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EDUCATION

J.D. University of Michigan Law School, *cum laude*, 1989

M.A. in English, University of Michigan, 1983

A.B. with distinction, University of Michigan, 1982

PROFESSIONAL EXPERIENCE

Professor, University of Colorado School of Law, 1997-present

Associate Professor, University of Colorado School of Law, 1990-1997

Director, Byron R. White Center for American Constitutional Study, 1995-1999

Visiting Professor, Southern Methodist University Law School, Fall, 1997

Visiting Associate Professor, University of Minnesota Law School, Fall, 1992

Attorney, Latham & Watkins, Chicago, Illinois, 1989-90

Associate Editor, Michigan Law Review, 1987-89

Editor, The Sports Periodicals INDEX, 1985-86

PUBLICATIONS

BOOKS

Don't Go to Law School (Unless) (LGLA Books, 2012)

The Obesity Myth (Penguin Books/Gotham, 2004)

Jurismania (Oxford University Press, 1998)

Against the Law (with Pierre Schlag and Steve Smith, Duke University Press, 1996)

Scholarly Articles, Essays, and Reviews

Is Legal Scholarship Worth its Cost? 88 U. Colo. L. Rev. 102 (2017)

Food Policy and Cognitive Bias, 5 Wake For. J.L. & Pol. 187 (2015)

Lawyers and Spoiled Identity, 28 Georg. J.L. Ethics 73 (2015)

Has the Increased Cost of Law School Improved Legal Education? 50 Wake For. L. Rev. 101 (2015)

Candor and the Politics of Law Teaching, 99 Rad. Teach. 27 (2014)

Legal Academia and the Blindness of the Elites, 37 Harv. J. L. & Pub. Pol. 179 (2013)

Self-Congratulation and Scholarship, 60 UCLA L. Rev. Disc. 214 (2013)

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The End of the Obesity Epidemic, 23 *Critical Public Health* 51 (2013) (Book Review)

The Crisis of the American Law School, 46 *Mich. J.L. Ref.* 177 (2012)

Does Fat Kill? A Critique of the Epidemiological Evidence, in **Debating Obesity: Critical Perspectives**, Emma Rich, Lee F. Monaghan & Lucy Aphramor, eds., Palgrave Macmillan (2011)

Medical and Social Scientific Debates Over Body Weight, in **Handbook of the Social Science of Obesity**, John Cawley, ed., Oxford University Press (2011) (with A. Saguy)

Shame, 17 *J. Con. Leg. Issues* 61 (2008)

Three Versions of Nonsense, 77 *U. Colo. L. Rev* 901 (2006)

Response: Lifestyle, Not Weight, Should Be the Primary Target, 35 *International J. Epidemiology* 81 (2006) (with A. Saguy, E. Oliver, P. Ernsberger, and G. Gaesser)

The Epidemiology of Overweight and Obesity: Public Health Crisis or Moral Panic? 35 *International J. Epidemiology* 55 (2006)

Fat and the Politics of Fear, 20 *Health A. E. S.* 133 (2006)

Anorexia Nation 19 *Health A. E. S.* 11 (2005)

Why Our Fears About Fat Are Misplaced, 182 *New Scientist* 20 (2004)

The Search For Incontrovertible Visual Evidence, 72 *U. Colo. L. Rev.* 1039 (2001)

What the Twins Saw, 67 *U. Cin. L. Rev.* 711 (1999)

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The Chaotic Pseudotext, 94 Mich. L. Rev. 2178 (1996)

The Color of Money, 67 U. Colo. L. Rev. 921 (1996)

A Text Is Just A Text, 19 Harv. J.L. & Pol'y 327 (1996)

Forty Years in the Desert, 20 S. Ill. U. L. J. 109 (1995)

A Heterodox Catechism, 11 Const. COMM. 65 (1994)

Secular Fundamentalism, 94 Colum. L. Rev. 1814 (1994)

The Untermensch As Übermensch, 6 Yale J. L. & Human. 423 (1994) (Book Review)

Advocacy and Scholarship, 81 Calif. L. Rev. 817 (1993)

Silence and the Word, 64 U. Colo. L. Rev. 1139 (1993)

That Obscure Object of Desire: Hermeneutics and the Autonomous Legal Text, 77 Minn. L. Rev. 1065 (1993)

