

## **NICOLE B. GODFREY**

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### **ACADEMIC EXPERIENCE**

**MICHIGAN STATE UNIVERSITY, COLLEGE OF LAW, East Lansing, MI**

*Associate Clinical Professor of Law, Director-Housing Justice Clinic*, June 2022 to present

- Teach and supervise students in semester-long, in-house housing clinic
- Supervise teams of law students representing clients in housing matters in federal and, upon admission to the Michigan bar, state court. Supervise students representing formerly incarcerated people facing issues securing safe, decent, and affordable housing upon reentry
- Teach seminar that meets twice weekly, with classes focusing on substantive law, general lawyering skills, social justice issues, and professional identity development
- Developed orientation program and syllabus

**UNIVERSITY OF DENVER, STURM COLLEGE OF LAW, Denver, CO**

*Visiting Assistant Professor*, July 2018 to June 2022

*Clinical Teaching Fellow-Civil Rights Clinic*, July 2015-June 2018

- Taught and supervised students in year-long, in-house civil rights litigation clinic.
- Supervised teams of law students representing clients in complex civil rights cases before federal district and appellate courts, including conditions of confinement cases, post-conviction challenges to criminal convictions and sentences, police brutality cases, and clemency petitions under President Obama's Clemency 2014 initiative.
- Created pilot project with federal district court to allow law students to volunteer with court's pro se clinic.
- Taught one or more seminar classes per week focusing on civil procedure, constitutional law, rights and remedies, federal courts and practice, general lawyering skills, social justice issues, and the history of punishment and prisons.
- Co-developed intensive week-long student orientation and syllabus.

### **EDUCATION**

**UNIVERSITY OF DENVER STURM COLLEGE OF LAW, Denver, Colorado**

Master of Laws, Clinical Legal Education, May 2018

**UNIVERSITY OF DENVER JOSEF KORBEL SCHOOL OF INTERNATIONAL STUDIES, Denver, Colorado**

Master of Arts, International Human Rights, August 2013

**UNIVERSITY OF DENVER STURM COLLEGE OF LAW, Denver, Colorado**

Juris Doctor, May 2009

Honors: Clinical Practice Award Recipient 2009 – Civil Rights and Disability Law Clinic  
Hartje Objective Writing Award Finalist 2007

Journals: *Denver Journal of International Law and Policy*, Staff Editor  
Activities: Events Chair, Amnesty International – DU Law Chapter (2007-08); Vice Representative, DU Chapter – ABA/Law Student Division (2007-08); Nairobi International Law Institute attendee (2007)

**BOSTON UNIVERSITY COLLEGE OF ARTS & SCIENCES**, Boston, Massachusetts  
Bachelor of Arts, International Relations, *Cum Laude*, May 2004  
Honors: College Honors  
Activities: International Mission on Medicine to Australia & New Zealand (2003)

### **PUBLICATIONS**

*Punishing People with Mental Illness*, 23 CORRECTIONAL MENTAL HEALTH REPORT 60 (2021)

*Creating Cautionary Tales: Institutional, Judicial, and Societal Indifference to the Lives of Incarcerated Individuals*, 74 ARK. L. REV. 365 (2022)

*Covid-19 in American Prisons: Solitary Confinement is Not the Solution* (with Laura L. Rovner), 2 ARIZ. ST. L. J. ONLINE 127 (2020)

*“Inciting a Riot”: Silent Sentinels, Group Protests, and Prisoners’ Petition and Associational Rights*, 43 SEATTLE L. REV. 1113 (2020)

*Institutional Indifference*, 98 OR. L. REV. 151 (2020)

*Suffragist Prisoners and the Importance of Protecting Prisoner Protests*, 53 AKRON L. REV. 279 (2019)

*Holding Federal Prison Officials Accountable: The Case for Recognizing a Damages Remedy for Federal Prisoners’ Free Exercise Claims*, 96 NEB. L. REV. 924 (2018)

*Chapman v. Bureau of Prisons: Stopping the Venue Merry-Go-Round* (with Danielle C. Jefferis), 96 DENV. L. REV. ONLINE 9 (2018)

### **PRESENTATIONS & SPEAKING ENGAGEMENTS**

Panelist, “Constitutional Litigation Against Solitary Confinement,” American University Washington College of Law International Human Rights Clinic Symposium: *Strategies to Combat U.S. Solitary Confinement: Domestic and International Legal Approaches* (online) (April 8, 2021)

