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## **EMPLOYMENT**

### **Permanent Positions**

**Carole & Hanan Sibel Research Professor, University of Maryland School of Law,**  
Baltimore, MD

*Professor, 2007 – to present*

Courses: Contracts; Commercial Law; Contract Drafting; Reparations for Racial  
Injustice & Love & Law seminars

**University of Utah, S.J. Quinney College of Law, Salt Lake City, UT**

*Professor, 2002 to 2007*

**University of Denver College of Law, Denver, CO**

*Associate Professor (2000 to 2002); Assistant Professor (1995 to 2000) &  
Visiting Assistant Professor (1994 – 1995)*

### **Visiting Professorships**

**The George Washington University Law School, Washington, D.C. (2006- '07)**

**University of Oregon College of Law, Eugene, OR (Spring 2002)**

**University of Connecticut School of Law, Hartford, CT (Fall 2000)**

**University of Michigan Law School, Ann Arbor, MI (1999 – 2000)**

### **Practice & Clerkship**

**Davis Wright Tremaine, Seattle, WA**

*Associate, 1992 - 1994; Summer Associate, 1989*

**Kobayashi & Associates, Denver, CO**

*Associate, 1991 - 1992. Complex civil and criminal litigation*

**Hon. Peter Beer, U.S. District Court Judge, Eastern District of Louisiana**

*Judicial Clerk, 1990 - 1991*

## **EDUCATION**

**Northwestern University School of Law, Chicago, IL**

*J.D., cum laude, 1990*

**Wellesley College, Wellesley, MA**

*B.A., Psychobiology, cum laude, 1985*

## **SCHOLARLY PUBLICATIONS**

### **Books**

CONTRACTS: AN INTEGRATED LEARNING APPROACH, with William Sjoström & Debora Thredy (Foundation Press, 1<sup>st</sup> ed. 2020 & 2<sup>nd</sup> ed. 2023, as part of the Doctrine & Practice Series)

LOVE'S PROMISES: HOW FORMAL & INFORMAL PROMISES SHAPE ALL KINDS OF FAMILIES (Beacon Press May 2015)(Family Equality Council 2015 Book Club Pick; Next Generation Indie Book Award Finalist)

SECURED TRANSACTIONS: DEVELOPING PROFESSIONAL SKILLS (West Academic 2018)

RETHINKING COMMODIFICATION: CASES AND READINGS IN LAW & CULTURE, co-edited with Joan Williams (NYU Press 2005)

### **Book Chapters & Encyclopedia Entries**

*Adoption: A Mosaic of Market & Non-Market Elements*, in ROUTLEDGE COMMODIFICATION HANDBOOK 321 (ed. Vida Panitch & Elodie Bertrand 2023)

*Contract's Influence on Feminism and Vice Versa*, chapter in OXFORD HANDBOOK OF FEMINISM & LAW IN THE U.S. 532, (ed. Debora Burke, Martha Chamallas & Verna Williams 2023)

*McGuire v. McGuire*, in FEMINIST JUDGMENTS: FAMILY LAW 46, co-authored with Zvi Triger (ed. Rachel Rebouché 2020)

*Love & Contracts in Don Quixote*, in DON QUIXOTE: INTERDISCIPLINARY CONNECTIONS 251, ed. Matthew D. Warshawsky & James A. Parr (2013)

*The Productive Tension between Official and Unofficial Stories of Fault in Contract Law*, in FAULT IN AMERICAN CONTRACT LAW 132, ed. Omri Ben-Shahar & Ariel Porot (2010)

*The Upside of Baby Markets*, in BABY MARKETS: MONEY AND THE NEW POLITICS OF CREATING FAMILIES 23 (ed. Michelle Goodwin 2010)

*The Story of Reynolds v. U.S.: Federal "Hell Hounds" Punishing Mormon Treason*, in FAMILY LAW STORIES 51 (ed. Carol Sanger 2007)

*Private Ordering Under the ALI Principles: As Natural as Status* in RECONCEIVING THE FAMILY: CRITICAL REFLECTIONS ON THE AMERICAN LAW INSTITUTE'S PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION 284 (ed. Robin Wilson 2006)

