

Emily M. Calhoun
Professor Emerita of Law
University of Colorado School of Law
Campus Box 401
Boulder, Colorado, 80309
Emily.Calhoun@Colorado.EDU

Educational Background

J.D.: University of Texas School of Law (1971)

Associate Editor, *Texas Law Review*
Reagan Sayers Award (with others) for published work

M.A.: Texas Tech University (1968)

B.A.: Texas Tech University (1967)

Professional Experience

Professor of Law, University of Colorado School of Law (August 1990 to May 2014)

Faculty Ombuds, University of Colorado at Boulder (Fall 2011 to date)

University of Colorado Privilege and Tenure Mediator (Fall 2005 to date)

Associate Vice President for Human Resources, University of Colorado (1986–88)

Associate Professor of Law, University of Colorado School of Law (1979–90)

Visiting Associate Professor of Law, University of Colorado School of Law (1978–79)

Assistant Professor of Law, University of Georgia School of Law (1974–79)

Staff Counsel, American Civil Liberties Union, Southern Regional Office,
Atlanta, Georgia (1971–74)

Publications: Books, Book Chapters, and Monographs*

LOSING TWICE: HARMS OF INDIFFERENCE IN THE SUPREME COURT (Oxford University Press 2011)

**Awareness: Confronting Racial and Gender Conflicts*, DEVELOPING CONSTRUCTIVE APPROACHES FOR CONFRONTING SEEMINGLY INTRACTABLE CONFLICTS (CU Conflict Resolution Consortium 1993) (10 pages)

* An asterisk indicates that the publication was solicited or invited.

*COLORADO PRODUCTS LIABILITY (The Harrison Co. 1987) (160 pages)

*1991 SUPPLEMENT (with James Christoph) (34 pages)

**The Influence of a Professional Ethic on Teacher Style*, ON TEACHING (The University of Colorado Learning Center 1987) (9 pages)

*AN INTRODUCTION TO EMPLOYMENT DISCRIMINATION LAW (with M. Wesson) (ACLU Foundation of Colorado, 1983) (Text: 94 pages; Appendices: 43 pages)

**The First Amendment Rights of Prisoners*, PRISONER'S RIGHTS SOURCEBOOK, VOL. II (Clark Boardman Co. 1980) (22 pages)

*Consultant, ENCYCLOPEDIA OF CONFLICT RESOLUTION (Heidi and Guy Burgess, eds., 1997).

WOMEN AND THE LAW: A SOURCEBOOK (with multiple co-editors) (1978) (245 pages)
(published in conjunction with the Ninth National Conference on Women and the Law. See below, under Grants, Contracts, and Conferences Organized.)

**Bibliography: First amendment restrictions on government regulation of pornography*
(sole author) (3 pages)

Publications: Articles

**Beyond the Pale: The Supreme Court Opinion in Rights Disputes*, 48 ENGLISH LANGUAGE NOTES 179 (Fall/Winter 2010) (8 pages)

**English and . . . Law? Notes From a Presentation Delivered for the University of Colorado Literaria Society*, CONSORTIUM: A RECORD OF CROSSDISCIPLINARY INQUIRY (2009) (7 pages)

The Accounting: Habeas Corpus and Enemy Combatants, 79 U. COLO. L. REV. 77 (2008) (57 pages)

*Book Review: Kermit Roosevelt III, *The Myth of Judicial Activism: Making Sense of Supreme Court Decisions*, *Trial: The Journal of the American Association for Justice* 62 (June 2007)

**Academic Freedom: Lessons from Hogwarts*, 77 U. COLO. L. REV. 843 (2006) (38 pages)

Workplace Mediation: The First-Phase, Private Caucus in Individual Discrimination Disputes, 9 HARV. NEG. L. REV. 187 (2004) (34 pages)

The Professional Responsibility of Affirmative Action in Higher Education, 12 TEMPLE POLITICAL & CIV. RTS. L. REV. 1 (2002) (18 pages)

*Book Review: *Bearing Witness*, *The Women's Review of Books* (June 2003) (2 pages)

