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## **EMPLOYMENT HISTORY**

### **Academic Appointments:**

- 9/08 – 6/09 **Visiting Fellow, Human Rights Program at Harvard Law School; Non-resident Fellow, Women and Public Policy Program, Kennedy School of Government, Cambridge, MA.**
- 7/02-Present **Professor, Northeastern University School of Law, Boston, MA, 2006 – present; Associate Professor, 2002-2006.** Courses: Constitutional Law, Women's Rights Lawyering, Employment Discrimination, Professional Responsibility, Immigration. **Co-Director, Program on Human Rights and the Global Economy.**
- 7/00-12/00 **Kate Stoneman Visiting Professor on Law and Democracy, Albany Law School.** Inaugural professor appointed to fill endowed visiting chair.
- 1/95-6/02 **Adjunct Assistant Professor, New York University School of Law.** Course: Government Benefits.
- 1/91-8/94 **Adjunct Lecturer, Hunter School of Social Work.** Courses: masters-level courses on social policy, law, and women's issues.

### **Legal Practice:**

- 10/90-6/02: **NOW Legal Defense and Education Fund**, New York, NY. **Vice President and Legal Director**, 6/96-6/02. Supervised 20-person legal staff. Responsible for litigation, legislative drafting, writing and public speaking on women's rights. Counsel in six U.S. Supreme Court cases; argued Nguyen v. INS, 533 U.S. 53 (2001). **Senior Staff Attorney**, 1/94-6/96; **Staff Attorney**, 10/90-12/93.
- 1/86-8/90: **Associate, Cleary, Gottlieb, Steen & Hamilton**, New York, NY.
- 5/87-10/87: **Visiting staff attorney, MFY Legal Services**, New York, NY.
- 7/83-7/85: **Law Clerk** to U.S. District Court Judge James Moody, N.D. Ind.

## **EDUCATION**

- J.D., 1983                    **The University of Chicago Law School**; Member, Law Review.
- B.A., 1981;                    **Oxford University (Trinity College)**; Jurisprudence.  
M.A. (Oxon.), 1987
- A.B., 1979                    **Harvard College**; Anthropology, magna cum laude.

## **SELECTED SCHOLARSHIP**

### **Books**

Bringing Human Rights Home, co-editor, 3-volume set on human rights in the United States (Westport, Conn.: Praeger Press, 2008) (with Cynthia Soohoo and Cathy Albisa) (honored as a “best book on human rights” by the U.S. Human Rights Network)

Brutal Need: Lawyers and the Welfare Rights Movement, 1960-1973 (New Haven, Conn.: Yale, 1993) (excerpted in Julie Nice & Louise Trubek, Cases and Materials on Poverty Law (St. Paul, Minn.: West, 1997), and Owen Fiss & Judith Resnik, Adjudication and its Alternatives: An Introduction to Procedure (St. Paul, Minn.: West, 2003)) (recipient of Reginald Heber Smith Book Award for contribution to scholarship on equal access to justice, and Certificate of Merit from the American Bar Association)

### **Book Chapters**

Thinking Globally, Acting Locally: States, Municipalities and International Human Rights, in Cynthia Soohoo, et al., eds., Bringing Human Rights Home, vol. II (Praeger Press, 2008), pp. 127 - 152.

Progressive Lawyers and Human Rights: Using International and Comparative Law to Inform Domestic Decisions, in Clare Dalton, ed., Progressive Lawyering, Globalization and Markets: Rethinking Ideology and Strategy (Wm S. Hein & Co., 2007).

International Human Rights from the Ground Up: The Potential for Subnational, Human Rights-Based Reproductive Health Advocacy in the United States, in Dr. Ellen Chesler and Dr. Wendy Chavkin, eds., Where Human Rights Begin: Essays on Health, Sexuality and Women, Ten Years After Vienna, Cairo and Beijing (Newark, New Jersey: Rutgers Univ. Press, Nov. 2005), pp. 235 – 266.

Legislating Patriarchy, in Gary Delgado, ed., From Poverty to Punishment: How Welfare Reform Punishes the Poor (Oakland, California: Applied Research Center, 2002), pp. 147 – 154.

“The Economics of Abuse: How Violence Perpetuates Women’s Poverty,” in Ruth

Brandwein, ed., Battered Women, Children, and Welfare Reform: The Ties That Bind (Thousand Oaks, California: Sage 1999), pp. 17 – 30.