*Sexual Orientation and the Law*, ELSEVIER ENCYCLOPEDIA OF BEHAVIORAL AND SOCIAL SCIENCES (2001 & updated with Stu Marvel 2014)

## **Selected Law Review Articles & Essays**

*Videos, PowerPoints & Other Teaching Materials as Catalysts for Professional Identity Formation*, xx ST. THOS. U. L. REV. xx (forthcoming 2024)(symposium)

*The New Private Law Thirty Years After*, 100 D.U. L. REV. 533 (2023)

*Reparations for Racial Wealth Disparities as Remedy for Breach of Social Contract*, 85 L. Contemp. Problems 231 (2022)

*The Cost of Non-Billable Work*, 98 TEXAS L. REV. ONLINE 184 (2020)

*Keep it Simple, Smarty: Tips for Transactional Training Programs*, 48 UCC L. J. 1 (2018)

*We who Believe . . . Cannot Rest*, 17 UM J. RACE, RELIGION, GENDER & CLASS 9 (2017)

*Drawing from the Data Well*, comment on Rosana Hertz, Margaret Nelson & W. Kramer. *Gamete Donor Anonymity and Limits on Numbers of Offspring: The Views of Three Stakeholders*, 3 J. L. & BIOSCI. 39 (2016)

*The Social Life of Blood, Milk & Sperm*, 51 TULSA L. REV. 393 (2016) (review of KARA SWANSON, *BANKING ON THE BODY* (2014))(SSRN top-10 download)

*Marital Contracting in a Post-Windsor World*, FL. ST. L. REV. (2015)(symposium)

*Unexpected Links between Baby Markets and Intergenerational Justice*, 8 LAW & ETHICS OF HUMAN RIGHTS 264(2014)(symposium)

*Exchange as a Cornerstone of Families*, 34 WEST. N. E. L. REV. 405 (2012) (symposium)

*Race Treason: The Untold Story of America's Ban on Polygamy*, 19 COLUM. J. GEN. & L. 287 (2010)

*For Both Love and Money: Viviana Zelizer's The Purchase of Intimacy*, 34 L. & SOC. INQ. 1017 (2009)

*Telling*, UTAH L. REV; 531 (2009) (reprinted in *FAMILY LAW: CASES & MATERIALS*, ed. Areen, Spindelman & Tsoukala (6<sup>th</sup> ed. 2013))

*Mapping New Frontiers in Private Ordering: Afterword*, 49 ARIZ. L. REV. 695 (2007)

*Accepting the Court's Invitation*, 57 J. LEG. ED 1 (2007)

*Legal Tenderness*, review of Linda Mulcahy & Sally Wheeler, *FEMINIST PERSPECTIVES ON CONTRACT LAW*, 18 YALE J. L. & FEM. 545 ( 2006)

*The Elasticity of Contract*, 17 YALE J. L & HUMS 202 (2006).

### **Selected Law Review Articles & Essays, con't.**

*What's Wrong with a Parenthood Market? A New & Improved Theory of Commodification*, 82 N.C. L. Rev.1 (2003) (reprinted in NANCY EHRENREICH, REPRODUCTIVE RIGHTS: A CRITICAL READER (2006))

*Transcribed comments at Symposium: Marriage Law: Obsolete or Cutting Edge?*, 10 MICH. J. GENDER & LAW 21 (2003)

*Love and Work: A Comment on Vicki Shultz' Life's Work*, 102 COL. L. REV. 848 (2002)

*The ALI Principles' Approach to Domestic Partnership*, 8 DUKE J. GENDER L. & POL'Y. 107 (2001)

*Changing the Meaning of Motherhood*, 76 CHI.-KENT L. REV. 101 (2001)

*Marriage as a Trade*, 36 HARV. CIV. RIGHTS - CIV. LIB. L. REV. 79 (2001) (excerpted in FEMINISM CONFRONTS ECONOMIC THEORY, ed Martha Fineman and Terence Dougherty (2005))

