

HELEN L. NORTON
University of Colorado School of Law
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EMPLOYMENT

University of Colorado School of Law Associate Professor	2007-present
University of Maryland School of Law Visiting Assistant Professor	2002-2007
University of Wyoming College of Law E. George Rudolph Distinguished Visiting Chair in Law	2001
U.S. Department of Justice Deputy Assistant Attorney General for Civil Rights Counsel to the Assistant Attorney General for Civil Rights	1998-2001
National Partnership for Women and Families Director of Legal and Public Policy Deputy Director, Work and Family Programs; Staff Attorney	1989-1998

EDUCATION

J.D., 1989, Boalt Hall School of Law, University of California, Berkeley
Associate Editor, California Law Review

B.A., with distinction, 1985, Stanford University

SCHOLARSHIP

Articles

Campaign Speech Law With a Twist: When Government is the Speaker, Not the Regulator, 61 EMORY L.J. (forthcoming 2011)

The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality, 52 WM. & MARY L. REV. 197 (2010)

Constraining Public Employee Speech: Government's Control of Its Workers' Speech to Protect Its Own Expression, 59 DUKE L.J. 1 (2009)

The Measure of Government Speech: Identifying Expression's Source, 88 BOSTON U. L. REV. 587 (2008)

Re-Shaping Federal Jurisdiction: Congress' Latest Challenge to Judicial Review, 41 WAKE FOREST L. REV. 1003 (2006)

Stepping Through Grutter's Open Doors: What the University of Michigan Affirmative Action Cases Mean for Race-Conscious Government Decisionmaking, 78 TEMPLE L. REV. 543 (2005)

Not for Attribution: Government's Interest in Protecting the Integrity of Its Own Expression, 37 U.C. DAVIS L. REV. 1317 (2004)

You Can't Ask (or Say) That: The First Amendment Implications of Civil Rights Restrictions on Decisionmaker Speech, 11 WM. & MARY BILL RTS. J. 727 (2003)

Co-Authored Articles

Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age, 91 BOSTON U. L. REV. (forthcoming July 2011) (with Danielle Keats Citron)

Government Speech 2.0., 87 DENV. U. L. REV. 899 (2010) (with Danielle Keats Citron)

Essays and Other Publications

Imaginary Threats to Government's Expressive Interests, 60 CASE WESTERN L. REV. (forthcoming May 2011)

The Court's Post-Racial Turn, Legal Workshop, Feb. 28, 2011, <http://legalworkshop.org/2011/02/28/william-and-mary-post>

Shining a Light on Democracy's Dark Lagoon, 61 S. CAR. L. REV. 535 (2010)

Regulating Cyberharassment: Some Thoughts on Sexual Harassment 2.0, 87 DENV. U. L. REV. ONLINE 11 (2010)

Constraining Public Employee Speech, Legal Workshop, Oct. 19, 2009, <http://legalworkshop.org/2009/10/19/1689>

Government Workers and Government Speech, 7 FIRST AM. L. REV. 75 (2008)

What Bush v. Gore Means for Elections in the 21st Century, 2 WYO. L. REV. 419 (2002)

The Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer-Sponsored Health Plans, 8 EMP. RTS. & EMP. POL'Y J. 523 (2004)

Reprintings of Articles and Essays

Constraining Public Employee Speech: Government's Control of Its Workers' Speech to Protect Its Own Expression, to be reprinted in Rodney Smolla, ed., *THE FIRST AMENDMENT LAW HANDBOOK* (forthcoming 2010-11 edition)

The Measure of Government Speech: Identifying Expression's Source, reprinted in Rodney Smolla, ed., *THE FIRST AMENDMENT LAW HANDBOOK* (2008-09 edition)

Works-in-Progress

Government Speech and the Equal Protection Clause

When Government Lies

Regulating Secrets and Lies in the Campaign Speech Context

AWARDS AND PUBLIC LECTURES

2011 Jules Milstein University of Colorado School of Law Faculty Writing Award (for *Constraining Public Employee Speech: Government's Control of its Workers' Speech to Protect Its Own Expression*, 59 *Duke L.J.* 1 (2009)).

2011 Byron R. White Center for the Study of American Constitutional Law Faculty Writing Award (for *The Supreme Court's Post-Racial Turn Towards a Zero-Sum Understanding of Equality*), 2011

2011 Excellence in Teaching Award

2009 Excellence In Teaching Award

2008 Excellence In Teaching Award

2007 Teacher of the Year (University of Maryland School of Law School)

Commencement Speaker, University of Wyoming College of Law, May 2003

E. George Rudolph Distinguished Visiting Lecture, "What *Bush v. Gore* Means for Elections in the 21st Century," University of Wyoming School of Law, December 2001

CONGRESSIONAL AND AGENCY TESTIMONY

Federal Antidiscrimination Law Implications of Excluding Currently Unemployed Workers from Consideration for Job Opportunities, Equal Employment Opportunity Commission (2011)

The Protecting Older Workers Against Discrimination Act: Hearing on H.R. 3721 Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. on the Judiciary, 111th Cong. (2010)