**Initiative Petition Reforms and the First Amendment*, 66 U. COLO. L. REV. 129 (1995) (12 pages)

- *Dilemmas of Difference, The Advocate* (March/April 1995) (with N. Ehrenreich) (3 pages)
- *Voice in Government: The People*, 8 NOTRE DAME J. OF LAW, ETHICS & PUB. POL. 427 (1994) (39 pages)
- *Book Review: Coercion vs. Conscience, The Women's Review of Books* (December 1993) (2 pages)
- Shaw v. Reno: On the Borderline*, 65 U. COLO. L. REV. 137 (1993) (12 pages)
- The Breadth of Context and the Depth of Myth: Completing the Feminist Paradigm*, 4 HASTINGS WOMEN'S LAW JOURNAL 1 (1993) (22 pages)
- *Silence and the Elections of 1992, The Advocate* (January 1993) (2 pages)
- Workplace Discrimination: Truthfulness and the Moral Imagination*, 16 VERMONT LAW REVIEW 137 (1991) (45 pages)
- *Book Review: Toward a Feminist Theory of the State, Frontiers: A Journal of Women's Studies* Vol. XI, nos. 2 and 3 (1990) (2 pages)
- *Design Defects in Equipment: When Are Government Contractors Liable for Injuries to Military Personnel? Boyle v. United Technologies Corp.*, PREVIEW (American Bar Association, October 30, 1987) (2 pages)
- *When Is a Primary Not a Primary? Munro v. Socialist Workers Party*, PREVIEW (American Bar Association, October 17, 1986) (2 pages)
- The First Amendment and Distributional Voting Rights Controversies*, 52 TENN. L. REV. 549 (1985) (54 pages)
- *The Developing Law of the Toxic Workplace*, AMICUS (University of Colorado School of Law, Winter, 1984–85) (with M. Wesson) (2 pages)
- Thinking Like a Lawyer*, 34 J. LEGAL ED. 507 (Association of American Law Schools, 1984) (8 pages)
- Attorney–Client Conflicts of Interest and the Concept of Non–Negotiable Fee Awards Under 42 U.S.C. § 1988*, 55 U. COLO. L. REV. 341 (1984) (50 pages)
- *Statutory Attorney's Fees and Settlements in Public Interest Litigation: The Ethical Issues*, 33 TRIAL TALK 24 (Colorado Trial Lawyers Association, 1984) (4 pages)
- *Book Review: A Prison and a Prisoner: The Provincial's View*, 77 MICH. L. REV. 751 (1979) (10 pages)
- The Supreme Court and the Constitutional Rights of Prisoners: A Reappraisal*, 4 HASTINGS CONST. L.Q. 219 (1977) (29 pages)

The Thirteenth and Fourteenth Amendments: Constitutional Authority for Federal Legislation Against Private Sex Discrimination, 61 MINN. L. REV. 313 (1977) (50 pages)

*Book Review: *Jails*, 9 GA. L. REV. 526 (1975) (6 pages)

Control of Oil Production Pollution (with C.T. Ashworth), 48 TEX. L. REV. 1086 (1970) (38 pages)

Briefs

**Pele Defense Fund v. Paty*, No. 92-1112 (Supreme Court of the United States) Petition for writ of certiorari on behalf of Native American Rights Fund (16 pages)

**Ulaleo v. Paty*, No. 88-00320-ACK (Court of Appeals for the Ninth Circuit), Petition for rehearing *en banc* on behalf of Native American Rights Fund (11 pages)

**Lucero v. City of Trinidad*, No. 85-1682 (Court of Appeals for the Tenth Circuit), Brief on behalf of *amicus curiae* Colorado Lawyers Committee (10 pages)

**Taxpayers for Animas-La Plata Referendum v. Animas-La Plata Water Conserv. Dist.*, Civ. No. 82-2-448 (U.S. District Court Colorado) (Brief on motion for summary judgment) (45 pages)

Significant Papers and Speeches

Center for Humanities and the Arts, Distinguished Lecturer: Tragic Choice and Judicial Obligation in Civil Liberties Disputes, November 10, 2006

White Center Conference: Horowitz, Churchill, Columbia – What Next for Academic Freedom, February 3-4, 2006

University of Colorado, Boulder, Affirmative Action Debate with R. Lawrence Purdy, Esq., plaintiff's counsel in *Grutter v. Bollinger*, October 14, 2003

Byron R. White Center for the Study of American Constitutional Law: "What Do the Michigan Affirmative Action Decisions Mean for Universities and Colleges", July 1, 2003

ACLU of Colorado: The Constitutionality of Single-Sex Education, November 14, 2001

CU Graduate School Symposium: U.S. Interests and Values in the Era of Globalization, August 26, 1999 (remarks on human rights)

