

# Joy Milligan

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## Academic Appointments

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**University of Virginia School of Law**, Charlottesville, VA

Martha Lubin Karsh and Bruce A. Karsh Bicentennial Professor of Law, 2022-present

Professor of Law, 2021-2022

Courses: Constitutional Law, Civil Rights & Anti-Discrimination Law, History of the American Administrative State, Law & Inequality Colloquium

Service: Appointments Committee, 2023-24; Diversity, Equity, & Belonging Committee, 2022-23; Law and History Committee, 2022-24

**American Academy in Berlin, Hans Arnold Center**, Berlin, Germany

Ellen Maria Gorrissen Fellow, Fall 2021

**UC Berkeley School of Law**, Berkeley, CA

Assistant Professor of Law, 2017-2021

Courses: Civil Procedure, Civil Rights & Anti-Discrimination Law, Critical Theories of Law & Legal Education

Service: Equity & Inclusion Committee, 2020-21; Academic Placement Committee, 2018-20; LLM & JSD Committee, 2018-20; Faculty Workshop (co-coordinator), 2017-18; Disqualification Appeals Committee, 2017-18; Thelen Marrin Writing Prize Committee, 2017-18

## Education

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**UC Berkeley**, Berkeley, CA

Ph.D., Jurisprudence & Social Policy, 2018

Dissertation: *The Segregation State: Administrative Constitutionalism and Federal Agencies' Resistance to Brown*; Committee: Catherine Albiston & Kevin Quinn (co-chairs), Sean Farhang, Anne Joseph O'Connell, Karen Tani

Honors: Berkeley Empirical Legal Studies Fellowship (2015-2016); NYU Furman Academic Fellowship (2013-2014); Regents-Intern Graduate Fellowship (2011-2013)

**New York University School of Law**, New York, NY

J.D., *magna cum laude*, 2006

Honors: Dean's Merit Scholarship (full tuition scholarship)  
Order of the Coif, Florence Allen Scholar, Pomeroy Scholar, Furman Scholar

Activities: *New York University Law Review*, Articles Editor  
Critical Approaches to Law Reading Group, Founding Member (2003-2005)  
Make the Road by Walking, Youth Tutor (2003-2004)  
Research Assistant to Professors Helen Hershkoff (2004) & David Cole (2004)

**Princeton University**, Princeton, NJ

M.P.A, Economics and Public Policy, 2003

**Harvard-Radcliffe College**, Cambridge, MA

A.B., *magna cum laude*, Social Studies, 1998

Thesis: *Where Two Islands Cross: National Identity, Race, and Citizenship in a Dominican Batey*

Honors: Stride Rite Postgraduate Fellowship for Public Service, John Harvard Scholarship

## Publications

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*We (Who Are Not) the People: Interpreting the Undemocratic Constitution*, 102 TEX. L. REV. 305 (2023) (with Bertrall Ross).

*Animus & Its Distortion of the Past*, 74 ALA. L. REV. 725 (2023) (invited symposium essay).

*Remembering: The Constitution and Federally Funded Apartheid*, 89 U. CHI. L. REV. 65-155 (2022).

*Plessy Preserved: Agencies and the Effective Constitution*, 129 YALE L. J. 924-1018 (2020) (won AALS Administrative Law Section Emerging Scholar Award, selected for Michigan Law School's Junior Scholars Conference).

*Subsidizing Segregation*, 104 VA. L. REV. 847-932 (2018).

*Protecting Disfavored Minorities: Toward Institutional Realism*, 63 UCLA L. REV. 894-967 (2016).

*The Ph.D. Rises in Elite Legal Academia, 1960-2011: What Does It Mean for Legal Education?*, 65 J. LEGAL EDUC. 543-579 (2016) (with Justin McCrary & James Phillips) (peer-reviewed).

*The Dispute Tree and the Legal Forest*, 10 ANN. REV. L. & SOC. SCI. 105-131 (2014) (with Catherine Albiston & Lauren Edelman) (peer-reviewed).

*Religion and Race: On Duality and Entrenchment*, 87 N.Y.U. L. REV. 393-472 (2012).

*Note, Pluralism in America: Why Judicial Diversity Improves Legal Decisions About Political Morality*, 81 N.Y.U. L. REV. 1206-1248 (2006).

## Other writing

*Municipal Debt: Illuminating Old Puzzles, Forcing New Questions*, Symposium on Destin Jenkins' *The Bonds of Inequality*, Just Money & Law & Political Economy Blogs (Nov. 4, 2021)

*Seeing Race in Administrative Law: An Interdisciplinary Perspective*, Notice & Comment Blog, Yale Journal on Regulation (Sep. 16, 2020) (with Karen Tani)

## Clerkship

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**U.S. Court of Appeals for the Ninth Circuit**, Pasadena, CA

Honorable A. Wallace Tashima, 2006-2007

## Law-Related Employment

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**Warren Institute on Law & Social Policy, UC Berkeley School of Law, Berkeley, CA**  
Fellow, 2010-2011

Researched and wrote on antidiscrimination law and racial inequality.

