

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2018 -**

**SUBJECT: Tenure Approval for Professor Philip Lee, the David A Clarke
School of Law**

WHEREAS, the UDC-DCSL Faculty Evaluation and Retention Committee (FERC) appointed a subcommittee to prepare a report and make a recommendation to FERC regarding the tenure application for Professor Philip Lee; and

WHEREAS, the tenure standard at the UDC David A. Clarke School of Law (“UDC-DCSL”) states that “[a]ll members of the faculty have as their primary responsibilities teaching and contributing to the growth and understanding of the law,” and participating in and conducting “other school of law activities...necessary to the successful functioning and harmony of the institution...and other activities...which significantly relate to and advance a faculty member’s academic skills, including work in his or her special field”; and

WHEREAS, the FERC subcommittee conducted a review of Professor Lee’s teaching, scholarship, and service to the UDC-DCSL and to the legal profession, highlights of which are set forth on **Appendix A** attached hereto, and concluded that Professor Lee is a gifted teacher whose work reflects all of the attributes of good teaching, that his scholarly and other writings satisfy the criteria for tenure, and that he is a true asset to the School of Law and to the legal profession; and

WHEREAS, the FERC subcommittee, upon consideration of the Standards for Promotion and Tenure and the Faculty Handbook, concluded that Professor Lee’s teaching, scholarship and service met all applicable standards for tenure and recommended to the full committee that it should recommend to the Dean that Professor Lee be awarded tenure; and

WHEREAS, the FERC considered the subcommittee’s report and voted to adopt the recommendation of the subcommittee and asked the Dean to seek an award of tenure for Professor Lee; and

WHEREAS, Dean Broderick independently evaluated Professor Lee’s teaching, scholarship, and service, and concurred in writing with FERC’s recommendation; and

WHEREAS, the Dean, the Acting Chief Academic Officer and the President have independently affirmed the recommendation of tenure for Professor Lee; and

WHEREAS, the President has forwarded the recommendation for tenure to the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the University of the District of Columbia approves the award of tenure to Professor Lee, David A Clarke School of Law, at the rank of Professor.

Submitted by the Academic &
Student Affairs Committee:

May 31, 2018

Approved by the Board of Trustees:

June _____, 2018

Christopher Bell
Chairperson of the Board



FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Managing Director of Finance *David L. Finkler*
DATE: May 25, 2018
SUBJECT: Tenure Approval for Philip Lee

Conclusion

There is no fiscal impact associated with the proposed resolution of granting tenure to Philip Lee at the academic rank of Full Professor of Law in the David A. Clarke School of Law of the University of the District of Columbia (UDC).

The Faculty Evaluation and Retention Committee (FERC) conducted a review and prepared a report in order to make a recommendation to the Dean regarding tenure for this faculty member.

Background

The FERC of the David A. Clarke School of Law conducted a thorough review and approval process for the tenure application for Professor Philip Lee, examining his teaching, scholarship and service, which found that he is a wonderful asset to UDC Law. He is a truly gifted teacher whom students have recognized repeatedly as Professor of the Year or Co-Professor of the Year.

In June 2000, he earned his JD from Harvard Law School, and prior to that earned his Bachelor of Arts, magna cum laude, from Duke University, in May 1996. He earned a Doctorate in Education from the Harvard Graduate School of Education in May 2013. In addition, Professor Lee earned a Master's in Education from the Harvard Graduate School of Education in May 2012 with high honors. In fact, Professor Lee was the Commencement Speaker at Harvard in May 2013. In sum, Professor Lee meets and exceeds all the standards for the award of tenure.

The Dean and President have affirmed the recommendation of tenure for Philip Lee at the academic rank of Full Professor. The President has forwarded the recommendation for tenure to the Board of Trustees.

Financial Impact

This request has been approved based upon the information provided. There are no anticipated risks at this time.

Appendix A

REPRESENTATIVE ACHIEVEMENTS – TENURE APPOINTMENT

PHILIP LEE

UDC David A. Clarke School of Law
4340 Connecticut Ave. NW
Washington, DC 20008

PUBLICATIONS

Law Reviews and Other Academic Journals

A Wall of Hate: Eminent Domain and Interest-Convergence, 84 BROOK. L. REV. __ (forthcoming 2019).

Student Protests and Academic Freedom in an Age of #BlackLivesMatter, 78 OHIO ST. L.J. __ (forthcoming 2018).

Expanding the Schoolhouse Gate: Public Schools (K-12) and the Regulation of Cyberbullying, 2016 UTAH L. REV. 831 (2016).

Identity Property: Protecting the New IP in a Race-Relevant World, 117 W. VA. L. REV. 1183 (2015).

