CURRICULUM VITAE

TRACY A. THOMAS

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PROFESSIONAL EXPERIENCE

THE UNIVERSITY OF AKRON SCHOOL OF LAW

Outstanding Professor of the Year Finalist (2004, 2006, 2011, 2017)
Seiberling Chair of Constitutional Law (2015-present)
Director, Center for Constitutional Law (2015-present)
Associate Dean for Institutional Excellence (2015-16)
Director of Faculty Research & Development (inaugural director) (2007-09)
Aileen McMurray Trusler Professor of Law (2012-15) Professor (2005-12), Associate Professor (2002-05), Assistant Professor (1998-02)
Intellectual Property Fellow (Antitrust) (1998-2004)

Courses:

Constitutional Law-Individual Rights, Remedies, Family Law, Law & Gender, Dispute Resolution, Honors Seminar, Thesis Advisor Teaching: doctrinal, simulation, asynchronous, synchronous

THE CENTER FOR CONSTITUTIONAL LAW AT AKRON (est. by Congress 1986)
Director and research scholar (2015-present)
Editor and faculty advisor, *ConLawNOW* journal (peer-edited)
Faculty advisor, Con Law and Knight Foundation Student Fellowships Faculty advisor, Con Law Certificate

Public scholar and media consultant Program director, annual symposia & lectures

CATHOLIC UNIVERSITY OF AMERICA SCHOOL OF LAW, Adjunct Professor (1995-98) (Sports Law)

GEORGETOWN UNIVERSITY LAW CENTER, Adjunct Professor (1994-95) (Legal Writing Int'l LLM)

COVINGTON & BURLING, Washington, DC (1992-1998)

Litigation associate: antitrust, business, sports, intellectual property Probono cases:

Women Prisoners v. DC, 877 F. Supp. 634 (D.D.C. 1994) (prisoners' civil rights) US v. Maddox, 43 F.3d 555 (D.C. Cir. 1995) (criminal appeal plea waiver)

NEIGHBORHOOD LEGAL SERVICES PROGRAM, Washington, DC (1997) (family law, poverty law)

THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT (1991-92) Judicial clerk to The Honorable Ferdinand F. Fernandez

EDUCATION

Loyola Law School, Los Angeles, J.D. 1991, Order of the Coif

Production Editor, Loyola International & Comparative Law Journal

Note, 007: Licensed to Limit Without Notice, 13 LOY. INT'L & COMP. L. J. 95 (1990) National Moot Court Team

Extern, The Honorable Cynthia Holcomb Hall, US Court of Appeals for the Ninth Circuit

California State University, Long Beach, Master of Public Administration 1991 (GPA 4.0)

Miami University, B.A. 1987, cum laude, Public Administration Senior

Prize for Outstanding Scholarship in Political Science

Mortar Board Senior Honor Society (achievement in scholarship, leadership, service)

SCHOLARSHIP

Google Scholar Profile

Amazon Author Page

Digital Commons Research Page: http://works.bepress.com/tracy thomas SSRN: http://papers.ssrn.com/sol3/cf dev/AbsByAuth.cfm?per id=284134

Honors and Awards

Law Alumni Faculty Publication Award, 2020, for More Than the Vote

Law Alumni Faculty Publication Award, 2019, for From Nineteenth Amendment to ERA

Law Alumni Book Award, 2017, for The Feminist Foundations of Family Law

Faculty Scholar of the Year, 2013, The University of Akron School of Law

Law Alumni Faculty Publication Award, 2015, for Back to the Future

Distinguished Scholar Award, UA Graduate Committee, Research on Women & Gender, 2010

Law Alumni Faculty Publication Award 2005, for *The Prophylactic Remedy*

Law Alumni Faculty Publication Award, 2013, for The War on Women

University Summer Fellowship, The University of Akron, 2004, for *Feminist Foundations* book University of Akron School of Law Summer Research Grant, 1999-2000, 2002-2014, 2016-18

Notable Citations

US Courts of Appeal:

Central States Health & Welfare Fund v. Gerber Life Ins., 771 F.3d 150, 158 (2d Cir. 2014) Kiyemba v. Obama, 555 F.3d 1022 (D.C. Cir. 2009)

