

FRANCISCO VALDES
SEATTLE UNIVERSITY SCHOOL OF LAW
fvaldes1954@icloud.com

EDUCATION AND ACTIVITIES

STANFORD LAW SCHOOL: J.S.D., 1994; J.S.M., 1991

UNIVERSITY OF FLORIDA COLLEGE OF LAW: J.D., *WITH HONORS*, 1984

Dean's List (Academic honors every term but first)

George W. Milam Award (Best Law Review Comment, Spring 1983)

Best Brief Award (Appellate Advocacy, Section I, Fall 1982)

Florida Law Review: Senior Articles Editor (Spring 1984)
Articles Editor (Fall 1983)
Editorial Board Member (Spring 1983)

Honors: Legal Research & Writing Program (Spring 1982)
Appellate Advocacy Program (Fall 1982)

Teaching Fellowships: Legal Research & Writing (Fall 1983, Spring 1984)
Appellate Advocacy (Spring 1983)
Civil Procedure (Fall 1982)
Contracts (Spring 1982)

Research Assistant: Professor Winston Nagan (Spring 1984)

Law Clerkships: Federal Communications Commission, Washington, D.C.
Clerk to Commissioner Henry M. Rivera (Summer 1983)

Eighth Judicial Circuit, Gainesville, Florida
Clerk to Judge Chester B. Chance (Fall 1983)

UNIVERSITY OF CALIFORNIA, BERKELEY: B.A., RHETORIC, 1978

LEGAL WORK EXPERIENCE

SEATTLE UNIVERSITY SCHOOL OF LAW, Seattle, Washington
Distinguished Research Affiliate Professor of Law, 2025-Present

UNIVERSITY OF MIAMI SCHOOL OF LAW, Coral Gables, Florida
Professor of Law, 1997-2025; Visiting Professor of Law, 1995-96 and 1996-97
Coordinator, Junior Faculty Development Program, 2010-2013
Founding Member, LatCrit Board, 1998-Present; Founding Co-Chair, LatCrit, Inc., 1995-2005
Co-Director, Center for Hispanic & Caribbean Legal Studies, 1997-2009
Co-Director, *Tour de Espana* (Spain Study-Abroad Summer Program), 1997-2001

Courses:

Constitutional Law I (first-year required course)
Constitutional Law II (upper-level required elective course)
Civil Procedure I (first-year required course)
Law Practice: Systemic Advocacy (1L elective course)
Systemic Advocacy and Complex Actions (upper-level elective course)
Comparative Law, Spain & Hispanics (intro/survey course)
Critical Race Theory (legal theory seminar)
Races, Ethnicities & the Law (cross-disciplinary course)
Hispanics, Latinas/os & the Law (cross-disciplinary seminar)
Law, Race & Sexuality (cross-disciplinary seminar)

CALIFORNIA WESTERN SCHOOL OF LAW, San Diego, California
Professor of Law, 1995-97; Promoted to Full Professor in 1995; Tenured in 1994;
Associate Professor, 1991-94.

Courses:

Constitutional Law I (second-semester required course)
Constitutional Law II (upper-level elective course)
Law, Policy & Sexuality (cross-disciplinary seminar)
Legal Analysis & Problem-Solving (upper-level elective practicum)
Legal Process (first-semester required course)

STANFORD LAW SCHOOL, Palo Alto, California
Lecturer and Teaching Fellow, August 1989-August 1991

GOLDEN GATE UNIVERSITY SCHOOL OF LAW, San Francisco, California
Adjunct Professor, August 1988-August 1991

MATTHEW BENDER & COMPANY, INC., Oakland, California
Florida Torts Reporter, Contributing Writer, August 1989-June 1990
Florida Litigation Manual, Freelance Writer, October 1988-July 1989

COOLEY GODWARD CASTRO HUDDLESON & TATUM, San Francisco, California
Senior Litigation Associate, November 1987-July 1989 (state and federal civil cases)

SHUTTS & BOWEN, Miami, Florida

Litigation Associate, June 1984-October 1987 (state and federal civil cases)

