

The 28th Annual Ira C. Rothgerber Jr. Conference

Women's Enfranchisement: Beyond the 19th Amendment



Using the centennial of the 19th Amendment to explore women's formal political enfranchisement and social & economic empowerment

Friday, April 3, 2020 8:30am-4:30pm (MT)

Hosted by the Byron R.
White Center for the
Study of American
Constitutional Law

Thanks to our co-sponsor:

CWBA
COLORADO WOMEN'S BAR ASSOCIATION

# Conference Webinar Schedule

8:30-9:00 a.m.\* Introductory Remarks: **Suzette Malveaux** (Byron R. White Center Director, Colorado Law), S. James \*(all times Anaya (Dean, Colorado Law), Sarah Parady in **MT**) (President, Colorado Women's Bar Association)

9:00-10:00 a.m. Keynote Address: Reva Siegel (Yale Law)

**10:00-10:15 a.m.** Break

10:15-12:00 p.m. Panel 1: "Historic Perspectives on the 19th Amendment: Looking Back, Looking Forward" • Susan Schulten | University of Denver, History Department

• Carolyn Ramsey | University of Colorado Law School • Iulie Suk | CUNY, Graduate Center • Mary Ziegler | Florida State University Law School 12:00-12:15 p.m. Break 12:15-2:00 p.m. Panel 2: "Barriers to Political Representation"

• Dara Strolovitch | Princeton University, Gender & Sexuality Studies • Bertrall Ross | Berkeley Law • Atiba Ellis | Marquette Law • Ming Chen | University of Colorado Law School

Closing Remarks: **Suzette Malveaux** (Colorado Law)

2:00-2:15 p.m. 2:15-4:00 p.m. Panel 3: "Lived Equality: Beyond Formal Political Rights" • Aya Gruber | University of Colorado Law School • Chinyere Ezie | Center for Constitutional Rights • Diana Flynn | Lambda Legal • Scott Skinner-Thompson | University of Colorado Law School

Break

4:00-4:30 p.m.

#### **Byron R. White Center Director:**



# Suzette Malveaux University of Colorado Law School

Suzette Malveaux is Provost Professor of Civil Rights 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. Previously, she served as

Associate Dean for Academic Affairs and Director of the Law & Public Policy Program at the Catholic University of America Columbus School of Law. She teaches Civil Procedure, Complex Litigation, Civil Rights Law, Fair Employment Law, and Constitutional Law. She has published numerous law review articles that explore the intersection of civil procedure and civil rights and co-authored *Class Actions and Other Multi-Party Litigation; Cases and Materials* (West, 2006, 2012). She has presented at dozens of conferences in this area.

Malveaux has taught at the University of Alabama School of Law, the Columbus School of Law, and visited at the University of Iowa College of Law and Washington and Lee University School of Law. Prior to academia, she was a civil rights lawyer and class action litigation specialist. She second chaired oral argument before the U.S. Supreme Court and argued before the 11th Circuit Court of Appeals. Professor Malveaux graduated magna cum laude from Harvard University. She earned her J.D. from NYU School of Law, where she was an Associate Editor of the Law Review, a Root-Tilden Scholar and a Center for International Law Fellow.

#### **Keynote Address:**



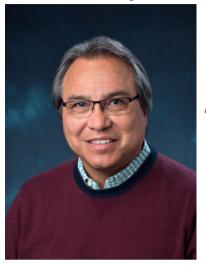
#### Reva Siegel Yale Law School

Professor Reva Siegel is the Nicholas deB. Katzenbach Professor at Yale Law School. Professor Siegel's writing draws on legal history to explore questions of law and inequality and to analyze how courts interact with representative government and popular movements in interpreting the Constitution.

Professor Siegel is the author of *The Nineteenth Amendment and the Democratization of the Family*, 129 *Yale Law Journal Forum* 450 (2020) and *She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 *Harv. L. Rev.* 947 (2002). Other recent work includes *The Constitutionalization of Disparate Impact—Court-Centered and Popular Pathways*, 106 *California Law Review* 2001 (2019); *ProChoiceLife: Asking Who Protects Life and How—and Why It Matters in Law and Politics*, 93 *Indiana Law Journal* 207 (2018); *Community in Conflict: Same-Sex Marriage and Backlash*, 64 *U.C.L.A. Law Review* 1728 (2017) and *Reproductive Rights and Justice Stories* (edited with Melissa Murray & Kate Shaw, 2019).