US Federal District Courts:

US Comm'ty Futures Trading Comm'n v. S. Tr. Metals, 2017 WL 2875427 (S.D. Fla.2017) Crown Cork & Seal Co. v. Int'l Ass'n of Machinists, 2004 WL 567647 (D. Neb. 2004)

Crown Cork & Sear Co. v. Intrass it of Machinesis, 2004 WL 50/04/ (D. Nep. 20

Givens v. Wal-Mart Stores, Inc., 327 F. Supp. 2d 1057 (D. Neb. Aug. 20, 2003)

Mid-Century Ins. Co. v. Menking, 327 F. Supp. 2d 1049 (D. Neb. Aug. 7, 2003).

State Supreme Courts:

Klutschkowski v. PeaceHealth, 311 P.3d 461 (Oregon 2013)

Farmer v. Farmer, 2011 WL 3929114 (Wash. 2011)

Newman v. Patton, 692 S.E.2d 322 (Ga. 2010)

Vermont v. Irving Oil Corp., 955 A.2d 1098 (Vt. 2008)

Senate Judiciary Committee, Testimony on the Role of Nationwide Injunctions (Feb. 25, 2020) Treatises:

JAMES M. FISCHER, UNDERSTANDING REMEDIES 297-98 (2d ed. 2006)

DOUGLAS LAYCOCK, MODERN AMERICAN REMEDIES 288, 292 (4th ed. 2010)

DOUG RENDLEMAN, COMPLEX LITIGATION (2010)

WILLIAM M. TABB & ELAINE W. SHOBEN, REMEDIES 90-91 (West Nutshell Series 2005)

Books

ELIZABETH CADY STANTON & THE FEMINIST FOUNDATIONS OF FAMILY LAW (NYU Press 2016) -- favorably reviewed by Paula Monopoli, 66 JOURNAL OF LEGAL EDUC. 979 (2017)

THE "MANLY MIND" OF THE FIRST WOMAN JUDGE, FLORENCE ALLEN (in progress)

Ed., FEMINIST LEGAL HISTORY: ESSAYS ON WOMEN AND LAW (with TJ Boisseau) (NYU Press 2011) -- favorably reviewed as "superb" in *Journal of American History*

Ed., REMEDIES: PUBLIC AND PRIVATE (West 7th ed. 2023; 6th ed. 2017; 5th ed. 2009) (with David Levine & David Jung) (and Teacher's Manual)

Ed., Women and the Law (Thomson Reuters 2011-2020, new annual editions)

Book Chapters

The Long History of Feminist Legal Theory in The Oxford Handbook of Feminism and Law in the United States (Deborah Brake, Martha Chamallas & Verna Williams eds.) (Oxford U Press, forthcoming)

Justice Ginsburg's Theory of Remedial Equity, in The JURISPRUDENTIAL LEGACY OF RUTH BADER GINSBURG (Ann Bartow & Ryan Vacca, eds., forthcoming NYU Press)

<u>After Suffrage Comes Equal Rights? ERA as the Next Logical Step</u> (with Tracey Jean Boisseau), in 100 YEARS OF THE NINETEENTH AMENDMENT: AN APPRAISAL OF WOMEN'S POLITICAL ACTIVISM (Holly J. McCammon & Lee Ann Banaszak eds., Oxford U. Press 2018)

The Struggle for Gender Equality in the Northern District, in Justice and Legal Change on the Shores of Lake Erie: A History of the Northern District of Ohio (Paul Finkelman & Roberta Alexander eds. 2012)

Elizabeth Cady Stanton & the Notion of a Legal Class of Gender, in Feminist Legal History (Tracy A. Thomas & Tracey Jean Boisseau eds., NYU Press 2011)

Law, History, and Feminism (with Tracey Jean Boisseau) in Feminist Legal History: Essays on Women and Law (Tracy A. Thomas & Tracey Jean Boisseau eds., NYU Press 2011)

Sex v. Race, Again, in Who Should be First? Feminists Speak Out on the 2008 Presidential Campaign (Johnetta Cole & Beverly Guy-Sheftall eds. SUNY Press 2010)

