

Marcia L. McCormick

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CURRENT ACADEMIC APPOINTMENT

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| Saint Louis University School of Law | St. Louis, Missouri |
| <i>Associate Professor of Law (tenure 2011)</i> | July 2009-June 2013 |
| <i>Professor of Law</i> | July 2013-present |
| <i>Professor of Women's & Gender Studies</i> | July 2014-present |

Courses: Federal Courts, Employment Discrimination, Criminal Law, Gender and the Law seminar, International and Comparative Employment Law, Labor Law, Ferguson, Employment Law

Awards: Paul Steven Miller Memorial Award for Outstanding Academic and Public Contributions to the Field of Labor and Employment Law Scholarship, 2017
Presidential Research Grant – People Analytics, 2014
Saint Louis University Student Government Association Faculty Excellence Award, 2013

Administrative Appointments:

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| <i>Co-Director of the Wefel Center for Employment Law</i> | July 2013-June 2014 |
| <i>Director of the Wefel Center for Employment Law</i> | July 2014-June 2016 |
| <i>Associate Dean for Academic Affairs</i> | July 2017-present |

PUBLICATIONS

Alternative Agency Models for Optimal Enforcement of Employment Discrimination Laws (in progress).

Harassment and the Social Model of Discrimination (in progress).

Sexual Minorities and Religion (in progress)

CASES AND MATERIALS ON EQUALITY IN THE WORKPLACE (10th ed. forthcoming 2020)
(with Roberto Corrada, Maria Ontiveros, Nicole Buonocore Porter, and Michael Selmi)

The World Turned Upside Down: Employment Discrimination, Race, and Authenticity in Hamilton, in UNTITLED *HAMILTON AND THE LAW ANTHOLOGY* (Lisa Tucker ed., forthcoming 2019).

United Auto Workers v. Johnson Controls, in *FEMINIST JUDGMENTS: EMPLOYMENT DISCRIMINATION OPINIONS REWRITTEN* (forthcoming 2019)

Discharge, in *EMPLOYMENT LAW* (Mark A. Rothstein at al. eds., 6th ed. forthcoming 2019) (treatise chapter)

Changing what they Cannot Accept: Teachers Unions Fighting Education "Reform" from Chicago to Oklahoma, 22 *EMP. RTS. & EMP. POL'Y J.* ___ (forthcoming 2018) (book review)

The Growing Gender/Religion Divide, ___ *MARQUETTE BEN. & SOC. WELFARE L. REV.* ___ (forthcoming 2018)

Religious Privilege to Discriminate as Religious Freedom: From Charitable Choice to Faith Based Initiatives to RFRA and FADA, 56 *WASHBURN L.J.* 229 (2017).

Stereotypes as Channels and the Social Model of Discrimination, 36 *ST. LOUIS UNIV. PUB. L. REV.* 19 (2017)

People Analytics (with Matthew Bodie, Miriam Cherry & Jintong Tang), 88 *UNIV. COLORADO L. REV.* 961 (2017).

Our Uneasiness with Police Unions: Power and Voice for the Powerful? 35 *ST. LOUIS UNIV. PUB. L. REV.* 47 (2015).

Let's Pretend that Federal Courts Aren't Hostile to Discrimination Claims, 75 *OHIO ST. L.J. FURTHERMORE* 22 (2015)

To Count and Be Counted, 58 *ST. LOUIS UNIV. L.J.* 999 (2014).

From Podcasts to Treasure Hunts – Using Technology to Promote Student Engagement, 58 *ST. LOUIS UNIV. L.J.* 127 (2013).

Gender, Family, and Work, 30 *HOFSTRA LAB. & EMP. L. J.* 309 (2013).

Constitutional Limitations on Closing the Gender Gap in Employment, 8 *FLA. INT'L UNIV. L. REV.* 405 (2013).

Implausible Injuries: Wal-Mart v. Dukes and the Future of Class Actions and Employment Discrimination Cases, 62 *DEPAUL L. REV.* 711 (2013).

Workplace Reform in a Jobless Recovery, 81 *UMKC L. REV.* 347 (2012) (essay).