Three Mistakes About Interpretation, 92 Mich. L. Rev. 388 (1993)

Legal Hermeneutics, 10 Const. Comm. 175 (1993) (Book Review)

The Paradox of Punishment, 1992 Wisc. L. Rev. 1931 (1993)

A Mirror For the Magistrate, 9 Const. Comm. 151 (1992)

Against Constitutional Theory, 4 Yale J.L. & Human. 279 (1992)

SELECTED RECENT JOURNALISM

White America's Sad Last Stand, *Salon*, June 1, 2016

Donald Trump is Just This Dumb, *Salon*, May 10, 2016

Stupidity, Celebrity, Plutocracy, *Salon*, May 5, 2016

Led Zeppelin Are Not Thieves, *Salon*, April 17, 2016

Paul Ryan is Still a Grifter, *Salon*, March 28, 2016

This is Why Donald Trump is Winning, *Salon*, March 18, 2016

Obama's Gutsy Godfather Move, *Salon*, March 16, 2016

Sorry Hillary But We're Done, *Salon*, March 15, 2016

Listen to Donald Trump Voters, *Salon*, March 2, 2016

Scalia Was an Intellectual Phony, *Salon*, February 18, 2016

2016 is Now All About the Court, *Salon*, February 13, 2016

Harvard's Leading Liberal is Trying to Gut Essential Climate Change Regulation, *Salon*,
February 12, 2016

Hillary Clinton's Self-Satisfied Privilege, *Salon*, February 5, 2016

This is Ted Cruz's Birther Dilemma, *Salon*, January 22, 2016

Powerball is a National Disgrace, *Salon*, January 12, 2016

Scalia and Affirmative Action, *Salon*, December 11, 2015

Another Paris Is Taking Place This Very Day, *Salon*, November 19, 2015

The Decline and Fall of White America, *Salon*, November 11, 2015

The Law School Scam Continues, *The Atlantic*, October 23, 2015

Let Us Now Blame George Bush, *Salon*, October 19, 2015

Alice Goffman's Improbable Ethnography, *Chronicle of Higher Education*, September 4, 2015

Massive Endowments, Massive Tuition, Massive Debt, *Salon*, June 8, 2015

The Strange Case of Denny Hastert, *Salon*, June 2, 2014

America Has Not Thought Hard Enough About the Death Penalty, *Salon*, May 16, 2015

The Real Cost of College, *The Atlantic*, May 13, 2015

The Real Reason College Tuition Costs So Much, *New York Times*, April 4, 2015

Confederate Flag's Constitutional Mess, *Salon*, March 25, 2015

What the Ferguson Transcripts Reveal, *Salon*, November 26, 2014

Grand Jury Bought Darren Wilson's Story, *The Daily Beast*, November 24, 2014

The Law School Scam, *The Atlantic*, September, 2014

There Is No Childhood Obesity Epidemic, *The New Republic*, February 27, 2014

How a Louis Vuitton Bag Can Explain the Higher Education Bubble, *The Week*, Feb. 26, 2014

