fireside Chat*, Rutgers Law Asian Pacific American Law Students Association (with Stacy Hawkins) (Nov. 21)

Panelist, “In Conversation: The Supreme Court” Series (conversation on *SFFA v. Harvard/UNC*), University of Connecticut School of Law (Nov. 15)

*SFFA v. Harvard/UNC* (2023), Critical Race Theory seminar, Brooklyn Law School (Nov. 8)

Guest speaker, “Writing/Righting Race in the Public Sphere” Seminar Series, Fordham University School of Law (Oct. 12)

*Secret Admissions, Journal of College & University Law* Symposium on *SFFA v. Harvard/UNC* (Sept. 29)

“Session 3: Controlling College Curricula” panel, “Race, Books, and Education: Selective Erasure, Misinformation, and Reclaiming Our Stories” Webinar Series, National Asian Pacific American Bar Association Civil Rights Committee (Sept. 27)

*From Consensus-Seeker to Critic: Justice Ruth Bader Ginsburg’s Race Jurisprudence*, “The Jurisprudential Legacy of Justice Ruth Bader Ginsburg” Conference, University of New Hampshire Franklin Pierce School of Law (*with* Jeffrey D. Hoagland) (Sept. 22)

“The Supreme Court’s Affirmative Action Jurisprudence Post-SFFA: Where it Stands, Where it Might Extend” panel, “Going Forward: The Role of Affirmative Action, Race, and Diversity in University Admissions and the Broader Construction of Society” Symposium, Seattle University School of Law (Sept. 8)

*Asian Americans and SFFA v. Harvard/UNC*, Faculty Colloquium, SMU Dedman School of Law (Aug. 29)

“Diversity in Legal Education in a Post-*Grutter* World” panel, Southeastern Association of Law Schools Annual Conference (July 24)

“Issues With College Admissions Today - What is Doing the Right Thing?” panel, South Asian Bar Association of North America Annual Conference (July 22)

After *SFFA v. Harvard/UNC*: Securing the 14th Amendment’s Promise of Recourse as a Foundation of Equality and Justice” panel, Society of American Law Teachers webinar (July 18)

“Human Rights and the Supreme Court” panel, University of Iowa Center for Human Rights Webinar (July 12)

“Impact of *SFFA vs. UNC & Harvard* On Advancing a Just, Equitable, Diverse, and Inclusive (Jedi) Culture on Campus” Expert Panel Discussion, Transform Mid-Atlantic (July 11)

“Moving Forward: How Higher Educational Institutions with Diversity- and Access-Rooted Missions May Respond to Students for Fair Admissions, Inc.” panel, Supreme Court Affirmative Action Decisions - Rapid Response Webinar, Seattle University School of Law (June 30)

*Asian Americans and the Affirmative Action Debate*, Office of the U.S. Attorney for the District of New Mexico Asian American Pacific Islander Heritage Month Program (May 17)

*Harvard & UNC (Affirmative Action)*, New Mexico Federal Bar Association Spring CLE Series on Constitutional Law (May 11)

Asian Americans, *SFFA v. Harvard*, & the Future of Elite University Admissions, “The Scales of Justice Tilt Right: Abortion, Affirmative Action, and the Administrative State” Symposium, Drake University Constitutional Law Center (Apr. 15)

Guest Speaker on *Students for Fair Admissions v. Harvard* (2023), Supreme Court Decision Making seminar, University of Kentucky School of Law (Mar. 27)

*From the Lincoln Douglas Debates to Affirmative Action: Original Intent, Racial Equality, and the Consequences of Colorblindness*, Maryland Discussion Group on Constitutionalism (Mar. 11) (with Jeffrey D. Hoagland)

“Historical Fight for Education” panel, “Constitutional Issues Within Educational Spaces” Symposium, *William and Mary Bill of Rights Journal* (Mar. 3)

## 2022

Diversity and Hiring Practices panel, National Association of Administrative Law Judiciary Annual Conference (Oct. 25)

Guest Speaker, Race Law and the Public Intellectual Series, Center on Race, Law, and Justice, Fordham University School of Law (Oct. 25)

Affirmative Action Cases panel, Duke Law School American Constitution Society Chapter (Oct. 24)

“*SFFA v. Harvard/UNC: Race-Conscious Admissions on the 2022 Supreme Court Docket*” panel, Society of American Law Teachers (SALT) and National Lawyers Guild-NYC (Oct. 21)