University of Denver Law Faculty Colloquium, January 1997 (presentation on draft chapters for civil rights book)

Native American Rights Fund, January 24, 1995 (Section 1983 issues in ICWA Litigation)

Ira. C. Rothgerber, Jr., Conference, September 23, 1994 (presentation on initiatives)

Colorado Bar Association Annual Meeting, October 8, 1993 (panel discussion on hate speech)

Rocky Mountain Modern Language Ass'n, Social Responsibility in the Academy: Legal Perspectives on Amendment 2, October 14, 1993

Channel 12, PBS, November 17, 1992: panel discussion on Amendment 2

CU Law School Federalist Society, March 5, 1992: affirmative action debate with Professor Lino Graglia, University of Texas School of Law

Colorado Bar Association Annual Meeting, October 13, 1989: address to Individual Rights Section on abortion rights

The Democratic Ideal (PBS and the University of Colorado), taped on September 9, 1987: panelist, with Mortimer J. Adler, former Colorado Governor Richard Lamm, U.S. District Judge John M. Kane

American Association for Affirmative Action Regional Conference, Denver, Colorado, February 8, 1985: speaker on comparable worth

The ERA and Ratification Deadlines (KOA-TV, Dimension 4), February 4, 1982: twenty-minute interview

Ninth National Conference on Women and the Law, Atlanta, Georgia, April 6–9, 1978: panelist on the First Amendment and regulation of pornography

Numerous other Continuing Legal Education presentations, reviews of scholarly work, and public presentations

Grants, Contracts, and Conferences Organized

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| 2006 | University of Colorado School of Law Summer Conference Series (with Professor Melissa Hart) (\$4000): by-invitation-only workshop on judicial deference |
| 1997 | President's Fund for the Humanities (with Professors Ben Rich and Ann Davis) (\$5,000): funds to bring Ronald Dworkin to CU Law and colloquium series on bioethical/legal issues |
| 1991 | Consortium on Conflict Resolution, sponsoring faculty member for law student proposal to study the Civil Rights Act of 1990 (\$6,000): study published by Rita Kumer in 64 <i>Colo. L. Rev.</i> 213 (1992) |
| 1985 | President's Fund for the Humanities (\$4,000): Grant submitted on behalf of the School of Law for a program celebrating the bicentennial of the signing of the Constitution of the United States |
| 1980–81 | U.S. Department of Education (with Professor Roxanne Bailin, Ron Porter, Esq., and others) (\$50,668): grant to the Law School for an Institute for Law and Aging |
| 1979 | Laws of Libel/Laws of Access (with the CU School of Journalism): conference organizer |

- 1979 Medical Malpractice and the Legal Profession (with the CU Health Sciences Center): conference organizer
- 1978 Ninth National Conference on Women and the Law: Steering Committee and faculty sponsor with primary responsibility for program development and fundraising from, *e.g.*, the Ford Foundation; the John D. Rockefeller, III, Foundation; and the Playboy Foundation
- 1975 Third Southeastern Regional Conference on Women and the Law: faculty sponsor and supervisor

Dissertation and Thesis Committees

Erica Delgadillo, Communications, UCB (Ph.D., in progress: role of amicus briefs in constitutional litigation)

Wendy Chi, Education, UCB (Ph.D. awarded 2011: charter schools and integration in Delaware)

Orin Wicks, Political Science, UCB (Honors Thesis 2004): "Truth and Reconciliation"

Ian Magilivray, Education, UCB (Ph.D. awarded 2001): "Implementing School Non-discrimination Policy that Includes Sexual Orientation: A Case Study in School and Identity Politics"

Sharon Alexander, Anthropology, UCB (M.A. awarded 2001): "*Romer v. Evans* and the Colorado Amendment 2 Controversy: The Rhetoric and Reality of Sexual Orientation Discrimination in America"

Lisa Burger, Political Science, UCB (Honors Thesis 2001): "The International Criminal Court"

Christina Bellon, Philosophy, UCB (Ph.D. awarded summer, 1998): "A Vindication of the Rights of Children"

Anne Campbell, Political Science, UCB (Ph.D. awarded summer, 1998): "Setting the Initiative Agenda: The Not-So-Silent Majority"

Laura Maloof, Political Science, UCB (Honors Thesis 1998): "An Influential Voice: The Influence of Women on the Supreme Court"

