

MARTIN J. KATZ

Sturm College of Law
University of Denver
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EXPERIENCE

UNIVERSITY OF DENVER COLLEGE OF LAW Dean, 2010 - Present Interim Dean, 2009 - 2010 Associate Professor (Tenured), 2006 - Present Assistant Professor, 2000 - 2006	Denver, Colorado
UNIVERSITY OF COLORADO SCHOOL OF LAW Adjunct Instructor, 1999 - 2000	Boulder, Colorado
DAVIS, GRAHAM & STUBBS, LLP Partner, 1997-2000 Associate, 1992-1997 Diversity Task Force, 1999-2000.	Denver, Colorado
THE HONORABLE DAVID M. EBEL U.S. Court of Appeals, 10th Circuit Law Clerk, 1991-1992	Denver, Colorado

EDUCATION

YALE LAW SCHOOL, New Haven, CT YALE LAW JOURNAL, co-Editor-in-Chief YALE JOURNAL ON REGULATION, Editor John M. Olin Fellow	J.D., June 1991
HARVARD COLLEGE, Cambridge, MA	B.A. <i>magna cum laude</i> , Economics, June 1987

ACADEMIC PUBLICATIONS

Gross *Disunity*, 114 PENN. ST. L. REV. 857 (2010)

Boumediene, *Guantanamo and Jurisdiction Stripping: The Imperial President Meets the Imperial Court*, 25 CONSTITUTIONAL COMMENTARY 377 (2009) (peer reviewed)

Unifying Disparate Treatment (Really), 59 HASTINGS LAW JOURNAL 643 (2008)

Reclaiming McDonnell Douglas, 83 NOTRE DAME LAW REVIEW 109 (2007)

ACADEMIC PUBLICATIONS (continued)

The Fundamental Incoherence of Title VII: Making Sense of Causation in Disparate Treatment Law, 94 GEORGETOWN LAW JOURNAL 489 (2006).

Reconsidering Attraction in Sexual Harassment
79 INDIANA LAW JOURNAL 101 (2004)

The Economics of Discrimination: The Three Fallacies of Croson
100 YALE LAW JOURNAL 1033 (1991).

Insurance and the Limits of Rational Discrimination
8 YALE LAW & POLICY REVIEW 436 (1990).

OTHER PUBLICATIONS

Hoisted by their Own Petard: Struve Applies Pretext Analysis to the Court, Finds Justices' Motives Questionable, worklaw.jotwell.com (Jan. 21, 2011.)

No Intent, No Foul? Unconscious Bias in Employment Decisions
30 LEGAL TIMES, No. 21, p.35 (May 21, 2007).

Just When You Thought it was Safe . . . Nannygate II: The Sequel
23 COLO. LAWYER 581 (March 1994).

PRESENTATIONS

American Constitutional Law, Presentation to Brazilian Federal Judicial Conference, University of Denver (2/15/10)

What Constitutional Law can Learn from Employment Discrimination Law, Presentation to the Third Annual Colloquium on Current Scholarship in Labor & Employment Law, University of San Diego (10/24/08)

Boumediene, Guantanamo, and Jurisdiction-Stripping: The Imperial Presidency Meets the Imperial Judiciary, Presentation to DU Law School Community, sponsored by DU Law Review (9/30/08)

2008 Case Law and Legislative Update, Presentation to the Colorado Bar Association CLE 2008 Employment Law Conference, Denver, CO (2/21/08)

Unifying Disparate Treatment, Presentation to the Second Annual Colloquium on Current Scholarship in Labor & Employment Law, University of Denver and University of Colorado (9/28/07)

PRESENTATIONS (continued)

What are Constitutions For?, Presentation with Susan Sterett (Chair, DU Political Science Dept.) in DU Partners for Learning Program, Denver, CO (9/18/07)

Preview of the Upcoming Supreme Court Term. Panel discussions with Alan Chan (DU Law School) and Melissa Hart (CU Law School). Sponsored by the American Constitutional Society, Denver, CO (10/31/06 and 11/7/06)

How I Learned to Stop Worrying and Love McDonnell Douglas (and Unified Disparate Treatment Law in the Process), presentation to the First Annual Colloquium on Current Scholarship in Labor & Employment Law, Marquette University Law School, Milwaukee, Wisconsin (10/27/06).