Professor Siegel is a member of the American Philosophical Society, a fellow of the American Academy of Arts and Sciences, and an honorary fellow of the American Society for Legal History. She serves on the board of Advisors and the Board of Academic Advisors of the American Constitution Society and on the General Council of the International Society of Public Law.

#### **Introductory Remarks:**



Dean S. James Anaya
University of Colorado
Law School

Dean Anaya is an internationally recognized scholar and author in the areas of international human rights and issues concerning indigenous peoples. He served as the United Nations Special Rapporteur on the

rights of indigenous peoples from 2008 to 2014. He has advised numerous indigenous and other organizations from several countries on matters of human rights and indigenous peoples, and he has represented indigenous groups from many parts of North and Central America in landmark cases before domestic and international tribunals, including the United States Supreme Court and the Inter-American Court of Human Rights. Among his noteworthy activities, he participated in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples and was the lead counsel for the indigenous parties in the case of Awas Tingni v. Nicaragua, in which the Inter-American Court of Human Rights for the first time upheld indigenous land rights as a matter of international law.

As UN Special Rapporteur on the Rights of Indigenous Peoples, Dean Anaya monitored the human rights conditions of indigenous peoples worldwide, addressed situations in which their rights were being violated, and promoted practical measures to secure indigenous peoples' rights, travelling frequently to meet with government officials and visit indigenous communities.

#### **Introductory Remarks:**



#### Sarah Parady

President: Colorado Women's Bar Association

Sarah Parady is a partner at Lowrey Parady Lebsack, LLC, where she practices plaintiff's-side employment and civil rights law. She is also the 2019-2020 President of the Colorado Women's Bar Association.

Sarah received her J.D. (Order of the Coif) from New York University School of Law. After law school, she received a Skadden Fellowship to build a foreclosure prevention program at Colorado Legal Services. Sarah is a past President of the Plaintiff Employment Lawyers Association and a former law clerk to the Honorable Carlos F. Lucero of the Tenth Circuit Court of Appeals. In 2018, she received Case of the Year awards from the Colorado Trial Lawyers Association and the Plaintiff Employment Lawyers Association for two different cases.

The Colorado Women's Bar Association is one of the biggest and most influential women's bar groups in the country. We are a welcoming, active, member-focused and inclusive organization with a mission to promote women in the legal profession and the interests of women generally. Join us at:



https://www.cwba.org/JOIN Law students join free!

#### Panel One

"Historic Perspectives on the 19th Amendment: Looking Back, Looking Forward"

#### "The Strategies of a Movement"

Susan Schulten | University of Denver (History)

## "Women's Votes, Women's Voices, and the Limits of Criminal Justice Reform, 1911-1950"

Carolyn Ramsey | University of Colorado Law School

## "We working women, because we are mothers:" The 19th Amendment and the ERA."

Julie Suk | City University of New York (Graduate Center)

#### "The Equality Wars"

Mary Ziegler | Florida State University Law School

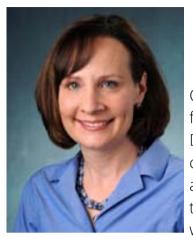


#### Susan Schulten University of Denver (History Department)

Susan Schulten is professor of history at the University of Denver, where she has taught since 1996.

She is the author of *A History of America in 100 Maps, Mapping the Nation: History and Cartography in Nineteenth-Century America,* and *The Geographical Imagination in America, 1880-1950*, all published by the *University of Chicago Press*. Her research has been funded by the John Simon Guggenheim Foundation and the National Endowment for the Humanities

In 2013 the Pacific Coast Branch of the American Historical Association awarded Mapping the Nation the Norris Hundley Prize to Professor Schulten. She teaches courses on Civil War and Reconstruction, America at the turn of the century, the history of American ideas and culture, the Gilded Age and Progressive Era, the Great Depression, the Cold War, war and the presidency, and the methods and philosophy of history.



# Carolyn Ramsey University of Colorado Law School

Carolyn Ramsey received an M.A. in History from Stanford University and a J.D. with Distinction from Stanford Law School. After clerking for federal courts at the appellate and trial levels, she accepted a position at the University of Colorado Law School, where she is now a full professor of law.