**NAACP Legal Defense & Educational Fund, Inc., New York, NY**

Assistant Counsel/Skadden Fellow - Economic Justice Group, 2008-2010

Litigated race discrimination cases involving constitutional, Title VI, and Title VII claims at all levels of the federal courts. Advocated for legislative and regulatory changes related to economic inequality. Coordinated summer internship program for law students.

**ACLU Immigrants' Rights Project, Oakland, CA**

Summer Law Clerk, 2005

**Howard Rice Nemerovski Canady Falk & Rabkin, San Francisco, CA**

Summer Associate, 2005

**Immigration Law Unit, Legal Aid Society, New York, NY**

Legal Intern, Fall 2004

## Selected Presentations

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“The Counterfactual Administrative State”

AALS Annual Meeting (Jan. 2024)

“We (Who Are Not) the People: Interpreting the Undemocratic Constitution”

University of Minnesota Public Law Workshop (Sep. 2023)

University of Virginia Faculty Workshop (Aug. 2023)

Berkeley Law Public Law Workshop (Mar. 2023)

Workshop on Critical Public Law (Mar. 2023)

University of Texas School of Law Faculty Colloquium (Jan. 2023)

“Racial Repair and the American State”

Constitutional Law Colloquium, Loyola University Chicago (Nov. 2022)

Law & Society Annual Meeting (July 2022)

American Women's Club of Berlin (April 2022)

Alabama Law Review Symposium, *The End of Animus* (March 2022)

John F. Kennedy Institute, Freie University, Berlin (Jan. 2022)

Law & Society Institute, Humboldt University, Berlin (Dec. 2021)

American Academy in Berlin (Nov. 2021)

“Remembering: The Constitution and Federally Funded Apartheid”

NYU Constitutional Theory Colloquium (Nov. 2021)

UCLA Faculty Colloquium (Jan. 2021)

AALS Section on Civil Rights, Works-in-Progress Session (Jan. 2021)

Constitutional Law Colloquium (Nov. 2020)

Poverty Law Mini-Workshop (Oct. 2020)  
University of Miami Legal Theory Workshop (Oct. 2020)

“Spending Clause Civil Rights”  
ClassCrits (Nov. 2019)  
Northern California Junior Faculty Workshop (Sep. 2019)

“*Plessy* Preserved: Agencies and the Effective Constitution”  
American Constitution Society Junior Scholars Public Law Workshop (Jan. 2020)  
Yale Law Journal workshop (Nov. 2019)  
Law and Society Annual Meeting (May 2019)  
Michigan Law Junior Scholars Conference (Apr. 2019)  
UC Irvine School of Law (Feb. 2019)  
Vanderbilt Law School (Feb. 2019)  
Berkeley Law Faculty Retreat (Aug. 2018)  
Center for Study of Law & Society, UC Berkeley (Nov. 2017)  
LatCrit (Sep. 2017)

“Judge Tashima and Procedural Fairness,” UCLA Law Conference in Honor of Judge A. Wallace Tashima (Jan. 2019)

“The Reluctant State: Civil Rights, Administrative Constitutionalism, and Agency Design,”  
Presentations at Arizona State, Cornell, Georgetown, Loyola University Chicago, UC Berkeley, UC Davis, University of Colorado, and University of Texas (Nov.-Dec. 2016)

“The Reluctant State: Constructing Federal Executive Authority in the Civil Rights Era,”  
Law and Society Annual Meeting (June 2016)

Discussant, Alexander Gordon’s article, “Does Group-Based Profiling Degrade Compliance?”  
Political Economy and Public Law Conference X (June 2017)

“Fragile Rights: The Promise and Perils of Executive Branch Constitutionalism”  
Law and Society Annual Meeting (May 2015)

Guest Lecturer, “Colorblindness and the Constitution,” Legal Studies, UC Berkeley (Oct. 2014)

“Why Legal Remedies Fail”  
NYU Lawyering Scholarship Colloquium (Oct. 2013)  
2013 Biennial LatCrit Conference (Oct. 2013)  
Law and Society Annual Meeting (June 2012)

## **Other Employment Experience**

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**Office of the Mexican President for Mexicans Abroad**, Mexico City, Mexico  
Research Assistant, Summer 2002

**Taller Internacional Project**, Boca de Mao, Dominican Republic  
Founder, Director, 1998-2001

**Universidad Tecnológica de Santiago-Mao**, Mao, Dominican Republic  
Director of English Institute, English Instructor, 1999-2000

### **Bar Admissions**

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New York, California (inactive), U.S. Court of Appeals for the Second Circuit, U.S. Court of Appeals for the Sixth Circuit, U.S. District Court for the Central District of California, U.S. District Court for the Southern District of New York