

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 Professor (2002-05), Assistant Professor (1998-02)
Courses: Constitutional Law, Remedies, Family Law, Law & Gender, 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 Int'l LLM)

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

Litigation associate: antitrust, business, sports, intellectual property
Pro bono cases:

Women Prisoners v. D.C., 877 F. Supp. 634 (D.D.C. 1994) (prisoners' civil rights)
U.S. 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

Digital Commons Research Page: http://works.bepress.com/tracy_thomas
 SSRN: http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=284134
[Google Scholar Profile](#)
[Amazon Author Page](#)

Honors and Awards

Law Alumni Faculty Publication Award, 2020, 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

Books

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

“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 TJ Boisseau) (NYU Press 2011)

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)

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)

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

- The Jurisprudence of the First Woman Judge, Florence Allen: Challenging the Myth of Women Judging Differently*, WILLIAM & MARY J. RACE, GENDER & SOC. JUSTICE (forthcoming)
- More Than the Vote: The Nineteenth Amendment as Proxy for Gender Equality*, 15 STANFORD J. CIVIL RGTS & CIVIL LIBERTIES 349 (2020)
- Leveling Down Gender Equality*, 42 HARVARD J. LAW & GENDER 177 (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, *Strange Bedfellows: Marriage in the Age of Women's Liberation*, 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 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)

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

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

Twitter, Gender Law @ProfTracyThomas (2013-present)

Quoted, [Ruth Bader Ginsburg](#), *Christian Science Monitor* (Sept. 18, 2020)

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

Quoted, [Was Susan B. Anthony Antiabortion?](#) Lily, *Washington Post* (Aug. 3, 2020)

Quoted, [100 Years On, The ERA Rises from the Ashes](#), *Perspectives* (ABA) (Mar. 22, 2020)

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

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

Interview, Canton Radio, *Predictions for the US Supreme Court* (Jan. 2019)

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

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

Consult, Sarah James, CPN Business, The Oracle Gender Pay Case (Jan. 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 LJ*, EEOC Fights Ninth Circuit Ruling on 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)
 Quoted, Meaghan Winter, [Roe v. Wade Was Lost in 1992](#), SLATE, (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)
 Interview, NPR, Ohio, "Is Sarah Palin a New Feminist?" (2008)
 Quoted, CBS News Radio & Bloomberg News, Grandparents' Visitation Rights (2005)
 Quoted, Associated Press, Ohio Supreme Court Grandparents' Visitation Case (2005)
 Interview, 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)
 Social Science Research Network, Remedies Journal (2015-2000), 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 and Creator, Honors Program (2015-17)
 Curriculum Committee (Chair, 2019-present)
 Academic & Disciplinary Committee (2019-present; 2002-04)
 Exploratory Working Group (Chair sub-committee, 2020)
 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, 2017-00)
 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)

PRESENTATIONS

Academic

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

"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

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

"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

“Reconsidering Gender Quotas,” Fifth Constitutional Law Conference, Center for Constitutional Law at Akron, Oct. 21, 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

“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

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

“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

Judicial

“The Nineteenth Amendment: An Irrelevant Amendment?,” American Bar Association Judicial Division, Celebrating the 100th Anniversary of the 19th Amendment, Mar. 2021

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

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

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

Public

Moderator, “Impeaching a President: Understanding the Current Moment,” Center for Constitutional Law & The Bliss Institute for Applied Politics, Akron Press Club, Nov. 2019

Podcast, National Constitution Center, “We The People Podcast,” *The Constitutional Legacy of Seneca Falls*, July 2019

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

“A Historical Understanding of Challenges to Gender Discrimination in the Workplace,” Ohio Civil Rights Commission, Oct. 24, 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

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

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

“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

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

“The Legal Intersection of Antitrust and Intellectual Property,” CLE, Cleveland Intellectual Property Association, Cleveland, OH, Mar. 2003

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

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

“Annual Family Law Case Law Update,” CLE, 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