SELECTED FACULTY AWARDS, LECTURES, HONORS

- Elected Member, American Law Institute
- Critical Pioneer Award, LatCrit Biennial Conference, Atlanta, Fall 2019
- Derrick Bell Legacy Annual Award, Critical Race Studies Education Association, Annual Meeting, Nashville, Summer 2014
- Great Teacher Award, Society of American Law Teachers (SALT), Annual Meeting, American Association of Law Schools, New Orleans, Spring 2010
- Haywood Burns-Shanara Gilbert Award, Northeast People of Color Legal Scholarship Conference, Boston University School of Law, Fall 2008
- Jerome McCristal Culp, Jr. Annual LatCrit Lecture, Eleventh Annual LatCrit Conference, University of Nevada School of Law, Fall 2006
- Extraordinary Service Award, Second National People of Color Legal Scholarship Conference, George Washington University School of Law, Fall 2004
- Clyde Ferguson Award, American Association of Law Schools, Section on Minority Groups, Washington, DC, Spring 2002
- Statewide Keynote Address, State of Florida, Minority Participation in Legal Education Program, Summer 2001, 2000 and 1998
- Judge Edward Olmos Annual Memorial Lecture, University of California-Berkeley School of Law, Fall 2000
- Outstanding Faculty Award, University of Miami School of Law, Hispanic Law Students Association, 1995-96

ACADEMIC AGENDA AND PUBLICATIONS

A. Active Works-in-Progress

POWER V. JUSTICE: LAW AND IDENTITY IN ACTION AND THEORY, 1995-2025 (anthology of edited essays from my previous publications plus a couple of new essays previously unpublished)

LAW AND JUSTICE IN A MATERIAL WORLD: A CRITICAL READER (a collection of edited essays from various authors, including myself)

SYSTEMIC ADVOCACY: A CRITICAL ACTION PRIMER [with Steven Bender and Jennifer Hill]

CRITICAL JUSTICE: SYSTEMIC ADVOCACY IN LAW AND SOCIETY, THE CONCISE EDITION [with Steven Bender and Jennifer Hill]

B. Published Books

POLITICA PUBLICA Y TEORIA LEGAL: LAS VISTAS Y OBRAS DE LATCRIT (2023) (LatCrit Primer translation project with new Introduction focused on critical hemispheric studies)

LATCRIT: FROM CRITICAL LEGAL THEORY TO ACADEMIC ACTIVISM [with Steven W. Bender (2021)]

CRITICAL JUSTICE: SYSTEMIC ADVOCACY IN LAW AND SOCIETY [with Steven W. Bender, and Jennifer Hill eds 2021] (with a substantive, 144-page, teaching-learning manual)

CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY [with Jerome McCristal Culp, Jr., and Angela P. Harris eds 2002]

C. Published Law Reviews, Book Chapters, and On-line Publications

Constitutional “Law” in a Lawless Court: Restoring the Sources and Methods of Principled Interpretation, ____ UCLA L. REV. DISC. (2025) (online article)

Scholarship and Pedagogy as LatCritical Praxis: Academic Activism and Advocacy Projects in Legal or Local Communities, in RACE AND LEGAL EDUCATION (Emily Houh, Khiara Bridges, and Devon Carbado eds 2024 online and 2025 hardcopy [with Steven Bender] (book chapter)

Defeat Fascism, Transform Democracy: Resources, Fundamentals, and Organizing, 47 SEATTLE LAW REVIEW, 1057 (2024)

Teoria Critica, Justicia Igualitaria y Praxis LatCrit: Elaboracion de una Sociologia del Derecho Desde Abajo Hacia Arriba (Hugo Rojas ed. 2024) (book chapter)

The War on Higher Education, 72 UCLA L. REV. DISC. 2 (2024) [with Athena D. Mutua, Jonathan Feingold, Angela P. Harris, Emily M.S. Houh, and Matthew Patrick Shaw] (online article)

Mapping and Mobilizing Legal Criticalities: Making the Move From Diaspora to Collective—Or, Legal Scholars Making a Difference as Cultural Warriorss, 100 DENVER U. L.R 625 (2023)

