

## **SUSAN D. CARLE**

Washington College of Law  
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### **EDUCATION**

Yale Law School, J.D., 1988  
YALE LAW JOURNAL, Reviews & Comments Editor

Bryn Mawr College, A.B., 1982  
Sociology and anthropology, *magna cum laude*

### **JUDICIAL CLERKSHIP**

U.S. Court of Appeals for the Third Circuit, Philadelphia, Pennsylvania  
Honorable Dolores K. Sloviter, August 1988 - August 1989

### **ACADEMIC EMPLOYMENT**

American University Washington College of Law, Washington, D.C.  
Professor of Law, September 2003-present  
Associate Dean for Scholarship, September 2005-September 2008

Harvard Law School, Cambridge, MA.  
Visiting Professor of Law, January-June 2006

American University Washington College of Law, Washington, D.C.  
Associate Professor of Law, September 2000-September 2003  
Assistant Professor of Law, June 1997-September 2000

Georgetown University Law Center, Washington, D.C.  
W.M. Keck Teaching Fellow in Legal Ethics, August 1995-February 1997

### **AWARDS**

Best Scholarly Paper Award, American Association of Law Schools, 2001, for "Race, Class, and Legal Ethics in the Early NAACP, 1910-1920"

Jean and Edgar Cahn Article Award, National Equal Justice Library, 2004, for "From *Buchanan to Button*: Legal Ethics and the Early NAACP (Part II)"

American Association of Law Schools, Teacher of the Year Award, 2004, recipient from American University, Washington College of Law

Elizabeth Payne Cubberly Scholar Award, American University Washington College of Law, 2006, for "Theorizing Agency"

## **PUBLICATIONS (SELECTED)**

### **BOOKS**

LAWYERS' ETHICS AND THE PURSUIT OF SOCIAL JUSTICE: A CRITICAL READER (NYU Press Critical America Series, 2005)

### **JOURNAL PUBLICATIONS**

*Debunking the Myth of Civil Rights Liberalism: Visions of Racial Justice in the Thought of T. Thomas Fortune, 1880-1890*, 77 FORDHAM L. REV. 1479 (2009)

*Structure and Integrity*, 93 CORNELL L. REV. 1311 (2008)

*Progressive Lawyering in Politically Depressing Times: Can New Models for Institutional Self-reform Achieve More Effective Structural Change?*, 30 HARVARD J. LAW & GENDER 323 (2007)

*Power as a Factor in Lawyers' Ethical Deliberations*, 35 HOFSTRA L. REV. 117 (2006)

*Acknowledging Informal Power Dynamics in the Workplace: A Proposal for Further Development of the Vicarious Liability Doctrine in Sexual Harassment Cases*, 13 DUKE JOURNAL OF GENDER, LAW & POLICY 85 (2006) (also reprinted in EMPLOYERS' GUIDE TO ADDRESS SEXUAL HARASSMENT AT THE WORKPLACE (Icfai University Press, India, 2008))

*Theorizing Agency*, 52 AMERICAN UNI. L. REV. 307 (2005)

*How Should We Theorize Class Interests in Thinking About Professional Regulation?*, 12 CORNELL LAW SCHOOL JOURNAL OF LAW AND PUBLIC POLICY 571 (2003)

*Race, Class, and Legal Ethics in the Early NAACP (1910-1920)*, 20 LAW & HISTORY REVIEW 97 (2002) (also reprinted as *Legal Ethics and the NAACP* (book chapter), in LAWYERS' ETHICS AND THE PURSUIT OF SOCIAL JUSTICE, *supra*)

*From Buchanan to Button: Legal Ethics and the NAACP (Part II)*, 8 THE UNIVERSITY OF CHICAGO LAW SCHOOL ROUNDTABLE 281 (2001)

*Re-valuing Lawyering for Middle Income Clients*, 70 FORDHAM LAW REV. 719 (2001)

*Re-envisioning Models for Pro Bono Lawyering: A Comparative Study of the Early NAACP and the National Consumers League*, 9 AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY AND LAW 81 (2001)

*Lawyers' Duty to Do Justice: A New Look At the History of the 1908 Canons*, 24 LAW & SOCIAL INQUIRY 1 (1999)

*A Hazardous Mix: Discretion to Disclose and Incentives to Suppress Under OSHA's Hazard Communications Standard*, 97 YALE LAW JOURNAL 581 (1988)

#### **SHORT ESSAYS AND REVIEWS**

*Short Notes on Teaching about the Micro-politics of Class, with Examples from Torts and Employment Law Casebooks*, 56 BUFFALO L. REV. 1129 (2009)