The Protecting Older Workers Against Discrimination Act: Hearing on S. 1756 Before the S. Comm. on Health, Education, Labor, and Pensions, 111th Cong. (2010)

Employment Non-Discrimination Act: Ensuring Opportunity for All Americans: Hearing Before the S. Comm. On Health, Education, Labor, and Pensions, 111th Cong. (2009)

Protecting American Employees from Workplace Discrimination: Hearing on H.R. 1431 Before H. Subcomm. on Health, Employment, Labor and Pensions of the H. Comm. on Education and Labor, 110th Cong. (2008)

The Employment Non-Discrimination Act of 2007: Hearing on H.R. 2015 Before H. Subcomm. on Health, Employment, Labor, and Pensions of the H. Comm. on Education and Labor, 110th Cong. (2007)

Civil Rights Division Oversight: Hearing Before S. Comm. on the Judiciary, 110th Cong. (2007)

AMICUS BRIEFS

Brief filed in the United States Supreme Court on behalf of *Amici* National Women's Law Center, et al., in *Thompson v. North American Stainless, LP* (September 2010)

Brief filed in the United States Supreme Court on behalf of *Amici* National Partnership for Women & Families, Mexican American Legal Defense and Education Fund, Lawyers' Committee for Civil Rights under Law, et al., in *Lewis v. City of Chicago* (November 2009)

Brief filed in the United States Supreme Court on behalf of *Amici* National Partnership for Women & Families, et al., in *Ricci v. DeStefano* (April 2009)

Brief filed in United States Circuit Court of Appeals for the Fourth Circuit on behalf of *Amici* National School Boards Association, American Association of School Administrators, National League of Cities, et al., in *Page v. Lexington County Sch. Bd. No. One* (October 2007)

SCHOLARLY PRESENTATIONS

Presenter, “Transparency, Disclosures, and Campaign Speech,” Conference on Compelled speech and the First Amendment,” University of Virginia School of Law, October 2011 (scheduled)

Presenter, “Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age,” University of Maryland School of Law Symposium on “Privacy and Dignity for the 21st Century,” March 2011

Presenter and Roundtable Participant, “Intermediaries and Hate Speech: Fostering Digital Citizenship for the Information Age,” Roundtable on Hate Speech, Center on the Internet and Society, Stanford University School of Law, January 2011

Presenter, “The Unexpected Virtues of Government’s Partisan Speech,” Symposium on Government Speech: The Government’s Ability to Compel and Restrict Speech, Case Western University Law School, November 2010

Presenter, “The Unexpected Virtues of Government’s Partisan Speech,” Constitutional Law Colloquium: How Democratic is the Constitution?, Loyola-Chicago Law School, November 2010

Presenter, “Electoral Exceptionalism and Government Expression,” Symposium on Structural and Doctrinal Questions in Constitutional Law: Is Our Constitutional Order Broken?, University of Connecticut School of Law, October 2010

Presenter, “The Supreme Court’s Post-Racial Turn,” Law and Society Annual Meeting, Chicago, May 2010

Presenter, “Government Speech 2.0,” Ira C. Rothberger, Jr. Conference on Government Speech, University of Colorado Byron White Center on Constitutional Law, Denver, January 2010

Commenter, “Cyberharassment, Regulation, and Free Speech,” Cyber Civil Rights Symposium: New Challenges for Civil Rights and Civil Liberties in Our Networked Age, Denver University School of Law, November 2009

Presenter, “Government Speech in Transition,” Symposium on The Fourth Circuit Court of Appeals: Its Tradition, Its Jurisprudence, and Its Future, University of South Carolina School of Law, October 2009

Presenter, “The Post-Racial Constitution: What *Ricci* Means for Equal Protection Law,” Colloquium on Current Scholarship in Labor and Employment Law, Seton Hall University School of Law, September 2009

Presenter, “Does Empathy for Some Necessarily Mean Prejudice Against Others? What *Ricci* Means for Antidiscrimination Law,” Rocky Mountain Junior Legal Scholars Workshop, Brigham Young University School of Law, September 2009

Commenter, “Workplace Discrimination: How it Occurs and Legal Responses,” Law and Society Annual Meeting, Denver, May 2009

Commenter, “Cyber Civil Rights,” Fordham University Law Center on Law and Information Policy, January 2009

Presenter, “When May Government Control Its Workers’ Speech to Protect Its Own Expression?” Colloquium on Current Scholarship in Labor and Employment Law, California Western, University of San Diego, and Thomas Jefferson Schools of Law, October 2008

Presenter, “Policing the Line Between Government Speech and Censorship,” Northeast People of Color and the Law Conference, Boston University School of Law, September 2008

Presenter, “Government’s Expressive Interests in the Speech of Its Employees,” Jurisgenesis: New Voices in the Law, Washington University and St. Louis University Schools of Law, June 2008

Presenter, “Government Workers and Government Speech,” Symposium: Public Citizens, Public Servants – Free Speech in the Post-*Garcetti* Workplace,” University of North Carolina School of Law, February 2008

