

## **DARIA ROITHMAYR**

University of Southern California Law School  
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Los Angeles, CA 90089-0071  
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### **POSITION**

October 2010-- *Professor, George T. and Harriet E. Pfleger Professor*  
University of Southern California Law School

June 2006-- *Professor, University of Southern California Law School*

May 2005 *Full Professor, University of Illinois College of Law*

2000-2005 *Associate Professor, University of Illinois College of Law*

1996-2000 *Assistant Professor, University of Illinois College of Law*

### **VISITING PROFESSORSHIPS AND FELLOWSHIPS**

2017-18 *Visiting Professor, Yale Law School*

Fall 2015 *Visiting Professor, University of Chicago Law School*

2015, 2016-17 *Visiting Scholar, Harvard University Program in Evolutionary Dynamics*

Fall 2009 *Visiting Professor, Georgetown University Law Center*

Fall 2005 *Visiting Professor, University of Minnesota Law School*

2003-2004 *Visiting Professor, University of Michigan Law School*

2001-2001 *Visiting Professor, University of Pretoria, South Africa*

### **PROFESSIONAL EXPERIENCE**

2005 *Special Counsel, People For the American Way, U.S. Supreme Court nominations of Judge John Roberts and Harriet Miers*

1991-95 *Practicing Attorney (Washington, D.C. and Phoenix, Arizona)*

1990, 1991 *Special Counsel, Senator Edward Kennedy, US Senate Judiciary Committee*

- 1999 *Special Counsel*, South African Human Rights Commission, World Conference Against Racism
- 19901, 1991 *Special Counsel*, Senator Edward M. Kennedy, Senate Judiciary Committee, Nominations of David Souter and Clarence Thomas
- 1990-1991 *Law Clerk*, Judge Marvin J. Garbis, U. S. District Court, Baltimore, MD

## EDUCATION

### **UNIVERSITY OF CALIFORNIA LOS ANGELES, B.S. 1984**

B.S.: Psychobiology  
 Honors: National Championship, Cross Examination Debate Association  
 (1982, 1983)

### **GEORGETOWN UNIVERSITY LAW CENTER, J.D. 1990**

Honors: *Magna Cum Laude*, Order of the Coif  
 Georgetown Law Journal  
 Senior Notes Editor (1989)  
 Member (1988)

## PUBLICATIONS

### **Books and Book Chapters**

REPRODUCING RACISM: HOW EVERYDAY CHOICES LOCK IN WHITE ADVANTAGE (NYU Press January 2014)

*Evolutionary Dynamics and the Law* in Methodologies of Law and Economics (Thomas Ulen ed. Elgar forthcoming 2017)

*Introduction*, RACE IS, RACE ISN'T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION (Laurence Parker and Donna Deyhle eds. 1998)

### **Articles**

*The Dynamics of Excessive Force* 2016 U Chicago Legal Forum 407 (2016)

*Should Law Keep Pace With Society: Relative Update Rates Determine the Co-evolution of Institutional Punishment and Citizen Contributions to Public Goods* 6 GAMES 124 (2015) (with Alex Isakov and David Rand)

*More than a Woman: Insights Into Corporate Governance After the French Sex Quota* (with Darren Rosenblum) 48 INDIANA L. REV. 889 (2015)

How the Other Half Banks (reviewing Mehrsa Baradaran, How the Other Half Banks (2015)) JOTWELL (October 2015)

*Critical Race Theory Meets Social Science*, 10 ANNUAL REV. L. SOCIAL SCI. 149 (2014) (with Devon Carbado)

Faking It (reviewing Nancy Leon, Racial Capitalism, 126 Harv. L. Rev. 2151 (2013)), JOTWELL (September 2013)

Poverty, Prisons and Power (reviewing Ian Haney Lopez, Post-Racial Racialism, 98 CAL. L. REV. 1023 (2010)), JOTWELL (October 2012)

*Lessons From Mazibuko: Shifting From Rights to the Commons*, 2010(3) CONSTITUTIONAL COURT REVIEW 317 (2010) (peer reviewed South African journal)

*Racial Cartels*, 16 MICH. J. RACE AND LAW 45 (2010)

*Them That Has, Gets*, 27 MISS. C. L. REV. 373 (2007-08)

*A Dangerous Supplement*, 55 J. LEGAL ED. 80 (2005) (review-essay reviewing DUNCAN KENNEDY, LEGAL EDUCATION AND THE REPRODUCTION OF RACIAL HIERARCHY)

*Locked In Segregation*, 12 VA. J. SOCIAL POLICY AND LAW 197 (2004)

*Tacking Left: A Radical Critique of Grutter*, 21 CONST. COMMENT. 191 (2004)