Corinne Foley, Political Science, UCB (Honors Thesis, 1998): "Reproduction Rights: Cases and Controversies"

Patrick Spenser, Political Science, UCB (M.A. awarded summer 1994): "*Terry* and the Fourth Amendment"

Jacqueline Colby, Philosophy, UCB (Ph.D. awarded 1993): "Consent and Its Consequences: Understanding the Moral Significance of Consent and Its Importance in Medical Practice and Malpractice Law"

John Martin, Graduate School of Public Affairs, UCD (Ph.D. awarded 1993): “Long-Range Strategic Planning and Management for Trial Courts: An Inter-organizational Approach”

Kevin Gibson, Philosophy, UCB (Ph.D. awarded summer, 1991): “Some Ethical Problems in Mediated Dispute Resolution”

Professional, Public, and University Service

Pro Bono Consulting:

I have consulted with public interest organizations and attorneys on a variety of issues. For example, I have worked with the American Civil Liberties Union and its cooperating attorneys on prisoners’ rights lawsuits (*Hardwick v. Ault* and *Ramos v. Lamm*), a lawsuit challenging the involuntary sterilization of indigent, pregnant women (*Walker v. Pierce*), a lawsuit involving separation of church and state (*Citizens Concerned for Separation of Church and State v. City and County of Denver*), the lawsuit challenging Amendment 2 (*Evans v. Romer*), and on attorneys’ fee issues. I have also worked with the National Wildlife Federation on a lawsuit challenging the formation of a special water district (*Taxpayers for Animas La Plata Referendum v. Animas La Plata Water Conservancy District*); with the Colorado Lawyers Committee on a brief, *amicus curiae*, relating to an attorney’s fee question (*Lucero v. City of Trinidad*); with the Native American Rights Fund on briefs and petitions relating to an Eleventh Amendment issue (*Ulaleo v. Paty*) and to a state-court civil rights suit (*PDF v. Paty*) and on Section 1983 issues related to ICWA litigation; with the Rocky Mountain Peace and Justice Center on prisoners’ rights issues; and on an *amicus curiae* brief defending the constitutionality of cooperating attorney litigation conduct. I also consult with mediation professionals and participants on a pro-bono basis.

Significant Community Service:

Board of Directors, CDR Associates (not-for-profit dispute resolution organization) (1988–1991)

Board of Directors, American Civil Liberties Union of Colorado (1982–84) (1986–87);
Chairperson, Legal Panel (1982–83) (responsibilities: case selection and development of litigation policies)

President, Board of Directors, Boulder County Safehouse for Battered Women (1980–81)
(responsibilities as President: establishment of the shelter’s organizational structure and financial backing during its first year of operation)

Board of Directors, Institute for Law and Aging (1980)

Significant University Service:

University of Colorado at Boulder, Academic Review and Planning Advisory Committee
(2008-2011)

University of Colorado, Privilege and Tenure Committee Mediator (2005-to date)

University of Colorado, 3CG Fellow (2009-2011)

University of Colorado at Boulder, Peace and Conflict Studies Steering Committee (2008-2012)

University of Colorado Law School, Admissions Committee, Chair (2008-2009)

University of Colorado, Tenure Study, Internal Working Group (2005-06)

University of Colorado Law School, Faculty Evaluation Committee, Chair (2004-05)

University of Colorado, Regents Awards Canvassing Committee (2003-04; 2004-05)

University of Colorado at Boulder, GLB Center Advisory Board (1995–97, 1998–99)

Board of Governors, University Conflict Research Consortium (1988–98)

University of Colorado, Awards Committee (1997–98)

University of Colorado, President's Committee on Women in Intercollegiate Athletics (1993–95)

University of Colorado at Boulder, Norlin Libraries Tenure Committee (1994–98)

University of Colorado, Faculty Council, Chairperson (1983–85)

University of Colorado at Boulder, Human Research Committee (1981–83; 1994–95);
Chairperson (1982–83)

Honors and Awards

Colorado Women's Bar Foundation, Raising the Bar award (September 2014)

Jules Milstein Faculty Scholarship Award (2012)

Outstanding Woman Faculty Member (teaching award) (2000–01)

1989 Robert L. Stearns Award (University of Colorado Alumni Association)

Eleventh Annual Austin W. Scott Lecturer, November 20, 1984

United States Delegation, United Nations' International Women's Year Conference
(Advisor, June 19–July 2, 1975, Mexico City)