A Contract Theory of Academic Freedom, 59 ST. LOUIS U. L.J. 461 (2015).

The Case of Dixon v. Alabama State Board of Education: From Civil Rights to Students' Rights and Back Again, 116 TCHRS. C. REC. 1 (2014) (peer-reviewed).

On Checkbox Diversity, 27 J. CIV. RTS. & ECON. DEV. 203 (2013).

The Griswold 9 and Student Activism for Faculty Diversity at Harvard Law School in the Early 1990s, 27 HARV. J. ON RACIAL & ETHNIC JUST. 49 (2011).

The Curious Life of In Loco Parentis at American Universities, 8 HIGHER EDUC. IN REV. 65 (2011) (peer-reviewed).

The "Asian" Category in MCAS Achievement Gap Tracking: Time for a Change, 21 HARV. KENNEDY SCHOOL'S ASIAN AMERICAN POL'Y REV. 19 (2011).

Books

Academic Freedom at American Universities: Constitutional Rights, Professional Norms, and Contractual Duties (Lexington Books 2015).

Legal Briefs

Amicus Curiae Brief in support of Respondents in *Fisher v. Univ. of Texas* (11-345) on behalf of Harvard Graduate School of Education Students for Diversity (an official student organization), Counsel of Record before the Supreme Court of the United States (filed on August 9, 2012).

Other

Editor-in-Chief of the *Institute for Inclusion in the Legal Profession's Review*, which is a publication that is aimed toward practitioners and focuses on diversity issues in the legal profession. The next volume will be published in 2019.

EXPERIENCE

TEACHING

DAVID A. CLARKE SCHOOL OF LAW, UNIVERSITY OF DISTRICT OF COLUMBIA, Washington, DC
Associate Professor of Law, August 2016- present
Assistant Professor of Law, July 2013-August 2016

Courses taught: Property I & II, Constitutional Law I, Torts II, Education Law, & Race and the Law.

Develop and teach law courses. Conduct scholarly research and writing. Advise and grade students. Serve on faculty committees and advise student organizations.

Honors: Outstanding Faculty Award for Teaching (2014-2015, 2016-2017, 2017-2018);
UDC National Lawyers Guild Superior Teaching Award (2016-2017);
UDC Black Law Students Association's Excellence in Teaching Award (2015-2016).

Service: Faculty Admissions Committee and Faculty Library and Technology Committee;
Faculty advisor to Asian Pacific American Law Students Association, American Constitution Society, National Association Against Police Brutality, Academic Collaboration for Excellence, and the Black Law Students Association Moot Court Competition Team;
Member, Organization on Procedural Justice and Racial, Ethnic, Religious Profiling (OPJ).

HARVARD GRADUATE SCHOOL OF EDUCATION, Cambridge, MA
Instructor in Education, A210G: Race, Law, and Educational Access Spring 2012

Taught a seminar focusing on the intersection of race, law, and educational access. Developed course covering 12 U.S. Supreme Court cases and various theoretical perspectives ranging from conservative critiques of race conscious policies to Critical Race Theory perspectives. Advised students during office hours and assigned and graded papers.

Teaching Fellow, A707: Multiculturalism in Higher Education in the U.S. and Britain Spring 2011
Taught a class on *The Courts, Equal Protection, and Bakke*. Assisted with course planning and reading selection. Developed grading rubrics. Reviewed, evaluated, and graded student papers. Consulted with students during office hours. Maintained course website.

Reading Group Discussion Leader, Race, Racism, and American Law Fall 2011
Implemented informal reading group for students interested in race and the law. Taught students from the Harvard Graduate School of Education and Harvard Law School about eleven U.S. Supreme Court cases dealing with race, racism, and American law. Developed case list and assigned readings. Led weekly discussions.

NEW ENGLAND LAW SCHOOL OF LAW, Boston, MA
Adjunct Faculty Member, Legal Research & Writing II August 2007-December 2008
Taught appellate advocacy skills to second year law students (evening program) in the fall. Assigned, reviewed, and graded papers including appellate briefs, statements of fact, and research memoranda. Held conferences and provided detailed feedback to students. Instructed students in oral advocacy techniques. Conducted mock appellate hearings.

GRADUATE HORIZONS PROGRAM, New Haven, CT; Tucson, AZ; and Seattle, WA

Faculty Member

Summers 2006-2009

Taught writing and study skills to Native American pre-law students. Advised students on law school application process. Reviewed and assisted with personal statement writing. Strategized holistic application strategies. Developed timelines and law school application lists.

