

DARREN LENARD HUTCHINSON

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ACADEMIC EXPERIENCE

WASHINGTON COLLEGE OF LAW, AMERICAN UNIVERSITY 8/02-Present

Professor, 8/05-Present
Associate Professor with Tenure, 8/03-8/05
Visiting Associate Professor, 8/02-6/03

Law School Service: Appointments, Curriculum, Faculty Speakers Series, Public Interest, and Special Projects Committees; Faculty Advisor to *American University Law Review*.

Courses taught: Constitutional Law, Critical Race Theory, Equal Protection Theory, Fourteenth Amendment, and Remedies, and Law and Social Movements.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL 1/02-6/02

Visiting Assistant Professor.
Courses: Critical Race Theory and Equal Protection Theory.

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW 8/97-6/03

Associate Professor with Tenure, 8/02-6/03
Assistant Professor, 8/97-8/02

Law School Service: Endowed Speakers Committee; Committee on Diversity; Committee on the Conference of the Professions; Faculty Advisor to Black Law Students Association; Honor Council.

Courses: Constitutional Law, Critical Race Theory, Equal Protection Theory, and Remedies.

YALE LAW SCHOOL Summers, 1998-2002

Visiting Scholar.

EDUCATION

YALE LAW SCHOOL, J.D. 1993

Honors and Activities: *Yale Law and Policy Review*, Editor; Olin Fellow in Law, Economics, and Policy; Dean Thomas Lecture Series, Selection Committee; Black Law Students Association, Co-Chair; Prison Legal Services Clinic.

UNIVERSITY OF PENNSYLVANIA, B.A., *cum laude*, 1990

Majors: Economics, Political Science

Honors and Activities: Dean's List; Distinction in major.

Honors Thesis: "The Political Economy of African Socialist Development: A Study of Post-Colonial Ghana and Tanzania.

ARTICLES, ESSAYS, AND COMMENTARY

Resistance in the After-Life of Identity (forthcoming 2009).

Social Movements and Judging: An Essay on Institutional Reform Litigation and Desegregation in Dallas, Texas, *Southern Methodist University Law Review* (forthcoming 2009).

Racial Exhaustion, 86 *Washington University Law Review* 917-74 (2009).

Sexual Politics and Social Change, 41 *Connecticut Law Review* 1523-46 (2009).

Reparations: A Remedies Law Perspective, 56 *American University Law Review* 1402-1406 (2007).

By a Thread: Majority Politics and Race-Based Remedies, 50 *Howard Law Journal* 827-840 (2007).

The *Majoritarian* Difficulty: Affirmative Action, Sodomy, and Supreme Court Politics, 23 *Law and Inequality* 1-93 (2005).

Critical Race Histories: In and Out, 54 *American University Law Review* (2004).

Unexplainable on Grounds Other Than Race: The Inversion of Privilege and Subordination in Equal Protection Jurisprudence, 2003 *Illinois Law Review* 615-700.

New Complexity Theories: From Theoretical Innovation to Doctrinal Reform, 71 *University of Missouri-Kansas City Law Review* 431-45 (2003).

Factless Jurisprudence, 3 *Columbia Human Rights Law Review* 615-33 (2003).

Dissecting Judicial Bias: The Need for a Structural Analysis, *American Journal of Gender, Social Policy & the Law* 13-24 (2002).

Progressive Race Blindness?: Individual Identity, Group Politics, and Reform, 49 *UCLA Law Review* 1455-1480 (2002).

Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility, 76 *Tulane Law Review* 81-148 (2001).

Identity Crisis: Intersectionality, Multidimensionality, and the Development of An Adequate Theory of Subordination, 6 *Michigan Journal of Race & Law* 285-317 (2001).

Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse, 85 *Cornell Law Review* 1358-1391 (2000).

"Beyond the Rhetoric of 'Dirty Laundry': Examining the Value of Internal Criticism Within Progressive Social Movements and Oppressed Communities," 5 *Michigan Journal of Race & Law* 185-99 (1999).

Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory, and Anti-Racist Politics, 47 *Buffalo Law Review* 1-116 (1999).

Accommodating Outness: *Hurley*, Free Speech, and Gay and Lesbian Equality, 1 *University of Pennsylvania Journal of Constitutional Law* 85-126 (1998).

Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse, 29 *Connecticut Law Review* 561-645 (1997).

BOOK CHAPTERS

"Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory, and Anti-Racist Politics, *reprinted in*:

* *Feminist Legal Theory: An Anti-Essentialist Reader* (Nancy Dowd and Michelle Jacobs, eds., New York University Press) (2002).

* *Perspectives on Race and the Law: A Multiracial Approach* (Timothy Davis, Kevin R. Johnson, and George A. Martínez, eds., Carolina Academic Press) (2001).

Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse, *reprinted in*:

* Juan F. Perea, Richard Delgado, Angela P. Harris, and Stephanie M. Wildman, *Race and Races: Cases and Resources for a Diverse America* 890-95 (West Group 2000);

* *Critical Race Theory: The Cutting Edge* 325-33 (Richard Delgado ed., Temple University Press) (Second Edition, 1999).

Claiming and Speaking Who We Are: Black Gays and Lesbians, Racial Politics, and the Million Man March, in *Black Men on Race, Gender, and Sexuality: A Critical Reader* 28-45 (Devon Carbado ed., New York University Press) (1999).

SPEECHES, LECTURES, AND PRESENTATIONS

University of Iowa School of Law, Critical Race Theory Conference. Spring 2009. Panelist: GLBT Politics and Social Justice Movements. Commented on junior scholar's paper.

American University Washington College of Law, Program on Law and Government Conference on Same-Sex Marriage. Panelist: Same-Sex Marriage and Racial Justice.

American University, Washington College of Law, Faculty Workshop, Spring 2009. Commented on draft article by Suzanne Goldberg.

National Association of Lesbian and Gay Journalists. Panelist: Post-Election Panel on GLBT Rights. Fall 2008.

Boston University Law School, Northeastern People of Color Conference, Fall 2008. Commented on junior scholar's paper.

Emory Law School, Feminism and Legal Theory Workshop, Fall 2008. Presented: "Identity in the Afterlife."

Southeastern Association of Law Schools, Summer 2008. Presented: Sexual Orientation, Social Movements and Pedagogy.

American University, Washington College of Law, Faculty Workshop, Spring 2008. Commented on presentation by Tomiko-Brown Nagin.

University of Connecticut Law School, Faculty Workshop, Spring 2008. Presented: Racial Exhaustion.

University of Maryland Law School, Mid-Atlantic People of Color Conference, Spring 2008. Presented: Racial Exhaustion. Commented on junior scholar's work-in-progress.

Emory Law School, Feminism and Legal Theory Workshop: Vulnerability and Dependency: Understanding Equality within the Inevitable Aspects of the Human Condition, Fall 2007. Presented: Racial Exhaustion.

American University, Washington College of Law, Conference: Revisiting the Law School Diversity Imperative: Access and Definition, Fall 2007. Keynote Address: Racial Exhaustion.

Fordham Law School, Symposium sponsored by the *Fordham Law Review*: Forty Years of *Loving*: Confronting Issues of Race, Sexuality, and the Family. Fall 2007. Presented: Lessons of *Loving*: Same-Sex Marriage and Social Movement Critique.

George Washington University Law School, Guest Lecturer, Critical Race Theory course (taught by Professor Tanya Hernandez). Fall 2007.

Florida International University Law School, Latino Critical Theory Conference, Fall 2007. Presented: "Understanding Countermovements to Racial Justice in Historical Perspective.

American University, Washington College of Law, Constitution Day, Fall 2007. Panelist.

University of Utah Law School, Rolapp Scholar (Distinguished Endowed Speaker Series), Spring 2007. Presented "Racial Exhaustion.

University of Maryland, Symposium sponsored by the *University of Maryland Journal of Race, Religion, Gender and Class*, Spring 2007. Presented: Opposition to Affirmative Action in Historical Context.