- Disparate Impact and Equal Protection after Ricci v. DeStefano*, 27 WIS. J. LAW, GENDER & SOC'Y 100 (2012).
- Decoupling Employment*, 16 LEWIS & CLARK L. REV. 499 (2012).
- Federal Regulation and the Problem of Adjudication*, 56 ST. LOUIS U. L.J. 39 (2011).
- Consensus, Dissensus, and Enforcement: Legal Protection of Working Women from the Time of the Triangle Shirtwaist Factory Fire to Today*, 14 N.Y.U. J. LEG. & PUB. POL'Y 645 (2011).
- Implausible Wrongs and Dissimilarities: The Supreme Court Continues Its Anti-Litigation Trend, This Time With a Class Action Focus in Wal-Mart v. Dukes*, 8 ANTITRUST CHRON. (online), <https://www.competitionpolicyinternational.com/aug-11/> (2011).
- Back to Color-Blindness: Recent Developments in Discrimination Law in the United States*, 16 REVUE DES AFFAIRES EUROPEENNES 203 (2010).
- BECOMING A LAW PROFESSOR (2010) (with Brannon P. Denning and Jeffrey Lipshaw).
- The Truth Is Out There: Revamping Federal Antidiscrimination Enforcement for the 21st Century* 30 BERKELEY J. EMP. & LAB. L. 193 (2009).
- Solving the Mystery of How Ex Parte Young Escaped the Federalism Revolution*, 40 U. TOLEDO L. REV. 909 (2009).
- The Equality Paradise: Paradoxes of the Law's Ability to Promote Equality*, 13 TEX. WESLEYAN L. REV. 515 (2007).
- When Worlds Collide: Federal Court Construction of State Institutional Competence*, 9 U. PENN. J. CON. L. 1167 (2007).
- The Allure and Danger of Practicing Law as Taxonomy*, 58 ARK. L. REV. 159 (2005).
- Federalism Re-Constructed: The Eleventh Amendment's Illogical Impact on Congress' Power* 37 IND. L. REV. 345 (2004).
- Truth or Consequences: Why the Rejection of the Pretext Plus Approach to Employment Discrimination Cases in Reeves v. Sanderson Plumbing Establishes the Better Legal Rule*, 21 N. ILL. U. L. REV. 355 (2001).
- M. Cherif Bassiouni & Marcia McCormick, *Sexual Violence: An Invisible Weapon of War* (John D. & Catherine T. MacArthur Foundation 1996).

RECENT SPEECHES, PRESENTATIONS, AND PANELS

Workplace Law at the Supreme Court (discussant)

Southeastern Association of Law Schools Annual Meeting, August 2018

New and Established Voices in Labor and Employment Law (commentator)

Southeastern Association of Law Schools Annual Meeting, August 2018

Sexual Harassment Law: So Much Success, So Much Failure (discussant)

Southeastern Association of Law Schools Annual Meeting, August 2018

#MeToo and the Judiciary

ABA Judicial Division, ABA Annual Meeting, August 2018

Sexual Harassment Today Post #Metoo: Prevention and How Cases are Pursued and Defended

MyLawCLE, June 2018

Sexual Harassment in Context

Missouri Bar Association, May 2018

UAW v. Johnson Controls

Feminist Judgments Project: Employment Discrimination, University of Nevada Las Vegas, April 2018

Title IX and the Constitution: Justice and the Right to Be Heard

A conversation sponsored by the SLU Law Federalist Society and Women Law Students Association, April 2018

The Report on Sexual Violence in the War in Yugoslavia: The Commission of Experts and IHRLI Make History

DePaul Law Review 2018 Symposium: The Intersection of International Criminal Law and Gender: Progress of the Past and Goals for the Future, March 2018

In-Depth Analysis of Changes to Missouri Employment Law Under SB 43

The Bar Association of Metropolitan St. Louis, October 2017

Sexual Minorities and Religion Under Title VII

Twelfth Annual Colloquium on Current Scholarship in Labor and Employment Law, Texas A&M University School of Law, September 2017

Intentionally Disparate? A Reflection on Recent Developments in Individual Disparate Treatment Law (discussant)

Southeastern Association of Law Schools Annual Conference, August 2017

Trends and Tension Between Religious Freedom and Workplace Protections and Benefits (convenor, moderator)

Southeastern Association of Law Schools Annual Conference, August 2017

New and Existing Voices in Labor and Employment Law (commentator)
Southeastern Association of Law Schools Annual Conference, August 2017

The Future of LGBTQ Rights (discussant)
Southeastern Association of Law Schools Annual Conference, August 2017

Inside the Mind of the Outside Reviewer (panelist)
Southeastern Association of Law Schools Annual Conference, August 2017

Employment Law in the Trump Era (discussant)
Southeastern Association of Law Schools Annual Conference, August 2017

Volunteers, Interns, & Employment Law Issues: What Nonprofits Need to Know
Univ. of Missouri St. Louis Nonprofit Management & Leadership Program, July 2017

Religious Freedom and Accommodation Issues Arising from Regulatory Expansions
Future of Labor and Employment Law: Power, Policies, and Politics, Washburn University School of Law Center for Law & Government and Washburn Law Journal, February 2017

