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Regents Professor of Law, Emerita, Executive Director of
the Agnese Nelms Haury Program
Dean and Milton O. Riepe Chair in Constitutional Law, Emerita
The University of Arizona
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Education:

Northwestern University, B.S., 1977 (with highest distinction)

College of William and Mary, J.D., 1980, (with highest distinction). Editor-in-Chief of the
William and Mary Law Review

Admitted to Practice Law:

Arizona (since 1990) (inactive status)
Illinois (since 1980) (inactive status)
Supreme Court of the United States (since 2005)

Professional Experience:

The University of Arizona
James E. Rogers College of Law
Regents Professor of Law Emerita (since 2024)
Dean and Milton O. Riepe Chair in Constitutional Law Emerita

Director, Agnese Nelms Haury Program in Social and Environmental Justice, 2020-present

Professor of Law,
The University of Arizona
James E. Rogers College of Law
(1990-2024)

Regents Professor of Law
The University of Arizona
(2006-2024)

Milton O. Riepe Chair in Constitutional Law
The University of Arizona
(1997-2022)

Dean
The University of Arizona
James E. Rogers College of Law
(1999-2009)

Visiting Professor of Law
Stanford University
(Fall 1989)

Visiting Professor of Law
University of North Carolina - Chapel Hill
(Spring 1989)

Professor of Law
University of Florida
(1988-1989)

Visiting Professor of Law
Johann Wolfgang Goethe University
Frankfurt, W. Germany
(Spring-Summer 1988)

Associate Professor of Law
University of Florida
(1985-1988)

Visiting Assistant Professor of Law
University of Florida
(1984-1985)

Assistant Professor of Law
Washington & Lee University
(1982-1984)

Associate
Vedder, Price, Kaufman & Kammholz
Chicago, Illinois
(1980-1982)

Selected Publications:

Books:

THE ARC OF DUE PROCESS IN AMERICAN CONSTITUTIONAL LAW (Oxford Press 2013)
(co-author, with E. Thomas Sullivan)

F. DANIEL FROST AND THE RISE OF THE MODERN AMERICAN LAW FIRM (2011)

CONSTITUTIONAL LITERACY: A CORE CURRICULUM FOR A MULTICULTURAL NATION, (Duke University Press 1993).

CIVIL PROCEDURE: CASES AND PROBLEMS (6th edition 2018)(co-author, with Barbara Allen Babcock and Norman W. Spaulding)

CIVIL PROCEDURE: CASES AND PROBLEMS (5th edition 2013)(co-author, with Barbara Allen Babcock and Norman W. Spaulding)

CIVIL PROCEDURE: CASES AND PROBLEMS, (4th edition 2009) (co-author, with Barbara Allen Babcock and Norman W. Spaulding).

CIVIL PROCEDURE: CASES AND PROBLEMS, (3d edition 2006) (co-author, with Barbara Allen Babcock and Norman W. Spaulding).

CIVIL PROCEDURE: CASES AND PROBLEMS (co-author, with Barbara Allen Babcock) (2d edition 2001), and annual Supplements.

CIVIL PROCEDURE: CASES AND PROBLEMS (co-author, with Barbara Allen Babcock) (1st edition 1997).

Chapters:

THE IDEAL AND THE ACTUAL IN PROCEDURAL DUE PROCESS (WITH NORMAN W. SPAULDING AND BARBARA ALLEN BABCOCK) IN A GUIDE TO CIVIL PROCEDURE: INTEGRATING CRITICAL LEGAL PERSPECTIVES 97 (BROOKE COLEMAN, SUZETTE MALVEAUX, PORTIA PEDRO AND ELIZABETH PORTER, EDS. 2022)

ARTIFICIAL INTELLIGENCE AND THE FIRST AMENDMENT, (with Helen Norton) **IN RESEARCH HANDBOOK ON LAW AND ARTIFICIAL INTELLIGENCE** (Woodrow Barfield, ed. 2019; 2d ed. 2023)

SHOW (SOME) EMOTIONS, IN THE PASSIONS OF LAW (N.Y.U. Press 1999) (Susan Bandes, editor).

