

FRANCISKA A. COLEMAN
University of Wisconsin Law School
975 Bascom Mall
Madison, WI 53706
facoleman@wisc.edu

CURRENT POSITION

UNIVERSITY OF WISCONSIN LAW SCHOOL, JUNE 2020

Assistant Professor

Associate Director East Asian Legal Studies Center

- Constitutional Law I & II

EDUCATION AND HONORS

HARVARD LAW SCHOOL

J.D., 2008

- **Awards:** Earl Warren Civil Rights Training Scholarship, American Association of University Women Fellowship, Massachusetts Black Judges Conference Award
- **Service:** Harvard Mediation Program, Black Law Students Association

UNIVERSITY OF PENNSYLVANIA

Ph.D. in Literacy, Culture and International Education (reading/writing/literacy track), 2011

- **Dissertation:** The IDEA of No Child Left Behind: Discourse Models of Law and Pedagogy
 - **Committee:** Vivian Gadsden (chair), Stanton Wortham, Joseph Tulman
- **Awards:** Fontaine Fellowship
- **Service:** University Committee on Pluralism, African-American Graduate Students in Education, Graduate Advisor Du Bois Residential House

TEXAS A&M UNIVERSITY

M.Ed. in Curriculum and Instruction, 2002

B.A., *cum laude* in English; minor in Elementary Education, 1998

- **Awards:** University Honors, Foundation Honors, Senior Honors Thesis Grant, James L. Courtenay Award, President's Endowed Scholarship, President's Achievement Scholarship
- **Service:** University Writing Center Advisor

WORKS-IN-PROGRESS

Minority-Minority Jurisprudence

This paper explores the challenges of applying traditional suspect class analysis in a modern context characterized by intersectional marginalization and majorities comprised of minority groups.

When Speech Norms Backfire

This paper explores the impact of social speech regulation on the silencing and marginalization of minority groups in the university setting, particularly non-tenured women of color.

PUBLICATIONS

Between the ‘Facts and Norms’ of Police Violence: Using Discourse Models to Improve Deliberations Around Law Enforcement, 47 HOFSTRA L. REV. 393, 489-525 (2019)

They Should Be Fired: The Social Regulation of Free Speech in the US, 16 FIRST AMEND. L. REV. 1, 1-38 (2018)

Deliberative Communitarianism: A “Both-And” Solution to the Growing Conflict Between the Religious Right and Gay Rights, 10 NORTHEAST ASIAN L. REV. 1, 889–919 (2017)

Improving E-Participation and Democratic Legitimacy through Administrative Rulemaking in Korea and the US, 6 KLRI J. L. & LEGIS. 1, 7–42 (2016)

Democracy and the Other: The Inverse Relationship Between Majority Rule and a Heterogeneous Citizenry, 117 W. VA. L. REV. 867, 1153–1182 (2015)

Bridging the Gap Between Policy and Practice: Using Negotiated Rulemaking to Build Consensus on Assessment in Special Education, 22 AM. U. J. GENDER SOC. POL’Y & L. 523, 693–720 (2014)

Separate Is Inherently Unequal, Unless You’re Religious: The Peculiar Constitutionalization of Religious Segregation, 32 BUFF. PUB. INTEREST L.J. 1, 65–101 (2013)

Minority Rights: Using Representation Reinforcement to Protect the Civil Liberties of Conscientious Objectors in Korea, 29 HANYANG L. REV. 625–648 (2012)

OTHER PUBLICATIONS

Quasi-Entrenched Living Statutes: Creating a Multicultural Rights Regime, in QUASI-CONSTITUTIONALITY AND CONSTITUTIONAL STATUTES: FORMS, FUNCTIONS, AND APPLICATIONS 242-260 (Richard Albert and Joel Colon-Rios eds., 2019)

Bert Well, Rukesh Korde, Pam Carter, & Franciska Coleman, *Cyber-Risk Insurance*, in NEW APPLEMAN ON INSURANCE LAW LIBRARY EDITION (LexisNexis ed., 2011)

Visibly Invisible: The Reality of Five Black Boys in a Public High School, PENN GSE: PERSPECTIVES ON URBAN EDUCATION 3:2 (2004)

ACADEMIC APPOINTMENTS

WASHINGTON UNIVERSITY SCHOOL OF LAW-ST. LOUIS, 2019-2020

Visiting Assistant Professor

- Torts
- Law of Democracy
- Comparative First Amendment Law

UNIVERSITY OF KANSAS SCHOOL OF LAW, 2018-2019

Visiting Assistant Professor

- Torts
- Constitutional Law
- **Service:** Host First Year Student Small Section Events

HARVARD LAW SCHOOL, Spring 2018

Charles Hamilton Houston Institute, Scholar-in-Residence

- Developed a theoretical framework that highlights the intersection between discursive marginalization and democratic legitimacy
- Applied the framework to an empirical analysis of the listening sessions of Minnesota's Governor's Council on Law Enforcement and Community Relations
- Presented on select topics for summer interns

YONSEI UNIVERSITY LAW SCHOOL, 2015-2017

Assistant Professor

Selected as Incoming Associate Dean of International Affairs

- U.S. Constitutional Law I & II
- U.S. Criminal Law and Procedure
- Food and Drug Law Seminar
- Comparative Constitutional Law (UG)