LEGAL AND HIGHER EDUCATION

HARVARD LAW SCHOOL, Cambridge, MA

Assistant Director of Admissions

October 2005-August 2009

Read applications, performed evaluations, and recommended action. Led the Admissions Office's diversity outreach. Implemented and managed recruitment initiatives, including events planning, targeted marketing materials, and brochures. Analyzed statistics and developed and conducted pre- and post-admission outreach activities, including development and coordination of students, faculty, and alumni representing racial/ethnic, geographical, legal specialty, and other groups. Represented the Law School at recruitment forums and conducted information sessions. Selected, trained, and managed a team of 55 admissions volunteers. Supported overall admissions operations including streamlining office systems and managing office technology. Supervised staff and had functional oversight for budget and information systems. Co-founded University-wide admissions group in which admissions officers across Harvard connect to share ideas, resources, and best practices, and collaborate on joint diversity recruitment efforts. Managed five-week Training and Recruitment Initiative for Admission to Leading Law Schools (TRIALS) summer diversity pipeline program (<http://trials.atfoundation.org/index>).

MORVILLO, ABRAMOWITZ, GRAND, IASON & SILBERBERG, P.C., New York, NY

Associate

April 2004-September 2005

Represented individual and corporate defendants in state and federal courts and at arbitration proceedings. Handled litigation matters arising out of securities claims, employment disputes, business torts, breaches of contract, and Department of Justice investigations. Prepared for motion practice and trial. Performed legal research and drafted legal memoranda. Conducted discovery. Participated in litigation strategy sessions. Defended a firm partner at deposition. Supervised paralegals. Headed the firm's Electronic Case Filing Task force.

NEW YORK CITY LAW DEPARTMENT, New York, NY

Assistant Corporation Counsel

September 2000-March 2004

Represented the City in civil litigation arising from contract and lease disputes, employment issues, constitutional claims, and challenges to the administration of various government benefits. Handled cases from initial pleadings through resolution by settlement, motion practice, or trial. Performed cross-examination on expert witness at a billion dollar airport lease arbitration against the Port Authority. Argued motions in state and federal courts. Researched and drafted legal briefs. Supervised paralegals and summer interns. Active in attorney recruitment. Participated in steering committee dedicated to increasing minority attorney mentoring, retention, and development.

CRIMINAL JUSTICE INSTITUTE, Cambridge, MA

Student Attorney

Fall 1999

Defended indigent criminal clients from arraignment through disposition. Argued motions for pre-trial release and bail reduction. Interviewed witnesses and prepared for trial. Drafted supporting memoranda. Researched and applied legal precedents to adult and juvenile criminal proceedings. Negotiated plea bargains.

U.S. ATTORNEY'S OFFICE, Boston, MA

Summer Intern

Summer 1999

Researched 4th Amendment search and seizure issues and the law of joinder for the prosecution of bank robberies and federal drug offenses. Presented findings to Assistant U.S. Attorney and drafted portion of the Government's brief.

HARVARD DEFENDERS, Cambridge, MA

Student Attorney

Summer 1998

Represented indigent criminal defendants at probable cause hearings. Interviewed clients and witnesses in preparation for hearings. Conducted investigations.

EDUCATION

HARVARD GRADUATE SCHOOL OF EDUCATION, Cambridge, MA

Doctorate in Education

May 2013

Master's in Education

March 2012

- Dissertation: *An Integrated Approach to Academic Freedom at American Universities:
A Merger of Constitutional Rights, Professional Norms, and Contractual Duties*
- Honors: Convocation Speaker (May 2013)
Harvard University Presidential Scholarship (2009-2013)
HGSE Dissertation Fellowship (2012-2013)
Dean's Summer Fellowship (2010, 2012)
- Activities: HGSE Students for Diversity, Co-Founder and Co-Chair (2012-2013)
Diversity Intern, Office of Student Affairs (2010-2011)
Volunteer, Admissions Diversity Recruitment (2009-2013)

HARVARD LAW SCHOOL, Cambridge, MA

Juris Doctorate

June 2000

- Honors: MA Alumni Association Public Interest Scholarship
- Activities: Harvard Defenders, Board of Directors and Team Leader
Asian Pacific American Law Students Association, Member

DUKE UNIVERSITY, Durham, NC

Bachelor of Arts

May 1996

Dual Major in Psychology and Sociology

Minor in Religion

- Honors: *Phi Beta Kappa*
Magna cum laude
Dean's List with Distinction
Howard E. Jensen Prize for Best Undergraduate Sociology Paper for:
Capital Punishment: An Expression of Racial Fear?
- Activities: Intramural Soccer Team, Member
Tae Kwon Do Club, Member
Asian Students Association, Member

PRESENTATIONS

Critical Race Theory as a Tool for Understanding Educational Inequality, Law, and Race in America, presented as a keynote to a group of superintendents from across the U.S. as part of Phi Delta Kappa International's Community of Learning and Practice in Washington, DC (April 22, 2018).