E PLURIBUS UNUM? THE NATIONAL CURRICULUM DEBATE IN THE UNITED STATES, IN IV EDUCATIONAL DILEMMAS: DEBATE AND DIVERSITY, 199 (K. Watson, C. Modgil & S. Modgil, eds. 1997).

Selected Articles, Reviews, Essays:

Gods to Google, forthcoming 134 **YALE L. J.** (2024) (with Rebecca Aviel, Margot E. Kaminski, and Andrew Keane Woods)

Book Review, *How Machines Came to Speak: Media Technologies and Freedom of Speech*, forthcoming, **LAW, CULTURE AND THE HUMANITIES** (2024)

Respectful Tribal Partnerships: What Philanthropy Can Learn From the Navajo Nation's Collaborative Response to the COVID-19 Crisis, 14(2) **THE FOUNDATION REVIEW** 93 (2022)(with Petersen, Chief, Tulley and Tulley-Cordova)

Pandemics and the Constitution, 2022 **U. ILL. L. REV.** 229 (with Justin Pidot and Marvin Slepian)

Free Speech and Democracy: A Primer for 21st Century Reformers, 54 **CAL. DAVIS L. REV.** 1631 (2021) (with Helen Norton)

Book Review, *The Poisoned City: Flint's Water and the American Urban Tragedy*, **RUTGERS J. CRIM. L. & CRIM. JUSTICE** (March 2020)

Constitutional Cities: Sanctuary Jurisdictions, Local Voice, and Individual Liberty, 50:1 **COLUM. HUMAN RTS. L. REV.** (2018-19) (with Shefali Milczarek-Desai)

Flint of Outrage, 93 **NOTRE DAME L. REV.** 155 (2017)(with Ellen E. Brooks)

Siri-ously 2.0: What Free Speech Rights for Artificial Intelligence Reveal about the First Amendment, 101 **MINN. L. REV.** 33 (2017) (with Helen Norton and Margot Kaminski)

Chilling Rights, 88 **U. Colo. L. Rev.** 335 (2016)

Siri-ously?, Free Speech Rights for Artificial Intelligence, 110 **NORTHWESTERN L. REV.** 1169 (2016)(with Helen Norton)

The Lawfulness of the Same-Sex Marriage Decisions: Charles Black on Obergefell, forthcoming, 25 **Wm. & Mary Bill of Rts. J.** 321 (2016).

Outrageous and Irrational, 100 **MINN. L. REV.** 281 (2015) (with Jane Bambauer)

Nuts and Seeds: Mitigating Third-Party Harms of Religious Exemptions Post-Hobby Lobby, 92 **DEN. L. REV.** 325 (2015).

Tread on Me!, 17 **U. PA. J. CONST. L.** 365 (2014)

Some Realism About Constitutional Liberalism, 28 **CONSTITUTIONAL COMMENTARY** (2013)

Freedom of Speech, Liberal Democracy, and Emerging Evidence on Civility and Effective Democratic Engagement, 54 **ARIZ. L. REV.** 375 (2012) (with Robin Stryker).

Due Process Exceptionalism, XLVI **THE IRISH JURIST** 117 (peer-reviewed) (2011) (with E. Thomas Sullivan).

