



Kimberly West-Faulcon

Associate Professor of Law

Contact Information

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Educational and Professional Background

BA, Duke University, *summa cum laude*, Phi Beta Kappa
JD, Yale Law School

Kimberly West-Faulcon teaches *Constitutional Law I*, *Constitutional Law II* and *Intelligence, Testing and the Law*. During law school, Professor West-Faulcon was a senior editor of the *Yale Law Journal*. After law school, she clerked on the Ninth Circuit U.S. Court of Appeals with the Honorable Stephen Reinhardt and began her legal career as a Skadden Fellow, selected by the law firm Skadden, Arps, Slate, Meagher & Flom to work in the public interest legal organization of her choice. Professor West-Faulcon's research in the areas of intelligence theory, antidiscrimination, and constitutional law explores the legal implications of theories of human intelligence as well as the legal implications of the psychometric properties of standardized tests.

Prior to joining the Loyola faculty, Professor West-Faulcon was the Western Regional Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF). While at LDF, she maintained a heavy civil rights caseload.

Her nationally-recognized litigation accomplishments include various cases involving the legal standard for proper use of standardized tests in elementary, secondary and higher education. From 1999 to 2003, Professor West-Faulcon served as chief coordinating counsel and lead African-American plaintiffs' counsel in a post-Proposition 209 lawsuit filed by African-American, Latino and Filipino students challenging the admissions policies of the University of California at Berkeley – *Rios/Castaneda v. The Regents of California*. She also litigated employment discrimination issues as lead counsel for the African-American plaintiff classes in a successful multi-million dollar lawsuit against the clothing retailer Abercrombie & Fitch and a class action lawsuit filed by African-American, Latino and Asian-American police officers challenging the promotion practices of the Los Angeles Police Department.

In 2005 and 2004, West-Faulcon was honored as a "Southern California Super Lawyer" and, in 2004, *Los Angeles Magazine* named her a "Rising Star Lawyer Under 40." Also, in 1999, the *Los Angeles Daily Journal* featured West-Faulcon as one of the top lawyers under the age of 40 "making their mark in the legal world." West-Faulcon's significant accomplishments have also been praised in the company of successful young stars outside the legal profession. In the 1999 millennial issue of *Ebony Magazine*, West-Faulcon was recognized as one of *Ebony's* "Ten for Tomorrow" (along with Jesse Jackson, Jr., Lauryn Hill, Serena Williams, Brandy, Sean Combs, Chris Rock, Bernice King, Tiger Woods, and Marion Jones) "who will almost certainly redefine their fields in the next millennium."

Professor West-Faulcon has been featured, quoted and interviewed by various local and national media including: CNN, *The New York Times*, *The Washington Post*, *Los Angeles Times*, *Black Issues in Higher Education*, *Education Week*, *The Los Angeles Sentinel*, *Los Angeles Daily News*, *The Los Angeles Daily Journal*, *San Francisco Chronicle*, *San Francisco Examiner*, *Savoy Magazine*, *Ebony*, *The New Crisis*, *Black Enterprise.com*, *KPCC-FM AirTalk with Larry Mantle*, *Forum*, *BET*, *One on One*, and National Public Radio's *Tavis Smiley Show*

* Although established by the NAACP, the LDF has been a separate and independent entity for over five decades. LDF's founder and first Director-Counsel was the late Supreme Court Justice Thurgood Marshall.

Professional Memberships and Activities

Reaching Forward: A Discussion between Academics and Advocacy Organizations
Fred T. Korematsu Center for Law and Equality
Seattle University School of Law
Seattle, WA (April 18, 2009)

Obama's Education Reform Agenda and No Child Left Behind
Forum on National Education Reform
Thomas Jefferson School of Law
San Diego, CA (April 1, 2009)

Employing Tests: Practical Value vs. Psychometric Validity in Ricci v. DeStefano
Civil Rights and the Roberts Court
American Constitution Society
UCLA School of Law
Los Angeles, CA (Feb. 25, 2009)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws
UCLA School of Law Faculty Colloquium
UCLA School of Law
Los Angeles, CA (October 10, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws
Loyola Law School Faculty Workshop
Loyola Law School
Los Angeles, CA (September 18, 2008)

France's Statistical Color-Blindness in Question: Statistical Analysis as Proof of Racial "Effect" Discrimination
Perspectives on Anti-Discrimination and Affirmative Action Policies in the United States and France Bi-National Colloque
Center d'etudes de recherches interionales
Paris, France (May 20, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws
Conference of Asian Pacific American Law Faculty (CAPALF) and Western Law Teachers of Color Conference
University of Denver Sturm College of Law
Denver, CO (April 25, 2008)

Gender and Racial Diversity in the Legal Profession
American Bar Association Law Loyola Law Student Division
Diversity Day
Loyola Law School
Los Angeles, CA (March 26, 2008)