The Betrayal of Brown v. Board of Education (1954), presented as a keynote speech to a group of public school superintendents from across the U.S. as part of the Harvard Graduate School of Education's Urban Superintendents Program Convening in Washington, DC (February 2, 2018).

The Role of Courts in Federal Education Policy, presented to a group of master's and doctoral students from Teachers College of Columbia University as part of the Federal Policy Institute's class in Washington, DC (January 9, 2018).

A Critical Race Analysis of Educational Inequality, presented at a professional development training for educators at Brookline Public Schools in Brookline, MA (November 10, 2017).

The Vicious Legacy of White Supremacy as an Institutional, Not Individualized Issue, presented at a conference titled, *Racial Justice Reform After Obama: Reconsidering Goals and Means*, at the University of Virginia School of Law in Charlottesville, VA (June 6, 2017).

A Critical Race Theory Analysis of Educational Inequality in America, presented at a Race, Equity, and Leadership in Schools training at the Harvard Graduate School of Education in Cambridge, MA (March 23, 2017).

Soft Power, Hard Knockout: The Asian American Punch, presented at a keynote panel discussion for the National Asian Pacific American Conference on Law and Public Policy at Harvard Law School in Cambridge, MA (February 4, 2017).

Japanese American Internment: Past or Prologue?, presented for an event sponsored by the UDC Asian Pacific American Law Students Association in Washington, DC (Jan. 25, 2017).

Blackacre's Heirs: Forced Partition Sales and African American Land Dispossession, presented to law faculty at UDC School of Law, in Washington, DC (January 18, 2017).

The Role of Courts in Federal Education Policy, presented to a group of master's and doctoral students from Teachers College of Columbia University as part of the Federal Policy Institute's class in Washington, DC (January 10, 2017).

The Lessons of Dixon v. Alabama (5th Cir. 1961), presented at a panel discussion as part of a symposium titled, *From Protest Movements of the 1960s to #Blacklivesmatter*, sponsored by the UDC Law Review in Washington, DC (April 7, 2016).

Taught Mock Class on *Ozawa v. U.S.* (1922) at the National Diversity Pre-Law Conference in Washington, DC (April 1, 2016).

Keynote Speaker at *A Conversation on Race, Racism, and Equity* sponsored by Hartford Public Schools in Hartford, CT (March 19, 2016).

Teaching Race in the Classroom, presented to UDC LLM students in Washington, DC (February 4, 2016).

The Role of Courts in Education, presented to a group of master's and doctoral students from Teachers College of Columbia University as part of the Federal Policy Institute's class in Washington, DC (January 12, 2016).

Academic Freedom in a New Age and *A Contract Theory of Academic Freedom*, co-presented at two panel presentations at the American Association of University Professors' annual conference on the state of higher education in Washington, DC (June 12, 2015).

Higher Education as a Public Trust, presented during Higher Education Law Roundtable at University of Houston Law Center in Houston, TX (May 18, 2015).

On Institutional Racism, presented at an event titled, *Confronting Institutionalized Racism: Real Steps to End Police Brutality and Fix Our Criminal Justice System*, organized by the National Association Against Police Brutality in Washington, DC (April 22, 2015).

Why Diversity Matters, presented at panel presentation at National Diversity Pre-Law Conference in Washington, DC (April 10, 2015).

The Case of Dixon v. Alabama, a video presentation through *The Voice*, a video web series created by Teachers College Record at Columbia University (March 20, 2015).

The Socio-Legal Construction of Race in America, presented to UDC college students in Washington, DC (February 27, 2015).

Law School or Justice School? Connecting the Dots between Harvard Law School and Ferguson, presented during a panel discussion at Harvard Law School in Cambridge, MA (February 13, 2015).

Race and Social Movements at Harvard Law School: A Retrospective, presented at a panel discussion at Harvard Law School, in Cambridge, MA (February 12, 2015).

Identity Property: Protecting the New IP in a Race-Relevant World, presented during a panel on property law for Mid-Atlantic People of Color (MAPOC) Conference at West Virginia College of Law in Morgantown, West Virginia (January 31, 2015).

Identity Property: Protecting the New IP in a Race-Relevant World, presented to law faculty at UDC School of Law, in Washington, DC (October 1, 2014).

Revisiting Whiteness as Property, presented during a junior faculty works-in-progress workshop at Marquette Law School in Milwaukee, WI (September 12, 2014).