“NOW is the Time: Mainstream Feminism’s Statements on Welfare Rights,” in Diane Dujon and Ann Withhorn, eds., For Crying Out Loud: Women’s Poverty in the United States (Boston, Massachusetts: South End Press, 1996), pp. 337 – 40.

“Welfare Rights and Women’s Rights in the 1960s,” in Brian Balogh, ed., Integrating the Sixties: The Origins, Structure and Legacy of Public Policy in a Turbulent Decade (University Park, Penn.: Pennsylvania State University Press, 1996), pp. 144 – 65.

### **Refereed Articles**

Child Care as a Human Right: A New Perspective on an Old Debate, 27 Journal of Women, Politics, and Policy 173 - 180 (Summer 2005) (simultaneously published as Heidi Hartman, ed., Gendering Politics and Policy: Recent Developments in Europe, Latin America and the United States (Binghamton, New York: Haworth Press, 2005))

The International Convention on the Rights of the Child: A Catalyst for Innovative Child Care Policy, 25 Human Rights Quarterly 689 - 719 (August 2003) (with Roslyn Powell)

The Evolving Right to Travel: *Saenz v. Roe*, 29(2) Publius: The Journal of Federalism 95 - 110 (1999)

Welfare Rights and Women’s Rights in the 1960s, 8 Journal of Policy History 144 -165 (1996) (also published as Brian Balogh, ed., Integrating the Sixties: The Origin, Structures, and Legitimacy of Public Policy in a Turbulent Decade) (reprinted in Robert Griffith and Paula Baker, eds., Major Problems in American History since 1945: Documents and Essays (2d edition) (Boston, Massachusetts: Houghton Mifflin, 2001))

Welfare Reform: A Women’s Health Perspective, Journal of the American Medical Women’s Association 166 – 170 (July 1996)

Inclusion of Women in AIDS Clinical Research: A Political and Legal Analysis, 49 Journal of the American Medical Women's Association 102 –104, 109 (July/Aug. 1994) (with Theresa McGovern and Mary Beth Caschetta)

Comment: The Social Security Opinions of Judge Frank Easterbrook, 40 Administrative Law Review 239 - 250 (1988)

### **Non-refereed Articles**

In the Interests of Justice: International Human Rights and the Right to Civil Counsel, \_\_\_ Touro Law Review \_\_\_ (forthcoming 2008).

Upstairs, Downstairs: Subnational Implementation of Human Rights Law, \_\_\_ Fordham

Law Journal \_\_ (forthcoming 2008)

The Equal Rights Amendment: Then and Now, \_\_\_ Columbia Journal of Gender and Law \_\_ (forthcoming 2008)

Human Rights in the Trenches: Using International Human Rights Law in “Everyday” Legal Aid Cases, 41 Clearinghouse Rev. 313 (Nov./Dec. 2007)

The Pendulum Swings Back: Poverty Law in the Old and New Curriculum, 34 Fordham Urban Law Journal 101 - 124 (2007)

The Spirit of Our Times: State Constitutions and Human Rights, 30 New York University Review of Law and Social Change 359 - 409 (2006)

Access *and* Justice: The Transformative Potential of Pro Bono Work, 73 Fordham Law Journal 903 - 925 (2005)

Preparing for the Worst: Addressing the Legal Needs of Disaster Victims, 31 Fordham Urban Law Journal 959 - 982 (2004)

Male Coverture: Law and the Illegitimate Family, 56 Rutgers Law Rev. 73-118 (2004)

Valuing Women: A Case Study, 23 Women’s Rights Law Reporter 219 - 222 (2002)

Federal-State Devolution and Civil Rights: The Continued Significance of National Interests, 3 Government, Law and Policy Journal 8 - 10 (Spring 2001)

International Human Rights and United States Law: Predictions of a Courtwatcher (The Kate Stoneman Professorship Lecture), 64 Albany Law Review 417 - 436 (2000)

The Road Now Taken: *Saenz v. Roe*, 33 Clearinghouse Review 359 - 374 (Dec. 1999) (with Henry Freedman and Risa Kaufman) (nominated for Edgar & Jean Cahn Article Award for writing on equal access to justice)

The Family Violence Option of the Personal Responsibility Act: Interpretation and Implementation, 30 Clearinghouse Review 1079 - 1098 (March/April 1997) (with Wendy Pollack) (nominated for Edgar & Jean Cahn Article Award for writing on equal access to justice)

Challenging Child Exclusion Programs, 30 Clearinghouse Review 20 – 32 (May 1996)