*Oscar Wilde: Paradoxical Poster Child for Both Identity and Post-Identity*, 25 L. & SOC. INQ. 153 (2000)

*Commercializing Marriage: A Proposal for Valuing Women's Work through Premarital Security Agreements*, 77 TEX. L. REV. 17 (1998)(excerpted in PERSPECTIVES ON THE UNIFORM COMMERCIAL CODE, ed. Douglas Litowitz (2001))

*Contractual Purgatory for Sexual Minorities: Not Heaven, But Not Hell Either*, 73 DENV. U. L. REV. 1107 (1996)

*Denying the Secret of Joy: A Critique of Posner's Theory of Sexuality*, 45 STAN. L. REV. 1485 (1993)

### **BLOG ENTRIES (LAW)**

#### **Jotwell: The Journal of Things We Like (Lots)**

- *Inequitable Servitudes* (forthcoming 2024)
- *Contract as a Tool of Systemic Racism & (Maybe) Reparations* (May 2023)
- *Debts We Owe the Dead as Reparation* (April 2022)
- *Black Lines of Credit Matter* (July 2021)
- *Contracts in Crisis* (April 2020)
- *Properly Restating the Law of Consumer Contracts* (May 2019)
- *Preliminary Agreements as Signposts Instead of Mini-Contracts*, (March. 2018)
- *Smart Rules for Smart Contracts*, (Feb. 2017)

**Faculty Lounge**

- *The Sticky Slope from Obergefell to Polygamy & Drafting Lessons* ((Sept. 10 & 29, 2015).

## **SELECTED PRESENTATIONS**

### **Beyond Law Schools**

*Racial Wealth Disparities as Breach of the Social Contract: Do-It-Yourself Reparations*, Carleton University Ethics & Public Affairs Department Distinguished Visiting Lecture, Ottawa, ON Canada (March 2024)

*Roundtable Discussions on Indigenous Challenges*, Fulbright Grantee Orientation, Ottawa, ON, Canada (Sept. 2023)

*Rethinking Legal Education*, interview for episode 18 of UMB Center for Teaching & Learning podcast *Moving the Needle* (Oct. 2022)

*Financial & Legal Family Planning*, Out & Equal Workplace Conf., Phil., PA, Oct. 2017

Q & A, Jewish Film Fest. Screening of *The Guys Next Door*, Washington, D.C., May 2017.

*Continuing Professional Education class*, UM Social Work School, Baltimore & Shady Grove, MD, March & Oct. 2017.

*Beyond Marriage*, CUNY Center for Lesbian & Gay Studies (CLAGS), NYC, Oct. 2016.

Panels on Love & Contracts & New Frontiers in Adoption Agreements at National LGBT Bar Ass'n Meeting (Lavender Law), Chicago, Aug. 2015 & Washington, D.C., Aug 2016.

*Legal & Ethical Aspects of Memoir Writing*, class at Politics & Prose, 2014 - present

*Love's Promises*, LGBT family lawyer exchange, Tel Aviv, Israel, Feb. 2015; SMYAL fundraiser, Washington D.C., August 2016; LGBT Center, Washington, D.C., Feb. 2017; Fried Frank & LGBT Bar Ass'n., NYC, Oct. 2017

*Uncommon Families*, lecture to Wellesley Family & Gender Studies course, March 2015

*Queer Intimacies*, University of Maryland Gender Studies Dept. conference, May 2014.

*Maybe Baby* classes for gay people considering parenthood, 2014 & 2015.

