

HELEN L. NORTON
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EDUCATION

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

Associate Editor, California Law Review
Elected Member, Moot Court Board
First-Year Award for Excellence in Oral Advocacy

Stanford University, B.A. with Distinction, 1986

EXPERIENCE

University of Colorado School of Law

2007-present

Associate Professor
Recipient of the 2008 and 2009 Excellence in Teaching Awards
Courses: Constitutional Law, Employment Discrimination, Torts, Advanced Constitutional Law Seminar

University of Maryland School of Law

2002- 2007

Visiting Assistant Professor
2007 Outstanding Teacher of the Year
Courses: Civil Procedure, Employment Discrimination, Employment Law, General Civil Litigation Clinic

University of Wyoming College of Law

2001

E. George Rudolph Distinguished Visiting Chair in Law
Courses: Constitutional Law, Employment Law

U.S. Department of Justice

1998-2001

Deputy Assistant Attorney General for Civil Rights
Counsel to the Assistant Attorney General for Civil Rights

Managed Civil Rights Division's Employment Litigation, Educational Opportunities, and Coordination and Review Sections. Supervised appellate advocacy, trial litigation, and policy development. Coordinated the Attorney General's National Task Force on Violence Against Health Care Providers.

National Partnership for Women and Families

1989-1998

Director of Legal and Public Policy

Deputy Director, Work and Family Programs; Staff Attorney

Directed the organization's employment advocacy programs. Engaged in legislative, administrative, and appellate advocacy on employment law and policy issues. Helped draft and advocate for the Civil Rights Act of 1991 and the Family and Medical Leave Act of 1993 (FMLA). Successfully briefed and argued one of the first appellate cases under the FMLA. Testified before Congress, the Equal Employment Opportunity Commission, and other government bodies on proposed amendments to the Fair Labor Standards Act, civil rights enforcement appropriations, and other employment issues.

PUBLICATIONS

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 *B.U. L. REV.* 587 (2008); selected for inclusion in *THE FIRST AMENDMENT LAW HANDBOOK 2008-09* (R. Smolla, ed.).

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

The Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer Health Plans, 8 *EMP. RTS. & EMP. POL'Y J.* 101 (2004) (edited AALS presentation)

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)

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

CONGRESSIONAL TESTIMONY

"The Workplace Religious Freedom Act," Testimony before the United States House of Representatives' Subcommittee on Health, Education, Labor, and Pensions (February 2008)

“The Employment Nondiscrimination Act,” Testimony before the United States House of Representatives’ Subcommittee on Health, Education, Labor, and Pensions (September 2007)

“The Civil Rights Division’s Title VII Enforcement Record,” Testimony before the United States Senate Committee on the Judiciary, Department of Justice Oversight Hearing (June 2007)

SELECTED PRESENTATIONS

“What Can We Expect from the New Equal Employment Opportunity Commission,” The Impact Fund’s Employment Discrimination Class Action Conference (March 2009)

“When May Government Control Its Workers’ Speech to Protect Its Own Expression?” Third Annual Colloquium on Current Scholarship in Labor and Employment Law (October 2008)

“Policing the Line Between Government Speech and Censorship,” Northeast People of Color and the Law Conference (September 2008)

“Accommodating Religious Belief and Expression,” American Bar Association Annual Meeting, Section on Individual Rights and Responsibilities (August 2008)

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

“Government Workers and Government Speech,” University of North Carolina First Amendment Law Review Symposium on “*Public Citizens, Public Servants – Free Speech in the Post-Garcetti Workplace*,” (February 2008)

“The Supreme Court on Employer Liability for Subordinate Bias: *BCI Coca-Cola Bottling Co. of Los Angeles v. EEOC*,” American Constitution Society Briefing (April 2007)

“Diversity as a Strategy for Addressing Implicit Bias,” University System of Maryland Conference: Rethinking and Relearning Diversity: From Conflict to Inclusion (October 2006)

“An Employment Law Perspective on Conscience-Based Refusals by Health Care Workers,” Maryland Health Care Ethics Committee Network (June 2006)

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

“The Federal Antidiscrimination Law Implications of Excluding Reproductive Technologies from Employer-Sponsored Health Plans,” Joint Program of the Employment Discrimination and Employee Benefits Law Sections, AALS Annual Meeting (January 2004)

“The University of Michigan Cases and Their Implications for Affirmative Action in Employment,”

American Bar Association Section of Labor and Employment Law Annual Meeting (August 2003)

Commencement Address, 2003 University of Wyoming College of Law

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

“What *Bush v. Gore* Means for Elections in the 21st Century,” E. George Rudolph Distinguished Visiting Lecture, University of Wyoming (December 2001)

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

PROFESSIONAL AND VOLUNTEER ACTIVITIES

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

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

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

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

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

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

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

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

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

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)

Co-chair, Employment Task Force, Leadership Conference on Civil Rights (1993-98)

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

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