

## CURRICULUM VITAE

### TRACY A. THOMAS

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#### **PROFESSIONAL EXPERIENCE**

##### THE UNIVERSITY OF AKRON SCHOOL OF LAW

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 Prof. (2002-05), Assistant Prof. (1998-02)  
Courses Taught: Remedies, Family Law, Women's Legal History, Dispute Resolution  
Intellectual Property Fellow (Antitrust) (1998-2004)  
*Outstanding Professor of the Year Finalist* (2004, 2006, 2011, 2017)

CATHOLIC UNIVERSITY OF AMERICA SCHOOL OF LAW, Adjunct Professor (1995-98) (sports law)

GEORGETOWN UNIVERSITY LAW CENTER, Adjunct Professor (1994-95) (legal writing)

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

Litigation associate: antitrust, business, sports, intellectual property

Pro bono cases:

*Women Prisoners v. DC*, 877 F.Supp.634 (DDC 1994), 93 F.3d 910 (DC Cir. 1996)

*US v. Maddox*, 43 F.3d 555 (DC Cir. 1995)

NEIGHBORHOOD LEGAL SERVICES PROGRAM, Washington, DC (1997) (family 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, Ninth Circuit

California State University, Long Beach, M. Public Administration, 1991 (GPA 4.0)

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

Atlee Pomerene Senior Prize for Outstanding Scholarship in Political Science

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

## SCHOLARSHIP

Digital Commons Research Page: [http://works.bepress.com/tracy\\_thomas](http://works.bepress.com/tracy_thomas)  
 SSRN: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=284134](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=284134)  
[Amazon Author Page](#)

### Honors and Awards

Law Alumni Book Award, 2017, for *Stanton & the Feminist Foundations of Family Law*  
 Faculty Scholar of the Year, 2013, The University of Akron School of Law  
 Invited Peer Reviewer *Cambridge Press, Law & History Review, Journal of Women's History*  
 Thomas Beyers Faculty Publication Award 2015, for *Back to the Future*  
 Distinguished Scholar Award, UA Graduate Committee, Research on Women & Gender, 2010  
 Thomas Beyers Faculty Publication Award 2005, for *The Prophylactic Remedy*  
 Faculty Practical Publication Award, Akron Law Alumni Assoc. 2013, for *The War on Women*  
 University Summer Fellowship, The University of Akron, 2004, for *Stanton* book  
 University of Akron School of Law Summer Research Grant, 1999-2000, 2002-2014, 2016-18

### Books

ELIZABETH CADY STANTON & THE FEMINIST FOUNDATIONS OF FAMILY LAW (NYU Press 2016)  
 -- Reviewed by Paula Monopoli, 66 [Journal of Legal Education](#) 979 (Summer 2017)

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

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

Ed., FEMINIST LEGAL HISTORY: ESSAYS ON WOMEN AND LAW (with Tracey Jean Boisseau) (NYU Press 2011)

Ed., WOMEN AND THE LAW (Thomson Reuters 2011-2019 all new editions)

### Book Chapters

*After Suffrage Comes Equal Rights? ERA as the Next Logical Step* (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) (solicited)

*Rewritten Feminist Judgment in Sessions v. Morales-Santana*, in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (Rachel Rebouche, ed., Cambridge Univ. Press forthcoming)

*Rewritten Feminist Judgment in Department 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)

*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) (solicited)

*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

*Leveling Down Gender Equality*, 42 *HARVARD J. LAW & GENDER* \_\_\_\_ (forthcoming 2019)

*More Than the Vote: The Nineteenth Amendment as Proxy for Gender Equality*, *STANFORD J. CIVIL RIGHTS & CIVIL LIBERTIES* (forthcoming 2019)

*Florence Allen: The First Woman Judge in Ohio and the Nation*, *OHIO LEGAL HISTORY PROJECT*, with Introduction by Ohio Chief Justice Maureen O'Connor (forthcoming)

*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 and 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

Book Review, *Strange Bedfellows: Marriage in the Age of Women's Liberation*, J. LEGAL HISTORY (forthcoming 2019) (solicited)

*Introduction to the Women and Law Symposium*, 47 AKRON L. REV. 891 (2015)

*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 ST. LOUIS L. REV. 673 (2013) (solicited)

*Remedies for Big Disasters: The BP Gulf Oil Spill and the Quest for Complete Justice, Introduction to the Symposium*, 45 AKRON L. REV. 567 (2012)

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

*The New Face of Women's Legal History*, 41 AKRON L. REV. 695 (2008)

*Sex v. Race, Again, Slip Opinions*, WASH. U. L. REV. (online) (June 1, 2008)

*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))

## MEDIA and BLOGS

Editor, Gender & the Law Prof Blog, [http://lawprofessors.typepad.com/gender\\_law](http://lawprofessors.typepad.com/gender_law) (2013-present)

Twitter, Gender Law @ProfTracyThomas (2013-present)

Twitter, Center for Con Law at Akron @conlawcenter (2015-present)

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

Broadcast, Gary Rivers Talk Radio, Canton, Predictions for the US Supreme Court in 2019

Featured, UA Expert Predictions for 2019, The Supreme Court in 2019

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

Interviewed, *Akron Legal News*, Judge Sutton and State Constitutional Law (Feb. 2019)

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

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

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

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

Consult, NPR Texas on #MeToo sexual harassment movement (2017)

Quoted, CNN Money on #MeToo sexual harassment movement (2017)

Consult, *Reuters*, Google engineer and workplace diversity backlash (2017)

