

JESSICA A. CLARKE

Vanderbilt Law School
131 21st Avenue South, Nashville, Tennessee 37203
(615) 343-2512 — jessica.clarke@vanderbilt.edu

ACADEMIC APPOINTMENTS

Vanderbilt University Law School, Nashville, TN

Professor of Law (2018-present)

Courses: Civil Procedure; Constitutional Law I; Sex Discrimination

Service: Co-Director, George Barrett Social Justice Program (2019); Curriculum Committee (2018)

University of Minnesota Law School, Minneapolis, MN

Associate Professor of Law (2011-2018); *tenured in 2016*

Courses: Civil Procedure I & II; Constitutional Law I; Employment Discrimination; Statutory Interpretation

Honors: Institute for Advanced Study Fellow (2018); Vance Opperman Research Scholar (2015-2018); Stanley V. Kinyon Teacher of the Year (2015-16)

Service: Faculty Works In Progress Committee (2017); Dean Search Committee (2016); Admissions Committee (2015); Clerkships Committee (2011-2017); Latino Law Students Association Faculty Advisor (2011-2018)

The University of Chicago Law School, Chicago, IL

Walter V. Schaefer Visiting Professor of Law (Fall 2016)

Columbia Law School, New York, NY

Associate-in-Law (2009-2011)

PUBLICATIONS

How the First Forty Years of Circuit Precedent Got Title VII's Sex Discrimination Provision Wrong, TEXAS LAW REVIEW ONLINE (forthcoming 2019)

Pregnant People?, 119 COLUMBIA LAW REVIEW ONLINE (forthcoming 2019) (reviewing David Fontana & Naomi Schoenbaum's *Unsexing Pregnancy*)

The Rules of #MeToo, UNIVERSITY OF CHICAGO LEGAL FORUM (forthcoming 2019)

They, Them, and Theirs, 132 HARVARD LAW REVIEW 894 (2019)

Explicit Bias, 113 NORTHWESTERN UNIVERSITY LAW REVIEW 505 (2018)

- Selected for Yale-Stanford-Harvard Junior Faculty Forum

Feminism and the Tournament, TEXAS LAW REVIEW ONLINE (2018) (reviewing Naomi Cahn, June Carbone, & Nancy Levit's *Gender and the Tournament*)

Protected Class Gatekeeping, 92 NEW YORK UNIVERSITY LAW REVIEW 101 (2017)

- Selected for Yale-Stanford-Harvard Junior Faculty Forum

Frontiers of Sex Discrimination Law, 113 MICHIGAN LAW REVIEW 809 (2017) (reviewing Kimberly Yuracko's *Gender Nonconformity and the Law*)

Against Immutability, 125 YALE LAW JOURNAL 2 (2015)

Identity and Form, 103 CALIFORNIA LAW REVIEW 747 (2015)

Inferring Desire, 63 DUKE LAW JOURNAL 525 (2013)

- Winner, Dukeminier Award for Best Sexual Orientation and Gender Identity Law Review Articles

Beyond Equality? Against the Universal Turn in Workplace Protections, 86 INDIANA LAW JOURNAL 1219 (2011)

Adverse Possession of Identity: Radical Theory, Conventional Practice, 84 OREGON LAW REVIEW 563 (2005)

EDUCATION

Yale Law School, J.D., 2003

- Board Member, *Yale Journal of Law & Feminism*
- Semifinalist, Morris Tyler Moot Court, Spring 2003
- Project Leader, Lowenstein International Human Rights Clinic, 2001-2002

Whitman College, B.A. in Politics, *summa cum laude*, Phi Beta Kappa, 2000

- Class of 1986 Minority Student Award, 2000
- Robert Fluno Award for Best Senior Paper in Politics, 2000
- First Place, National Championship Debate Tournament, Cross Examination Debate Association, 1999

LEGAL WORK EXPERIENCE

Hon. Rosemary S. Pooler, U.S. Court of Appeals, Second Circuit, 2008-2009
Law Clerk

Covington & Burling LLP, New York, NY, 2006-2008
Litigation Associate

Hon. Shira A. Scheindlin, U.S. District Court, Southern District of New York, 2005-2006
Law Clerk

Cadwalader, Wickersham & Taft LLP, New York, NY, 2003-2005
Bankruptcy Litigation Associate

NOW Legal Defense and Education Fund, New York, NY, Summer 2002
Summer Fellow

Civil Rights Office, Office for Justice Programs, DOJ, Washington, DC, Summer 2001
Summer Law Clerk

POPULAR MEDIA

If You Fire Someone for Sexual Harassment, What Do You Say If You're Called for a Reference?, HARVARD BUSINESS REVIEW (March 27, 2018).