*What Roberts Argued: Points of View Commentary and Analysis*, LEGAL TIMES, Aug. 1, 2005

*The Effect of Context on Practice (Book Review)*, 52 BUFFALO LAW REVIEW 1347 (2005)

*John Dewey and the Legal Realists*, 12 THE ADVOCATE 29 (2003)

*Critical Perspectives on the Legal Profession in England and Wales (Book Review)*, 17 GEORGETOWN J. OF LEGAL ETHICS 165 (2003)

*Elite Privilege and Public Interest Lawyering (Response to Comments of Prof. David Wilkins)*, 20 LAW & HISTORY REVIEW 153 (2002)

*Women in Law (Book Reviews)*, 8 AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY AND LAW 795 (2000)

*Gender in the Construction of the Lawyer's Persona (Review Essay)*, 22 HARVARD WOMEN'S LAW JOURNAL 239 (1999)

#### **PRESENTATIONS (Selected)**

University of Miami School of Law, Miami, FL. Faculty Legal Theory Workshop. Presented "A Unified Social Justice Agenda: Political, Economic and Social Rights in the Thought and Activism of Reverdy C. Ransom, 1896-1904" (April 2009)

Organization of American Historians' Annual Meeting, Seattle, WA. Panel entitled "Who Were the Black Progressives?" Presented "A Unified Social Justice Agenda: Political, Economic and Social Rights in the Thought and Activism of Reverdy C. Ransom, 1896-1904" (March 2009)

Distinguished Speakers Series, American University Washington College of Law, Washington,

- D.C. Commentator on Balakrishnan Rajagopal, "The Limits of Legalizing Social Rights: Lessons from the Global South" (Feb. 2009)
- Cornell Law Review* Colloquium, "Legal Ethics and Human Dignity," Cornell Law School, Ithaca, NY. Workshop Participant and Panelist, "Structure and Integrity" (October 2008)
- Faculty Speakers Series, American University Washington College of Law, Washington, D.C. Commentator on Adolph Reed, Jr., "The Status of the 'Color Line' in the 21<sup>st</sup> Century" (Sept. 2008)
- Fordham Law Review* Colloquium, "The Lawyer's Role in Contemporary Democracy", Fordham Law School, New York, NY. Participant and Presenter, "Debunking the Myth of Civil Rights Liberalism: Visions of Racial Justice in the Thought of T. Thomas Fortune, 1880-1890" (Sept. 2008)
- Legal Ethics "Shmooze," co-sponsored by Harvard Law School, Stanford Law School, Georgetown Law School and Fordham Law School, New York, NY. Participant and Presenter, "Rethinking Lawyers' Roles in New Governance Paradigms" (June 2008)
- Georgetown University Law Center, Washington, D.C. Presented "The Emerging Structuralist Supplement in David Luban's Work" (March 2008)
- Universidad de Carlos III, Madrid, Spain. Co-Presentation, "Using a Comparative Lens to Evaluate Turn-of-the-Century Legislative Approaches to Worker Dignitary Rights: Chilean and U.S. Experiences with 'The Law of the Chair'" (with Macarena Saez) (March 2008)
- Association of American Law Schools Annual Meeting, New York, NY. Session Speaker, "Under Cover of Science: American Legal-Economic Theory and the Quest for Objectivity" (Jan. 2008)
- Conference on "Turkey: At the Crossroads of Secular West and Traditional East," American University Washington College of Law. Moderator, Panel on "Secularism and the Islamic Identity" (Jan. 2008)
- NAACP Legal Education and Defense Fund, Inc., Annual Civil Rights Training Institute, the Airlie House, Warrenton, VA. Presentation, "Legal Ethics and the NAACP: Historical Perspectives and Contemporary Considerations" (Nov. 2007)
- Buffalo Law School and Baldy Center for Law and Social Policy, Buffalo, NY. Participant and Informal Paper Presentation on Teaching About Class, "ClassCrits Conference II" (May 2007)
- Alice Paul Feminist Jurisprudence Essay Contest Gala Dinner, Keynote Speaker, "How Feminism Has Influenced My Scholarship," American University Washington College of Law (March 2007)

Buffalo Law School and Baldy Center for Law and Social Policy, Buffalo, NY. Participant, "ClassCrits: Toward a Critical Legal Analysis of Economic Inequality" (Jan. 2007)

*Harvard Journal on Law & Gender* Symposium, Harvard Law School, Cambridge, MA. Presentation, "Progressive Lawyering in Politically Depressing Times: Thoughts on Susan Sturm's Democratic Experimentalist Approach to Anti-Discrimination Advocacy" (Oct. 2006)

