

THE 31ST ANNUAL IRA C. ROTHGERBER JR. CONFERENCE

STATE OF RESISTANCE:

The Role of States in the Midst of Federal Court Crisis



About the Program

The Ira C. Rothgerber Jr. Conference on Constitutional Law is an annual Byron R. White Center event that brings scholars, lawyers, and leaders from across the nation to the University of Colorado Law School to discuss current Constitutional law issues.

A politically-charged judicial appointments process, controversial rulings and procedures, and the disruption of longstanding rights have eroded some Americans' faith in the nation's highest court. Scholars, lawyers, and national leaders grapple with what role, if any, states should play in response to the U.S. Supreme Court's modern jurisprudence and to modern threats to democracy.





9:00 - 9:10 am	Opening & Welcome Remarks Professor Suzette Malveaux Dean Lolita Buckner Inniss
9:10 - 9:50 am	Democratic Federalism and the Supreme Court Professor Carolyn Shapiro
9:50 - 10:00 am	Break
10:00 - 11:30 am	State Responsibility in the Face of Civil Rights Regression Moderator: Michaela Calhoun '24 sts: Professor Matthew L.M. Fletcher, Siddhartha Rathod, Esq., Tona Boyd, Esq.
11:30 am - 12:30	D pm — Lunch Break Schaden Commons Food Provided
	Panel 2 Eting of the Voting Rights Act and Its Impact on Judicial Legitimacy Moderator: Professor Doug Spencer Debo Adegbile, Esq., Professor Ruth Greenwood, Professor Moon Duchin, Esq.
2:00 - 2:10 pm -	Break
2:10 - 3:40 pm	The Battle Over Abortion at the State Level Moderator: Danielle Edwards '23 sts: Professor Martha Davis, Kyriaki "Kiki" Council, Esq., Dean Rachel Rebouché
3:40 - 4:00 pm -	Closing Remarks Professor Suzette Malveaux
4:00 - 5:00pm -	Networking Reception Boettcher Hall In person attendees only

Speaker Bios

Bios provided by speakers

Suzette Malveaux

Moses Lasky Professor of Law Director of the Byron R. White Center University of Colorado Law School



Suzette Malveaux is the Moses Lasky Professor of Law and Director of the Byron R. White Center for the Study of American Constitutional Law at the University of Colorado Law School.

She is a member of the American Law Institute and former Chair of the American Association of Law Schools Civil Procedure Section. She has taught in the areas of Civil Procedure, Complex Litigation, Employment Discrimination, Civil Rights, and Constitutional Law for two decades. Her scholarship explores the intersection of civil rights and civil procedure, and access to justice issues. She is co-editor of *A Guide to Civil Procedure; Integrating Critical Legal Perspectives* (NYU Press, 2022) and co-author of *Class Actions and Other Multi-Party Litigation; Cases and Materials* (West, 2006, 2012).

Prior to academia, Malveaux was a class action specialist and civil rights attorney. For six years, Malveaux served as pro bono counsel for the plaintiffs in Alexander v. State of Oklahoma, a constitutional lawsuit filed against Tulsa by victims of the 1921 Tulsa Race Massacre. As co-counsel, she represented the victims before the U.S. federal courts, the Inter-American Commission on Human Rights (Organization of American States) and the U.S. House of Representatives. Malveaux also represented over 1.5 million women alleging gender discrimination against Wal-Mart, the largest employment discrimination case to date.

Professor Malveaux graduated magna cum laude from Harvard University. She earned her J.D. from NYU School of Law, where she was a Root-Tilden Scholar, Associate Editor of the Law Review and Center for International Law Fellow.

Speaker Bios

Bios provided by speakers

Lolita Buckner Inniss

Dean
Provost's Professor of Law
University of Colorado Law School



Lolita Buckner Inniss is the dean of the University of Colorado Law School, and is also Provost Professor of Law. Before coming to CU Law she served as Senior Associate Dean for Academic Affairs and a Professor of Law at SMU Dedman School of Law. At SMU she was a University Distinguished Professor, an honor reserved for SMU faculty members who demonstrate the highest levels of academic achievement. She was also a Robert G. Storey Distinguished Faculty Fellow. Dean Inniss previously held the Hamilton College Elihu Root Peace Fund Visiting Professorship in Women Studies, a distinguished visiting chair, and was also a fellow of the New York University-Centre National de la Recherche Scientifique Memory Project in Paris, France.