*Affirmative Action in Higher Education*, Randall-Parks Lecture Series, University of Kentucky Rosenberg College of Law (Sept. 29)

Constitution Day “Inherent Tensions” panel, New Mexico Humanities Council (Sept. 17)

*SCOTUS Update*, Political Landscape In and Out of New Mexico, Capitol Counseling & Consulting Political Compliance Division (Aug. 23)

Association of American Law Schools Section on Law School Deans panel, “Beyond the Harvard-UNC Case – Where Do Law Schools Go From Here?” (June 20)

*Racial Stereotypes, Risk, and Resilience: Implications for Black, Asian American, and South American Youth*, Department of Comparative Human Development Proseminar, University of Chicago (May 18)

“Critical Race Theory: Racial Triangulation and Asian Americans” panel, Pace University Elizabeth Haub School of Law Asian American Law Students Association (Apr. 26)

“Critical Race Approaches to the Well-Being and Welfare of Children of Color” panel, “Family Matters” Symposium, *Rutgers Race & the Law Review* (Apr. 13)

*Asian Americans, Racial Stereotypes, and Elite University Admissions*, Asian Pacific American Law Students Association, Boston University School of Law (Mar. 17)

“Race, Education, and Beyond: The ripple effects of racial policies in education” panel, *Journal of Law in Society* 2022 Symposium, “Race & Education in the United States”, Wayne State University School of Law (Mar. 11)

“The Rising Tide Against Critical Race Theory” panel, *Tennessee Journal of Race, Gender & Social Justice* Symposium (Mar. 10)

“DesiCrit”: *Theorizing the Racial Ambiguity of South Asian Americans*, Critical Race Theory Colloquium, Drexel University Thomas R. Kline School of Law (Mar. 7)

“Diversity and Inclusion” panel, Inaugural William C. Hubbard Law and Education Law Conference, American Bar Foundation and & University of South Carolina Law School (Feb. 25)

*Critical Race Theory* panel, New Mexico Black Lawyers Association Black History Month Continuing Legal Education Series (Feb. 18)

“DesiCrit”: *Theorizing the Racial Ambiguity of South Asian Americans*, Critical Race Theory Colloquium, Boston University School of Law (Feb. 16)

*From “Hated Hindoo” to “Turbaned Terrorist”*: South Asian American Racialization and Scapegoating, Asian Pacific American Law Students Association, University of Oklahoma School of Law (Feb. 15)

*Asian Americans, Affirmative Action, and the U.S. Racial Landscape*, Stavros Niarchos Foundation Paideia Program, University of Pennsylvania (Feb. 1)

“Free Speech in Education” panel, “Free\* Speech” Symposium, *University of San Francisco School Law Review* (Jan. 28)

### **Paper Commentator (2022-present)**

**2023** Noah Smith-Drelich, *The Racialized Right to Travel*, Equality Law Scholars Forum (Nov. 10)

Karen Halverson Cross, *Shared Governance in Transition*, Association of American Law Schools Sections on Education Law & Children and the Law Mid-Year Works-in-Progress Session (Sept. 23)

Sean Bland, *Decriminalizing Disease*, John Mercer Langston Workshop (June 29)

Carla Laroche, *Resisting Modern-Day Slave Catchers*, Association of American Law Schools Section on Minority Groups - New Voices in Justice and Inequality Works-in-Progress session (Jan. 7)

**2022** Christopher Mathis, *Higher Education Redress Statutes: A Critical Analysis of States’ Reparations in Higher Education*, John Mercer Langston Workshop (July 7)