Protecting Women's Welfare in the Face of Violence, 22 Fordham Urban Law Journal 1141 – 1157 (1995) (with Susan Kraham)

Rationalizing HHS Decision-Making: Welfare by Waiver, 53 Public Welfare 26-33 (1995)

Public Education Programs for African-American Males: A Women's Educational Equity Perspective, 21 New York University Review of Law and Social Change 725 – 744 (1994-1995) (with Walteen Grady Truely)

Challenging the Deceptive Practices of Proprietary Schools Under the Federal False Claims Act, 28 Clearinghouse Rev. 2 – 11 (May 1994)

The New Paternalism: War on Poverty or War on Women, 1 Georgetown Journal on Fighting Poverty 88 – 94 (1993)

Congress Nears Approval of Legislation to Protect Abused Aliens, 70 Interpreter Releases 1665 – 1669 (Dec. 20, 1993) (with Janet Calvo)

Domestic Workers: Out of the Shadows, 20 Human Rights 14 – 15, 28 – 29 (1993)

The New Paternalism: Welfare's War on Women, 49 The National Lawyers Guild Practitioner 97 – 104 (Fall 1992)

A Primer on Sexual Harassment Law, 26 Clearinghouse Review 306 – 311 (July 1992) (with Alison Wetherfield)

INS Interim Rule Diminishes Protection for Abused Spouses and Children, 68 Interpreter Releases 665 – 670 (June 3, 1991) (with Janet Calvo)

Discrimination Resulting From Employer Sanctions: A Reason For Repeal, 26 San Diego Law Review 711 – 738 (1990) (with Lucas Guttentag and Allan Wernick)

Child Custody in Pakistan: The Role of *Ijtihad*, 5 Boston College Third World Law Journal 119 – 127 (1985)

Statute of Limitations Problems and the Fair Credit Reporting Act, 18 Indiana Law Review 507 – 520 (1985)

Comment: The Marital Home, Equal or Equitable Distribution?, 50 University of Chicago Law Review 1089 – 1115 (1983)

## **Other Publications**

### Book reviews:

The Cult of Paternity: Fathers, Families, Faith, and Class in 'Stiffed,' 6(12) Violence Against Women 1435 – 1441 (Dec. 2000)

Review: John Hope Franklin, *African Americans and the Living Constitution*, 15 Law and History Review 430 - 432 (Fall 1997)

Review: Mark Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*, 14 Law and History Review 139 –140 (1996)

Encyclopedia entries:

“Boddie v. Connecticut,” “Califano v. Webster,” “Dandridge v. Williams,” “King v. Smith,” “NOW Legal Defense and Education Fund,” “U.S. v. Morrison,” and “Youngsberg v. Romeo,” in David Tanenhaus, ed., Encyclopedia of the Supreme Court of the United States (New York: MacMillan, forthcoming 2008).

“Edward Sparer,” in Roger Newman, ed., Yale Biographical Dictionary of American Law, (New Haven, Connecticut: Yale University Press, forthcoming 2008)

“Chae Chan Ping and the Chinese Exclusion Acts,” “Dandridge v. Williams,” “Equal Rights Amendment,” “Immigration Marriage Fraud Amendments of 1986,” “National Organization for Women,” and “Sex and Immigration,” in Paul Finkelman, ed., Encyclopedia of American Civil Liberties (New York: Routledge Press, 2006)

“Sexual Harassment,” in James Ciment, ed., Social Issues in America: An Encyclopedia (Armonk, New York: M.E. Sharpe, 2006)

“National Lawyers Guild,” “Poverty Law,” and “Southern Poverty Law Center,” in Gwendolyn Mink and Alice O’Connor, eds., Poverty in the United States: An Encyclopedia of History, Politics and Policy (Santa Barbara, CA: ABC-CLIO, 2004)

“NOW Legal Defense and Education Fund,” in The Reader’s Companion to U.S. Women’s History, Wilma Mankiller, ed. (New York: Houghton Mifflin 1998)

Op-eds and essays:

Women’s Rights Cases in the Supreme Court, 2006-2007, ABA Preview, July 2007

Human Rights at Home, Boston Globe, May 20, 2007

We Need a Civil Gideon, Nat’l L. J., Aug. 7, 2006

Conflicting Rights, Boston Globe, Nov. 29, 2005

Case Analysis: Scheidler v. National Organization for Women, ABA Preview of United States Supreme Court Cases, Nov. 28, 2005