Should Employers Fire Employees Who Attend White Supremacist Rallies?, HARVARD BUSINESS REVIEW (Sept. 19, 2017).

ADVOCACY

Brief of Anti-Discrimination Scholars as Amici Curiae in Support of the Employees, *Bostock v. Clayton County, Georgia, Altitude Express v. Zarda, R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission*, Nos. 17-1618, 17-1623, 18-107 (July 2019) (U.S. Supreme Court) (with Brian Soucek, Mitchell Reich, and Thomas Schmidt).

Brief of Amici Curiae Anti-Discrimination Scholars in Support of Petitioner, *Evans v. Georgia Regional Hospital*, On Petition for a Writ of Certiorari, No. 17-370 (October 2017) (U.S. Supreme Court) (with Brian Soucek, Mitchell Reich, and Thomas Schmidt).

Letter to Department of Health & Human Services Responding to the Notice of Proposed Rulemaking for the Affordable Care Act's Nondiscrimination Rule, November 8, 2015 (with Elizabeth Sepper, Jessica Roberts, Elizabeth Dervan, and Elizabeth Deutsch).

SELECTED ACADEMIC PRESENTATIONS

The Rules of #MeToo

- Law & Society Annual Meeting, June 1, 2019, Washington, DC
- University of Arizona Law Faculty Workshop, April 25, 2019, Tucson, AZ
- Hot Topics Panel on the Aftermath of the Kavanaugh Hearings and Confirmation, Annual Meeting of the Association of American Law Schools, Jan. 3, 2019, New Orleans, LA
- University of Chicago Legal Forum Symposium on #MeToo and the Law, November 1, 2018, Chicago, IL

They, Them, and Theirs

- Harvard Kennedy School Women and Public Policy Program Seminar Series, February 28, 2019, Boston, MA
- University of Chicago Workshop on Regulation of Sex, Gender, and the Family, October 10, 2018, Chicago, IL
- Vanderbilt LGBT Policy Lab, September 17, 2018, Nashville, TN
- University of Florida Faculty Workshop, April 2, 2018, Gainesville, FL
- University of Minnesota Public Law Workshop, November 30, 2017, Minneapolis, MN
- Law & Society Annual Meeting, June 21, 2017, Mexico City, Mexico

Explicit Bias

- Northwestern Law Review Live, November 12, 2018, Chicago, IL
- Harvard-Yale-Stanford Junior Faculty Forum, June 14, 2018, Cambridge, MA
- Vanderbilt Law School Faculty Workshop, January 30, 2018, Nashville, TN

Frontiers of Sex Discrimination Law

- Rutgers Center for Gender, Sexuality, Law and Policy, March 8, 2017, Newark, NJ
- Colloquium on Scholarship in Employment & Labor Law, University of Washington, September 12, 2016, Seattle, WA

Protected Class Gatekeeping

- Brooklyn Law School Faculty Workshop, March 9, 2017, Brooklyn, NY
- University of Chicago Works in Progress Series, November 10, 2016, Chicago, IL
- Yale-Stanford-Harvard Junior Faculty Forum, June 28, 2016, New Haven, CT
- Washington University Law School Faculty Workshop, April 6, 2016, St. Louis, MO
- Marquette Law School Workshop Series, March 30, 2016, Milwaukee, WI
- Colloquium on Scholarship in Employment & Labor Law, Indiana University Maurer School of Law, September 12, 2015, Bloomington, IN

Marriage at Work

- AALS Midyear Meeting: Workshop on Shifting Foundations: Family Law's Response to Changing Families, June 22, 2015, Orlando, FL