Causation in Disparate Treatment Law, presentation to the Tenth Circuit Judicial Conference, Colorado Springs, Colorado (9/7/06).

Academic Freedom, panel discussion with Ward Churchill (CU Ethnic Studies) and Walter Gerash at New Directions in the Study of Race and Ethnicity Conference, University of Colorado (4/22/06).

Changes in the Supreme Court, presentation to the Rocky Mountain Harvard University Club, Evening Lecture Series, Denver, Colorado (11/13/05).

The Future of the Supreme Court, panel discussion with John Holcomb and Corey Ciocchetti, both of Daniels College of Business. Sponsored by Daniels Business Ethics and Law Society, Denver, Colorado (10/5/05).

Contemporary Issues in Academic Freedom, round table discussion with Alan Chen, Richard Collins (CU Law School), and David Mapel (CU Political Science Dep't). Sponsored by DU Law Review and DU Faculty Development Committee, Denver, Colorado (4/22/05).

Recent Developments in the Law of Diversity: The Michigan Cases and What they Mean for our Workplaces and Schools, presentation to the Colorado Workplace Equity Coalition, 20th Annual Conference, Making Diversity a Strategic Business Imperative, Denver, Colorado (Oct. 2004).

Structure of American Constitutional Law, presentation to Student Exchange Group from Warsaw School of Economics, Denver, Colorado (Oct. 2004).

Unpacking Causation in Disparate Treatment Law, presentation to University of Colorado School of Law Summer Workshop Presentation, Boulder, Colorado (July 2004).

Point/Counterpoint: Affirmative Action – A Corporate Perspective, moderator, Corporate Diversity Initiatives Forum at the University of Denver, Denver, Colorado (with Colorado State Senators Ed Jones and Peter Groff) (May 2004).

PRESENTATIONS (continued)

Hot Topics in Workplace Privacy Law, panelist, Privacy Foundation, Corporate Privacy Seminar, Denver, Colorado (May 2004). *Harassment*, presentation to State of Colorado, Department of Personnel & Administration, Denver, Colorado (April 2004).

The Proposed Federal Marriage Amendment, debated issue in presentation to Rhone-Brackett Inn of Court, Denver, Colorado (April 2004).

Developments in the Law of Harassment, presentation to State of Colorado Professional Development Center Seminar (April 2004).

Unpacking Causation in Disparate Treatment Law, Work in Progress Presentation to Faculty at University of Denver College of Law (April 2004).

Same-Sex Marriage, moderated debate sponsored by Christian Legal Society, DU Outlaws, College Republicans, ACLU, and the National Lawyers' Guild, Denver, Colorado (March 2004).

Civil Rights After 9/11 (Two Years Later), presentation to a joint meeting of the Alfred Arraj and Rhone-Brackett Inns of Court, Denver, Colorado (Feb. 2004).

Employment and Anti-Discrimination Law in the United States, presentation to MACLAW Association, DU, Denver, Colorado (Feb. 2003).

Sexual Harassment and Attraction, presentation to Plaintiffs Employment Lawyers Association, DU Chapter, Denver, Colorado (Feb. 2003).

Marbury v. Madison: Judicial Activism, Then and Now, presentation to Educating for Citizenship Conference, Sponsored by Center for Education in Law and Democracy, the Colorado Bar Association, and the Colorado Supreme Court Committee on Public Education, Denver, Colorado (Dec. 2002).

Whose Business is It Anyway? Privacy in the Workplace. Presentation at Winning "No-Win" Employment Situations, Employment Law Seminar, Hale, Hackstaff & Tymkovich LLP, Denver, Colorado (Sept. 2002).

Balancing Civil Liberties and Security, presentation to Center for Education in Law and Democracy Summer Institute, Denver, Colorado (June 2002).

Bearing False Witness, The Commandments: A Legacy Program, Center for Judaic Studies at the University of Denver and the Denver Institute for Jewish Studies (May 2002).