Professor Ramsey teaches and publishes about historical and modern aspects of criminal justice, domestic violence, and gender. She has garnered a national reputation for bringing archival history research to bear on issues of violence, punishment, and discretion in criminal law and procedure that have modern social relevance. She is currently writing a book about the history of criminal justice responses to intimate-partner violence from the late nineteenth century to the passage of the federal Violence against Women Act in 1994.

In recognition and support of her work on domestic abuse, Professor Ramsey received a Jules Milstein Faculty Scholarship Award, a University of Colorado Graduate Committee on the Arts and Humanities research grant, and the 2018 Gilbert Goldstein Research Fellowship. She is a former Chair of the Association of American Law Schools Criminal Justice Section and a frequent participant in annual meetings of the American Society for Legal History, the American Historical Association, and the Law & Society Association. Beyond her academic achievements, Professor Ramsey served for several years as Reporter for the Tenth Circuit Criminal Pattern Jury Instructions Committee.



#### Julie Suk City University of New York (Graduate Center)

Julie Chi-hye Suk is Professor of Sociology, Political Science, and Liberal Studies at the City University of New York (CUNY) – The Graduate Center, where she serves as Dean for Master's Programs.

Her book, We the Women: The Unstoppable Mothers of the Equal Rights Amendment, will be published in June 2020. Professor Suk is a scholar of comparative law and society, with a focus on equality and non-discrimination. She is a frequent commentator in the media on the recent push to revive the Equal Rights Amendment, including in The Washington Post, CBS News, Vox Media, and Bloomberg Law. Prior to joining The Graduate Center at CUNY, she was a law professor for 13 years at Cardozo Law School in New York, with visiting professorships at Harvard, Columbia, University of Chicago, and University of California, Los Angeles law schools.

She has lectured widely in the United States and Europe, and has been a visiting fellow at the European University Institute in Florence and LUISS-Guido Carli in Rome. In addition to master's and doctoral degrees in politics from Oxford University, she holds a J.D. from Yale Law School and an A.B. in English and French Literature from Harvard University. She is excited to bring her interdisciplinary background and professional school experience to strengthen master's education at The Graduate Center.



# Mary Ziegler Florida State University College of Law

Mary Ziegler is the Stearns Weaver Miller Professor at Florida State University College of Law. Pulitzer Prize winning historian David Garrow has called her "the premier historian of abortion in the post-Roe era."

She is the author of *Abortion and the Law in America: Roe v. Wade to the Present* (Cambridge University Press 2020), *Beyond Abortion: Roe v. Wade and the Fight for Privacy* (Harvard, 2018) and *After Roe: The Lost History of the Abortion Debate* (Harvard, 2015), the winner of the 2014 Harvard University Press Thomas J. Wilson Memorial Prize for best first manuscript in any discipline. She often serves as commentator in leading mass media outlets across the world, including The BBC, The New York Times, NPR, PBS News Hour, the Wall Street Journal, and The Washington Post.

She has chaired committees for major legal history organizations, including the American Society for Legal History, the American Association of Law Schools Legal History Section and the American Bar Association's Committee on Historic Commemorations. She has also received recognition for her work in the classroom, including the 2016 Florida State University Teaching Award and the 2015 Transformation Through Teaching Award.

### Panel Two

"Barriers to Political Representation"

## "Intersectional Representation: Promises, Payoffs, and Challenges"

Dara Z. Strolovitch | Princeton University

#### "Campaign Finance and Female Officeholding: An Empirical Assessment of the Year of the Woman."

Bertrall Ross | *University of California, Berkeley, School of Law* 

# "The Voting Rights Paradox: Ideology and the Incompleteness of American Democratic Practice"

Atiba Ellis | Marquette University Law School

## "The Political (Mis)representation of Immigrants"

Ming H. Chen | University of Colorado Law School



## Dara Strolovitch Princeton University

Dara Z. Strolovitch is Professor at Princeton University, where she holds appointments in Gender and Sexuality Studies, African American Studies, and the Department of Politics. Beginning in Fall 2020, she will be Professor of Women's Gender, and Sexuality Studies, American Studies, and Political Science at Yale University.