Don’t ‘Gag’ U.S. Courts, National Law Journal, Aug. 23, 2004

Victim Compensation: Eradicate the Biases, National Law Journal, Feb. 4, 2002

US Should Join the World in Defining Women’s Rights, Boston Globe, Sept. 25, 2002

States on the Rise, Albany Times-Union, Feb. 4, 2001 (with David Markell)

Bring International Law Into Domestic Courtrooms, Christian Science Monitor, Oct. 11, 2000

Wrong to Limit Legal Services, Albany Times Union, Oct. 1, 2000

States Pocket Ill-Gotten Gains, Sojourner: The Women's Forum, Nov. 1999

Investing in the Poor, Albany Times Union, Sept. 12, 1999

Ending Feminism's Cycle of Poverty, Sojourner: The Women's Forum, Jan. 1999

Domestic Violence and Welfare Reform: A Status Report, Sojourner: The Women's Forum, May 1998 (reprinted in Clare Dalton and Elizabeth Schneider, Battered Women and the Law (New York: Foundation Press 2001))

The \$94 Question, Sojourner: The Women's Forum, Oct. 1998

Court Clarifies Sexual Harassment Tests, National Law Journal, Aug. 10, 1998

The Illegitimacy Game, Sojourner: The Women's Forum, July 1998

Schenck Decision: A Solomonic Solution, National Law Journal, March 10, 1997 (with Yolanda Wu)

Beaten, Then Robbed, New York Times, Jan. 27, 1995 (with Susan Kraham) (reprinted in Welfare: A Documentary History of U.S. Policy and Politics, Gwendolyn Mink and Rickie Solinger, eds. (New York: New York University Press 2003))

The Myth that Social Programs Do Not Work, Christian Science Monitor, May 21, 1992 (with Mimi Abramovitz)

No Papers, No Rights, No Safety, National Law Journal, Feb. 22, 1992

"Wedfare" -- or Welfare, Washington Post, Feb. 4, 1992 (with Mimi Abramovitz) (reprinted in Karen S. Haynes and Karen A. Holmes, Invitation to Social Work (New York: Longman Publishing 1994))

War on Welfare, War on Women, New York Times, Aug. 21, 1991

Detained Aliens Need a Bill of Rights, Wall Street Journal, May 18, 1988

Families Split by Documents, New York Newsday, May 11, 1987 (with Elizabeth Glazer)

Trial Lawyer Certification is Throwback to Colonial Era, Wall Street Journal, Oct. 8,

1986

The Taiwan Connection, Continued, Columbia Journalism Review, May/June 1987.

Reagan's Judges are Radical Activists, In These Times, April 9, 1986

English Solicitors Vie for Right to Tread on Barristers' Turf, Legal Times, Dec. 23, 1985

Defend Thyself: How Doctors are Protecting Themselves from Malpractice Suits, Chicago Magazine, Sept. 27, 1985

Dilemma in Defending the Rights of the Poor, Des Moines Register, Aug. 1, 1985  
Court-Ruling on Fees: Another Obstacle to Civil Rights Cases, Philadelphia Inquirer, July 21, 1985

Alimony and 'Conjugal' Friends, Chicago Tribune, May 3, 1985

Refugees Find a New Tormentor Here, Wall Street Journal, March 4, 1985

Published briefs:

*Amicus Curiae* Brief: Preserving Affirmative Action in Higher Education: *Amicus Curiae* Brief of NOW Legal Defense for *Grutter v. Bollinger*, 23 Women's Rights Law Reporter 145-153 (2002) (co-author)

Brief *Amicus Curiae* in *Stenberg v. Carhart*, 11 University of California at Los Angeles Women's Law Journal 3-43 (2000) (co-author)

Brief of Petitioner, *U.S. v. Morrison*, 99-29, 9 Southern California Review of Law and Women's Studies 315-324 (Spring 2000) (co-author)

Brief *Amici Curiae* of NOW Legal Defense and Education Fund in Support of Petitioner in *Davis v. Monroe County Board of Education*, 8 Southern California Review of Law and Women's Studies 279-310 (1999) (co-author)

Published remarks:

Poverty and Welfare, in Women's Rights in Theory and Practice: Employment, Violence and Poverty, (Washington, DC: Woodrow Wilson International Center, 2002), pp. 68-87 & Appendix 1 (edited transcript of invitation-only conference)

Symposium: Fighting Gender, and Sexual Orientation Harassment, 9 Journal of Law and Policy 387-395 (2001) (edited transcript of panel at Harvard Law School Symposium honoring Justice Brennan)