*Locked In Inequality: The Persistence of Discrimination*, 9 MICH. J. RACE AND LAW 31 (2003)

*Access, Adequacy, and Equality: The Constitutionality of School Fee Financing in Public Education*, 19 SOUTH AFR. J. HUM. RTS. 382 (2003)

*Easy for You to Say: "An Essay on Outsiders, the Usefulness of Reason, and Radical Pragmatism*, 57 U MIAMI L. REV. 939 (2003)

*A Bad Subject*, 9 CARDOZO WOMEN'S L. J. 501 (2003)

*Direct Measures: An Alternative Affirmative Action Program for Law Schools*, 7 MICH. J. RACE AND LAW 1 (2001) (lead article)

*Left(Over) Rights*, 22 CARDOZO L. REV. 1113 (2001)

*Left Over Rights: Are Rights Still Useful After the Critique of Indeterminacy?* in JOURNAL OF LAW, TEXT AND CULTURE (Austin Sarat and Penny Pether, eds. 2001)

*Barriers to Entry: A Market Lock-in Model of Discrimination*, 86 VIRGINIA L. REV. 727 (2000)

*Guerrillas in Our Midst: The Assault on Radicals in American Law*, 96 MICH. L. REV. 1658 (1998)

*Deconstructing the Distinction Between Bias and Merit*, 85 CAL. L. REV. 1449 (1998)

## **SELECTED PROFESSIONAL PRESENTATIONS**

*The Cat and Mouse of Payday Lending*, Faculty Workshop, The University of Chicago (October 2015)

*Should Law Keep Pace with Society? An Evolutionary Game Theory Approach*, American Law and Economics Association Conference (May 2014)

*Should Law Keep Pace with Society? An Evolutionary Game Theory Approach*, Harvard Program for Evolutionary Dynamics (March 2014)

*Should Law Keep Pace with Society? An Evolutionary Game Theory Approach*, UCLA Faculty Workshop (Feb 2014)

*Structural Inequality* (keynote presented at the Annual Conference, Consumer Financial Protection Bureau, Washington DC April 2013).

*Commonism: Thinking about Collective Dynamics* (presented at Center for Civil Society, University of KwaZulu Natal, Durban, South Africa, June 2010)

*Reproducing Racism: How Everyday Choices Lock In White Advantage* (presented at Duke University Law School, June 2010)

*Persistent Inequality* (presented at Law and Society, Chicago, Summer 2010)

*Racial Cartels* (presented at Georgetown Law School, October 2009)

*Reproducing Racism: How Everyday Choices Lock In White Advantage* (presented at Santa Fe Institute on Complex Systems, March 2009)

*Locked in Apartheid* (presented at N.Y.U. student-faculty workshop, February 2005)

*Locked in Segregation* (presented at the Washington College of Law, American University, March 2005)

*Lock-In and Institutional Feedback Loops* (presented at University of Minnesota Law School faculty workshop, September 2005)

*Race, Class and Lock-In* (presented at Lat-Crit Annual Conference, San Juan, Puerto Rico, October 2005)

*Lock-In and Institutional Feedback Loops* (presented at University of Minnesota Law School faculty workshop, September 2005)

*Locked in Segregation* (presented at Dismantling Intent Conference, Chicago, September 2005)

*On The Road Again: The Future of Diversity in Higher Education* (appointed as national expert on Diversity in Higher Education, presented to Steering Committee for the Center for Institutional Diversity, University of Michigan, Ann Arbor, May 2005)

*Race, Regionalism, Residential Segregation and Education* (presented at Conference on Race and Regionalism, University Minnesota, May 2005)

*Locked in Segregation* (presented at the University of Virginia, Charlottesville, February 2005)

*Why School Fees Are Locked Into South African Public Education*, (presented at Comparative Conference on Education and Democracy, University of Pretoria, South Africa, April 2004)

*Locked In Inequality: Residential Segregation and Public School Financing*, (presented at Joint Conference on Brown v. Board of Education, University of Illinois College of Law, March 2004)

*Residential Segregation, The Lock-In Model of Inequality and Institutionalism* (presented at Legal Theory Faculty Workshop, University of Michigan Law School, March 2004)

*Constitutionality of School Fees in South Africa* (Steering Committee, Education Rights Project, Johannesburg, South Africa, September 2002)

*Constitutionality of School Fees in South Africa* (Follow-up Symposium to National Conference Against Racism, South African Human Rights Commission, Johannesburg, South Africa, September 2002)

*The Lock-In Model of Discrimination: Applications for South Africa*, (Law Faculty, University of Cape Town, Cape Town, South Africa, September 2002)

*Locked In Inequality: The Lock-in Model of Discrimination in South Africa* (Law Faculty, University of Pretoria, Pretoria, South Africa, May 2002)