The Slaughter House Cases, in CRITICAL RACE JUDGMENTS: RE-WRITTEN U.S. COURT OPINIONS ON RACE AND THE LAW (Bennet Capers, Devon Carbado, Robin A. Lendhardt, and Angela Onwauchi-Willig eds 2022) (book chapter)

Afterword—LatCrit @ 25 and Beyond, Part I—Organized Academic Activism and the Long Haul: Designing “Hybridized” Advocacy Projects for an Age of Global Disruption, Systemic Injustice, and Bottom-Up Progress, 99 DENVER U. L.R. 773 (2022) [with Steven W. Bender and Jennifer Hill]

Afterword—LatCrit @ 25 and Beyond, Part II—Challenges and/as Opportunities in Reimagining and Redesigning Critical Praxis as “Hybridized” Advocacy Projects, 20 SEATTLE J. SOC. JUST. 1053 (2022) [with Steven W. Bender and Jennifer Hill]

Afterword—What’s Next?: Into a Third Decade of LatCrit Theory, Community, and Praxis, 9 U. MIAMI RACE & SOC. JUST. L. REV. 141 (2019) and 16 SEATTLE J. SOC. JUST. 823 (2018) [with Anthony Varona, Steven W. Bender, Shelley Cavalieri, Jasmine Gonzalez Rose, Saru Matambanadzo, Roberto Corrada, Jorge Roig, Tayyab Mahmud, and Zsea Bowmani]

Sexual Minorities in Legal Academia: A Retrospection on Community, Action, Remembrance, and Liberation, 66 J. LEGAL EDUC. 510 (2017)

From Law Reform to Lived Justice: Marriage Equality, Personal Praxis, and Queer Normativity in the United States, 26 TUL. J.L. & SEXUALITY 1 (2017)

Afterword—Kindling the Programmatic Production of Critical and Outsider Legal Scholarship, 1996-2016, 37 WHITTIER L. REV. 439 (2016) [with Sarudzayi Matambanadzo and Sheila Velez]

Original Sins, Continuing Wrongs: Equality, Democracy, and Supremacy in the U.S. Under Judicial Review Controversies in EQUAL PROTECTION CASES IN AMERICA (Anne Oakes Richardson ed 2016)

The Helms-Burton Act in THE OXFORD ENCYCLOPEDIA OF LATINOS AND LATINAS IN CONTEMPORARY POLITICS, LAW, AND SOCIAL MOVEMENTS (Suzanne Oboler and Deena Gonzalez eds 2015)

Foreword—LatCrit Praxis @ XX: Toward Equal Justice in Law, Education, and Society, 90 CHI.-KENT L. REV. 361 (2015) [with Tayyab Mahmud and Athena D. Mutua]

Critical Race Theory in THE OXFORD ENCYCLOPEDIA OF LATINOS AND LATINAS IN CONTEMPORARY POLITICS, LAW, AND SOCIAL MOVEMENTS (Suzanne Oboler and Deena Gonzalez eds 2015)

Breaking Glass: Identity, Community and Epistemology in Theory, Law, and Education, 47 U.C. DAVIS L. REV. 1065 (2014)

Afterword—Theory Without Borders: LatCritical Approaches to South-North Frameworks and Hemispheric Justice Studies, 5 J. RACE, GENDER & POVERTY 91 (2014)

Critical Race Action: Queer Lessons and Seven Legacies from the One and Only Professor Bell, 36 W. NEW ENG. L. REV. 109 (2014)

Afterword—Theorizing and Building Critical Coalitions: Outsider Theory as Justice Action in Local/Global Contexts, 12 SEATTLE J. SOC. JUST. 983 (2014)

Articulating Justice: Case and Cause in the Queering of U.S. Law and Society, 116 S.W. HIST. Q. 429 (2013)

Unmasking Law: Women of Color Pioneering Critical Outsider Scholarship, HARV. J.L. & GENDER (2013), available at <http://harvardjlg.com/2013/03/unmasking-law-women-of-color-pioneering-critical-outsider-scholarship/>

Bringing Society to Law: A Critically Raced Accounting, book chapter in EXPLORING THE SOCIO OF 'SOCIO-LEGAL' STUDIES (Dermot Feenan ed 2013)