Panelist, “Impact of COVID-19 in Detention Centers,” DU Civil Rights Summit: *We Shall Overcome*, (online) (March 6, 2021)

Panelist, “Institutionalization Roundtable,” Paper: *Covid-19 in American Prisons: Solitary Confinement is Not the Solution*, Arizona State Law Journal Online Symposium with the Academy for Justice: COVID-19 and Vulnerable Populations (online) (December 14, 2020)

Presenter, *Creating Cautionary Tales: Institutional, Judicial, and Societal Indifference to the Lives of Incarcerated Individuals*, Work-in-Progress, Clinical Law Review Writer's Workshop, New York University School of Law, Zoom Conference (online) (October 3, 2020)

Presenter, "The Rights of Transgender Prisoners in the Colorado Department of Corrections," 2020 Colorado Public Defender Conference (online) (September 15, 2020)

Presenter, *Creating Cautionary Tales: Institutional, Judicial, and Societal Indifference to the Lives of Incarcerated People*, Work-in-Progress, University of Denver Summer Scholarship Series (online) (July 30, 2020)

Panelist, "Overview of Civil Rights Claims Arising in Jails, Prisons, and Detention Centers," Representing Incarcerated Plaintiffs During the COVID-19 Pandemic, Colorado Bar Association CLE, (online) (June 18, 2020)

Co-presenter, "Litigating Claims Against Federal Prison and Detention Officials," Colorado Trial Lawyers Association CLE, Denver, Colorado (January 17, 2020)

Panelist, "Awakening and Advocacy for Women's Suffrage," Paper: *Suffragist Prisoners and the Importance of Protecting Prisoner Protest*, The 19th Amendment at 100: From the Vote to Gender Equality, Akron, Ohio (September 20, 2019)

Panelist, "A Multi-Tiered Approach to Providing Access to the Courts to People in Prison," 2019 ABA/NLADA Equal Justice Conference, Louisville, Kentucky (May 10, 2019)

Panelist, "Media Advocacy in Clinical Teaching: Reclaiming Client Narratives in a Time of Polarization," AALS Conference on Clinical Education, San Francisco, California (May 6, 2019)

Panelist, "Prisoners' Rights and Holding Prisons Accountable," Inaugural Civil Rights Summit: *In Pursuit of a More Perfect Union*, Denver, Colorado (February 15, 2019)

Moderator, "Abolition of the Current Criminal Justice System," Inaugural Civil Rights Summit: *In Pursuit of a More Perfect Union*, Denver, Colorado (February 15, 2019)

Panelist, "Prison Reform, Prisoner Rights, Policy Work, and Overall Reform of the Criminal Justice System," Louisiana Law Review Symposium: *Criminal Justice Reform: Celebrating the 10th Anniversary of the LSU Law Clinics*, Baton Rouge, Louisiana (February 1, 2019)

Moderator, "The First Amendment in Prison," 2018 Prisoners' Advocates Conference, Denver, Colorado (October 5, 2018)

Presenter, *Protecting Prisoners' Dignity and Identity*, Work-in-Progress, Clinical Law Review Writers' Workshop, New York University School of Law, New York, New York (September 22, 2018)

Presenter, "Teaching Social Justice Lawyering: Pedagogical Tools to Sharpen Student Engagement with Marginalized Communities," AALS Conference on Clinical Education, Denver, Colorado (May 8, 2017)

Panelist, "Overcoming Barriers to Practicing Civil Rights," University of Denver Lunch Presentation, Denver, Colorado (March 6, 2017)

Moderator, "Expanding the Lens on Justice Reinvestment," *Justice Reinvestment: The Solution to Mass Incarceration?*, Denver Law Review Symposium, Denver, Colorado (February 3, 2017)

Presenter, *Holding Federal Prison Officials Accountable: The Case for Recognizing a Damages Remedy for Federal Prisons' Free Exercise Claims*, Work-in-Progress, University of Denver Constitutional Rights & Remedies Summer Scholarship Series, Denver Colorado (August 6, 2016)

Panelist, "Overcoming Barriers to Practicing Civil Rights: Why everyone comes to law school wanting to do civil rights and nobody does," University of Denver Lunch Presentation, Denver, Colorado (April 15, 2015)

Presenter, Colorado Bar Association Constitution Day Presentation to Denver Public Schools, McAuliffe International School, Denver, Colorado (September 17, 2014)

Instructor and Organizer, Prison Law CLE, Denver, Colorado (November 30, 2012)