External Speakers Series, American University Washington College of Law, D.C. Commentator on Richard T. Ford presentation, "Playing the Race Card" (Oct. 2006)

D.C. Area Legal History Roundtable, George Washington University, Washington, D.C. Presentation, "Forerunners of the NAACP" (Sept. 2006)

Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL. Panelist, "Promoting Scholarship within a Faculty"; Mentor, Paper of Jennifer Hendricks, "Essentially a Mother" (July 2006) (paper later won AALS junior scholar prize)

Northeastern School of Law, Faculty Workshop Speakers Series, Boston, MA. Presentation, "Why Power, Not Justice, Should Guide Lawyers' Exercise of Ethical Discretion" (May 2006)

National Association of Lawyers for Education Associations, Annual Meeting, Washington, D.C. Plenary Speaker, "Legal Ethics Issues in Union Representation" (May 2006)

Association of American Law Schools Annual Meeting, Washington, D.C. Session Speaker, "Socio-Economics and the History of Legal Thought" (Jan. 2006)

Training & Advocacy Support Center, National Disability Rights Network, Annual Conference, San Diego, CA. Speaker, "Ethics Issues for Protection and Advocacy Systems' Management As a Whole"; Speaker, "When Does the Attorney/Client Relationship Begin?" (Jan. 2006)

National Disabilities Rights Network, Annual Conference of State Chief Executive Officers, Phoenix, NV. Speaker, "Legal Ethics Issues Related to Multi-disciplinary Practice in Representation and Advocacy for Persons with Disabilities" (Oct. 2006)

Speakers Series, American University Washington College of Law, "Why Power, Not Justice, Should Guide Lawyers' Ethical Analysis" (Oct. 2006)

Mid-Atlantic Clinical Theory Workshop, Howard Law School, Paper Presentation, "Why Power, Not Justice, Should Guide Lawyers' Ethical Analysis" (April 2006)

National Association of Protection and Advocacy Systems Annual Conference, Alexandria, VA. Speaker, "Ethics Issues in Advocacy for Persons with Disabilities: Who is the Client?" (June 2005)

Association of American Law Schools Mid-Year Meeting, Montreal, Canada. "Legal Ethics in a New Millennium: New Practice, New Rules, New Visions," Plenary Session Moderator, "Pedagogy: The Challenges of Teaching"; Planning Committee Member; Small Group Leader (June 2005)

Law and Society Annual Meeting, Las Vegas, NV. Speaker, "The Influence of Classical Pragmatism on the Early Thought of W.E.B. Du Bois and the Origins of the NAACP's Desegregation Strategy;" Speaker, "Examining Informal Structures of Power in Sexual Harassment Law;" Discussant, "Regulating the Employment Relationship in Contemporary Society;" Chair, "Governance of the Workplace in Contemporary Society" (June 2005)

American Bar Association Center for Professional Responsibility, Chicago, IL. Poster Presentation, "How Do Legal Ethics Rules Change?: A Case Study from the Early History of the NAACP" (May 2005)

Association of American Law Schools Annual Meeting, San Francisco, CA. Presentation and Poster Presentation, "How Do Legal Ethics Rules Change?: A Case Study from the Early History of the NAACP" (Jan. 2005)

American Society for Legal History Annual Meeting, Austin, Texas. Panelist, "Roundtable: Ethical Problems and Legal Rules Surrounding the Use of Lawyers' Papers as Historical Sources" (Nov. 2004)

Association of American Law Schools Annual Meeting, Atlanta, GA. Presenter, Workshop on Technology and Pedagogy Concurrent Session, "Implementing Pedagogical Objectives Through Course Management Tools" (Jan. 2004)

American Bar Association Center for Professional Responsibility 29th National Conference, Chicago, IL. Panelist, Plenary Session, "Defining the Practice of Law: Is It Necessary? - Is It Possible?" (May 2003)

Rutgers Law School, Camden, NJ. Participant, "Mind, Language and Law" (invitation-only conference led by philosophers from Rutgers Philosophy Department) (May 2003)

D.C. Bar Association Annual Meeting, Washington, D.C. Moderator, "Secret Settlements: Should the Ground Rules Be Changed?" (March 2003)

Cornell Law School Faculty Workshop, Ithaca, NY. Speaker, "Reviving the Pragmatists' Theory of the Self" (Nov. 2002)

*Cornell Journal of Law and Public Policy* Symposium, Ithaca, NY. Lead Paper Presentation, "How Should We Theorize Class Interests in Thinking About Professional Regulation?" (Nov. 2002)