A highly regarded scholar with a prominent national and international voice in her fields, Dean Inniss is an elected member of the American Law Institute, and is the United States Special Rapporteur to the International Academy of Comparative Law on the topic of contemporary slavery. The Center for Compassionate Leadership named her book *The Princeton Fugitive Slave: The Trials of James Collins Johnson* (Fordham University Press, 2020) as one of five books white leaders should read on systemic racism. She is also the co-author of a book in progress, *Talking About Black Lives Matter and #MeToo* (with Bridget Crawford) (University of California Press, 2023). She has in addition published scores of journal articles, essays, book chapters and blog articles in publications in the United States and beyond. Dean Inniss has taught across the law school curriculum, including property law, comparative racism and the law, real estate transactions, and immigration clinical practice.

Dean Inniss received her A.B. from Princeton University, where she majored in Romance Languages and Literature with certifications (minors) in African American and Latin American Studies. She earned her J.D. from UCLA where she was an editor of the National Black Law Journal and a Moot Court Honors Participant. She holds an LL.M. with Distinction and a Ph.D. in law from Osgoode Hall Law School, York University, in Canada, where she won the Mary Jane Mossman Award for Work in Feminist Legal Theory and the Harley D. Hallett Award, and was a Peter Hogg Scholar and a Graduate Associate of the Institute of Feminist Legal Studies.

Speaker Bios

Bios provided by speakers

Carolyn Shapiro

Co-Director of the Institute on the Supreme Court of the United States Professor of Law Chicago-Kent College of Law



Professor Shapiro is the founder and co-director of Chicago-Kent's Institute on the Supreme Court of the United States (ISCOTUS). Her scholarship is largely focused on the institutions of our constitutional democracy, in particular the Supreme Court, and how those institutions interact, and has appeared in numerous law reviews. She teaches classes in constitutional law, legislation and statutory interpretation, and public interest law and policy. She directs Chicago-Kent's Public Interest Certificate Program and is also the faculty director of the Constitutional Democracy Project, a civic education project that provides programs, professional development, and educational materials to high school and middle school teachers and students.

From 2014 through mid-2016, Professor Shapiro served as Illinois solicitor general while on leave from Chicago-Kent. She has argued cases in the U.S. Supreme Court, the Seventh Circuit, the Illinois Supreme Court, and the Illinois Appellate Courts, and she maintains a small appellate practice, serving as Of Counsel to Schnapper-Casteras PLLC.

Professor Shapiro is also a member of the Board of Advisors for the Chicago Lawyers' Chapter of the American Constitution Society and the Board of Advisors for the American Constitution Society's State Attorneys General Project. Professor Shapiro was a law clerk for then-Chief Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit and for Justice Stephen G. Breyer of the United States Supreme Court.

She earned a B.A. with general and special honors in English from the University of Chicago, an M.A. from the University of Chicago Harris Graduate School of Public Policy, and a J.D. (high honors) from the University of Chicago Law School, where she was articles editor of the University of Chicago Law Review and a member of the Order of the Coif.

Panel Moderators

Bios provided by speakers



Michaela Calhoun | 2*L Law Student* University of Colorado Law School

Michaela Calhoun is a second year law student and at the University of Colorado with plans to pursue civil rights law. Ms. Calhoun is the Co-President of the Black Law Students Association and a Student Attorney in Colorado Law's Criminal Immigration Defense Clinic. She graduated from the University of Colorado with a bachelors in Psychology and Criminal Justice and then finished her Masters in Social Work from the University of Denver. Prior to law school she worked as a licensed social worker assisting criminal defense teams as a mitigation specialist.