Her research focuses on American politics, political representation, and the intersecting politics of race, class, gender, and sexuality. She is the author of the award-winning book *Affirmative Advocacy: Race, Class, and Gender in Interest Group Politics* (Chicago 2007), and her next book, *When Bad Things Happen to Privileged People: Race, Gender, and the Political Construction of Crisis & Non-Crisis*, is forthcoming from the University of Chicago Press.

Her work has also appeared in journals including the *Journal of Politics*; *Political Research Quarterly*; *Perspectives on Politics*; *American Behavioral Scientist, Politics & Gender, Politics, Groups, & Identities,* and the *Du Bois Review*. She is co-editor of the *CQ Guide to Interest Groups and Lobbying*, has served on the *Founding Editorial Boards of Politics, Groups, and Identities* and the *Journal of Interest Groups & Advocacy*, on the editorial of the *Journal of Politics, Political Research Quarterly, Perspectives on Politics*, and *Politics & Gender*. She was founding Associate Editor of the *Journal of Race, Ethnicity, and Politics* and in June 2020, she will become co-editor of the *American Political Science Review*.



#### Bertrall Ross University of California, Berkeley, School of Law

Bertrall Ross is the Chancellor's Professor of Law at U.C. Berkeley School of Law. His research is driven by a concern about democratic responsiveness and accountability,

as well as the inclusion of marginalized communities in the political process. Bertrall's past scholarship in the areas of election law, constitutional law, and statutory interpretation has been published in the *Columbia Law Review*, *New York University Law Review*, and the *University of Chicago Law Review*, among others.

He is currently working on two book projects: one on gerrymandering and the other on voter data as a tool for disfranchisement. Bertrall earned his J.D. from Yale Law School and master's degrees from the London School of Economics and Princeton University's Woodrow Wilson School of Public and International Affairs. Prior to joining Berkeley Law, he was a Kellis Parker Academic Fellow at Columbia Law School. He clerked for the Honorable Dorothy Nelson of the Ninth Circuit Court of Appeals and the Honorable Myron Thompson of the Middle District of Alabama.



# Atiba Ellis Marquette University Law School

Atiba R. Ellis is a Professor of Law at Marquette University Law School. His primary research focuses on how racial and class-based oppression interact continue to abridge and deny the right to

vote to communities on the margins of American democracy. His work has analyzed voter identification laws for their socioeconomic effects, situated felon disenfranchisement laws as enforcing a political underclass, analyzed the theoretical scope of the Citizens United decision, and described the ideological drivers of vote suppression. His work is interdisciplinary in nature, spanning doctrinal legal analysis, critical political theory, race and the law, legal history, and innovative legal pedagogy. Professor Ellis's current research focuses on how ideologically driven conceptions of "wrongful voters" diminish the right to vote. He has also written on critical legal theory and legal history. In addition to his scholarly research, Professor Ellis frequently blogs, presents academic lectures, and provides commentary on issues regarding race and the law, the law of politics, and other civil rights and constitutional law matters.

Professor Ellis earned an A.B., an M.A., and a J.D. from Duke University. He served as a judicial law clerk for Judge James A. Beaty, Jr. of U.S. District Court for the Middle District of North Carolina and Judge Theodore A. McKee of U.S. Court of Appeals for the Third Circuit.



# Ming H. Chen University of Colorado Law School

Ming Hsu Chen is an Associate Professor at the University of Colorado in Boulder, where she is a faculty member of the law school. She is the Faculty-Director of the Immigration and Citizenship Law Program

and holds faculty affiliations in Political Science and Ethnic Studies. Professor Chen brings an interdisciplinary perspective to the study of immigration, civil rights, and the administrative state.

In the law school, she teaches a variety of law and social science courses including Immigration Law, Citizenship Law, Administrative Law, Legislation & Regulation, Law & Politics: Race in America, and Law & Social Change. Her research on citizenship bridges law and social science. She writes at the intersection of immigration and administrative law. Her first solo-authored book, Pursuing Citizenship in the Enforcement Era, will be published by Stanford University Press in August 2020.