On-Line Communication Platforms for Courses, presentation to University of Denver College of Law Faculty (April 2002).

PRESENTATIONS (continued)

Are You A Patriot: The USA PATRIOT ACT, panel discussion sponsored by the Chancellor Scholars at University of Denver School of Law (March 2002).

Ethical Issues in Employment Relations in the Technology Sector, The Future of High Tech Startups, Silicon Flatirons Telecommunications Program at the University of Colorado (Feb. 2002).

When Sexual Harassment Is -- And Is Not -- Discrimination, Work in Progress Presentation to Faculty at University College of Law (Dec. 2001).

Balancing Liberty and Security, American Civil Liberties Union, Denver, Colorado (Nov. 2001).

Litigating a Plaintiff's Harassment and Discrimination Case, Presentation to University of Denver College of Law Chapter of National Employment Law Association (Oct. 2001).

Pro Bono Practice (panel), University of Denver, American Civil Liberties Union, and the National Lawyers' Guild (Sept. 2001).

Are You Being Properly Compensated: Gender Issues and Strategies in Law Firm Compensation, Colorado Women's Bar Association (Feb. 2001).

Employees as Strategic Assets – Retention of Secrets and Loyalty, Silicon Flatirons Telecommunications Program on the Future of High Tech Startups, University of Colorado School of Law (Feb. 2001).

Teaching with Technology: Communications and Web Technology for Law Teaching, Presentation to Faculty at University of Denver College of Law (Sept. 2000).

Violence in the Workplace, Speaker and Round Table Participant, Colorado Attorney General's Conference on Violence in the Workplace (Feb. 2000).

The Economics of Discrimination and Affirmative Action, Presentation to Faculty at University of Denver College of Law (Feb. 2000).

A No-Fault Regime for Termination of Employment, Presentation to Faculties at University of San Diego School of Law and University of Richmond School of Law (Jan. 2000).

Labor and Employment Law Overview, Guest Speaker, Health Care Management, University of Denver School of Business Administration (March 1999).

The Web Gets More Tangled: The FMLA, the ADA and Workers' Compensation, Labor and Employment Seminar (Sept. and Oct. 1998).

PRESENTATIONS (continued)

Family and Medical Leave Act Update, Council on Education in Management (July 1998).

Covenants Not to Compete, Boulder County Bar Association (April 1998).

Same-Sex Sexual Harassment after Oncale, Colorado Bar Association Labor Law Forum (March 1998).

Problem Employees: Legal Issues and Practical Solutions, Labor and Employment Seminar (Sept. and Oct. 1997).

Employment Law Issues in Mergers and Acquisitions, The Cambridge Institute (June 1997).

Protecting Against Violence in the Workplace, Colo. Human Resource Ass'n (Jan. 1997).

Gay Rights in the Workplace, Labor and Employment Seminar (Sept. and Oct. 1996).

Intellectual Property and Your Employees: What Happens if I do Nothing -- and What Can I Do?, Employment and Intellectual Property Seminar (Aug. 1996).

Sexual Harassment Trial Strategies: The Best Defenses, Seminar (April 1996).

Interviewing, Mi Casa Resource Center for Women, Employment Program (1995).

Defamation in the Workplace, Labor and Employment Seminar (May 1994) (and additional client seminars on this topic).

MEDIA APPEARANCES

Interviewed for National Public Radio. Topic: Website offering to falsify employment histories for job applicants (12/10/09)/

Quoted in Denver Post. Topic: Bias suits against Jefferson County Administrator (9/10/09).

Quoted in several media outlets, including Chronicle of Higher Education, Denver Post, Boulder Daily Camera, and Colorado Daily. Topic: Ruling in Ward Churchill reinstatement hearing (7/7-22/09).

Quoted in Boulder Daily Camera. Topic: Ward Churchill reinstatement hearing (7/1/09).

Television appearance on Channel 7 news at. Topic: Sexual harassment and retaliation claim at Sears (6/24/09).

Television appearance on Channel 4 News. Topic: Ward Churchill verdict (4/3/09).