*Direct Measures: Alternative Affirmative Action* (Conference on Affirmative Action in Higher Education in the New Millennium, UCLA College of Law, February 2002)

*Rights Discourse in the U.S. and in South Africa*, (Lecture for Center for Human Rights, Pretoria, South Africa September 2001)

*Strategies to Combat Racism*, (presenter and organizer) (United Nations World Conference Against Racism, Durban, South Africa, August 2001)

*Directions for Academics in a Post-Durban World*, (United Nations World Conference Against Racism, Durban, South Africa, August 2001)

*Comparative Critical Race Theory: Rights Discourse in the U.S. and South Africa* (Critical Legal Theory Conference, Birkbeck College, University of London, September 1999)

*Using Rights Pragmatically* (Law and Society Annual Conference, Chicago, Illinois, May 1999)

*Postmodern Rights Discourse* (Conference on Anti-Formalism, Harvard Law School, April 1999)

*Barriers to Entry: A Market Lock-In Model of Discrimination* (Faculty workshop, University of Illinois College of Law, March 1999)

*Deconstructing Merit and Bias* (Chicago-Kent Law School panel on Merit and Race, April 1998)

*Affirmative Action: Reconstructive Jurisprudence and Critical Race Theory* (Annual Critical Race Theory Conference, Yale University Law School, New Haven, Connecticut, November 1997)

*Reconstruction and Race* (Mid-Atlantic People of Color Conference, American University Law School, Washington, D.C., February 1996)

*Deconstructing Merit and Bias* (Critical Race Theory Workshop, Georgetown University Law School and American University Law School, Washington, D.C., November 1997)

*Beyond All Reason: A Critique* (Law Faculty, University of Illinois, October 1997)

### **GRANTS AWARDED**

2003 UIUC Cross-Campus Initiative Award, William and Flora Hewlett Foundation  
Joint Project on Globalization and Inequality, University of Illinois and University of Cape Town

2003 Center for African Studies Travel Grant

### **TEACHING EXPERIENCE**

CIVIL PROCEDURE I	1996-
EVIDENCE	1996-2010
MATH MODELING OF LAW & SOCIETY	2013
CRITICAL RACE THEORY	1996-2010
FEMINIST JURISPRUDENCE	1996-97
LATINOS AND THE LAW	1998-99
GLOBALIZATION AND THE LAW	2001, 2003
GLOBALIZATION IN LATIN AMERICA	2004
SOUTH AFRICAN CONSTITUTIONALISM	2004
LAW, LANGUAGE AND VALUES	2012-

### **SERVICE TO THE COLLEGE OF LAW AND THE UNIVERSITY**

Law School:

Member:

*Appointments Committee* (2006—008; 2013-14)  
*Curriculum Committee* (1998-2000)  
*Clerkship Committee* (2012)  
*Discipline Committee* (2001)  
*Diversity Committee* (co-chair 1999-2000, 2003, member 1998-99)  
*Lectures Committee* (1996-97, 2001)  
*Technology Committee* (1997-98)  
*Appointments Committee* (2006-08)

Advisor: *Latino/a Law Students Association* (1996-2001, 2003, 2006-08)  
Coach, *Hispanic National Bar Association Moot Court Team* (1997-98,  
1999-2001)

Chief Organizer:

Joint Reading Group, Evolutionary Game Theory and The Law,  
Georgetown University Law Center, University of Chicago and USC  
Gould School of Law (2008-13)

Joint Faculty Exchange, University of Illinois and University of Cape  
Town (2004)

University

Member:

*Game Theory and Human Behavior Group*, Univ. of Southern Cal. (2010-)

*University Advisory Committee to Latino/a Cultural Center*, University of Illinois  
(1997-2006)

*University Research Group for Latino/a Studies Program*, Center for Advanced  
Studies, University of Illinois (1998-2001)

*Provost/Chancellor Committee on the Impact of Conflict on the Community*,  
2002-03

*Internal Advisory Committee for Center on Democracy in a Multiracial Society*,  
2002-03

*Law School-Education Commemorative Committee on Brown v. Board of  
Education, 50<sup>th</sup> Jubilee*, 2003

**PROFESSIONAL ASSOCIATIONS**

California State Bar Association (admitted in 1990, inactive)

Arizona State Bar Association (admitted in 1993, inactive)

U.S. District Court for the District of Maryland (Admitted to practice, 1991)

U.S. Court of Appeals for the Fourth Circuit (Admitted to practice, 1991)

Los Abogados, Latino/a Lawyer's Association, Phoenix, Arizona (1992-95)

Hispanic National Bar Association (1990-1996)

East Central Illinois Women Lawyer's Association, Champaign, Illinois (1995-2003)

Board Member, East Central Illinois Chapter of Planned Parenthood (2003-2004)