Critical Race Theory and Latinas/os, in OXFORD ENCYCLOPEDIA OF LATINAS/OS AND POLITICS (Suzanne Oboler and Deena Gonzalez eds 2012)

Afterword—Coming Up: New Foundations in LatCrit Theory, Community, and Praxis, 48 CAL. W. L. REV. 505 (2012)

Critical Race Materialism: Theorizing Justice in the Age of Neoliberal Globalization, 43 CONN. L. REV. 1513 (2011) [with Sumi Cho]

Afterword—At and Beyond Fifteen: Mapping LatCrit Theory, Community, and Praxis, 14 HARV. LATINO L. REV. 397 (2011) [with Steven W. Bender]

Making Theory Work: Queer Criticalities and the Legal Righting of Social Wrongs, 46 HARV. C.R.–C.L. L. REV. (2011), available at <http://www.harvardcrl.org>.

After Law, 6 OSGOOD COMPARATIVE RESEARCH IN LAW AND POLITICAL ECONOMY, RESEARCH PAPER NO. 45/2010, available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1696189##

Testing Democracy: Marriage Equality, Citizen-Lawmaking and Constitutional Structure, 19 S. CAL. REV. L. & SOC. JUST. 3 (2010)

Rebellious Knowledge-Production, Academic Activism, and Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008, 8 SEATTLE J. SOC. JUST. 131 (2010)

Of State, Market and Justice: LatCritical Challenges to Theory, Praxis and Policy, 18 AM. U. J. GENDER SOC. POL'Y & L. 3 (2009-2010)

Queering Sexual Orientation: A Call for Theory as Praxis, book chapter in FEMINIST AND QUEER LEGAL THEORY: INTIMATE ENCOUNTERS, UNCOMFORTABLE CONVERSATIONS (Martha Albertson Fineman, Jack E. Johnson, and Adam P. Romero eds 2009)

Foreword—Interruptions and Intersections: Journeys to the Center of the Americas, 4 TENN. J.L. & POL'Y 167 (2008)

Afterword—“Latinas/os” and Latina/o Legal Studies: A Critical and Self-Critical Review of Legal Knowledge-Production Models, 4 FIU L. REV. 187 (2008) [with Margaret Montoya]

Procedure, Policy and Power: Class Actions and Social Justice in Historical and Comparative Perspective, 24 GA. ST. U.L. REV. 627 (2008)

“Latinas/os” and the Politics of Knowledge Production: LatCrit Theory and Academic Activism as Social Justice Action, 83 IND. L.J. 1197 (2008) [with Margaret Montoya]

What’s The Fuss?: Originalism, Internationalism and Constitutional Law, 3 FIU L. REV. 1 (2007)

The Constitution of Terror: Big Lies, Backlash Jurisprudence and the Rule of Law, 7 NEV. L.J. 973 (2007)

Afterword—Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis, 17 BERKELEY LA RAZA L. REV. 169 (2006) [with Angela P. Harris and Berta Hernandez-Truyol]

Spain Gazing: One LatCrit’s Queer View of Hispanic Essentialisms and Neocolonial Legacies, 17 FL. J. INT’L L. 495 (2006)

Afterword—Culture by Law: Backlash as Jurisprudence, 50 VILLANOVA L. REV. 1135 (2005)

Legal Reform and Social Justice: An Introduction to LatCrit Theory, Praxis and Community, 14 GRIFFITH L. REV. 148 (2005)

Afterword—“We Are Now of the View”: Backlash, Jurisprudence and the Kulturkampf to Resurrect Old Deals, 35 SETON HALL L. REV. 1407 (2005)

Foreword—City and Citizen: Community-Making as Legal Theory and Social Struggle, 52 CLEVELAND MARSHALL L. REV. 1 (2005)

Law and Consequence: Cuban Hopes, Human Rights, Dueling Elites, in *ENCYCLOPEDIA OF LATINOS AND LATINAS IN THE UNITED STATES* (Deena J. Gonzalez and Suzanne Oboler eds 2005)