Bush v. Gore and the Distortion of Common Law Remedies, in The Final Arbiter: Long-Term Consequences of Bush v. Gore in Law and Politics (SUNY Press 2005)

Articles

Reclaiming the Long History of the "Irrelevant" Nineteenth Amendment, 105 MINNESOTA L. REV. 2623 (2021)

The Jurisprudence of the First Woman Judge, Florence Allen: Challenging the Myth of Women Judging Differently, 27 WILLIAM & MARY J. RACE, GENDER & SOC. JUSTICE 293 (2021)

More Than the Vote: The Nineteenth Amendment as Proxy for Gender Equality, 15 STANFORD J. CIVIL RGTS & CIVIL LIBERTIES 349 (2020)

<u>Leveling Down Gender Equality</u>, 42 HARVARD J. LAW & GENDER 177 (2019)
-- reviewed as a "must-read," one of the "best works of recent scholarship" by Chao-Ju Chen, <u>Equality for Whom?</u>, JOTWELL (Nov. 2019)

Reconsidering the Remedy of Gender Quotas, HARVARD J. LAW & GENDER ONLINE (Nov. 2016)

Back to the Future of Regulating Abortion in the First Term, 29 WISC. J.GENDER L. & SOC. 47 (2014)

Same-Sex Divorce, 5 CAL. LAW REVIEW CIRCUIT 218 (Feb. 2014)

Misappropriating Women's History in the Law & Politics of Abortion, 36 SEATTLE L.REV. 1 (2012)

Switching to Prophylactic Injunctions, 90 TEX. L. REV. 295 (online) (2012) Bailouts,

Bonuses, and the Return of Unjust Gains, 87 WASH. U. L. REV. 437 (2010) Symposium,

eBay Rx, 2 AKRON INTEL. PROP. J. 187 (2008)

The Continued Vitality of Prophylactic Relief, 27 REV. LIT. 113 (2007)

Proportionality and the Supreme Court's Jurisprudence of Remedies, 59 HASTINGS L.J. 73 (2007)

Symposium, Restriction of Tort Remedies and the Constraints of Due Process: The Right to an Adequate Remedy, 39 AKRON L. REV. 975 (2006)

Elizabeth Cady Stanton and the Federal Marriage Amendment: A Letter to the President, 22 CONST. COMMENT. 137 (2005)

The Prophylactic Remedy: Normative Principles and Definitional Parameters of Broad Injunctive Relief, 52 BUFFALO L. REV. 301 (2004)

Ubi Jus, Ibi Remedium: The Fundamental Right to a Remedy, 41 SAN DIEGO L. REV. 1633 (2004)

Justice Scalia Reinvents Restitution, 36 Loy. L.A. L. REV. 1063 (2003)

Understanding Prophylactic Remedies Through the Looking Glass of Bush v. Gore, 11 Wm. & MARY BILL RTS. J. 343 (2002)

The New Marital Property of Employee Stock Options, 35 FAM. L. Q. 497 (2001) (solicited)

Congress' Section 5 Power and Remedial Rights, 34 U.C. DAVIS L. REV 673 (2001)

Other Works

Rewritten Feminist Judgment in Sessions v. Morales-Santana, in Feminist Judgments: Family Law Opinions Rewritten (Rachel Rebouche ed., Cambridge Univ. Press 2020)

Book Review, <u>Strange Bedfellows: Marriage in the Age of Women's Liberation</u>, 106 J. LEGAL HISTORY 1139 (2020) (solicited)

From Nineteenth Amendment to ERA: Constitutional Amendments for Women's Equality, ABA INSIGHTS MAG. (Jan. 20, 2020)

Rewritten Feminist Judgment in Dep't of Power v. Manhart, in Feminist Judgments: Rewritten Opinions of the United States Supreme Court (Kathryn Stanchi, Linda Berger &

Bridget Crawford, eds. Cambridge Univ. Press 2016)

Invited Peer Reviewer, Cambridge Press, Stanford Law Review, Harvard Law Review, Law & History Review, Journal of Women's History (2017-present)