Presenter, “An Employment Law Perspective on Conscience-Based Refusals by Health Care Workers,” Maryland Health Care Ethics Committee Network, University of Maryland School of Law, June 2006

Panelist, “The Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer-Sponsored Health Plans,” Joint Program of the Employment Discrimination and Employee Benefits Law Sections, American Association of Law Schools Annual Meeting, Atlanta, January 2004

COURSES TAUGHT

Antidiscrimination Law and the First Amendment (seminar)

Civil Procedure

Constitutional Law

Employment Discrimination Law

Employment Law

General Civil Litigation Clinic

Legislation and Regulation

Torts

SERVICE AND OUTREACH ACTIVITIES

Major Law School Service

Member, Faculty Appointments Committee, University of Colorado School of Law, 2010-11 and 2008-09

Member, Admissions Committee, University of Colorado School of Law, 2009-2010

Member, Clinical Hiring Committee, University of Colorado School of Law, 2008-09

Member, Dean's Committee for Diversity, 2010-present

Faculty Secretary, University of Colorado School of Law, 2007-08

University of Colorado at Boulder Service

Member, Intercollegiate Athletics Committee, University of Colorado, 2008-present

Member, Department of Athletics' Gender Equity Subcommittee, University of Colorado, 2009-present

Professional Service

Presidential Transition Team, Lead Agency Reviewer for the Equal Employment Opportunity Commission, 2008-09

Member, National Advisory Commission, Workplace Flexibility 2010 (2008-2010); Legal Working Group, Workforce Flexibility 2010 (2005-08)

Member, 20th Judicial District Victims Assistance and Law Enforcement Board (2008-present)

Co-chair, American Bar Association, Section on Labor and Employment Law, Committee on Equal Opportunity in the Profession (2001-2004)

Co-chair, ABA Section on Labor and Employment Law, EEO Law Committee (1997-2000)

President, Board of Directors, YWCA of the National Capital Area (1995-97); Board Member (1993 – 2002)

Member, Board of Directors, National Employment Law Project (1994-98)

Volunteer Attorney, Washington Legal Clinic for the Homeless (1991-99)

Selected Professional Presentations

Speaker, "What *Citizens United* Means for Democracy and the First Amendment," Center for Education in Law and Democracy, Denver University (June 2011) (scheduled)

Speaker, "Constitutional Equality Arguments Before the Equal Protection Clause," *Creating the American Legal System: 1776-1845*, Four Corners Community History Project, Denver Institute, June 2011 (scheduled)

Speaker, "The Role of Unconscious Bias in Your Legal Practice," Legal Inclusiveness and Diversity Summit, Denver, March 2011

Speaker, "Addressing Implicit Bias in the Legal Workplace," Qwest Legal Group, Denver, February 2011

Speaker, "Implicit Bias and Legal Employment," Deans' Diversity Council, CU-Boulder, October 2010

Speaker, "Implicit Bias and Its Implications for Equal Employment Opportunity," Colorado Campaign for Inclusive Excellence Continuing Legal Education Program, Denver, July 2010

Speaker, "Addressing Implicit Bias in the Workplace," Gibson Dunn & Crutcher Diversity Speakers' Series, Denver, June 2010

Panelist, "The Supreme Court, the First Amendment, and Campaign Finance Reform," Public Forum on *Citizens United v. Federal Election Comm'n*, Keller Center for the Study of the First Amendment, CU-Boulder, March 2010

Speaker, "Addressing Implicit Bias in the Workplace," Holland and Hart PEAK (Professional Education for Attorney Knowledge) Speakers' Series, Denver, July 2009

Speaker, "Employment Litigation in the Post-*Ricci* World," NAACP Legal Defense and Educational Fund, Inc. National Civil Rights Training Institute, Washington, DC, October 2009

Speaker, "What Can We Expect from the New Equal Employment Opportunity Commission," The Impact Fund's Employment Discrimination Class Action Conference, Berkeley, CA, March 2009

Speaker, "Accommodating Religious Belief and Expression," American Bar Association Annual Meeting, Section on Individual Rights and Responsibilities, New York City, August 2008

Panelist, "Judicial Independence," League of Women Voters Community Forum, Boulder, September 2008

Panelist, "The Supreme Court on Employer Liability for Subordinate Bias: *BCI Coca-Cola Bottling Co. of Los Angeles v. EEOC*," American Constitution Society Briefing, Washington, DC, April 2007

Presenter, “Developments in Federal and State Antidiscrimination Law,” Maryland Judicial Education Institute, Baltimore, September 2004

Panelist, “The University of Michigan Cases and Their Implications for Affirmative Action in Employment,” American Bar Association Section of Labor and Employment Law Annual Meeting, San Francisco, August 2003

Panelist, “Do Our Differences Make a Difference? Diversity and Law Practice,” American Bar Association Section of Labor and Employment Law Annual Meeting, Washington, DC August 2002

Panelist, “The Lessons of *Korematsu* for Today’s Fight against Terrorism,” University of Wyoming College of Law Post 9-11 Forum (September 2001)