American University, Washington College of Law, Conference: Reparations in the Inter-American System: A Comparative Approach, Spring 2007. Panelist analyzing United States approach to reparations.

American University, Washington College of Law, Conference, U.S. Education Law and Its Human Rights Impact on Racial Minorities, Spring 2007. Panelist analyzing United States constitutional doctrine on educational inequality.

American University, Washington College of Law, Conference: A Conversation on Comparative Family Law, Spring 2007. Chaired panel analyzing the methodologies of comparative law generally and comparative family law specifically.

American University, Washington College of Law, Symposium sponsored by the *Modern American*, Spring 2007. Panelist discussing intersectional discrimination and employment law.

American University, Washington College of Law, Faculty Workshop, Spring 2007. Presented: Racial Exhaustion.

American University, Washington College of Law, Faculty Workshop, Spring 2007. Commented on Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism*.

Howard Law School, Symposium sponsored by the *Howard Law Journal*, Fall 2006. Presented: Race, Sexuality, and Coalition Politics and The Politics of Equal Protection Jurisprudence.

American University, Washington College of Law, Mid-Atlantic People of Color Law Teaching Conference, Spring 2006. Presented: Racial Exhaustion.

Georgetown Law Center, Conference: Critical Race Theory, Spring 2006. Panelist on the efficacy of race-based legal theories and advocacy.

University of Connecticut School of Law, Conference: Civil Rights, Justice and Racial Inequality, Spring 2006. Panelist discussing Critical Race Theory and Equality Doctrine.

Georgetown University Law Center, Conference: Living With *Lawrence v. Texas*, Spring 2005. Panelist.

Fordham Law School, Symposium sponsored by the *Fordham Law Review: Critical Race Lawyering*, Fall 2004. Presented: "Litigating the Theory: The Uses of Critical Race Theory in Progressive Lawyering.

University of Connecticut School of Law, Conference: The Power to Elect: Race, Voting, and Campaigning in the 21st Century, Spring 2004. Presented: The Majoritarian Difficulty: Affirmative Action, Sodomy, and Supreme Court Politics.

Association of American Law Schools, Annual Meeting, Spring 2004. Presented, The Doctrinal Significance of Critical Race Scholarship.

American University, Washington College of Law, Conference: Current Issues Facing Federal Affirmative Employment Programs, Fall 2003. Organized, hosted, and lectured at conference for Equal Employment Opportunity Commission on federal employment affirmative action in light of recent doctrinal developments.

American Studies Association, Annual Meeting, Fall 2003. Panel: Legal Histories: Sex, Crime and Punishment. Chaired panel and responded to legal history research on race, crime and sexuality.

City University of New York, Center for Lesbian and Gay Studies, Fall 2003. Presented, "The Utility of Rights Analysis in the Context of Queer Family Law.

American University, Washington College of Law, Conference: Critical Race Theory Workshop, Spring 2003. Presented: Overcoming the Divide Between Discursive and Material Impact Analyses of Race and Racism.

Georgetown University Law Center, Symposium sponsored by the *Georgetown Journal of Gender and the Law*: "Anatomy of Outsider Jurisprudence: Examining Multiple Identities in Race, Gender and Sexuality in the Law, Spring 2003. Moderated Keynote discussion and provided commentary.

American University, Washington College of Law, Conference: Affirmative Action In Higher Education, Spring 2003. Spoke on panel advocating affirmative action.

Association of American Law Schools, Annual Meeting, Spring 2003. Presented: "The Politics of Hate.

Columbia Law School, Symposium sponsored by the *Columbia Human Rights Law Review*: Combating Subtle Discrimination in the Workplace, Fall 2002. Presented: Factless Jurisprudence.

American University, Washington College of Law, Conference: Not for Transsexuals Only: The Civil Rights of Transgendered Persons and Why They Matter for All of Us, Fall 2002. Moderated panel on employment discrimination law and transgendered persons.

University of Pennsylvania Law School, Conference: *Romer* as Rorschach: The Future of Gay and Lesbian Rights, Spring 2002. Presented: "Class-Based Equal Protection and the Racialized Special Rights Discourse.