American University Washington College of Law Faculty Workshop, Washington, D.C.  
Presentation, "Reviving the Pragmatists' Theory of the Self" (Oct. 2002)

American Sociological Association Annual Meeting, Chicago, IL. Panel on Reconsidering the Classics of the Sociology of Law, "John Dewey and the Legal Realists" (Aug. 2002)

Law and Society Association and Canadian Law and Society Association Joint Meeting, Vancouver, Canada. Speaker, Panel on Epistemic Considerations on Identities, Rights, and the State Presentation, "Reviving the Pragmatists' View of the Self;" Moderator, "The Production of Law and Legal Discourse: Theoretical Considerations" (May 2002)

Energy and Mineral Law Foundation Annual Meeting, Baltimore, MD. Panelist, "Advanced Conflicts Issues in Legal Ethics Law" (May 2002)

George Meany Center, Silver Spring, MD. Peggy Browning Fund Annual Labor Law Conference, Faculty Member, "Comparative Approaches to Organizing Low-Wage Workers" (Sept. 2001)

University of Chicago Law School, Chicago, IL. Presentation, History of Legal Ethics Symposium, "From *Buchanan* to *Button*: Legal Ethics and the NAACP (Part II)" (Feb. 2001)

American Association of Law Schools Annual Meeting, San Francisco, CA. Scholarly Paper Award Presentation, "From *Buchanan* to *Button*: Legal Ethics in the Early History of the NAACP, 1910-1920" (Jan. 2001)

American University Washington College of Law - also broadcast on C-SPAN, Washington, D.C. Roundtable on Historical Perspectives on Pro Bono Law, "Lawyering for Others: A Comparative Study of the Early NAACP and the National Consumers League" (April 2000)

National Institute for Corrections Training Sessions, Washington, D.C. Lecturer, "Employment Law Considerations in Investigating and Prosecuting Staff Sexual Misconduct in Prisons" (periodically from July 2000 to present)

American University Washington College of Law, Workshop on Hegemonic and Resistant Genderings, Commentator, "Recharacterizing Women's Agency in Legal Theory and Practice" (book chapters by Katherine Abrams) (June 1999)

Law and Society Annual Meeting, Chicago, IL. Presentation, "Elite Practice Culture and the Reshaping of Legal Ethics Rules: A Case Study of the First Legal Committee of the NAACP" (May 1999)

Villanova Law School, Villanova, PA. Symposium on Gender, Work & Family Revisited, Moderator, "Litigating Work-Family Issues" (Nov. 1998)

American University Washington College of Law, Washington, DC. Faculty Speaker Series, Commentator, "Deconstructing the Ideal-Worker Norm in Market Work" (book chapter by Joan Williams) (Oct. 1998)

Association of American Law Schools Workshop for New Law Teachers, Washington D.C. Speaker, "Reports from the Field: Reflections by Recent New Law Teachers' Alumni" (July 1998)

American University Washington College of Law, Washington, DC. Faculty Speaker Series, Commentator, "The Politics of Heterosexuality" (Jan. 1998)

Catholic University, Washington, D.C. Conference on Learning from Practice, Speaker, "Experience As Text" (March 1998)

### **PROFESSIONAL SERVICE (SELECTED)**

#### **EXTERNAL**

Chair Elect, Association of American Law Schools Professional Responsibility Section (2010)

Executive Committee Member, AALS Section on Professional Responsibility (Jan. 2008-present)

Member, Rules of Professional Conduct Review Committee of the District of Columbia Bar (July 2005-present)

Member, Legal Ethics Committee of District of Columbia Bar (July 2000 - June 2006).  
Opinions drafted:

No. 330, "Unbundling Legal Services" (pub. July 2005)

No. 324, "Disposition of Documents of Deceased Client (pub. May 2004)

No. 321, "Communications Between Domestic Violence Petitioner and Counsel for Respondent in a Privately Litigated Proceeding for Criminal Contempt" (pub. June 2003)

No. 316, "Lawyers' Participation in Chat Room Communications with Internet Users Seeking Legal Information" (pub. Sept. 2002)

No. 307, "Participation in Government Program Requiring Payment of a Percentage of Fee" (pub. Dec. 2001)

No. 302, "Soliciting Plaintiffs for Class Action Lawsuits or Obtaining Legal Work Through Internet-Based Web Pages" (pub. Nov. 2000)

Chair, Planning Committee for D.C. Area Legal History Roundtable, "Slavery" (Sept. 2006 -

May 2007)

Member, Planning Committee for Association of American Law Schools 2005 Workshop on Legal Ethics for a New Millennium: New Practice, New Rules, New Visions (Feb. 2004-July 2005)

Member, Advisory Council, Digital Archive of the Birth of the Dot Com Era (project of Robert H. Smith School of Business, University of Maryland, funded by U.S. Library of Congress) (Oct. 2004-present)

Member, Legal Ethics Advisory Committee, National Association of Protection and Advocacy Systems for the Disabled (Dec. 2004-present)

Editor, Current Case Developments Column, Newsletter of Association of American Law Schools Professional Responsibility Section (Jan. 2004-Jan. 2007)

Expert Witness, *DiBattista v. County of Westchester* (N.Y. Sup. Ct. 2007). Submitted expert report, which prevailed before the court, on conflict of interest issues on behalf of the New York Civil Service Employees Association.