Police Unions
Eleventh Annual Colloquium on Current Scholarship in Labor and Employment Law, University of Washington School of Law & Seattle University School of Law, September 2016

New Voices in Labor and Employment Law (commentator)
Southeastern Association of Law Schools Annual Conference, August 2016

Fisher v. University of Texas – Implications for Labor and Employment Law
Southeastern Association of Law Schools Annual Conference, August 2016

Stereotypes as Channels and the Social Model of Discrimination
Shattering the Glass Ceiling, Public Law Review Symposium, February 2016

RECENT MEDIA APPEARANCES

Joel Currier & Doug Moore, *Lesbian Couple Denied Housing in Sunset Hills Senior Living Community, Lawsuit Claims* (July 26, 2018),
https://www.stltoday.com/news/local/crime-and-courts/lesbian-couple-denied-housing-in-sunset-hills-senior-living-community/article_0233aeb6-3585-511e-a198-74d7c4c05b36.html

- Cameron Montemayor, *Whistleblowing Professors Would Be Protected Under New Missouri Law*, NW. MISSOURIAN (Mar. 28, 2018), https://www.nwmissourinews.com/news/article_545a8ca2-32d8-11e8-be7b-23c592fcdeeb.html
- Tessa Weinberg, *This Bill Would Protect Whistleblowing Professors at Missouri Universities*, KANSAS CITY STAR (Mar. 22, 2018, 1:35 PM), <http://www.kansascity.com/news/politics-government/article206374949.html>
- Richard Deitsch, *Revisiting Sexual Harassment of Female Sports Reporters and Media Members*, SPORTS ILLUSTRATED (Nov. 26, 2017), <https://www.si.com/tech-media/2017/11/26/female-sports-reporters-sexual-harassment-media-circus>
- Lauren Trager, *How Long is too Long to Render Verdict?*, KMOV (Sept. 12, 2017, 5:40 PM), <http://www.kmov.com/story/36350627/how-long-is-too-long-to-render-verdict-news-4-investigates-examines-other-cases-ahead-of-stockley-verdict>
- Kacie Whaley, *New Cook County Paid Sick Leave Laws Could Mean Legal Trouble for Employers If Ignored*, COOK CTY. RECORD (Aug. 1, 2017, 5:00 AM), <http://cookcountyrecord.com/stories/511155696-new-cook-county-paid-sick-leave-laws-could-mean-legal-trouble-for-employers-if-ignored>
- Claire Zillman, *Why Trump's Justice Department Just Increased the Stakes in the Fight for LGBT Workplace Rights*, FORTUNE (July 27, 2017, 3:00 PM), <http://fortune.com/2017/07/27/trump-department-justice-gay-workplace-discrimination/>
- Jason Rosenbaum, *On the Trail: Krewson Won't Sue over State GOP Wiping out St. Louis' Minimum Wage Hike*, ST. LOUIS PUB. RADIO (July 5, 2017), <http://news.stlpublicradio.org/post/trail-krewson-won-t-sue-over-state-gop-wiping-out-st-louis-minimum-wage-hike#stream/0>
- Kimberly Adams, *Companies Looking for Legal Cover Make Harassment Prevention Programs Big Business*, MARKETPLACE (Apr. 6, 2017, 2:00 PM), <https://www.marketplace.org/2017/04/06/business/companies-seek-legal-cover-attempts-limit-workplace-harassment>
- Jeremy Kohler & Kurt Erickson, *She Still Works for the Missouri Prison Supervisor Who Harassed Her*, ST. LOUIS POST DISPATCH (Dec. 22, 2016), http://www.stltoday.com/news/local/crime-and-courts/she-still-works-for-the-missouri-prison-supervisor-who-harassed/article_672a8148-cadb-5dba-ab9d-4d591851e64b.html
- Blake Edwards, *What Happens when a CEO and a GC Fall in Love*, BLOOMBERG LAW (Aug. 12, 2016), <https://bol.bna.com/what-happens-when-a-ceo-and-a-gc-fall-in-love/>

Stephen Battaglio & Yvonne Villarreal, *Fox News May Have Just Opened Itself up to More Lawsuits with Roger Ailes' Resignation*, L.A. TIMES (July 26, 2016, 3:00 AM), <http://www.latimes.com/entertainment/envelope/cotown/la-et-ct-ailes-women-harassment-20160725-snap-story.html>

St. Louis on the Air: Legal Roundtable, KWMU (July 21, 2016), <http://news.stlpublicradio.org/post/legal-roundtable-should-supreme-court-justices-be-able-make-political-comments>