**MEDIA COMMENTARY**

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**National Media**

- 2023** Doug Belkin & Erin Mulvaney, [\*Activist Behind Supreme Court Affirmative Action Cases Is Now Suing Law Firms\*](#), WALL STREET JOURNAL (Aug. 22)
- Khorri Atkinson, [\*Republican AGs Have Tough Legal Road Against Corporate Diversity\*](#), BLOOMBERG LAW (July 20)
- Alex Samuels, [\*How Asian Americans Came To Play A Central Role In The Battle Over Affirmative Action\*](#), FiveThirtyEight (Mar. 7)
- Brianna Holt, [\*Nikki Haley and the manipulation of the model minority myth\*](#), INSIDER (Feb. 14)
- 2022** Spencer Bokot-Lindall, [\*Has America Outgrown Affirmative Action?\*](#), N.Y. TIMES (Nov. 2)
- Laura Krantz & Deidre Fernandes, [\*Supreme Court agrees to hear Harvard affirmative action case, could cause 'huge ripple effect' in college admissions\*](#), BOSTON GLOBE (Jan. 24)
- 2021** David Love, [\*The courts have served as an anti-democratic force for much of U.S. history\*](#), WASH. POST (Nov. 3)
- Jelani Cobb, [\*The Man Behind Critical Race Theory\*](#), NEW YORKER (Sept. 13)
- 2020** Patricia Hurtado, [\*Why the U.S. Is Threatening Yale Over Race and Admissions\*](#), WASH. POST (Aug. 17)
- Patricia Hurtado & David Yaffe-Bellany, [\*Yale Accused by Justice Department of Discriminating Against Asian American and White Applicants\*](#), TIME (Aug. 14)
- 2019** David A. Love, [\*US higher education: A system of meritocracy that never was\*](#), ALJAZEERA (Mar. 26)
- 2017** Deirdre Fernandes, [\*Justice Department investigating Harvard over its admission policies\*](#), BOSTON GLOBE (Nov. 21)
- Benjamin Wermund, [\*Trump administration sparks age-old affirmative action fight\*](#), POLITICO (Aug. 4)
- Deirdre Fernandes, [\*The majority of Harvard's incoming class is non-White\*](#), BOSTON GLOBE (Aug. 2)

- 2016** Nathalie Baptiste, [\*Supreme Court Affirmative Action Ruling Sets Precedent for Pending Cases\*](#), AMERICAN PROSPECT (June 27)
- Caroline Simon, [\*Why the Supreme Court's decision on affirmative action in college admissions was so surprising\*](#), BUSINESS INSIDER (June 23)
- Nathalie Baptiste, [\*University of Texas Affirmative Action Program in Peril\*](#), AMERICAN PROSPECT (June 8)
- 2013** John Schwartz & Richard Pérez-Peña, [\*Lacking Definitive Ruling on Affirmative Action, Both Sides Claim Victory\*](#), N.Y. TIMES, June 25

### **Selected Local, College, & Specialized Media (2022-present)**

- 2023** Michelle N. Amponsah & Emma H. Haidar, [\*'Politically Motivated': Experts Weigh in on Harvard Decision to Not Report Racial Composition of Early Action Admits\*](#), HARVARD CRIMSON (Dec. 18)
- Jessica Washington, [\*Killing Affirmative Action Wasn't Enough, Now Conservatives Are Coming for Black Women Entrepreneurs\*](#), ROOT (Aug. 4)
- Cam E. Kettles & Claire Yuan, [\*Did Harvard Intentionally Discriminate? In Admissions Discrimination Suit, the Supreme Court Doesn't Say\*](#), HARVARD CRIMSON (July 29)
- Jessica Washington, [\*Does the Supreme Court's Affirmative Action Decision Apply to Hiring? Experts Weigh In\*](#), ROOT (July 14)
- Faizan Hashmi, [\*US Colleges Could Still Try Practicing Race-Based Admissions Despite SCOTUS Decision\*](#), URDUPOINT/SPUTNIK (July 5)
- THEGRIO WITH MARC LAMONT HILL discussion of recent U.S. Supreme Court rulings (July 5)
- THEGRIO WITH MARC LAMONT HILL discussion of affirmative action (July 3)
- 2022** Jamal Abdul-Alim & Jeff Englis, [\*What is affirmative action, anyway? 4 essential reads\*](#), THE CONVERSATION (Nov. 7)
- Max Larkin, [\*Affirmative action is facing its toughest test yet. Dozens of Harvard students are headed to D.C. in its defense\*](#), WBUR – Boston NPR News (Oct. 28)
- Rahem D. Hamid & Vivi E. Lu, [\*A Harvard Without Affirmative Action\*](#), HARVARD CRIMSON (May 26)

**PEER REVIEW**

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**Book Publishers**

- University of California Press
- University Press of Kansas

**Law Journals**

- *Harvard Law Review*
- *Yale Law Journal*
- *Journal of College and University Law*

**Psychology Journals**

- *Child Development*
- *American Psychologist*
- *Asian American Journal of Psychology*
- *New Directions for Child & Adolescent Development*

**Sociology & Ethnic Studies Journals**

- *Ethnic and Racial Studies*
- *Ethnic Studies Review*
- *Ethnicities*
- *Race and Social Problems*
- *History & Memory*

**Education Journals**

- *Anthropology & Education Quarterly*
- *Compare: A Journal of Comparative and International Education*