Doug Spencer | Associate Professor of Law University of Colorado Law School

Doug Spencer is an Associate Professor of Law at the University of Colorado. Professor Spencer is an election law scholar whose research addresses the role of prejudice and racial attitudes in voting rights litigation, the empirical implications of various campaign finance regulations, and the ways that election rules and political campaigns contribute to growing inequality in America.



Danielle Edwards | 3L Law Student University of Colorado Law School

Danielle Edwards is a third-year law student at Colorado Law. She is the Vice President of the Women's Law caucus, a member of If/When/How, and a board member of the Colorado Women's Bar Association, among other groups. While in law school she has worked for the EEOC, Judge Eric Elliff, the Civil Legal Clinic, and Jester, Gibson & Moore. After receiving her bachelor's degree, she earned a Master's degree in Organizational and Social Psychology from the London School of Economics. In 2022, she testified at the Colorado Senate Judiciary Committee in support of RHEA [ree-uh], the Reproductive Health Equity Act.

Bios provided by speakers

Matthew L.M. Fletcher

Harry Burns Hutchins Collegiate

Professor of Law

University of Michigan Law School



Matthew L.M. Fletcher is the Harry Burns Hutchins Collegiate Professor of Law at Michigan Law. He teaches and writes in the areas of federal Indian law, American Indian tribal law, Anishinaabe legal and political philosophy, constitutional law, federal courts, and legal ethics, and he sits as the Chief Justice of the Pokagon Band of Potawatomi Indians and the Poarch Band of Creek Indians.

Professor Fletcher also sits as an appellate judge for the Cabazon Band of Mission Indians, the Colorado River Indian Tribes, the Grand Traverse Band of Ottawa and Chippewa Indians, the Hoopa Valley Tribe, the Lower Elwha Klallam Tribe, the Mashpee Wampanoag Tribe, the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Nottawaseppi Huron Band of Potawatomi Indians, the Rincon Band of Luiseño Indians, the Santee Sioux Tribe of Nebraska, and the Tulalip Tribes. He is a member of the Grand Traverse Band.

Professor Fletcher worked as a staff attorney for four Indian Tribes: the Pascua Yaqui Tribe, the Hoopa Valley Tribe, the Suquamish Tribe, and the Grand Traverse Band. He previously sat on the judiciaries of the Lac du Flambeau Band of Lake Superior Chippewa Indians, the Little River Band of Ottawa Indians, and the Turtle Mountain Band of Chippewa Indians; he also served as a consultant to the Seneca Nation of Indians Court of Appeals.

He is married to Wenona Singel, a member of the Little Traverse Bay Bands of Odawa Indians, and they have two sons, Owen and Emmett.

Bios provided by speakers

Siddhartha Rathod

Partner Rathod Mohamedbhai LLC



Siddhartha is a partner at Rathod | Mohamedbhai LLC, whose practice areas include civil rights, employment law, and criminal defense. Siddhartha has been a faculty member for the National Institute of Trial Advocacy since 2011 and is Adjunct Faculty at the University of Colorado School of Law. Siddhartha was also a member of the Guantanamo Bay, Cuba habeas litigation team, where he represented five detainees from Yemen.

Siddhartha has received numerous awards and recognitions to include: University of Colorado Kalpana Chawla Award (2017); Colorado LGBT Bar Association Ally of the Year (2016); Colorado Trial Lawyers Association Case of the Year (2013, 2014, & 2016); Leonard Weinglass In Defense of Civil Liberties Award, American Association for Justice (2015); Super Lawyer – Plaintiff's Employment Law (2015-2022); American Association for Justice NLD Star (2014); Colorado Super Lawyers Rising Star (2011-2014); Governor Ralph L. Carr Award (2011); Colorado Bar Association Gary L. McPherson Outstanding Young Lawyer Award (2009); University of Colorado School of Law Edward C. King Award (2007); Navy and Marine Corps Achievement Medal (2003).