Professor Chen serves as Co-Editor for the Immigration Prof blog (@immprof). She writes for the Scholars Strategy network and The Conversation (@minghsuchen) and her research has been featured in BBC The World, National Public Radio, CBS Denver, The Denver Post and other media outlets. She sits on the Colorado Advisory Council to the U.S. Commission on Civil Rights. Prior to joining the legal academy, Professor Chen clerked for the Honorable James R. Browning on the U.S. Court of Appeals, Ninth Circuit in San Francisco

### Panel Three

"Lived Equality: Beyond Formal Political Rights"

#### "Suffrage and Sexual Assault"

Aya Gruber | University of Colorado Law School

## "Not Your Mule? The Political Prowess & Powerlessness of Black Women Voters"

Chinyere Ezie | Center for Constitutional Rights

## "Protecting Trans Rights: Beyond the Sex Discrimination Model"

Diana Flynn | Lambda Legal

#### "Identity by Committee"

Scott Skinner-Thompson | University of Colorado Law School



# Aya Gruber University of Colorado Law School

Professor Gruber has been at the University of Colorado Law School since 2010, and has received the Outstanding New Faculty Member Award by the students, the Jules Milstein Award for scholarship, and the

Gilbert Goldstein Fellowship for scholarship. Prior to joining Colorado Law, Gruber was a professor at the University of Iowa and a founding faculty member at Florida International University Law School. In 2017, Gruber was a visiting professor at Harvard Law School, where she taught criminal law and a feminism and crime control seminar. A former public defender, Professor Gruber's scholarship focuses on feminist efforts to strengthen criminal law responses to crimes against women.

Her forthcoming book *The Feminist War On Crime: The Unexpected Role of Women's Liberation in Mass Incarceration* (U.C. Press 2020), tells the story how feminists, in their quest to secure women's protection from domestic violence and rape, contributed to mass incarceration, and it sketches a path to oppose violence against women without reinforcing the American prison state. Professor Gruber is a member of the American Law Institute and an adviser to the Model Penal Code sexual assault project. A frequent public speaker on criminal justice, Professor Gruber has appeared in broadcast media, including PBS, NPR, and ABC, and is quoted in outlets including the New Yorker, Slate, and the New York Times.



# Chinyere Ezie Center for Constitutional Rights

Chinyere Ezie is a Staff Attorney at the Center for Constitutional Rights, where she advocates for racial justice, gender justice, Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) rights,

and challenges governmental abuses of power. She is also the originator of #BoycottPrada, a viral campaign challenging blackface and racism in the fashion industry. Prior to joining the Center for Constitutional Rights, Chinyere worked at the Southern Poverty Law Center where she brought cases defending the rights of LGBTQI Southerners.

She also served as a Trial Attorney at the U.S. Equal Employment Opportunity Commission, where she litigated employment discrimination cases and secured a \$5.1 million jury verdict and historic injunction on behalf of workers who were subjected to religious harassment. Chinyere is a William J. Fulbright Scholar and a graduate of Yale University and Columbia Law School, where she was an Alexander Hamilton Scholar and served as Editor in Chief of the Journal of Gender and Law. She was also named one of the nation's Best LGBT Lawyers Under 40. Chinyere is a frequent speaker at law conferences and her advocacy has been reported on by the New York Times, Washington Post, CNN, NBC, and NPR, among others.



#### Diana Flynn Lambda Legal

Diana Flynn is the Litigation Director at Lambda Legal, the oldest and largest national organization dedicated to securing the rights of LGBT people and people living with HIV through impact litigation and public policy work.

In this position, she directs all of Lambda Legal's litigation efforts across the nation and leads the staff responsible for those activities.

Flynn came to Lambda Legal in early 2018 after serving more than thirty years at the U.S. Department of Justice Civil Rights Division, most of them as Chief of the Appellate Section. In that position, she was responsible for the United States' enforcement of the federal civil rights laws in appellate litigation, and for the Division's principal legal counsel program. In addition, for much of her tenure she played a leading role in the development and implementation of the United States' litigating positions on sex discrimination and on LGBTQ rights. Under her leadership, the Division filed more than 2500 briefs, and maintained a success rate of more than eighty per cent.

Flynn is a currently serving Commissioner of the ABA's Commission on Sexual Orientation and Gender Identity and is a 2017 recipient of its Stonewall Award.