**PROFESSIONAL ORGANIZATIONS**

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- Association of American Law Schools (AALS), Sections on Minority Groups, Constitutional Law, Education Law, and Law and South Asian Studies (2014-)
- Society of American Law Teachers (SALT) (2013-), Board of Governors (2017-2023)
- American Constitution Society for Law and Policy (ACS) (2015-)
- New Mexico Black Lawyers Association (2019-), Third Vice President (2020-22)
- Savannah Bar Association (2014-2019)

**OTHER ACADEMIC ACTIVITIES**

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- Editor, Race Rights and the Law Blog, Center for Civil Rights and Racial Justice, University of Pittsburgh (2022-); Race and the Law Prof Blog (2016-21)
- Member, Brokering Race Working Group, Center for Law, Race & Policy, Duke Law School (2023-)

## **GOVERNMENT COMMISSIONS**

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- New Mexico Advisory Committee, U.S. Commission on Civil Rights, Appointed Member (2021-)
- New Mexico Supreme Court Commission on Equity and Justice, Founding Steering Committee Member & Appointed At-large Member (2020-23)

## **K-12 EDUCATIONAL OUTREACH**

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- Interviewed by student at Jackson High School in Massillon, Ohio for project on race-conscious university admissions (Mar. 21, 2023)
- Interviewed by four students at The Beacon School in New York, NY for their constitutional law course papers (Jan. 18, 2023).
- Interviewed by student at The Beacon School in New York, NY for constitutional law course paper (Jan. 20, 2022).
- Presentation on Voter Suppression & the Impact on Black Communities, Bosque School, Albuquerque, NM (with Torri A. Jacobus) (Feb. 24, 2021)
- Interviewed by student at Skyline High School in Oakland, CA for Advanced Placement U.S. government course project on affirmative action (Nov. 20, 2020).
- Judge for Marshall-Brennan Constitutional Literacy Project high school moot court competition (New Mexico) (Nov. 15, 2019).
- Assisted high school student in Los Angeles, CA with *Los Angeles Times* High School Insider Program documentary proposal on skin color discrimination in Asia (Jan. 2018).
- Interviewed by middle school student in Lexington, KY for National History Day documentary, *The Little Rock Nine: A Stand Against School Segregation* (2017).
- Assisted high school social studies teacher at NYC iSchool with lessons on constitutional law and race-conscious university admissions (2015-16).

## **INSTITUTIONAL SERVICE**

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### **University of New Mexico – Main Campus**

- Advisory Board, Asian American Pacific Islander Resource Center (2022-)

### **University of New Mexico School of Law**

- Faculty Colloquium Committee (2022-24, Chair (Fall 2023))
- Admissions Committee (Chair, 2022-23, Fall 2023)
- Honors and Awards Committee (2019-22), Chair (2020-22)
- Student Retention, Suspension, and Readmission Committee (2019-22)
- Search Committee, Communications and Outreach Specialist (2020)
- Search Committee, Assistant Director of Admissions (2019)
- Planning Committee, *Korematsu at 75: Understanding the Legacy of Japanese-American Internment* (Fall 2019)

- Advisor to students in University of New Mexico School of Law Natural Resources and Environmental Law Clinic on legality of race-conscious provisions in proposed environmental justice legislation in New Mexico (2021)
- Faculty Advisor, Women's Law Caucus (2022-23)
- Faculty Advisor, Science, Technology, and Law Association (2020-21)
- Independent Research faculty supervisor, Denali Wilson ('20) and Eric Valdez ('20)

#### **Drake University School of Law**

- Informal Advisor, Black Law Students Association
- Host for delegation of judges from nation of Georgia for observation of constitutional law class

#### **Savannah Law School**

- Faculty Development Committee (Chair, 2016-17)
- Admissions Committee (2014-15, 2016-2018)
- Curriculum Committee (2014-2018)
- Faculty Advisor, *The Oak* (student newsletter) (2017-18)
- Independent Research faculty supervisor, Kurtis Bronson ('18)

#### **Chicago-Kent College of Law**

- Diversity Committee (2012-14)
- Faculty Advisor, Black Law Students Association (2013-14)

#### **Seattle University School of Law**

- Search Committee, Fred T. Korematsu Clinical Fellow (2011)
- Informal Advisor, Black Law Students Association (2011-12)
- Informal Advisor, Latinx Law Students Association (2011-12)

#### **New York University School of Law**

- Informal Advisor, Black Allied Law Students Association (2009-10)
- Informal Advisor, *New York University Law Review* Diversity Committee (2009-10)