Michael Dunn's License to Kill, *Salon*, February 16, 2014

Crybabies of the One Percent, *Salon*, February 8, 2014

How to Fix Law School, *The New Republic*, July 23, 2013

Chris Christie's Weight Isn't a Big Issue, *Time*, February 8, 2013

Should Unhappy Lawyers Blame Themselves, *Time*, January 28, 2013

Our Absurd Fear of Fat, *New York Times*, January 2, 2013

Bork is Dead: Long Live Scalia! *The Daily Beast*, December 20, 2012

Robert Bork's Nauseating World View, *Salon*, December 19 2012

Why Is the Shooter Always Male? *Salon*, December 17 2012

Tax Cuts Steal From the Future, *Salon*, December 14 2012

Too Many Lawyers? Says Who? *Salon*, November 29, 2012

A Judge Searches for Free Labor, *Salon*, November 21 2012

Don't Bust Pot States, Obama, *Salon*, November 8, 2012

In Defense of Nate Silver – and Basic Math, *Salon*, October 31, 2012

Why the War on Fat is a Scam to Peddle Drugs, *Salon*, 10/25/2012

Why Antonin Scalia is a Fraud, *Salon*, 10/09/2012

College Graduates Are in For a Rude Awakening, *Salon*, 10/03/2012

How Ayn Rand is Wrecking Football, *Salon*, 09/25/2012

Just the Right Kind of Stupid, *Salon*, 9/17/2012

9/11: What Bush Knew, *Salon*, 9/11/2012

America's New Culture of Corruption, *Salon*, 9/04/2012

Anti-Obesity: The New Homophobia? *Salon*, 8/28/2012

Paterno Bio: Disgusting and Disgraceful, *Salon*, 8/23/2012

Niall's Most Laughable Lie, *Salon*, 8/21/2012

Krugman For Treasury, *Salon*, 8/14/2012

Texas' Next Dubious Execution, *Salon*, 8/02/2012

Don't Trust the Boomers! *Salon*, 7/31/2012

Aurora: We Shouldn't Be Surprised, *Salon*, 7/20/2012

Roberts Wrote Both Obamacare Opinions, *Salon*, 7/02/2012

Did John Roberts Switch His Vote? *Salon*, 6/28/2012

Don't Cheer John Roberts, *Salon*, 6/28/2012

Antonin Scalia, Ranting Old Man, *Salon*, 6/25/2012

Scalia's Scary Thinking, *Salon*, 6/24/2012

We Are All Penn State, *The Daily Beast*, June 24, 2012

Debt: Not Just For Undergrads, *Salon*, 5/15/2012

Stop Shaming Fat Kids, *The Daily Beast*, January 4, 2012

How Law Schools Completely Misrepresent Their Job Numbers, *The New Republic*, April 25, 2011

Why Can't Obama Get His Judges? *The Daily Beast*, November 28 2011

Occupy Wall Street's Age Divide, *The Daily Beast*, Oct. 15 2011

Why Bin Laden Wasn't Taken Alive, *The Daily Beast*, May 6, 2011

A Kangaroo Court for Khalil Sheik Mohammad, *The Daily Beast*, April 4 2011

Throw Thomas Off the Bench, *The Daily Beast*, March 3, 2011

Obama's Imperial War Subverts the Constitution, *The Daily Beast*, April 2 2011

Michelle Obama's Let's Move Campaign is Helping Bullies, *The Daily Beast*, March 15 2011

Leave Christie's Weight Alone, *The Daily Beast*, October 2, 2011

Lay Off Christie's Weight, *The New Republic*, September 28, 2011

DSK and Casey Anthony: The American Justice System at its Best, *The New Republic*, July 7, 2011

Served, *The New Republic*, April 25, 2011

Elena Kagan, Barack Obama, and the American Establishment, *Lawyers, Guns and Money*, July 21, 2010

Was Health Care Ruling a Liberal Victory? *The Daily Beast*, December 10, 2010

Health Care Hypocrites, *The Daily Beast*, March 23, 2010

What the Torture Prof Teaches, *The Daily Beast*, February 28, 2010

Note to Alito: Obama Was Right, *The Daily Beast*, January 28, 2010

You Call This a Liberal? *The Daily Beast*, April 9, 2010

Supreme Sellout, *The Daily Beast*, February 21, 2010

Leave Fat People Alone, *The Daily Beast*, February 17, 2010

Childhood Shmobesity, *The New Republic*, February 10, 2010

Undressing the Terror Threat, *Wall Street Journal*, January 9, 2010

TEACHING

Property

Legislation and Legal Interpretation

Jurisprudence

Economics of the American Legal System

Theories of Criminal Punishment (Seminar)

Selected recent scholarly presentations:

Federalist Society Annual Lawyers Convention, Washington DC, November, 2014

Wake Forest Law School, April, 2014

Bicknell Lecture, Boston University, October, 2013

Stanford Law School, April, 2013

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Harvard Law School, April, 2013

Cato Institute, January, 2013

University of Michigan Law School, March 2012

Stanford Law School, March 2012

University of Georgia Law School, March 2012

University of Nevada Las Vegas William Boyd School of Law, February 2012

New York University, Intelligence Squared PBS Debate Series, February 2012

Dickinson College, March 2011

Arizona State University, February 2011

University of Otago (New Zealand), February 2010

Center for the Study of Women, University of California Los Angeles, January 2010

Selected awards and honors

Named one of the 25 most influential people in legal education by *National Jurist*, 2012, 2013, 2014

Selected as Lawyer of the Year by *Above The Law*, 2012

Professional Associations

Colorado Hispanic Bar Association

Law and Society Association

American Bar Association