Quoted, Jon Hecht, *The Surprising Sexism of Maternity Leave*, Bustle magazine

Quoted, *National Law Journal*, Erin Mulvaney, *EEOC Fights Ninth Circuit Ruling that Institutionalizes Gender Pay Gap* (May 23, 2017)

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

NYU Press Blog, [The Legal History of Elizabeth Cady Stanton: More than a Women's History Month Meme](#), Mar. 7, 2017  
[Akron Law Professor Publishes Book on Women's Rights Pioneer](#), Akron Legal News, Mar. 2017  
[19th Century Woman Paved Way for Modern Rights for All Women](#), Hudson Hub, Jan. 22, 2017  
 NYU Press Blog, [Who is Elizabeth Cady Stanton and Why is She on the New \\$10 Bill?](#), May 2016  
 Meaghan Winter, [Roe v. Wade Was Lost in 1992](#), SLATE, Mar. 27, 2016 (quoted)  
 Guest Blogger, Akron Law Café Blog (2008-13)  
 Guest Blogger, American Constitution Society, "Mainstreaming Women's History" (June 2011)  
 Guest Blogger, Int'l Law Girls, "Feminist Legal History" (April 2009)  
 WKSU, "Three Ohio Cities Turn to Mediation to Resolve Neighborhood Disputes" (2014)  
 WAKR, "New Neighborhood Mediation Program" (2014)  
 NPR, Ohio Public Radio, Statehouse News Bureau, "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, radio interview, "Lebron James's Temporary Injunction" (2003)

## **PROFESSIONAL SERVICE**

Admitted to practice: U.S. Supreme Court (2003); California (1991, inactive); District of Columbia (1992-2011); Ohio (2011, inactive)

American Association of Law Schools

Remedies Section Chair (2011-12), Executive Committee (2003-04, 2008-12, 2017-18)  
 Women in Legal Education Section (2014)

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

Amicus Brief for Ohio School Boards Assoc., United States Supreme Court, *DeRolph v. Ohio*, No. 03-245 (2003) (school funding and the constitutional right to a remedy)

Social Science Research Network, Remedies Journal Bd. (2015-19), Akron Series (2003-15)

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)

The University of Akron School of Law

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

Appointments Committee (Chair 2016-17; 2001-02, 2004-08; 2011-18)

Director, Honors Program (2015-17)

Planning & Resource Committee (Chair 2012-14)

Law Dean Search Committee (2007)

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

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

Bar Task Force (2005-06)

Order of the Coif Proposal, writer (2003)

Academic Committee (2002-04)

Alumni and Student Affairs (2000-01)

Bylaws Committee (1998-2000; 2007-08)

Community Family Relations Council (2012-15)

## **PRESENTATIONS**

Keynote, "From the Vote to Gender Equality," Summit County Women's History Project, Women of the Year Awards, Mar. 2019, rebroadcast on WZIP, WAKR, WONE

Moderator, "The History and Backstory of the Twenty-Fifth Amendment," at Center for Con Law and Bliss Institute Symposium, *50 Years of the 25<sup>th</sup> Amendment*, Jan. 25, 2019

"A Historical Understanding of Challenges to Gender Discrimination in the Workplace," Ohio Civil Rights Commission Hearings, Oct. 24, 2018

Faculty Workshop, "Sensitive Subjects in the Classroom" Akron Law Faculty, Fall 2018

Moderator, "Erie and Remedies" at the Sixth Constitutional Law Conference on *Erie at Eighty: Choice of Law Across the Disciplines*, Sept. 2018

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

"Leveling Down Gender Equality," Constitutional Remedies Virtual 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 & the Feminist Foundations of Family Law*, Hudson Library & Historical Society, Jan. 26, 2017

"Reconsidering Gender Quotas," Fifth Constitutional Law Conference, Center for Constitutional Law at Akron, Oct. 21, 2016

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

"Introducing Elizabeth Cady Stanton: Legal Feminist," at *Symposium: The Origins of Feminist Equality*, Center for Constitutional Law, University of Akron, Nov. 2016

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

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

Marriage Equality and Family Law Update, "Supreme Court Review: Legalistic Argle-Bargle," CLE/Webinar, The University of Akron School of Law, Akron, OH, Sept. 13, 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 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

“Changing Roles of Parents and Grandparents,” Family Law Issues in the Current Economy, CLE, Akron Bar Association, Mar. 18, 2010

Commentator/Chair, “Economics, Politics, and Gender in the United States,” Ohio Academy of History Annual Meeting, Akron, OH, April 2009

“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,” Constitutional Law Center Symposium, *The New Face of Women’s Legal History*, The University of Akron School of 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 Legal Intersection of Antitrust and Intellectual Property,” CLE, Cleveland Intellectual Property Association, Cleveland, OH, March 2003

“The Legal Implications of Healthcare Reporting Domestic Violence,” CLE, University of Akron School of Nursing, Akron, OH, March 2003

“The Alphabet Soup of Child Custody Jurisdiction,” Supreme Court of Ohio, Judicial College Columbus, OH, Dec. 2002

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

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

“*Bush v. Gore* and the Distortion of Common Law Remedies,” Bliss Institute of Applied Politics, University of Akron, Feb. 2002

“Alternative Dispute Resolution,” Akron Bar Assoc., CLE, Bridging the Gap, 2001-02

“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, Video Teleconference, Cleveland, OH, Dec. 2000

CLE, “Annual Family Law Case Law Update,” Akron Bar Assoc., 2000-02

“The New Case of *Troxel v. Granville*,” CLE, Akron Bar Assoc., April 2000

“Legal Implications of Reporting Domestic Violence,” UA Nursing & Social Work, 1999