*Plan B Parenthood*, College of New Jersey Exploring Liberty Speaker Series, March 2012; Intergen'l Justice Conf., Academic Center for Law & Business, Tel Aviv, Jan. 2013

*Love, Contracts, and Cohabitation*, lecture to undergraduate course Marriage, Family and Theology, University of Portland, March 2012

*Mapping the New Frontiers in Private Ordering*, CLE session on Special Problems in Divorce, Salt Lake City, December 2006

## **Presentations, con't.**

*Private Ordering under the ALI Principles*, Women's Rrce Center, U. of Utah, Oct. 2004

*Weirdo Families*, CLE Utah bar members; 2003 & U. of Utah Counseling Ctr Feb. 4, 2004.  
*Marriage as a Trade*, NLGLA's Lavender Law Conference, Oct. 2000

*Oscar Wilde: Paradoxical Poster Child*, CO ACLU Annual Mtg., Denver, CO, Feb.1999

*Warranty Sections of the U.C.C.*, Legal Case Study for the meeting of the National Ass'n. of Purchasing Management, Denver, CO, Nov. 1998

*Theoretical and Practical Benefits of Same-Sex Cohabitation Contracts*, Colorado Women's Bar Ass'n. Convention, Breckenridge, CO, May 1998; Colorado Bar Ass'n. Annual Meeting, Denver, August 1997

*Reconstructing Marriage through Commercialization*, Lambda Rising Queer Studies Conference, Boulder, CO, April 1998

## **Faculty Workshops, Conferences, & Other Academic Presentations**

Facilitate PhD student discussion of Miranda Fricker *Epistemic Injustice* & Kate Mann, *Down Girl* for Public Reason II course, Carleton University Dept. of Ethics & Public Policy, Ottawa, ON, Canada, March 2024

*Keeping it All Together*, AALS New Teachers Conf., Washington DC, June 2023

*Videos, PowerPoints & Other Teaching Materials as Vehicles for Developing Professional Identity*, St. Thomas University Law School conference on Developing Professional Identity, April. 2023

*DIY Lecture Videos & Quizzes: Easier Than You Think*, AALS Annual Meeting Jan. 2022

*So You Want to Write A Book*, panelist, AALS Annual Meeting Jan. 2022

*Commodification & Adoption*, Commodification Workshop, re: Commodification Reader (Routledge 2023), Oct. 2021

*Racial Justice in the Classroom*, panelist SEALS, July 2022

*Reparations for Racial Wealth Disparities as Remedy for Social Contract Breach*, Law & Contemp. Prob. workshop on Contract and Crisis, July 2021 & Half-Baked Lunch Summer Research, UM Carey Law School, Aug. 2021; Law & Society Annual Meeting Lisbon, Portugal, July 2022.

*In Praise of Escalation: Videos & Quizzes* AALS New Law Teachers Conference panel

sponsored by West Academic & Foundation Press, on zoom, June 2021

**Academic Presentations, con't.**

*Visuals & Interactive Tools for the Classroom*, Breakout Session: Inside the Classroom, AALS New Law Teachers Conference, on zoom, June 2021

*Office Housework*, American University, Washington College of Law, Feb. 2019; McGill University Faculty of Law, May 2019

*Reaching Millennial Students Where They Learn*, University of Denver Law School, Feb. 2019

*Engaged Teaching*, West Luncheon, AALS, New Orleans, Jan. 2019

*New Teachers Workshop: Teaching to Engage*, SEALS, Ft. Lauderdale, Aug. 2018  
*Integrating Transactional Skills in UCC Classes*, K Con, Orlando, FL, Feb. 2018

*Updating Pedagogy to Meet ABA Experiential Requirements*, SEALS, Orlando, FL, August 2017

*Contract & Covenant*, Villanova Conference on Law, Economics & Religion, Philadelphia, March 2017.

*Office Housework*, Tel Aviv University faculty workshop & conference on Rethinking Care Responsibilities; Hebrew University law & society workshop, and faculty workshop for College of Management & Academic Studies, Israel, Jan. 2017

*Teaching Drafting in Doctrinal Courses*, Innovations in Teaching Conference, West Academic, St. Paul, July 2016.

*Family Law in a Post-Marital World*, Law & Society Association Annual Meeting, New Orleans, May 2016.