Return of a Civil Rights Hero from Little Rock to Los Angeles
(with Dr. Terrance Roberts, one of the "Little Rock Nine" *Cooper v. Aaron* plaintiffs)
Simon Wiesenthal Center Museum of Tolerance
Los Angeles, CA (February 18, 2008)

The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws

25/05/2009

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UCLA Critical Race Studies Workshop
UCLA School of Law
Los Angeles, CA (February 4, 2008)

What Can We Do, Post-Michigan Proposal 2?
National Association for College Admission Counseling (NACAC) 63rd National Conference
Austin, TX (September 27, 2007)

More Intelligent Design
Southeastern Association of Law Schools New Scholars Presentation
Amelia Island, FL (August 2, 2007)

From Race Preference to Race Discrimination: Examining the Federal Obligation to Use Race After Proposition 209
Southeast/Southwest People of Color Legal Scholarship Conference
Florida A&M University College of Law
Orlando, FL (March 17, 2007)

From Race Preference to Race Discrimination: Does Proposition 209 Permit Remedial Affirmative Action?
Boalt Hall Earl Warren Institute Equal Opportunity in Higher Education: The Past and Future of Proposition 209" Conference
UC Berkeley Boalt Hall School of Law
Berkeley, CA (October 28, 2006)

Supreme Court Justice
Meredith v. Jefferson County Board of Education Supreme Court Moot
UCLA American Constitution Society
UCLA School of Law
Los Angeles, CA (October 24, 2006).

Legal Significance of California Proposition 209
African-American Attorneys in Downtown Firms "Tenth Anniversary of California Proposition 209"
Loyola Law School
Los Angeles, CA (May 25, 2006)

Multi-Racial Litigation as Civil Rights Strategy in Abercrombie v. Gonzalez
Loyola Law School Asian Pacific American Law Students Association (APALSA)
Loyola Law School
Los Angeles, CA (February 2006)

More Intelligent Design
National Black Law Journal 35th Anniversary Symposium
"Regression Analysis: The Status of African Americans in American Legal Education"
UCLA School of Law
Los Angeles, CA (November 18, 2005)

Using Casteneda v. UC Regents to Show How Post-Affirmative Action Schools Can Do More
UCLA Chicano-Latino Law Review Symposium "Proposition 209: Ten Years Later"
UCLA School of Law
Los Angeles, CA (November 1, 2005)

Distinguishing Corporate Social Justice as Profit Maximization
Center on Corporations, Law & Society at Seattle University School of Law
Fourth Annual Conference of the Equal Justice Society
"New Strategies for Justice: Linking Corporate Law with Progressive Social Movements"
UCLA School of Law
Los Angeles, CA (April 9, 2005)

Promoting Equal Opportunity Post-Grutter
African American Policy Forum & The Leadership Conference on Civil Rights
"A Strategy Summit on Affirmative Action: Reclaiming the High Ground 50 Years After Brown"
Washington, DC (October 14, 2004)

Reform in the Los Angeles Police Department: Where do we go from here?
Keynote Address
The Urban Issues Breakfast Forum of Greater Los Angeles
Los Angeles, CA (July 30, 2004)

Member, Individual Rights & Responsibilities Section, American Bar Association
Member, Black Women Lawyers of Los Angeles
Member, National Employment Lawyers Association (2001-2005)
Board Member, Environmental Justice Fund, Liberty Hill Foundation (2000-2002)

Bar Admissions:
States: New York (1997), California (1998)
United States District Courts: Southern District of New York (1997), Central District of California (1998), Northern District of California (1999)
United States Courts of Appeal: First Circuit (2000), Ninth Circuit (2005)

Recent Scholarship

"The River Runs Dry: When Title VI Trumps State Anti-Affirmative Action Laws," 157 *U. Pa. L. Rev.* 1075 (2009) (forthcoming).
Note, "A Desegregation Tool that Backfired: Magnet Schools and Classroom Segregation," 103 *Yale Law Journal* 2567 (1994).
AIDS and the Anti-Gay Crusade," 9 *Duke Journal of Politics* 75 (Spring 1991).

Commentaries

"Looking Beyond the Numbers," *Los Angeles Daily Journal*, Nov. 4, 2003.
"Stop Playing the SAT Numbers Game," *Philadelphia Tribune*, May 8, 2001 (with Elaine R. Jones).
"Randolph County: A Game of Discovery," *Center for Computer-Assisted Legal Instruction (CCALI)*, Copyright 2003 (civil procedure instructional computer game) (with Owen M. Fiss and Ronald F. Wright).

Courses Taught

Constitutional Law I, Constitutional Law II, Social Justice Lawyering, Principles of Social Justice, and Intelligence Testing and the Law.