Prior to moving to Colorado Siddhartha served as a Captain in the United States Marine Corps. Mr. Rathod was stationed in Iwakuni, Japan and was the unit representative of the Cobra Gold 2003 Bangkok, Thailand International Peace Keeping Summit and Foal Eagle 2003 Seoul, Korea Planning Conference. Siddhartha graduated from the University of Colorado School of Law, Boulder, Colorado in 2007 where he received numerous awards and academic scholarships to include: University of Colorado School of Law W. Elery Wilmarth Memorial Scholarship (2006); University of Colorado Law Alumni Scholarship (2006); Phi Delta Phi Balfour Scholarship (2006); Baker & Hostetler LLP Paul D. White Scholarship (2005); Anheuser-Busch Minoru Yasui Scholarship (2005); Kutak Rock LLP Commitment to Workplace Diversity Book Scholarship (2005); University of Colorado Chancellor's Diversity Grant (2004).

Bios provided by speakers

Tona Boyd Associate Director-Counsel Legal Defense Fund



Tona Boyd joined the Legal Defense Fund (LDF) in January 2023 as the Associate Director-Counsel. Previously, Tona served as Special Counsel and Special Assistant to the President in the White House Counsel's Office in the Biden-Harris Administration, where she worked to advance President Biden's agenda related to racial justice, equity, and judicial nominations. As a member of the White House Counsel's Office, she led policy development on criminal justice reform, and supported the selection, preparation, and confirmation of federal judicial nominees, including D.C. Circuit and Supreme Court nominee Ketanji Brown Jackson, as well as the full slate of the United States Sentencing Commission appointees.

Prior to joining the Biden-Harris administration, Tona was Chief Counsel and Senior Legal Advisor to United States Senator Cory A. Booker on the Senate Judiciary Committee where she led a team responsible for providing the Senator with legal and political analysis of issues related to criminal justice, racial justice, civil rights, immigration, antitrust, intellectual property, privacy and technology, firearms, constitutional law, and judicial and executive nominations.

Tona began her legal career as a litigator in the Honors Program of the United States Department of Justice. She served for nearly a decade as a federal civil rights prosecutor in the Criminal Section of the Civil Rights Division, where she investigated and prosecuted complex criminal conspiracy cases involving law enforcement brutality and obstruction, and federal hate crime and human trafficking matters.

Prior to joining the Department of Justice, Tona served as elbow-law-clerk to the Honorable Roger L. Gregory on the United States Court of Appeals for the Fourth Circuit. She obtained her law degree from Harvard Law School, and graduated summa cum laude from the University of Notre Dame with a degree in Political Science and Spanish and a minor in Peace Studies.

Bios provided by speakers

Debo P. Adegbile Partner

WilmerHale



Debo P. Adeabile. Chair of the firm's Anti-Discrimination Practice, focuses on a range of matters at the intersection of law, business, and government policy. He has considerable experience representing companies assessing environmental. social, and governance strategies. He has represented clients in commercial, government-facing, trial and appellate litigation, including in the successful defense of Harvard University's admissions policies and practices at trial and on appeal in SFFA v. Harvard. He also provides strategic counseling in high-stakes cases, antidiscrimination matters and investigations. He has served as counsel to clients on fair lending compliance and enforcement matters, including the representation of a large financial institution in the resolution of a DOJ race discrimination investigation. Debo has extensive experience advising corporations in connection with civil rights audits and assessments and providing representation in high-stakes cases and investigations. Most recently, Debo led the Google civil rights audit. Debo is a member of WilmerHale's Global Management Committee, Partner Compensation Committee, and firmwide Executive Diversity and Inclusion Committee. In addition to his practice at the firm, Debo recently completed a sixyear term as a commissioner on the US Commission on Civil Rights, appointed by President Obama. Prior to joining the firm, Debo spent more than a decade litigating cases for the NAACP Legal Defense and Educational Fund, Inc., where he served in several leadership roles. At LDF, Debo argued significant civil rights cases in the US Supreme Court (including Shelby County v, Holder, and Northwest Austin Municipal Utility District No. 1 v. Holder). He also previously served as senior counsel to the Chair of the US Senate Judiciary Committee.

Debo has testified before Congress several times as an expert on civil rights law and legislation. He chairs the Board of Trustees of Connecticut College and sits on the Boards of NYU School of Law and the Vera Institute of Justice, of which he is Vice Chair. In addition, he serves on the Advisory Council for the Center for Democracy and Technology and the advisory board of the Policing Project at NYU School of Law. He has received several advocacy and public service recognitions.