- Political Philosophy (UG)
- Citizenship, Law and Policymaking (UG)
- **Awards:** Distinguished Research Incentive Award (2016 & 2017)
- **Service:** Yonsei Law Journal (Managing Editor); International and Comparative Law Committee (Member); Korean Institute of Criminology (Consultant); Korea Communications Standards Commission (Roundtable Member); International Association of Constitutional Law 10th World Congress (Organizers' Workshop Committee Member)

HANYANG UNIVERSITY LAW SCHOOL, 2011-2014

Assistant Professor

- American Constitutional Law
- British American Law
- Torts
- Contracts
- **Awards:** Hanyang University Best Teacher Award (2012); University Research Grant (2012)
- **Service:** Korea Legislation Research Institute (Consultant); University-Community Mock Trial Event (Organizer)

LEGAL EXPERIENCE

COVINGTON & BURLING, LLP, 2008–2011

Litigation Associate (Appellate, Insurance), Pro Bono Secondment (Neighborhood Legal Services Program)

- Collaboratively researched and drafted appellate briefs on the First, Sixth, Eighth, and Fourteenth Amendments
- Researched and drafted trial pleadings and motions on insurance law
- Provided advice and counsel to major pharmaceutical and manufacturing corporations on government regulations and insurance contract interpretation
- Drafted and presented arguments in civil cases before state courts and administrative agencies

U.S. DEPARTMENT OF STATE, Summer 2007

Office of the Legal Advisor Summer Intern

- Provided legal advice on U.S trade agreements and the intersections of public international law and domestic law in efforts to combat terrorism
- Prepared responses to the comments of the Special Rapporteur for the U.N. Human Rights Council
- Provided an overview of relevant Foreign Relations Committee hearings

SOUTH AFRICAN INSTITUTE FOR ADVANCED CONSTITUTIONAL LAW, Winter 2007

Researcher

- Researched South African court decisions for an education law treatise
- Researched and drafted an analysis of the constitutional conflicts produced by the South African system of shared educational governance

PRESENTATIONS AND PANELS

Teaching Comparative U.S. First Amendment Law in the U.S. and Korea, Teaching Comparative Civil Rights Law Panel, Association of American Law Schools 2020 Annual Meeting (January 2-5, 2020).

Moderator, AALS Hot Topics Program: Impeachment, Association of American Law Schools 2020 Annual Meeting (January 2-5, 2020).

Power and Legitimacy in Minority Rights Jurisprudence, Washington University School of Law - St. Louis Faculty Workshop (September 4, 2019); St. Louis University School of Law Faculty Workshop (September 25, 2019)

Empowerment Jurisprudence, 13th Annual Lutie A. Lytle Black Women Law Faculty Workshop, Penn State School of Law (June 18-23, 2019); 10th Annual Loyola Constitutional Law Colloquium (November 8-9, 2019)

Institutions and the Social Regulation of Speech, Law and Society Association 2019 Annual Meeting (May 30-June 2, 2019)

Free Speech, Free Press, Free Society, Dwight D. Eisenhower Presidential Library and Museum, Free Speech (May 1, 2019)

Marginalization, Citizenship and the Social Regulation of Free Speech, 4th National People of Color Conference, People of Color and the Future of Democracy (March 21-24, 2019)

Educating for Citizenship: Universities, Social Speech Regulation and the First Amendment, 9th Annual Loyola Constitutional Law Colloquium (November 2-3, 2018)

Deliberative Democracy as a Solution for Constitutions and Representative Democracies in Crisis, 10th World Congress of the International Association of Constitutional Law, Organizers' Workshop — Chair (June 18-22, 2018)

Beyond Judicial Protection: Empowering Minorities in a Pluralistic America, Porto Faculty of Law, Universidade Católica Portuguesa, Constitutionalism in a Plural World (November 22-

23, 2017)

Quasi-Entrenched Statutes: Creating a Multicultural Rights Regime, New Zealand Centre for Public Law, Symposium on Quasi-Constitutionality and Constitutional Statutes (May 19-20, 2016)

Democracy and the Other, West Virginia Law School, 20th Mid-Atlantic People of Color Conference (January 31, 2015)

Social Regulation of Hate Speech in the US, Korea Communications Standards Commission, International Roundtable on Hate Speech in the Social Media Era (November 16, 2016)

Definitional Issues in Global Regulation of Child Pornography, Korea Communications Standards Commission, International Roundtable on Child Pornography in the Smart Media Environment, Countermeasures and International Cooperation: Establishing Global Regulatory Standards on Virtual Child Pornography (October 2015)

Challenges of Applying Canons of Statutory Interpretation to Translated Statutes, Korea Legislation Research Institute, Conference on Improving the Accuracy and Utility of Translated Korean Statutes (November 1, 2012)

Homeschooling Challenges, Hanyang University School of Law, International Conference on the Freedom of Private Schools (October 9, 2012)

AFFILIATIONS AND MEMBERSHIPS

Bar Admissions

- New York
- District of Columbia

Professional Associations:

- AALS Section on Scholarship, Executive Committee
- International Society of Public Law
- American Society of Comparative Law
- International Association of Constitutional Law
- American Association of University Women
- American Bar Association
- Law and Society Association