Moderator, Women in Prison Panel, Prisoners' Legal Services of New York Annual Statewide Conference, Saratoga Springs, New York (October 12, 2010)

### **AMICUS CURIAE SERVICE**

*Strain v. Regalado*, No. 20-1562 (U.S. Sup. Ct. June 10, 2021) (served as *amicus curiae* on brief of 21 law professors in support of certiorari and the clear application of *Kingsley v. Hendrickson*'s objective test to conditions of confinement claims brought by pretrial detainees)

*Jones v. DeSantis*, No. 20-12003 (11th Cir. Aug. 3, 2020) (solicited to serve as *amicus curiae* on brief of 93 Professors of Law in favor of district court's injunction requiring the State of Florida to operationalize Amendment 4 by refranchising formerly incarcerated people upon completion of parole or probation)

*People in the Interest of T.B.*, No. 19SC690 (Colo. Sup. Ct. June 1, 2020) (solicited to serve as *amicus curiae* on brief of Colorado Constitutional, Criminal, and Juvenile Law Scholars arguing that lifetime sex offense registration for juvenile offenses is cruel and unusual punishment under the Eighth Amendment)

*Prison Legal News v. Federal Bureau of Prisons*, No. 18-1486 (10th Cir. Mar. 14, 2019) (solicited to serve as *amicus curiae* on brief of prisoners' rights experts arguing for faithful application of voluntary-cessation exception to mootness doctrine in light of *Buckhannon Bd. and Care Home, Inc. v. W.V. Dep't of Health & Human Res.*).

*Rivera v. U.S.A., et al.*, No. 1:17-cv-5103 (S.D.N.Y. Mar. 1, 2019) (solicited to serve as *amicus curiae* on brief of prisoners' rights experts arguing for application of *Bivens* doctrine to prisoner-plaintiff's claims against Bureau of Prisons for inadequate medical care).

*Prison Legal News v. Secretary, Fla. Dep't of Corrections*, No. 18-355 (U.S. Sup. Ct. Oct. 19, 2018) (solicited to serve as *amicus curiae* on brief of law professors arguing for reinterpretation of *Turner v. Safley* and deference afforded to prison officials under First Amendment).

### **OTHER EXPERIENCE**

**JOHNSON & KLEIN, PLLC**, Boulder, Colorado  
*Contract Attorney*, February 2018-present

Contract attorney for small firm with civil rights practice. Provide expertise and guidance on issues relating to the firm's civil rights practice. Supervised junior attorneys in civil rights work.

**KILLMER, LANE & NEWMAN, LLP**, Denver, Colorado  
*Associate*, March 2014-June 2015

Associate at high-volume law firm specializing in civil rights and employment discrimination litigation. Represented citizens challenging oppressive and unconstitutional governmental conduct and employees challenging the wrongful conduct of their employers in cases brought under Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, 42 U.S.C. § 1981, and 42 U.S.C. § 1983. Drafted complaint and settlement statement and participated in settlement negotiations that resulted in the largest settlement paid by the State of Colorado in a case brought on behalf of the family of a mentally ill, incarcerated person who died in universal restraints at a Colorado prison. Supervised law student interns.

**THE LAW OFFICE OF MARK BURTON, P.C.**, Denver, Colorado  
*Contract Attorney*, October 2013-March 2014

Assisted solo practitioner in drafting complaints and engaging in motions practice in civil rights actions involving police misconduct. Drafted answer and other motions in tort action filed by City and County of Denver against civilian.

**CIVIL RIGHTS EDUCATION AND ENFORCEMENT CENTER (CREEC)**, Denver, Colorado  
*Contract Attorney*, August 2013-November 2013

Assisted CREEC attorneys in discrete project involving investigation of violations of the Americans with Disabilities Act by the City of Denver for possible advocacy and/or litigation.

**COLORADO PRISON LAW PROJECT**, Denver, Colorado  
*Co-founder, Director of Litigation*, January 2011-July 2013

Co-founded non-profit organization to provide legal representation to incarcerated people in Colorado. Worked with co-counsel from the private bar in representation of people incarcerated in federal and state prisons in complex federal civil rights cases and appeals challenging unconstitutional conditions of confinement. Coordinated and co-taught November 2012 CLE on prison law. Presented memoranda and case overviews to Litigation Advisory Committee, comprised of local prisoners' rights advocates and civil rights attorneys, for approval. Supervised volunteer attorneys.

**AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF COLORADO**, Denver, Colorado  
*Volunteer Attorney/Law Clerk*, January 2011-October 2011, September 2009-February 2010

Assisted ACLU Legal Director in drafting *amicus curiae* brief to the Tenth Circuit Court of Appeals in prisoners' rights case. Drafted advocacy letters to state department of corrections on issues relating to conditions of confinement for incarcerated people. Participated in negotiations with leaders of Colorado Department of Corrections to successfully amend restraint policy known as "special controls." Drafted various memoranda for ACLU legal staff on discrete issues of law. Interviewed witnesses to obtain declarations in class action challenging local jail's "postcard only" mail policy. Worked with ACLU cooperating attorney in action challenging lack of access to outdoor exercise for man incarcerated in Colorado prison.

**PRISONERS' LEGAL SERVICES OF NEW YORK**, Buffalo, New York  
*Staff Attorney*, March 2010-December 2010

Represented people incarcerated in New York state correctional facilities on issues relating to their conditions of confinement. Drafted administrative appeals of prison disciplinary hearings and represented incarcerated people in New York state court proceedings challenging administrative decisions. Engaged in informal advocacy to ensure access to medical and mental health care for incarcerated people. Moderated Women in Prison panel at PLS' Annual Conference in Saratoga Springs, New York.

**CIVIL RIGHTS AND DISABILITY LAW CLINIC, UNIVERSITY OF DENVER**, Denver, Colorado  
*Student Attorney*, August 2008-May 2009

Represented federal prisoner in complex federal civil rights action. Conducted depositions and drafted discovery requests. Conducted Entry on Land into United States Penitentiary-Administrative Maximum (ADX) in Florence, Colorado. Worked with four expert witnesses. Drafted motion for leave to file second amended complaint and second amended complaint.

**COLORADO COALITION FOR THE HOMELESS**, Denver, Colorado  
*Department of Education and Advocacy Intern*, January 2008-August 2008

Performed research and drafted issue briefs for the Department of Education and Advocacy. Planned and organized a Homeless Voter Registration Drive during the 2008 Democratic National Convention in Denver.

**AMERICORPS NATIONAL DIRECT MEMBER – FLATIRONS HABITAT FOR HUMANITY**, Boulder, Colorado  
*House Leader*, September 2005-August 2006

Trained and supervised volunteer groups in the construction of homes for low-income families in Boulder County, Colorado. Participated in Build-a-thon in Dallas, Texas. Attended Habitat for Humanity National Leadership Conference in Charlotte, North Carolina.

**AMERICORPS NATIONAL DIRECT MEMBER – HABITAT FOR HUMANITY OF LEE COUNTY, FLORIDA**,  
North Fort Myers, Florida  
*Construction Site Supervisor*, August 2004-July 2005

Trained and supervised volunteer groups in the construction of homes for low-income families in southwest Florida. Participated in affiliate swap with Habitat for Humanity of Charlotte, North Carolina.

### **AWARDS AND HONORS**

Case of the Year Finalist—*Winston v. Polis*, Colorado Trial Lawyers Association (2021)

Faculty Career Champion Nominee, University of Denver (2020, 2021)

Finalist, Colorado Bar Association, Young Lawyers Division, Gary McPherson Outstanding Young Lawyer Award (2019)

American Constitution Society, Colorado Lawyer Chapter, Progressive Young Leadership Award (2013)

### **BAR ADMISSIONS**

Admitted in Colorado and New York.

Admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Second, Fourth, Seventh, Eighth, Ninth, and Tenth Circuits, and the United States District Courts for the District of Colorado, Eastern District of Michigan, Western District of Michigan, Western District of Oklahoma, and Eastern District of Texas.

### **PROFESSIONAL SERVICE**

American Civil Liberties Union of Colorado, *Speakers' Bureau Member* (2015)

American Constitution Society, Path to the Bench Working Group—Colorado Chapter (2021-2022)

Association of American Law Schools, Section on Clinical Legal Education, *Member* (2015-present)

Association of American Law School, Section on Clinical Legal Education, Post-Election Working Group, *Steering Committee Member, Trainings Subcommittee Chair* (2016)

Colorado Bar Association Civil Rights Section, *Chair* (2020-2021)

Colorado Prison Law Project, *Board of Directors* (2010-2013)

Jimmy and Rosalyn Carter Work Project (sponsored by Habitat for Humanity of Metro Denver and Habitat for Humanity International), *Volunteer Site Host* (2013)

Revision International, *Volunteer* (2012-2015)