Revisiting Whiteness as Property, presented during a panel on property law and theory at the Southeast Association of Law School's New Scholars Workshop at Amelia Island, FL (August 2, 2014).

An Introduction to Critical Race Theory, presented during an event hosted by the UDC School of Law's Asian Pacific American Law Student Association, National Lawyers Guild, Black Men's Law Society and Latin Law Student Association in Washington, DC (March 18, 2014).

Harvard Graduate School of Education Convocation Speech, presented at Harvard University in Cambridge, MA (May 30, 2013).

Asian Americans and Affirmative Action, co-presented during Asian American Awareness Month at Harvard Medical School in Boston, MA (May 14, 2013).

The Implications of Fisher v. University of Texas for Higher Education Admissions, co-presented at Harvard Graduate School of Education Diversity Dialogue in Cambridge, MA (March 28, 2013).

Law as a Lever for Educational Reform, presented to Ed.L.D. students at Harvard University in Cambridge, MA (October 17 and 24, 2012).

The Legal Framework for Diversity in Higher Education Admissions, presented to Ed.L.D. students at Harvard Innovation Lab in Boston, MA (April 19, 2012).

Diversity in Higher Education Admissions, co-presented at Harvard Graduate School of Education Diversity Dialogue in Cambridge, MA (March 30, 2012).

Law and the Modern University from the Gilded Age to the Rights Revolution, presented on panel at History of Education Society's Annual Conference in Chicago, IL (November 4, 2011).

Critical Race Theory and the Legal Construction of Whiteness, presented to Ed.L.D. students at Harvard University in Cambridge, MA (November 16, 2011).

Civil Rights, Equity, and Excellence in Pre-K-16 Education, presented at two Harvard Ed.L.D. proseminar classes at Harvard University in Cambridge, MA (October 5 and 12, 2011).

The Courts, Equal Protection, and Schools, presented at Harvard Graduate School of Education's Teacher Education Program in Cambridge, MA (June 16, 2011).

Seeing Class in the Classroom: Socioeconomic Status and Education, co-presented at Harvard Graduate School of Education Diversity Dialogue in Cambridge, MA (March 30, 2011).

Race and Culture in Schooling, co-presented at roundtable discussion at the Harvard Graduate School of Education Student Research Conference in Cambridge, MA (March 26, 2010)

Revisiting the History of Discrimination against Asian Americans, presented at the 16th Annual Harvard Asian Pacific American Conference on Law and Public Policy at Harvard Law School in Cambridge, MA (February 27, 2010)

How Can We Frame the Topic of Race to Encourage Discussion and Learning in the K-20 Classroom and Beyond?, co-presented at the Harvard Graduate School of Education Alumni of Color Conference in Cambridge, MA (February 27, 2010)

MEDIA QUOTES AND CITATIONS

Misako Hida, *Fueling the Flames of a Dilemma: The Truth Behind the [Racial] Division Crisis in the U.S.*, WEEKLY TOYO KEIZAI, Sep. 2, 2017 (Japanese print publication).

Michael Feldstein, *Muy Loco Parentis: How "Freakouts" Over Student Privacy Hamper Innovation*, CHRON. OF HIGHER ED., Feb. 2, 2016.

Hank Reichman, *Repercussions of the Salaita Case*, ACADEME BLOG, July 5, 2015, available at <http://academeblog.org/2015/07/06/repercussions-of-the-salaita-case/>.

Tatiana Schlossberg, *Night of Drug Overdoses Jolts Liberal Traditions on Wesleyan Campus*, N.Y. TIMES, March 16, 2015.

PERSONAL

Awards

The Partnership, Inc.'s Distinguished Alumni Leadership Award (December 2009)

- Awarded in recognition of leadership in creating professional opportunities for others.

Fellowships

The Partnership, Inc.'s Boston Fellow (January 2008-December 2008)

- Sponsored by Harvard Law School and the Harvard Office of the Assistant to the President and selected by The Partnership, Inc. as a 2008 Boston Fellow. Participated in seminars designed to teach professionals of color to become workplace leaders.

Harvard Administrative Fellow (September 2006-May 2007)

- Selected by Harvard Law School and the Fellowship Program Review Committee to have the leadership potential to advance to higher administrative positions within the University. Attended seminars and networking events with Harvard University officials.

Bar Admissions

Supreme Court of the United States (March 19, 2012)

Commonwealth of Massachusetts (September 13, 2006)

U.S. District Court for the District of Massachusetts (December 14, 2006)

State of New York (February 5, 2001)

U.S. District Court for the Southern District of New York (March 9, 2001)

U.S. District Court for the Eastern District of New York (March 9, 2001)