#### Scott Skinner-Thompson

University of Colorado Law School

Scott Skinner-Thompson is an Associate Professor of Law at the University of Colorado Law School, with research and teaching interests in constitutional law, civil rights, and privacy law, with a

particular focus on LGBTQ and HIV issues. His scholarship has been published in the *Georgetown Law Journal, Michigan Law Review, Northwestern University Law Review, University of California, Davis Law Review,* and *Columbia Law Review Online,* and he is the editor and contributing author of *AIDS and the Law* (Wolters Kluwer, 5th ed., 2016; 6th ed., 2020), one of the leading resources in the field. His shorter work has appeared in *Slate, Salon, The New Republic, Muftah*, and elsewhere.

Prior to joining the University of Colorado Law School in 2017, he was an Acting Assistant Professor of Lawyering at New York University School of Law. In 2014, he was selected as one of the Best LGBT Lawyers Under 40 by the National LGBT Bar Association and while in practice Scott served as co-counsel with the ACLU LGBT & HIV Project, the Center for Constitutional Rights, the Transgender Law Center, and the Transgender Legal Defense & Education Fund.

### Moderator Biographies



# Panel 1 Moderator: Angela S. Boettcher

Angela Boettcher is a second-year law student at the University of Colorado Law School. She serves as the Executive Editor of Volume 92 of the *University of Colorado Law Review* and sits on

Colorado Law's Loan Repayment Assistance (LRAP) Committee. Ms. Boettcher is interested in pursuing a career in criminal justice and criminal justice reform. She spent her first-year summer working for the Colorado State Public Defender in Boulder and currently volunteers with the Korey Wise Innocence Project, tracking compliance with criminal justice reform statutes in Colorado.

Ms. Boettcher interned for Justice Melissa Hart on the Colorado Supreme Court during her second year of law school, and plans to work for the Colorado American Civil Liberties Union over the summer of 2020. In her free time, she enjoys visiting national parks, reading, and spending time with her husband and her cat.

### Moderator Biographies



### Panel 2 Moderator: Jane Waterman

Jane Waterman is a second-year law student at the University of Colorado Law School. Originally from Austin, Texas, Jane is an alumnus of the University of Texas at Austin, graduating in 2012 with a degree in Elementary Education.

After serving underprivileged students as a Teach for America corps member, she taught for a few more years before making the jump to law school. Ms. Waterman serves as the Resource Editor for Colorado Law Review's upcoming Volume 92, as well as the External Competition Chair for the Barrister's Council Mock Trial Division. She has been involved with mock trial for over a decade as a student attorney, coach, witness, and judge. This year, she was privileged to represent Colorado Law at National Trial Competition Regionals. Ms. Waterman is also an active member of OUTlaw, Colorado Law's affinity group for LGBTQ+ students and represents clients in employment disputes through the Civil Practice Clinic.

After law school, Ms. Waterman plans on obtaining a clerkship and continuing to hone her litigation skills, eventually entering private practice in the area of commercial litigation. She currently lives in Denver with her fiancé and beloved cat, Queen Bee.

### Moderator Biographies



## Panel 3 Moderator: **Quentin H. Morse**

Quentin Morse is a second-year law student at the University of Colorado Law School, where he serves as the Editor-in-Chief of the Colorado Law Review, a member of the Acequia Assistance project, and as a volunteer with the Korey Wise Innocence Project.

Mr. Morse is interested in pursuing a career in civil litigation, and ultimately hopes to serve as a member of the judiciary. During law school, Mr. Morse interned with Chief Judge James Boyd of the Ninth Judicial District, Justice Carlos Samour Jr., of the Colorado Supreme Court, and with the United States Attorney's Office.

Prior to Law School, Quentin spent several years in the non-profit world, working with numerous organizations on food justice and youth development programs. In his free time, Quentin likes to mountain bike, play golf, and cook.

## Special Thanks

We want to give a special thanks to those who worked tirelessly to make the 2020 Rothgerber Conference successful, especially during these turbulent times:

#### Jon Sibray

Senior IT Director | University of Colorado Law School

#### Teresa Coberly

IT Support Manager | University of Colorado Law School

#### Julia Roth

Director of Marketing and Communications | University of Colorado Law School

#### Yesenia Delgado

Events Manager | University of Colorado Law School

#### Melissa Schenter

Faculty Events Coordinator | University of Colorado Law School