Domestic Violence – A Proper Subject of National Legislation? *United States v.*

*Morrison* and the Violence Against Women Act: A Mock Debate, 47 Loyola Law Review 535 - 560 (2001) (debate with Curtis Levey, Center for Individual Rights)

A Conversation on Federalism and the States: The Balancing Act of Devolution, 64 Albany Law Review 1087 – 1132 (2001) (edited transcript of conversation, with an introduction co-authored with David Markell)

Our Better Half: A Public Interest Lawyer Reflects on Pro Bono Lawyering and Social Change Litigation, 9 American University Journal of Gender, Social Policy & the Law 119 – 127 (2000) (remarks at the First Annual Peter Cicchino Awards for Outstanding Advocacy in the Public Interest)

Panel Discussion: Contemporary Challenges to Gender Equality, 43 New York Law School Law Review 159-176 (1999)

Significant Cases Briefed and/or Argued:

U.S. Supreme Court:

Nguyen v. INS, 533 U.S. 53 (2001) – with assistance of co-counsel, briefed and argued equal protection challenge to sex-specific federal immigration statute.

United States v. Morrison, 529 U.S. 598 (2000) – assisted with briefing and oral argument as Counsel of Record in challenge to constitutionality of the civil rights remedy of the Violence Against Women Act.

Saenz v. Roe, 526 U.S. 489 (1999) -- assisted with briefing and oral argument as co-counsel in challenge to state laws burdening welfare recipients' rights to travel.

Faragher v. Boca Raton, 524 U.S. 775 (1998) -- assisted with briefing and oral argument as co-counsel in sexual harassment case addressing scope of employers' liability for hostile environment.

Schenck v. Pro-Choice Network, 519 U.S. 357 (1997) – assisted with briefing and oral argument as co-counsel in challenge to safe zones created to protect women seeking to enter abortion clinics.

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1991) – assisted with briefing and oral argument as co-counsel in challenge to injunction entered against anti-abortion protestors; John Roberts represented the U.S. Government in this matter.

State High Courts and Federal Courts of Appeals:

King v. King, Wash. Sup. Ct., No. 79978 (Dec. 6, 2007) (amicus) – with co-counsel, briefed international law in case arguing for right to civil counsel under Washington constitution.

Insurance Commissioner v. Equitable Life Assurance Society, 339 Md. 596 (1995) – with assistance of co-counsel, briefed and argued challenge to sex-based life and disability insurance under state equal rights amendment.

New York State NOW v. Terry, 159 F.2d 86 (2d Cir. 1998) – with assistance of co-counsel, briefed and argued case upholding contempt findings entered against lawless anti-abortion protestors.

C.K. v. New Jersey Dep't of Health and Human Services, 92 F.3d 171 (3<sup>rd</sup> Cir. 1996) – with assistance of co-counsel, briefed and argued challenge to New Jersey's family cap program denying welfare benefits to children born on welfare.

## **Honors**

**“Best Book on Human Rights,”** from U.S. Human Rights Network, for Bringing Human Rights Home, 2008.

**Soros Foundation Reproductive Rights Fellowship**, Open Society Institute, 2003-2004. One of eight international fellows.

**Reginald Heber Smith Book Award**, Equal Justice Library, 2002, for “distinguished scholarship in the area of equal access to justice.”

**Kate Stoneman Award**, Albany Law School, 2000, for advancing women's rights.

**Windcall Resident**, Bozeman, Montana, summer 2000. Selective retreat and renewal center for activists.

**Wasserstein Fellowship**, Harvard Law School, 1998, for “outstanding contributions and dedication to public interest law.”

**Rembe Visiting Lecturer**, University of Washington School of Law, April 1996.

**American Bar Association Certificate of Merit** in Silver Gavel Competition, for Brutal Need: Lawyers and the Welfare Rights Movement, 1994.

**Mark Howe Foundation grant**, Harvard Law School, for research on civil rights and civil liberties, 1989-90.

**Fellow, The Bunting Institute**, Radcliffe College, 1988-89. Selected from international applicant pool as one-year fellow at post-doctoral research institute.

**Pearson Fellowship**, 1979-81, for graduate study at Oxford University.

**Professional Activities:**

Georgetown J. on Gender and Law, Board of Advisors, Washington, DC

Health and Human Rights, Editorial Board, Boston, MA

Law and History Review, Editorial Board, Chicago, IL

National Economic and Social Rights Initiative, Chair, Board of Directors

Stein Center on Law and Ethics, Board of Advisors, Fordham Law School