American University, Washington College of Law, Conference: "Homophobia in the Halls of Justice, Spring 2002 Keynote Speaker: "Dissecting Judicial Bias: The Need for a Structural Analysis.

University of Pennsylvania Law School, Faculty Workshop, Spring 2002. Presented: Unexplainable on Grounds Other Than Race: The Inversion of Privilege and Subordination in Equal Protection Jurisprudence.

University of Pennsylvania Law School, Conference: “The Final Frontier: Ensuring Economic Equality in the New America, Spring 2002. Panelist: Reparations: Lost Cause or Required Remedy.

Yale Law School, Conference: Race, Values, and the American Legal Process, Spring 2002. Presented: Class-Based Equal Protection and the Racialized Special Rights Discourse.

Georgetown University Law Center, Conference: Multiracial Voices, Spring 2002. Presented: Class-Based Equal Protection and the Racialized Special Rights Discourse.

University of Florida School of Law, Latino and Latina Critical Legal Theory Conference, Spring 2001. Presented: Gay, Lesbian, Bisexual, and Transgender Equality in Global Perspective.

University of Michigan Law School, Conference: A Day of Critical Race Theory, Spring 2001. Presented: “Identity Conflicts: Race, Sexuality, and the Problems of Essentialism.

Association of American Law Schools, Annual Meeting, Spring 2001. Presented: “Bridging Antisubordination Theories: Reflections and Suggestions.

American University, Washington College of Law, Faculty Workshop, Fall 2000. Presented: Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility.

Cornell Law School, Feminism and Legal Theory Workshop, Fall 2000. Presented: Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility.

Chicago-Kent Law School, Faculty Workshop, Fall 2000. Presented: Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse.

Southern Methodist University School of Law, Faculty Workshop, Fall 2000. Presented: Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility.

Lavender Law, National Lesbian and Gay Law Association Annual Conference, Fall 2000. Presented: Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility and Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse.

Albany Law School, Symposium sponsored by the *Albany Law Review*: Sexual Orientation: Family and the Political Landscape for Lesbian, Gay, Bisexual, and Transgender People. Fall 2000. Presented: Closet Case: *Boy Scouts of America v. Dale* and the Reinforcement of Gay, Lesbian, Bisexual, and Transgender Invisibility.

University of Michigan Law School, Symposium sponsored by the *Michigan Journal of Race & Law*: “Identities in the Year 2000 and Beyond, Spring 2000. Presented: Intersectionality, Multidimensionality, and Beyond: Toward an Adequate Theory of Subordination.

University of Colorado School of Law, Faculty Workshop, Spring 2000. Presented: Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse.

University of California at Berkeley, Department of Ethnic Studies, Conference: Performing Unnatural Acts, Fall 1999. Presented: Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse.

Cornell Law School, Symposium sponsored by the *Cornell Law Review*: Discrimination and Inequality: Emerging Issues, Fall 1999. Presented: Gay Rights for Gay Whites?: Race, Sexual Identity, and Equal Protection Discourse.

Villanova Law School, Faculty Workshop, Fall 1999. Presented: “The Costs of White Normativity in Gay and Lesbian Equality Discourse.

Cornell Law School, Feminism and Legal Theory Workshop, Summer 1999. Presented: “Race, Class, and the Construction of Sexuality in Equal Protection Doctrine.

Law and Society Annual Meeting, Spring 1999. Panelist, Re-Presentations of Sexuality: Law, Rights and Identity.

Latino and Latina Critical Legal Theory Conference, Spring 1999. Presented: “Race, Class, and the Construction of Sexuality in Equal Protection Doctrine.

Stanford Law School, Faculty Workshop, Spring 1999. Presented: “Race, Class, and the Construction of Sexuality in Equal Protection Doctrine.

Southern Methodist University School of Law, Faculty Workshop, Spring 1999. Presented: “Class and Gay and Lesbian Rights Discourse.