*Mosaicism as a Metaphor for Mixes of Market & Non-Market Elements*, Boston University Law School faculty workshop, April 2016

*Open Adoption Agreements*, faculty workshop, Sha'arei Mishpat Academic Center, Hod-Hasheron, Israel, Feb. 2015; Fordham law school faculty workshop, Jan. 2015

*Integrating Drafting into Secured Transactions*, AALS Annual Meeting, Washington DC, Jan. 2015

*Marital Agreements*, lecture, Haim Striks Law School, Rishon Le Zion, Israel, Feb. 2015

*Unexpected Convergences of Law & Emotion*, Law & Society Ass'n Annual Meeting, Minneapolis, June 2014.



*Found in Translation: Sending Messages Outside the Academy Walls*, Law & Society Ass'n Annual Meeting, Boston, June, 2013

**Academic Presentations, con't.**

*Love & Contracts in Don Quixote*, conference on Don Quixote: Modern Hero, University of Portland, March 2012

*Contracting In and Out of Fatherhood*, conference on Women & the Law, Thomas Jefferson Law School, San Diego, Feb. 2012.

*Immoral Limits on Markets*, cmt on DEBORA SATZ, WHY SOME THINGS SHOULD NOT BE FOR SALE, University of Richmond Colloquium on Moral Limits of Markets (2011)

*Food "R" Us: The Primal Deal, Families, and Family Law*, conference on Food Law: New Horizons, Tel Aviv University Law School, June 2011.

*Re-Envisioning Exchange as a Cornerstone of Families*, symposium on Ivan Illitch, Western New England College Law School, April 2011.

*Love & Contracts*, Law & Society Association Annual Meeting, Chicago, May 2010; Loyola University faculty workshop, Los Angeles, Sept. 2010; Annual Contracts Conference, Stetson University Law School, Tampa, FL, Feb. 2011.

*Polygamy and Race Treason*, George Washington U. Law School faculty workshop, March 2007; U.N.C., Greensboro Women and Gender Studies Department workshop, April 2007; WVU U. law school conference on Religion, April 2007; Matrimonial Network, Amenia, NY, Oct. 2007; Roger Williams U. Law School faculty workshop, Oct. 2007; U. of Maryland Law School faculty workshop, March 2008; LSA Annual Meeting, June 2008; U. of Baltimore Applied Feminism conference, Feb. 2009; workshop on work, family and policy, Washington U. in St. Louis, Economics Department, March 2009.

*Mapping the New Frontiers in Private Ordering*, Contracts Section panel, AALS Annual Meeting, January 2007; faculty workshops at University of Pittsburgh and Western New England College law school, March 2006.

*The Story of Reynolds v. U.S.: Polygamy as Race Treason*, faculty workshop at the University of Utah law school, April 2006.

*Market Norms*, Georgetown U. Law Center, socioeconomics conference, Jan. 2006

*The Elasticity of Contract*, Yale Law School, The Properties of Carol Rose, Nov. 2005

*Private Ordering under the ALI Principles*, Harvard U. Law School, October 2004; Boston U. Law School faculty workshop April 2005; U. of Houston faculty workshop April 2005; Boston U. Law School faculty workshop April 2005; Columbia U. Law School Feminist

Theory workshop, April 2006

*What's Wrong with Baby Selling?* U. of California, Davis law school faculty workshop, March 2003, and U. of North Carolina faculty workshop, October, 2003

**Academic Presentations, con't.**

*Weirdo Families*, Hofstra Law School Conference on Marriage & Democracy, March 2003

*Capitalism with a Baby Face: The Progressive Potential of Reproductive Technologies*, Law and Society Ass'n. Annual Meeting, Budapest, July 2001; Commodification Futures Conference, Denver, March 2001

*Author-Meets-Reader: Richard Sherwin, WHEN LAW GOES POP*, Law & Soc'y Ass'n. Ann. Meeting, Budapest, July 2001; Law, Culture and Hums. Conf. Austin, Texas, March 2001