Anomalies, Warts and All: Four Score of Liberty, Privacy and Equality, 65 OHIO ST. L.J. 1341 (2004)

Recalling Race, Gender and Sexuality: OutCrit Reflections on Legal Education, Social Identities and the “Rule of Law” – A Call Toward Collective Insurrections, 5 GEO. J. GENDER & L. 881 (2004)

Life as Praxis, Praxis as Life, 7 LEGAL ETHICS 117 (2004)

Subject Unrest, 55 STAN. L. REV. 2435 (2003) [with Jerome Culp and Angela P. Harris]

Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education 10 ASIAN L.J. 65 (2003)

Culture, “Kulturkampf” and Beyond: The Antidiscrimination Principle under the Jurisprudence of Backlash, book chapter in 247 THE BLACKWELL COMPANION TO LAW AND SOCIETY (Austin Sarat ed 2003)

Diaspora and Deadlock, Miami and Havana: Coming to Terms with Dreams and Dogmas, 55 FLA. L. REV. 283 (2003)

Identity Maneuvers in Law and Society: Vignettes of a Euro-American Heteropatriarchy, 71 UMKC L. REV. 377 (2002)

Mapping the Patterns of Particularities: Queering the Geographies of Identity, 34 ANTIPODE 974 (2002)

Barely at the Margins: Race and Ethnicity in Legal Education – A Curricular Study with LatCritical Commentary, 13 BERKELEY LA RAZA L. REV. 119 (2002)

Sexualidad y Limite: Democracia o Dictadura?, book chapter in DEBATE PAIS 2001 (Government of Chile, Ministry of Education, Division of Culture ed 2002) (in Spanish)

Afterword—LatCrit at Five: Institutionalizing a Postsubordination Future, 78 DENV. U. L. REV. 1249 (2001) [with Elizabeth M. Iglesias]

Insisting on Critical Theory in Legal Education: Making Do While Making Waves, 12 BERKELEY LA RAZA L. REV. 137 (2001)

NeoColonial Encounters in the Post-Pinochet Era: Spain, Latinas/os and LatCrit Theory in the Development of International Human Rights Norms, 9 U. MIAMI INT'L. & COMP. L. REV. 189 (2000-2001)

Race, Ethnicity and Hispanismo in Triangular Perspective: The “Essential Latina/o” and LatCrit Theory, 48 UCLA L. REV. 305 (2000)

Introduction—Expanding Directions, Exploding Parameters: Culture and Nation in LatCrit Coalitional Imagination, 33 U. MICH. J. L. REFORM 203, 5 MICH. J. RACE & L. 787 (2000) [with Elizabeth M. Iglesias]

Introduction—Piercing Webs of Power: Identity, Resistance and Hope in LatCrit Theory, Praxis and Community, 33 U.C. DAVIS L. REV. 897 (2000)

Outsider Scholars, Legal Theory and OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method, 49 DEPAUL L. REV. 101 (2000) (reprinted in RACE AND RACES: CASES AND MATERIALS, Richard Delgado, Angela P. Harris, Juan Perea, and Stephanie Wildman eds 2000; and in CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY, Francisco Valdes, Jerome McCristal Culp, Jr., and Angela P. Harris eds 2002)

Afterword—Theorizing “OutCrit” Theories: Coalitional Method and Comparative Jurisprudential Experience – RaceCrits, QueerCrits, LatCrits, 53 U. MIAMI L. REV. 1265 (1999)

The LatCrit Experiment in Critical Outsider Jurisprudence: A Conceptual Overview (www.latcrit.org., 1999)

Solomon's Shames: Law as Might and Inequality, 23 THURGOOD MARSHALL L. REV. 352 (1998)

Afterword—Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality and Responsibility in Social Justice Scholarship – Or, Legal Scholars a Cultural Warriors, 75 DENV. U. L. REV. 1409 (1998)

Afterword—Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas, 19 UCLA CHICANO-LATINO L. REV. 503 (1998) [with Elizabeth M. Iglesias]

Notes on the Conflation of Sex, Gender and Sexual Orientation: A QueerCrit and LatCrit Perspective, book chapter in THE LATINO/A CONDITION 539 (Richard Delgado and Jean Stefancic eds 1998)