- Foreign Nationals, Electoral Spending, and the First Amendment*, 34 **HARV. J. L. & PUB. POLICY** 663 (2011).
- Christian Legal Society v. Martinez: Six Frames*, 38 **HAST. CONST. L.Q.** 569 (2011).
- Substantive Due Process, Black Swans, and Innovation*, 2011 **UTAH L. REV.** 987.
- A Legal Labyrinth: Issues Raised by Arizona Senate Bill 1070*, 25 **GEO. IMM. L. J.** 47 (2010) (with Gabriel J. Chin, Carissa Byrne Hessick and Marc L. Miller).
- Religious Freedom and “Accommodationist Neutrality”: A Non-Neutral Critique*, 84 **ORE. L. REV.** 935 (2005).
- Constitutional Law as “Normal Science,”* 21 **CONST. COMMENTARY** 547 (2004).
- History Unbecoming, Becoming History*, 98 **MICH. L. REV.** 1564 (2000).
- Reviving Hugo Black: The Court’s “Jot for Jot” Account of Substantive Due Process*, 73 **N.Y.U. L. REV.** 1086 (1998).
- The Meanings of Shame: Implications for Legal Reform*, 3 **PSYCH., PUB. POLICY & LAW** 645 (1997).
- Gay Rights, Thick and Thin*, 49 **STAN. L. REV.** 45 (1996).
- Post, Fiss, and the Logic of Democracy*, 64 **UNIV. COLO. L. REV.** 1145 (1993).
- Shame, Culture, and American Criminal Law*, 89 **MICH. L. REV.** 1880 (1991).
- Equality and Freedom of Expression: The Hate Speech Dilemma*, 32 **WM. & MARY L. REV.** 211 (1991).
- Empathy, Legal Storytelling and the Rule of Law: New Words, Old Wounds?* 87 **MICH. L. REV.** 2099 (1989).
- Das Amerikanische Plea-bargaining System: Staatsanwaltschaftliches Ermessen bei der Strafverfolgung*, **STRAFVERTEIDIGER** 454 (October 1989) (translation by Cornelius Nestler-Tremel).
- The Dignity Value of Face-to-Face Confrontations*, 40 **UNIV. OF FLA. L. REV.** 863 (1988).
- Significant Silences: Freedom of Speech in the Public Sector Workplace*, 61 **S. CAL. L. REV.** 1 (1987).
- Peremptories or Peers? – Rethinking Sixth Amendment Doctrine, Images and Procedures*, 64 **N. C. L. REV.** 501 (1986).

Experts, Psychology, Credibility and Rape: The Rape Trauma Syndrome Issue and Its Implications for Expert Psychological Testimony,
69 **MINN. L. REV.** 395 (1985).

Courses:

Constitutional Law I
Freedom of Expression
Equal Protection and the Structure of Civil Liberties and Rights

Awards:

Teacher of the Year, 2023-2024, 2013-14, 2012-13, 1996-97, 1993-94, 1992-93, 1991-92, 1990-91, 1987-88

Women's Plaza of Honor, University of Arizona, 2022

Planned Parenthood Educator/Civil Liberties Award, 2013

Law College Association Professional Achievement Award, 2012

Center for Law in the Public Interest Service Award, 2011

McGuire Center for Entrepreneurship Business / Law Exchange Award, 2009

Arizona Minority Bar Association Honoree, 2009

Judge Learned Hand Public Service Award, 2009

Administrator of the Year, 2008-09

Volunteer Lawyers Program Distinguished Service Award, 2008

Women's Studies Advisory Council, 12th Annual "Women Who Lead" Honoree, 2008

YWCA "Women on the Move" Award Recipient, 2002

Women's Foundation of Southern Arizona Honoree, 2001

Arizona State Bar, 100 Women and Minorities Honoree, 2000

Selected Professional Activities:

Executive Director, Agnese Nelms Haury Program on Environmental and Social Justice
(2022-present)

Editorial Board, Journal of Free Speech Law

AIRES Director Search Committee (2022)

Provost Search Committee (2018-19)

Koffler Prize Award Committee (2018-19)

Chair, Haury Program Advisory Board (2015-2019)

University/ABOR Free Speech Committee (2018-2023)

Fellow, American Bar Foundation (2003-present)

The American Law Institute, Elected Member (1999-present)

President, J. Byron McCormick Society (2012 - present)

National Institute for Civil Discourse, Advisory Council (2011- 2014)

The Green Bag 2d, Advisory Board for Annual Almanac

Arizona State Bar Board of Governors (ex officio) (1999-2009)

Presidential Search Committee (2005-2006)

President's Cabinet (2004-2006)