Teaching Women's Legal History, in TEACHING LEGAL HISTORY: COMPARATIVE PERSPECTIVES (Robert Jarvis ed., Wildy, Simmonds, & Hill 2014)

Teaching Remedies as Problem Solving: Keeping It Real, 57 SLU REV. 673 (2013)(solicited)

Book Review, Barbara Babcock, The Trials of Clara Foltz, 99 J. Am. HISTORY 319 (2012)

Women's Suffrage, in Encyclopedia of the Supreme Court of the United States (Macmillan 2008) (solicited)

QUESTIONS & ANSWERS: REMEDIES (Lexis 2007) (with Rachel Janutis)

Elizabeth Cady Stanton, in Encyclopedia of Amer. Civil Liberties (Routledge 2006)

Book Review, Sharon Hatfield's "Never Seen the Moon: The Trials of Edith Maxwell," 24 LAW & HIST. REV. 695 (2006) (solicited)

Book Review, *The Beecher Sisters as Nineteenth-Century Feminist Icons of the Sameness Difference Debate*, 11 Cardozo Women's L.J. 107 (2004) (reviewing Barbara A. White, The Beecher Sisters (Yale Univ. Press 2003))

SELECTED MEDIA

Gender and the Law Prof Blog (2013-present)

Jurist, *The End of Roe* (Dec. 23, 2021)

PBS TV, Cincinnati, video documentary, Let Ohio Women Vote (Nov. 2021)

Podcast, Potential Impacts of the Appointment of Amy Coney Barrett (Nov. 2020)

Christian Science Monitor, *Ruth Bader Ginsburg* (Sept. 18, 2020)

French Press, US Supreme Court Still a Key Argument for Trump Campaign (Sept. 10, 2020)

Lily Blog, Washington Post, Was Susan B. Anthony Antiabortion? (Aug. 3, 2020)

ABA Journal, 100 Years On, The ERA Rises from the Ashes, Perspectives (Mar. 22, 2020)

NPR, Wisconsin, Virginia Just Ratified the ERA - What Does that Mean? (Jan. 21, 2020)

Time, *The History and Future of the Equal Rights Amendment* (July 2019)

The Atlantic, *The Epic Political Battle Over the Legacy of the Suffragettes* (June 2019)

Cleveland.com, Oberlin bakery case (Summer 2019)

NPR, Boston, Here & Now, Yale Lawsuit to Integrate Fraternities (Feb. 2019)

CPN Business, Sarah James, The Oracle Gender Pay Case (Jan. 2019)

Gary Rivers Talk Radio, Predictions for the U.S. Supreme Court in 2019

Washington Times, School May Make Bras Mandatory (May 2018)

Christian Science Monitor, The Legacy of Justice Ruth Bader Ginsburg (2019)

Christian Science Monitor, For Women in Law, RBG is Their Super Hero Movie (2018)

Japanese Public Broadcasting, #MeToo sexual harassment movement (2017)

NPR Texas, #MeToo sexual harassment movement (2017)

CNN Money, #MeToo sexual harassment movement (2017)

Reuters, Google engineer and workplace diversity backlash (2017)

Bustle, The Surprising Sexism of Maternity Leave

National Law J., EEOC Fights Ninth Circuit Ruling on Gender Pay Gap (May 23, 2017)

Law.com, Karen Sloan, If It's a New Dean, It Must be a Woman (Mar. 30, 2017)

Slate, Meaghan Winter, Roe v. Wade Was Lost in 1992 (Mar. 27, 2016)

NYU Press Blog, More than a Women's History Month Meme (Mar. 7, 2017)

NYU Press Blog, Who is Elizabeth Cady Stanton and Why is She on the New \$10 Bill? (May 2016)

Guest Blogger, American Constitution Society, "Mainstreaming Women's History" (June 2011)

Guest Blogger, Int'l Law Girls, "Feminist Legal History" (April 2009)

NPR, Ohio, "Is Sarah Palin a New Feminist?" (2008)

CBS News Radio & Bloomberg News, Grandparents' Visitation Rights (2005)

Associated Press, Ohio Supreme Court Grandparents' Visitation Case (2005)

