

## **CURRICULUM VITAE**

### **TRACY A. THOMAS**

THE UNIVERSITY OF AKRON SCHOOL OF LAW  
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<http://www.uakron.edu/law/faculty/professors/thomas/>

### **PROFESSIONAL EXPERIENCE**

#### The University of Akron School of Law

Associate Dean for Institutional Excellence (2015-16)  
Seiberling Chair of Constitutional Law (2015-present)  
Director of the Center for Constitutional Law (2015-present)  
Director of Faculty Research & Development (inaugural director) (2007-09)  
Aileen McMurray Trusler Professor of Law (2012-15)  
Professor (2005-12), Assoc. Prof. (2002-05), Ass't 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)

The Catholic University of America School of Law, Adjunct Professor (1995-98)

Georgetown University Law Center, Adjunct Professor (1994-95)

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)

Judicial clerk, The Honorable Ferdinand F. Fernandez, The United States Court of Appeals for the Ninth Circuit (1991-92)

### **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/Selected Works: [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**

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

## **Books**

ELIZABETH CADY STANTON & THE FEMINIST FOUNDATIONS OF FAMILY LAW (NYU Press 2016)

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

Ed., WOMEN AND THE LAW (Thomson Reuters 2011-2016 eds.)

REMEDIES: PUBLIC AND PRIVATE (West 6<sup>th</sup> ed. 2016; 5th ed. 2009) (with David Levine & David Jung) (and Teacher's Manual)

## **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  
 (Lee Ann Banaszak & Holly J. McCammon, eds., Oxford Univ. Press) (forthcoming)

*Rewritten Feminist Judgment in Department of Power v. Manhart*, in FEMINIST JUDGMENTS:  
 REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT (Linda Berger, Bridget Crawford,  
 & Kathy Stanci, eds., Cambridge Univ. Press 2016)

*Elizabeth Cady Stanton and the Notion of a Legal Class of Gender*, in FEMINIST LEGAL  
 HISTORY: ESSAYS ON WOMEN AND LAW (Tracy A. Thomas & Tracey Jean Boisseau eds., NYU  
 Press 2011)

*Law, History, and Feminism*, in FEMINIST LEGAL HISTORY: ESSAYS ON WOMEN AND LAW  
 (Tracy A. Thomas & Tracey Jean Boisseau eds., NYU Press 2011) (with Tracey Jean Boisseau)

*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)

*Sex v. Race, Again*, in WHO SHOULD BE FIRST? FEMINISTS SPEAK OUT ON THE 200  
 PRESIDENTIAL CAMPAIGN (Johnetta Cole & Beverly Guy-Sheftall, eds.) (SUNY Press 2010)  
 reprinting *Slip Opinions*, WASH. U. L. REV. (online June 1, 2008).

*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

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

*Back to the Future of Regulating Abortion in the First Term*, 29 WISC. J. GENDER, LAW & SOCIETY 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), reprinted in *WOMEN AND THE LAW* (Jane Moriarty ed. West 2006)

*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

*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: Introduction to the Symposium*, 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 AMERICAN 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**

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)

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 (NPR), "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)

Women in Legal Education Section Committees (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, [www.ssrn.com](http://www.ssrn.com)  
 Editorial Board, Remedies Journal (2015-present)  
 Editor, Akron Research Paper Series (2003-2015)

The University of Akron Press Editorial Board (2009-present)  
 Editorial Board, *&Law Series: Legal Thought Across the Disciplines* (2010-16)

The University of Akron Women's Studies Academic Advisory Committee (2011-present)  
 Women's Studies, Affiliated Faculty (2012-present); Women's Studies Council (2004-06)

The University of Akron School of Law  
 ABA Self-Study Chair & Writer (2016); Committee (2009)  
 Appointments Committee (Chair 2008; 2001-02, 2004-08; 2011-16)  
 Administrator, Honors Program (2015-present)  
 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)  
 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 (2012-2015)

## **PRESENTATIONS**

"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,” *The New Women’s Legal History*, 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

“Elizabeth Cady Stanton and the Feminist Foundations of Family Law,” Association of American Law Schools, Poster Presentation, Women in Legal Education, Wash., D.C., 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 Federal Marriage Amendment,” Feminist Roundtable, University of Akron Department of History, Akron, OH, March 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, Columbus, OH, 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, Lexington, VA, April 2002

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

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

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

“The Legal Implications of Reporting Domestic Violence,” University of Akron Schools of Nursing and Social Work Akron, Ohio, 1999