Brooklyn Law School, Faculty Workshop, Spring 1999. Presented: Race, Class, and the Construction of Sexuality in Equal Protection Doctrine.

Southern Methodist University, Conference: Asian Americans and Discrimination, Spring 1999. Moderated panel on “Asian Americans, Racial Discrimination, and Public Accommodations Law.

DePaul Law School, Symposium sponsored by the *DePaul Law Review*: Bridging Divides: A Challenge To Unify Anti-Subordination Theories, Spring 1999. Presented: Class and Gay and Lesbian Rights Discourse.

Dallas Bar Association, Continuing Legal Education Seminar, Spring 1998. Delivered lecture on Sexual Orientation Discrimination and the Right of Expressive Association.

Southern Methodist University School of Law, Conference: The Fidelity of Affirmative Action, Spring 1998. Panelist, Responding to the Doctrinal Challenges to Affirmative Action.

University of Oregon School of Law, Conference: Comparing Generations of Legal Scholarship on Race, Spring 1998. Panelist, Beyond Race Essentialist Politics.

Rutgers-Camden Law School, Conference: Law, Literature, and the Limited Legal Imagination, Spring 1998. Presented: The Representation of Sexual Identity in Critical Race Theory.

Yale Law School, Conference: Critical Race Theory, Fall 1997. Moderated panel on Sexuality

Discourses and Critical Race Theory.

Tulane Law School, Critical Race Theory Workshop, Summer 1997. Panelist, "Sexuality, Class, and Equality Discourse.

OTHER EMPLOYMENT

CLEARY, GOTTLIEB, STEEN & HAMILTON, New York, NY 6/92-9/92, 9/93-9/94,
10/96-5/97

Litigation Associate, Summer Associate. Participated in securities, contracts, intellectual property, bankruptcy, products liability, and sexual orientation civil rights litigation; composed trial court and appellate briefs, pre-trial factual and legal submissions, complaint, and legal memoranda; participated in extensive discovery.

UNITED STATES DISTRICT COURT (S.D.N.Y.), New York, NY 9/94-9/96
Law Clerk, The Late Honorable Mary Johnson Lowe. Composed opinions and memoranda analyzing a variety of legal issues, including constitutional, civil procedure, evidence, tax, civil rights, contracts, and tort law questions; assisted Judge at court proceedings; supervised and edited work of law student interns.

YALE LAW SCHOOL, New Haven, CT 6/93-9/93
Research Assistant, Professor Carol M. Rose. Performed research in the areas of environmental law, biodiversity preservation, and legal history; composed analytical reports.

UNITED STATES DISTRICT COURT (D. Conn.), New Haven, CT 1/92-5/92
Intern, Honorable Ellen Bree Burns. Composed dispositive opinions in educational discrimination and administrative law actions; attended oral arguments and sentencings.

CROWELL & MORING, Washington, D.C. 6/91-9/91
Summer Associate. Composed memoranda on government contracts, torts, administrative law, and constitutional law.

HONORS AND AWARDS

Elizabeth Cubberley Faculty Scholarship Prize, American University, Washington College of Law. 2006. Competitive award for best article among faculty publications; awarded for *Majoritarian Difficulty*.

Passing the Torch Award, Center for Lesbian and Gay Studies, City University of New York. Spring 2000. Received first annual award for "emerging scholar in the area of gay and lesbian studies; national, interdisciplinary committee of prominent scholars in the field of sexual identity theory made nominations.

PROFESSIONAL ACTIVITIES AND AFFILIATIONS

2005 Critical Race Theory Workshop, Organizer

2003 Critical Race Theory Workshop, Steering Committee Chair

1998 National People of Color Law Teaching Conference, Steering Committee Member

New York Bar, Admitted 1994

DISSENTING JUSTICE

Author of the blog *Dissenting Justice*, which publishes commentary related to law, politics, and discrimination. Many major media outlets have referenced *Dissenting Justice* commentary, including ABC News, *New Yorker*, *New York Times*, and *Washington Post*. Commentary from the blog has also led to appearances on NPR, CNN Radio and other programming related to law and politics.