WAKR, LeBron James' Temporary Injunction (2003)

PROFESSIONAL SERVICE

Admitted to practice: U.S. Supreme Court (2003); California (1991 inactive); Ohio (2011 inactive)

AALS, Remedies Section, Chair (2011-12), Executive Committee (2003-04, 2008-12, 2017-18)

Ohio State Bar Association, Antitrust Section, Board of Governors (2003-06)

Amicus Brief, Ohio School Boards Assoc., US Supreme Court, *DeRolph v. Ohio* (2003) (school funding) Expert consult, Southern Poverty Law Center, Nineteenth Amendment and Voting Rights (2019-20)

Social Science Research Network, Remedies Journal (2015-present), Akron Series (2003-15)

Akron Bar Association Fellow

The University of Akron School of Law

Curriculum Committee (2018-present; Chair, 2019-present)

Academic & Disciplinary Committee (2002-04; 2019-present)

Exploratory Working Group (Chair, Faculty sub-committee, 2020-21)

ABA Self-Study Chair & Writer (2016), Committee (2009) Appointments

Committee (2001-08, 2011-18, 2021; Chair 2016-17)

Law Dean Search Committee (2007)

Director and Program Designer, Honors Program (2015-17)

Planning & Resource Committee (Chair 2012-14, 2021-22)

Faculty Research & Development Committee (Chair 2007-09; 2009-12)

Faculty Summer Research Grants Committee (Chair 2005-12, 2017-01)

Bar Task Force (2005-06)

Order of the Coif Proposal, writer (2003)

Alumni and Student Affairs (2000-01)

Bylaws Committee (1998-2000; 2007-08)

Community Family Relations Council (2012-15)

The University of Akron

Bliss Institute of Applied Politics Director Search (2021)

Program partner, Bliss Institute of Applied Politics (2019-20)

The University of Akron Press Editorial Board & Law Series (2010-19)

The University of Akron Women's Studies Academic Advisory Committee (2004-06, 2011-17)

Teaching partner, Gender & History graduate seminar, Dep't of History, with TJ Boisseau

PRESENTATIONS

Academic

"From the 19th to ERA: Leser v. Garnett and the Validity of Constitutional Amendments," University of Maryland School of Law, Feb. 2022

"Reframing *Griswold*: The Right to Privacy as Ubiquitous Rather than Aberrational," Law & Society Annual Meeting May 2021

"Reclaiming the Long History of the 'Irrelevant' Nineteenth Amendment," Symposium, Minnesota Law Review, Glass Ceilings, Glass Walls: Intersections in Legal Gender Equality and Voting Rights One Hundred Years After the Nineteenth Amendment, Apr. 2021

"Discerning Remedial Principles in the Supreme Court's Shadow Docket," AALS Annual Meeting, Remedies Section, Jan. 2021

"A History of The Nineteenth Amendment," Ohio Judicial Conference, Annual Meeting, "Breaking Barriers," Aug. 2020

"The Long History of Feminist Legal Theory," Feminist Legal Theory Summer Workshop, July 2020

"The Conventional Narrative of the 19th Amendment . . . Sort of," Center for Constitutional Law, *The 19th Amendment at 100: From the Vote to Gender Equality*, Sept. 2019

Nat'l Constitution Center Podcast, The Constitutional Legacy of Seneca Falls, July 2019

"From the Vote to Gender Equality," Summit County Women's History Project, Mar. 2019

"First Framings of Women's Legal Rights in the Family," NE Ohio Faculty Colloquium, April 2018

"Leveling Down Gender Equality," Constitutional Remedies Symposium, The Center for Constitutional Law at Akron, Nov. 2018

New Books Network Podcast, Elizabeth Cady Stanton & the Feminist Foundations of Family Law, July 2017

Book Talk: *Elizabeth Cady Stanton & the Feminist Foundations of Family Law*, The University of Akron School of Law, Feb. 9, 2017

Book Talk, *Elizabeth Cady Stanton and the Feminist Foundations of Family Law*, Hudson Library & Historic Society, Jan. 2017