Bios provided by speakers

Ruth Greenwood

Visiting Assistant
Clinical Professor of Law
Director, Election Law Clinic
Harvard Law School



Ruth is the Director of the Election Law Clinic at Harvard Law School and a Visiting Assistant Clinical Professor. She engages in litigation and advocacy on a variety of election law cases, while training the next generation of election lawyers.

Ruth litigated two partisan gerrymandering cases from the trial level to the Supreme Court of the United States, Gill v. Whitford and Rucho v. Common Cause. She has also litigated minority vote dilution claims under state and federal voting rights acts, racial gerrymandering claims, and cases alleging a burden on the fundamental right to vote. In addition, Ruth has advised dozens of state advocates on drafting and implementing independent redistricting commissions, state voting rights acts, and adopting ranked choice voting. Some of her publications include: Designing Independent Redistricting Commissions, Designing State VRAs, the Civic Benefits of Ranked Choice Voting, and Fair Representation in Local Government.

Ruth was previously the Co-Director of Voting Rights and Redistricting at the Campaign Legal Center, Lead Counsel for Voting Rights at the Chicago Lawyers' Committee for Civil Rights Under Law, and a Redistricting Fellow with the Democratic National Committee's Voting Rights Institute. She received her LL.M from Columbia Law School in 2009, and her LL.B./B.Sc. from the University of Sydney in 2005. Ruth is admitted to practice as an attorney in Massachusetts, Illinois, and New York.

Bios provided by speakers

Moon Duchin

Professor of Mathematics Senior Fellow in Tisch College of Civic Life Tufts University



Moon Duchin is a Professor of Mathematics, holds the DiBiaggio Chair of Citizenship and Public Service, and is a Senior Fellow in the Tisch College of Civic Life at Tufts University. Her background is in pure mathematics, particularly in geometric topology and geometric group theory, for which she has been awarded an NSF CAREER grant and named a Fellow of the American Mathematical Society. Since 2016, her research focus has been in applications of mathematics to elections and civil rights. Duchin has been named a Guggenheim Fellow and a Radcliffe Fellow for work connected to the mathematics of redistricting.

At Tisch College, Duchin runs the MGGG Redistricting Lab, applying geometry and computing to electoral systems. The Lab works in modeling, technology, and policy, and collaborates with scholars and practitioners from politics, constitutional law, geography, and civil rights. Synergizing with the scholarly work, Duchin has engaged in expert work for redistricting litigation, including recent cases in Pennsylvania, Alabama, Wisconsin, North Carolina, South Carolina, Texas, and Georgia. She has also been involved in training and recruitment efforts to bring more, and more diverse, math and computing people into voting rights expert work.

For the next few years, Duchin's research program will turn to computational social choice and community mapping. She will be co-lead, with Guy-Uriel Charles of Harvard Law, on the Guinier Project in Alternative Voting Systems Research. The MGGG Lab is also in conversations with NAACP-LDF to launch an ambitious project in grassroots-powered identification of communities of interest.

Bios provided by speakers

Martha Davis

Professor of Law
Northeastern University
School of Law



Martha F. Davis is University Distinguished Professor at Northeastern University School of Law, visiting fellow at the Carr Center for Human Rights of Harvard's Kennedy School, and affiliated professor with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden. Her research, writing, and legal advocacy focus on economic and social rights, women's rights, and social justice issues, including reproductive justice, and her work reflects a longstanding interest in state constitutionalism.

Professor Davis's articles have appeared in the Yale Law Journal, Washington & Lee Law Review, North Carolina Law Review, Fordham Law Review, the Columbia Human Rights Law Review, and many others, and her recent essays on state court jurisprudence appear in the Brennan Center's State Court Report. Professor Davis is co-author of the only law school textbook focused on U.S. human rights: Human Rights Advocacy in the United States (West 3d ed. 2023). In recent years, she coedited two volumes, Covid-19 and Human Rights (Routledge 2021) and the Research Handbook on Poverty and Human Rights (Elgar 2021). An experienced appellate advocate, Professor Davis argued the equal protection case Nguyen v. INS before the U.S. Supreme Court, and she has served as counsel to both parties and amicus in many Supreme Court and other appellate cases in federal and state courts. In Dobbs v. Jackson Women's Health Org., she was co-counsel on an amicus brief on behalf of comparative law scholars worldwide that was highlighted in the opinion of the dissenting justices.