Expert Witness, *US v. Binyam Mohamed* (spring 2006). Submitted one of eleven expert witness statements on conflict of interest issues on behalf of a Guantanamo Bay detainee.

Manuscript Reviewer, Oxford University Press, NYU Press, *Law & Social Inquiry*, *Journal of Legal Education*, *Law & Society Review*

Member, Executive Committee, AALS Section on Professional Responsibility (Jan. 2008-present)

Member, Scholarly Paper Selection Committee, Association of American Law Schools (2001-02)

Consultant, National Institute for Corrections Training Sessions on Preventing Staff Sexual Misconduct in Prisons, Employment Law Issues (2000-present)

Member, National Postal Mail Handlers Union Scholarship Committee (Jan. 2001 - present)

Member, Local Planning Committee, Inaugural Association of American Law Schools Equal Justice Project Colloquium (Sept. 2000)

## **INTERNAL**

Associate Dean for Scholarship, WCL (Sept. 2005-Sept. 2008)

Chair, WCL Faculty Speaker Series Committee (May 2006-May 2008)

Chair, WCL Faculty Curriculum Committee (Sept. 2008-May 2009)

Chair, WCL Faculty Special Projects Committee (2004-2005) (included three subcommittees to conduct (1) review and reform of trial advocacy program, (2) reform of first-year curriculum, and (3) strategic planning)

Chair, WCL Faculty Strategic Planning Sub-Committee (2004-2005)

Chair, WCL Faculty Public Interest/Pro Bono Committee (2000-2002)

Section Coordinator, First-Year Integrated Section Project, (2002, 2003, 2005, 2006)

Chair, Rank and Tenure Promotion Committee (2004)

Member, SJD Admissions Committee (2003-2007)

Member, SJD Review Committee (2006)

Member, Faculty Advisory Committee to Externship Program (2003-present)

Faculty Coordinator, WCL Externship Program (June 1997 - Sept. 1999)

Member, Restricted Scholarships Committee (2004)

Member, WCL Admissions Committee (2003)

Member, Search Committee for Public Interest Coordinator, WCL (March 2003 – May 2003)

Member, Selection Committee, Equal Justice Foundation Fellowships (March 2003)

Member, Section Committee, Marshall Brennan Fellowship Program (March 2003)

Member, Search Committee for Career Services Director (Jan. - Feb. 2003)

## **LEGAL EMPLOYMENT**

Bredhoff & Kaiser, Washington, D.C.

Attorney (1991- 1995)

Handled litigation and other matters for firm specializing in representation of labor unions and pension funds in complex and appellate litigation.

U.S. Department of Justice, Civil Rights Division, Washington, D.C.

Appellate Attorney (1989 - 1991)

Drafted briefs and argued before federal courts of appeals in cases involving enforcement

of civil rights laws in criminal, employment, housing, and voting rights areas. Wrote drafts of United States' briefs in *Johnson Controls v. UAW*, 499 U.S. 187 (1991) (application of Title VII to employers' fetal protection policies ) and *Chisom v. Roemer*, 501 U.S. 380 (1991) (coverage of state judges under Voting Rights Act).

Szold & Brandwen, New York, New York

Summer Associate (May - August 1987)

Conducted legal research and wrote memoranda for firm representing labor unions and low-income housing cooperatives.

Kestell, Pogue and Gould, Hartford, Connecticut

Law Clerk (May 1986 - January 1988)

Drafted memoranda and briefs for firm specializing in employment and civil rights law.

### **OTHER EMPLOYMENT**

Pennsylvania Public Interest Coalition, Harrisburg, Pennsylvania

Regional Director (1982 - 1985)

Directed state capital office of statewide consumer coalition of community, labor, senior citizens, church and civil rights groups.

Project VOTE, Harrisburg Pennsylvania

Director (Jan. - Nov. 1984)

Directed non-partisan voter registration project adding 10,000 new low-income and minority voters to Central Pennsylvania's voter registration rolls.

References available upon request.