"Reconsidering Gender Quotas," Fifth Constitutional Law Conference, Center for Constitutional Law, *Feminist Judgments*, Oct. 2016

"The Continuing Reverberations of *Obergefell*," Ohio Probate, Juvenile, and Domestic Relations Judges Annual Meeting, June 2016

"Lochner's Gendered Legacy," NE Ohio Faculty Colloquium, Cleveland, Oct. 2015

"Understanding the Development of Nineteenth-Century Divorce Law Through Gender," University of Akron, Rethinking Gender Series, Oct. 2014

"Supreme Court Review: Legalistic Argle-Bargle," University of Akron School of Law, Sept. 2013

"Misappropriating Women's History in the Law and Politics of Abortion," Social Justice Feminism Conference, University of Cincinnati Law School, Oct. 2012

"What Do You Women Want:' Elizabeth Cady Stanton and the Feminist Foundations of Marital Property Law," Central States Law Schools Association Meeting, Cleveland, OH, Oct. 2012

"The Struggle for Gender Equality in the Northern District of Ohio," *Symposium, Justice and Legal Change on the Shores of Lake Erie*, Akron Law School, Sept. 2012

Moderator, "Remedies for Big Disasters: BP, Exxon, and the Quest for Complete Justice," American Assoc. of Law Schools Annual Meeting, Washington, D.C., Jan. 2012

"Misappropriating Women's History in the Law and Politics of Abortion," Feminist Legal Theory Collaborative Research Network Conference, GW Law School, Washington, DC, Jan. 2012

"Origins of a Legal Class of Gender," Law & Society Annual Meeting, Chicago, IL, May 2010

"eBay Rx," Intellectual Property Roundtable on IP Remedies, University of Akron School of Law, Akron, OH, Nov. 2007

"Nineteenth-Century Origins of a Gender-Class Divide in the Family Reform Work of Elizabeth Cady Stanton," Center for Constitutional Law, Akron, OH, Oct. 19, 2007

"The Future of Prophylactic Injunctions," Association of American Law Schools, Remedies Plenary Session, Panel on Injunctions, Washington, D.C., Jan. 2007

"Elizabeth Cady Stanton and the Feminist Foundations of Family Law," Ohio Legal History Seminar, Ohio State University College of Law, Columbus, OH, Jan. 2006

"Jurisdiction Stripping, Remedies, and Tort Reform," Remedies Forum, Brandeis School of Law, Louisville, KY, Nov. 2005

"The Da Vinci Code of Remedies: The Supreme Court's Quest for the Holy Grail of Proportionality," Southeastern Association of Law Schools, Hilton Head, SC, July 2005

"Elizabeth Cady Stanton and the Feminist Foundations of Family Law," Central States Law Schools Association, Nov. 2004

"The Feminist Origins of Family Law: Elizabeth Cady Stanton's Contributions to the Field," Feminist Law Professors Conference, Duquesne Law School, Pittsburg, PA, Feb. 2004

Ohio Legal Scholarship Workshop, Facilitator, Rebecca Zietlow, "Juriscentrism and the Original Meaning of Section 5," Capital University, Columbus, OH, Jan. 2004

"Ubi Jus, Ibi Remedium: The Fundamental Right to a Remedy," Remedies Forum, Brandeis School of Law, Louisville, KY, Nov. 2003

"The Prophylactic Remedy," Ohio Legal Scholarship Workshop, Capital University, June 2003

"The Alphabet Soup of Child Custody Jurisdiction," Supreme Court of Ohio, Judicial College, Dec. 2002

"Justice Scalia Reinvents Restitution," Remedies Forum, Washington & Lee University, April 2002

"Bush v. Gore & the Distortion of Common Law Remedies," Bliss Institute, University of Akron, Feb. 2002

"Gay Families in the Courts," Supreme Court of Ohio, Judicial College, Annual Meeting of State Common Pleas Judges, Akron, OH, July 2002

"Third Party Rights after *Troxel v. Granville*," Supreme Court of Ohio Judicial College, Annual Meeting of Domestic Relations Judges, Toledo, OH, July 2000

"Defining Family in the New Millennium," Supreme Court of Ohio Judicial College, Dec. 2000