Queer Margins, Queer Ethics: A Call to Account for Race and Ethnicity in the Law, Theory and Politics of "Sexual Orientation", 48 HASTINGS L. J. 1193 (1997)

Foreword—Under Construction: LatCrit Consciousness, Community and Theory, 85 CAL. L. REV. 1089 (1997)

Acts of Power, Crimes of Knowledge: Desire, Law and Justice in the Politics of Social Expression at the End of the Twentieth Century, 1 IOWA J. GENDER, RACE & JUST. 213 (1997)

Foreword—Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment, 2 HARV. LATINO L. REV. 1 (1997)

Foreword—Latina/o Ethnicities, Critical Race Theory and Post-Identity Politics in Postmodern Legal Discourses: From Practices to Possibilities, 9 BERKELEY LA RAZA L. REV. 1 (1996)

Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins, 8 YALE J. L. & HUM. 161 (1996)

Sex and Race in Queer Legal Culture: Ruminations on Identities and Inter-Connectivities, 5 S. CAL. REV. L. & WOMEN'S STUD. 25 (1995) (reprinted in CRITICAL RACE THEORY: THE CUTTING EDGE (2D ED) Richard Delgado and Jean Stefancic eds 2000)

Tracking and Assessing the (Non)Inclusion of Courses on Sexuality and/or Sexual Orientation in the American Law School Curriculum: Reports from the Field After a Decade of Effort, 1 NAT. J. SEX. ORIENT. L. 149 (1995)

Queers, Sissies, Dykes and Tomboys: Deconstructing the Conflation of "Sex," "Gender" and "Sexual Orientation" in Euro-American Law and Society, 83 CAL. L. REV. 1 (1995)

Coming Out and Stepping Up: Queer Legal Theory and Connectivity, 1 NAT. J. SEX. ORIENT. L. 1 (1994)

Sexual Minorities in the Military: Charting the Constitutional Frontiers of Status and Conduct, 27 CREIGHTON L. REV. 381 (1994) (reprinted in SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES AND LAW, Martha Mahoney, John O. Calmore, and Stephanie Wildman eds 2003)

Diversity and Discrimination in Our Midst: Musings on Constitutional Schizophrenia, Cultural Conflict, and "Interculturalism" at the Threshold of a Century, 5 ST. THOMAS L. REV. 293 (1993)

The Status/Conduct Distinction and Sexual Orientation: Exploring a Constitutional Conundrum, 50 THE GUILD PRACTITIONER 65 (1993) (lead article in Special Issue, Homophobia: A Practitioner's Arsenal for Combatting Fear of Sexual Minorities)

Recovery of Damages in Contract, including forms of jury instructions, book chapter in *FLORIDA LITIGATION MANUAL* (Matthew Bender & Co. 1990)

Accountability by Contract: A Proposal to Remedy the Harm of Substandard Schooling and to Promote Equal Educational Opportunity, FL. BAR J., May 1984

Comment, *Constitutional Law: The Eighth Amendment Requires a Determination of Personal Intent for the Death Penalty to be Imposed on Non-Triggersmen Felony Murderers*, 35 U. FL. L. REV. 521 (1983)

EDITORIAL ADVISORY BOARDS

UNIVERSITY OF MIAMI RACE AND SOCIAL JUSTICE LAW REVIEW

Founding Faculty Advisor, 2009

DISCRIMINATION, LAW AND JUSTICE

(SSRN ELECTRONIC LEGAL JOURNAL)

Founding Editor, 1999

CLAVE: COUNTERDISCIPLINARY NOTES ON RACE, POWER AND THE STATE

Founding Member, Editorial Board, 2004

SEXUALIS LEX

Member, Editorial Board, 2002

LA RAZA LAW JOURNAL

Member, Faculty Advisory Board, 2001

THE GUILD PRACTITIONER

Member, Board of Advisors, 2000

LAW AND SEXUALITY REVIEW

Member, Board of Advisors, 1995

NATIONAL JOURNAL OF SEXUAL ORIENTATION AND THE LAW

Founding member, Board of Advisors, 1994