*Martha as Metaphor*, Law & Society Ass'n. Annual Meeting, Miami, May 2000

*Marriage as a Trade: Debunking the Private/Private Distinction*, U. of Colorado Law School faculty workshop, Feb.2001; U. of Connecticut Law School faculty workshop, Oct. 2000; Canadian Legal Economic Association Annual Meeting, Sept. 2000; Quinnipiac Law School faculty workshop, Sept. 2000; Law & Society Ass'n Annual Meeting, Miami, May 2000, U. of Michigan Law School Law & Inequality Workshop, April, 2000; & Legal Theory Workshop, Seton Hall Law School, Feb. 2000

*The Radical Future of Cultural Feminism*, American U. Gender, Work and Family Project conference on UNBENDING GENDER, Washington, D.C., Nov. 1999

*Marriage as A Trade: Importing Business Models to Regulate Intimate Relationships*, Howard H. Rolapp Distinguished Visiting Scholar presentation, Salt Lake City, Nov. 1999

**MAINSTREAM MEDIA**

*U.S. Supreme Court vs. The Rule of Law*, editorial, Baltimore SUN (July 20, 2022)

*Mother Jones* feature by Nicole Pascula, "Love Contractually: Why Unconventional Families Should Put it in Writing." May/June 2018, p.70 .

*The Id, the Ego & the Election*, *Huffington Post* (Nov. 11, 2017)

New America Foundation's *medium.com*: "Inside the 'Gayby Boom': A Mother's Story" (Oct. 12, 2015)

National radio interviews re: *Love's Promises* on 20+ programs (May-July 2015)

*Harvard Business Review*, "Reclassifying Office 'Housework'" and "Do You Know Who Holds Your Office Together?" (*Do You Know* with Shula Darviche) (Sept. 23 & August 17, 2015)

*Washingtonian* Magazine feature by Debbie Bruno: "Why You Need a Prenup for All Your Relationships," (Aug. 12, 2015)

*Time Magazine* feature by Jane Greenway Carr , “What it Means When Marriage Is a Contract” (July 8, 2015)

## **HONORS & GRANTS**

- Fulbright Traditional Scholar Award to study Reparations for Racial Injustice, McGill University, Jan. – May 2024
- *Carole & Hanan Sibel Research Professor of Law*, University of Maryland Law School, 2009-present
- *Love’s Promises: Family Equality Council Book Pick & Indie Book Award finalist* (2015)
- *University of Utah Research Professorship*, University of Utah, Spring Semester 2005
- *Hughes/Rudd Research Professor*, University of Denver College of Law, 2001-2002
- *Howard H. Rolapp Distinguished Visiting Scholar*, University of Utah College of Law, Nov. 1999
- *Founder’s Prize Honorable Mention*, Society for the Advancement of Socio-Economics (1997)
- *Pilot Study Grant*, Hughes/Rudd R & D Fund, for historical research on sex offense prosecutions in Denver, 1862-1900 (1997; renewed, 1998 & 1999)

## **BAR ADMISSIONS**

- Washington State (1990; currently inactive)
- Colorado (1991; membership voluntarily withdrawn 2003)

## **PROFESSIONAL MEMBERSHIPS**

- American Law Institute (2002 to present)
- National Conference of Bar Examiners, Drafting Committee (Contracts) (2019 to present)
- American Bar Foundation Fellow (2021 to present)
- Editorial Board, *Daily Record*, Baltimore, MD (2017-2019)
- Executive Committee Member, AALS Section on Contracts (2006 to present); Chair 2009
- Executive Committee Member, AALS Section on Sexual Orientation, Gay, Lesbian & Gender Identity Legal Issues (2000 to present); Chair 2006
- Law & Society Association (Chair, Local Arrangements Committee, 1998 Meeting)
- Board Member, Plan-B Theater Company (12/02 to 2/04)
- Member, Colorado Bar Association Task Force on Revised Article 9 (8/99 – 5/01)
- Member, Legal Subcmte of Governor’ s Comm’n on the Rights and Responsibilities of Same Sex Relationships (1/98 to 6/98)
- Chair, Board of Directors (12/95 to 12/97) & Director (10/95 to 12/98), Colorado Legal Initiatives Project
- Board of Directors and Corporate Counsel, New Beginnings Shelter for Battered Women and Their Children, Seattle, WA (12/92 to 4/94)