Professor Davis holds an A.B. from Harvard University, an M.A. (Oxon.) from Trinity College, Oxford University, and a J.D. from the University of Chicago.

Bios provided by speakers

Kyriaki "Kiki" Council

Legal Counsel for Pro Bono Initiatives The Lawyering Project



Kyriaki "Kiki" Council (she/her/hers) is Legal Counsel for Pro Bono Initiatives at the Lawyering Project, where she helps to coordinate the Abortion Defense Network. Kiki strives to secure every human's legal and social rights to autonomy over healthcare choices for their bodies. Prior to joining The Lawyering Project, Kiki worked as a Staff Attorney at The Forefront Project, an organization dedicated to providing pro bono legal services to reproductive rights, health, and justice (RRHJ) organizations across the United States that engage in advocacy work at the local, state, and/or federal level. Outside of the Lawyering Project, Kiki's pro bono practice focuses on representing Colorado minors who are seeking abortion care without forced parental involvement in judicial bypass petitions.

In 2022, Kiki worked alongside advocates at Cobalt Advocates and the Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) to draft and ultimately pass Colorado's Reproductive Heath Equity Act. Kiki's steadfast dedication to the RRHJ movement has been recognized by several organizations. In 2022, she was awarded Champion of Choice by Planned Parenthood of the Rocky Mountains, Warrior for Justice by the Sam Cary Bar Association, and Gary L McPherson Outstanding Young Attorney of the Year by the Colorado Bar Association.

Before fully dedicating her legal practice to RRHJ, Kiki clerked on the United States Court of Appeals for the 10th Circuit and practiced labor and employment defense at private law firms. She received her Bachelor of Arts from the University of Chicago and her Juris Doctor from the University of Colorado Law School.

Bios provided by speakers

Rachel Rebouché

Dean
James E. Beasley Professor of Law
Temple University
Beasley School of Law



Rachel Rebouché is the Dean of Temple University Beasley School of Law and the James E. Beasley Professor of Law. Prior to her appointment as Dean, she was the Associate Dean for Research, a position she held from 2017 to 2021. She is also a Faculty Fellow at Temple's Center for Public Health Law Research.

Dean Rebouché is a leading scholar in reproductive health law and family law. She is an author of *Governance Feminism: An Introduction* and an editor of *Governance Feminism: Notes from the Field.* She is also the editor of *Feminist Judgments: Family Law Opinions Rewritten*, published by Cambridge University Press, and an author of the sixth edition of the casebook, *Family Law.* In addition, she will join the fifth edition of the casebook, *Contracts: Law in Action* and recently co-edited a collection of essays for *Law & Contemporary Problems* on the pandemic's effects on contract law.

Dean Rebouché has served as a co-investigator on two grant-funded research projects related to reproductive health, one housed at the Emory University Rollins School of Public Health and another funded by the World Health Organization. Her recent research also includes articles in law reviews and in peer-reviewed journals on abortion law, relational contracts, gestational surrogacy, prenatal genetic testing and genetic counseling, collaborative divorce, parental involvement laws, and international reproductive rights.

Dean Rebouché received a J.D. from Harvard Law School, an LL.M. from Queen's University, Belfast, and a B.A. from Trinity University. Prior to law school, she worked as a researcher for the Northern Ireland Human Rights Commission and the Human Rights Centre at Queen's University, Belfast. After law school, Dean Rebouché clerked for Justice Kate O'Regan on the Constitutional Court of South Africa and practiced law in Washington, D.C., where she served as an associate director of adolescent health programs at the National Partnership for Women & Families (formerly, the Women's Legal Defense Fund) and as a Women's Law and Public Policy Fellow at the National Women's Law Center

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