Sexual Exceptionalism

- Law & Society Annual Meeting, May 29, 2015, Seattle, WA
- AALS Workshop on Next Generation Issues of Sex, Gender and the Law, June 25, 2015, Orlando, FL
- University of Minnesota Law School Squaretable Series, August 19, 2015, Minneapolis, MN

Against Immutability

- Yale Law Journal Contemporary Legal Scholarship Reading Group, November 16, 2015, New Haven, CT

- Loyola Law New Orleans Faculty Colloquia Series, February 27, 2015, New Orleans, LA
- The Vulnerability and the Human Condition and Feminist Legal Theory Workshop Series on: An Uncomfortable Conversation: The Universal and the Particular, Vulnerability and Identities II, University of Miami School of Law, November 15, 2014, Miami, FL
- Colloquium on Scholarship in Employment & Labor Law, University of Colorado Law School, September 12, 2014, Boulder, CO
- University of Minnesota Law School Squaretable Series, July 30, 2014, Minneapolis, MN
- Law & Society Annual Meeting, May 2014, Minneapolis, MN

Identity and Form

- Southwestern Law School Outside Speakers Series, April 21, 2014, Los Angeles, CA
- University of Illinois College of Law, Junior Faculty Exchange, April 3, 2014, Champaign, IL
- Eighth Annual Colloquium on Labor and Employment Law, UNLV William S. Boyd School of Law, September 27, 2013, Las Vegas, NV
- MPLS Theory Workshop, University of Minnesota, May 2, 2013, Minneapolis, MN

Inferring Desire

- Public Symposium, Empirical Critical Race Theory Workshop, University of Denver Sturm College of Law, June 18, 2014, Denver CO
- University of Denver Law Review Symposium: Revisiting Sex: Gender and Sex Discrimination Fifty Years after the Civil Rights Act, January 31, 2014, Denver, CO
- Journal of Law & Inequality Symposium on Civil Rights and Civil Justice: 50 Years Later, October 18, 2013, Minneapolis, MN
- University of Minnesota Law School Squaretable Series, July 24, 2013, Minneapolis, MN
- Annual Meeting of the Association of American Law Schools, January 4, 2013, New Orleans, LA
- Seventh Annual Colloquium on Labor and Employment Law, Northwestern Law School, October 15, 2012, Chicago, IL
- Seton Hall Employment & Labor Law Scholars' Forum, September 5, 2012, Newark, NJ
- Law & Society Annual Meeting, June 6, 2012, Honolulu, HI, 2012
- University of Minnesota Law School Affiliate's Luncheon, April 2, 2012, Minneapolis, MN

Beyond Equality? Against the Universal Turn in Workplace Protections

- Law & Society Annual Meeting, May 28, 2010, Chicago, IL
- Columbia Law School Associates' and Fellows' Workshop, October 14, 2009, New York, NY

Invited Commentator

- The Worldwide #MeToo Movement: Global Resistance to Sexual Harassment, Berkeley Comparative Equality & Anti-Discrimination Law Study Group Conference, May 13-15, 2019, Berkeley, CA

- Culp Colloquium, Duke Law School, May 16, 2019, Durham, NC
- Conversations on Lawyering in the Boundaries, Center for Experiential Learning at Boston College Law School, March 15, 2019, Newton Centre, MA
- Socioeconomics Panel: Gender, Race, and Competition in the New Economy, Annual Meeting of the Association of American Law Schools, Jan. 4, 2019, New Orleans, LA
- Discussion Group of the Future of Sexual Harassment Law, Annual Meeting of the Association of American Law Schools, Jan. 3, 2019, New Orleans, LA
- Culp Colloquium, Stanford Law School, June 4, 2018, Palo Alto, CA
- The Globalization of the #MeToo Movement, Berkeley Comparative Equality & Anti-Discrimination Law Study Group Conference, May 14-15, 2018, Berkeley, CA
- Symposium on Animus, Stetson University College of Law, April 20, 2018, Gulfport, FL
- Empirical Critical Race Theory Workshop, Northwestern University, October 21, 2017, Chicago, IL
- Empirical Critical Race Theory Workshop, University of Wisconsin, October 10, 2015, Madison, WI