MEDIA APPEARANCES (continued)

Radio appearance on Caplan and Silverman show on KHOW AM 630. Topic: Ward Churchill verdict (4/3/09).

Quoted in Boulder Daily Camera. Topic: Ward Churchill verdict (4/3/09, 4/4/09, 4/6/09).

Quoted in Boulder Daily Camera. Topic: Ward Churchill trial (3/7/09).

Television appearance on Channel 7 News. Topic: Employment privacy issue in investigation of Metro State College employee (1/26/09).

Quoted in National Law Journal on front page of special insert. Topic: Confusion Reigns in Workplace Bias Jurisprudence: The Circuits Struggle to Find a Bright-Line Rule for Weighing Evidence of Race and Sex Bias (10/30/06).

Quoted in Wall St. Journal, page B3. Topic: Wal-Mart Workers Awarded \$172M (12/23/05).

Guest on Good Day Colorado with Steve Kelley on Fox 31. Live interview. Topic: Confirmation process for Supreme Court Chief Justice nominee John Roberts (9/12/05).

Quoted in Denver Post on Page B1. Topic: Coors Brewing Accused of Age Bias (10/8/04).

Guest on Tom Greene Morning Show (Channel 2). Live interview. Topic: Amending the Constitution: The proposed Federal Marriage Amendment (2/27/04).

Guest on the Drawing the Line with Reggie Rivers (Channel 12). One hour live panel. Topic: Religion and Government (10/22/03).

Guest on the Drawing the Line with Reggie Rivers (Channel 12). One hour live panel. Topic: Columbus Day Parade and Protesters (10/8/03).

Television appearance on Channel 4 News. Topic: Distribution of jury nullification pamphlet by Jefferson County Treasurer (10/7/03).

Quoted in Denver Post on Page 1. Topic: Distribution of jury nullification pamphlet by Jefferson County Treasurer (10/1/03).

Quoted in Denver Post. Topic: Severance payment offered in exchange for resignation of Jefferson County Sheriff with possible alcohol abuse issues (7/12/03).

Solo Guest on Nicole Houston Show (Channel 57). Half hour live interview. Topic: Michigan affirmative action decisions (6/25/03).

MEDIA APPEARANCES (continued)

Interview with Julia Scheeres, Wired magazine. Topic: Web sites that encourage and aid in suicide (1/23/03).

Television appearance on 9 News to discuss USA Patriot Act (various broadcasts 9/02).

Television appearance on Fox News to discuss ruling of 9th Circuit panel in *Newdow v. U.S.* (case re Pledge of Allegiance) (6/26/02).

PROFESSIONAL ASSOCIATIONS

American Law Institute

American Bar Foundation Fellow

Thompson Marsh Inn of Court

American Arbitration Association: Employment Advisory Committee

Denver Bar Association: Labor Law Forum Committee

Colorado Bar Association: Civil Rights Committee

Yale Law School Executive Committee, Regional Representative

HONORS AND AWARDS

50 for Colorado (leadership program), Colo. Assoc. of Commerce & Industry, 1999

100 Hour Club (pro bono award), Denver Bar Association, 1998

Outstanding Pro Bono Lawyer, Denver Bar Association, 1995

ADMITTED TO PRACTICE

U.S. Supreme Court, 2008

U.S. Court of Appeals, Eighth Circuit, 1996

U.S. Court of Appeals, Tenth Circuit, 1993

U.S. District Court: District of Colorado, 1993

Colorado, 1993

COMMUNITY SERVICE

ACLU: Pro Bono Cases

Denver Bar Association, Thursday Night Bar: Pro Bono Cases

Mi Casa Resource Center for Women: Lecturer

We the People (constitutional law competitions for high school students): Judge

Close Up (government education for high school students): Appellate Presenter

Colorado Academy Moot Court Team, Coach

Year One Youth Challenge Program: Youth Mentor

Washington Park Soccer Association: Coach

Angel Flight West (fka Air Life Line): Medical Transport Pilot

Civil Air Patrol: Search and Rescue Pilot

OTHER SKILLS AND INTERESTS

Pilot: Air Transport, Multi-Engine, Instrument and Flight Instructor ratings

Proficient in French