Claire Zillman, *How Roger Ailes's Downfall Could Encourage More Women to Speak Up*, FORTUNE (July 22, 2016, 2:09 PM EDT), <http://fortune.com/2016/07/22/roger-ailes-gretchen-carlson-sexual-harassment/>

Koran Addo, *After Police Raided an Apartment Building to Arrest a Suspect, Others Were Left with Collateral Damage*, ST. LOUIS POST DISPATCH (June 20, 2016), http://www.stltoday.com/news/local/crime-and-courts/after-police-raided-an-apartment-building-to-arrest-a-suspect/article_4b84ab41-d3dc-5ca8-a6f7-acdb16f7b062.html

Rob Lenihan, *Facts Drove Award in Lesbian Firefighter's Bias Case but Precedent Far from Clear*, BUS. INS. (Apr. 26, 2016, 11:02 AM), <http://www.businessinsurance.com/article/20160426/NEWS06/160429877/lesbian-firefighter-providence-rhode-island-sexual-orientation?tags=|70|83|302|329>

Hyacinth Mascarenhas, *IGDA Criticises Nintendo for Alison Rapp's Termination*, INT'L BUS. TIMES (Apr. 6, 2016, 5:50 BST), <http://www.ibtimes.co.uk/igda-criticizes-nintendo-alison-rapps-termination-1553365>

Joshua Brustein & Jing Cao, *Did Nintendo Fire an Employee to Appease a Gamergate Mob?*, BLOOMBERG TECH. (Apr. 4, 2016, 8:46 PM CDT), <http://www.bloomberg.com/news/articles/2016-04-04/did-nintendo-fire-an-employee-to-appease-a-gamergate-mob>

Shattering the Glass Ceiling, SLU LAW SUMMATIONS (Mar. 10, 2016), <http://www.natlawreview.com/article/shattering-glass-ceiling-podcast>

Joel Rosenblatt, *Zuckerberg Seeks Knockout Punch on Eve of Land Deal Trial*, BLOOMBERG TECH. (Mar. 1, 2016, 3:26 PM CST), <http://www.bloomberg.com/news/articles/2016-03-01/builder-suing-zuckerberg-cites-right-against-self-incrimination>

PROFESSIONAL MEMBERSHIP AND SERVICE ACTIVITIES

Member, Labor Law Group, 2018-present

Co-Editor, ABA JOURNAL OF LABOR & EMPLOYMENT LAW, 2018-present

Managing Editor, EMPLOYEE RIGHTS & EMPLOYMENT POLICY JOURNAL, 2004-present
Co-editor, Workplace Prof Blog, http://lawprofessors.typepad.com/laborprof_blog/,
2008-present
Contributing Editor, Jotwell (Journal of Things We Like (Lots)), Work Law Section,
<http://worklaw.jotwell.com/>, 2010-present
Fifth Annual Colloquium on Current Scholarship in Labor and Employment Law,
Organizing committee, 2009-10
Shalom House, St. Louis, Missouri, Personnel Committee Member, 2009-12

American Association of Law Schools

New Law Professors Section, Chair 2012, Chair-Elect 2011, Treasurer 2010
Employment Discrimination Section, Executive Committee Member, 2010-13
Sabbatical Membership Reporter, 2013-present

American Bar Association

Section of State and Local Government Law, State Attorneys General and State
Department of Justice Issues Committee, Founding Member, 2013-16
Section of Labor and Employment Law, Member 2001-present
Section of Legal Education and Admissions to the Bar, Member 2001-present,
Accreditation Site Team Member, 2013-present
Section of Litigation, Member Appellate Practice, Employment & Labor Relations,
and The Woman Advocate Committees 2001-16

Southeastern Association of Law Schools

Board of Directors Member, 2015-2018
Deputy Executive Director, 2013-15
New Scholars Committee Member, 2006-10, Chair, 2010-13
Prospective Law Professors Program Committee Member, 2012-13
New Law Professors Program Committee Member, 2012-13
Website Committees Member, 2008-10

Saint Louis University

Strategic Planning Assembly, 2014-15
Women's & Gender Studies Advisory Board, 2012-present
Women's & Gender Studies Governance Committee, 2014-present

Saint Louis University College of Law

Self-Assessment/Site Visit Committee Chair, 2017-present
Admissions Committee, Spring 2017
Ad Hoc Committee on Diversity and Inclusion, 2016
Employment Law Association Advisor, 2014-16
Strategic Planning Committee, 2013-14
Faculty Assembly Vice President, 2013-14, President, 2014-15
Dean Search Committee, 2012-13
Curriculum Committee, 2009-11, 2012-13
Appointments Committee, 2010-12

Working Group on Status, Chair, 2011-12
International Law Students Association Advisor, 2012-13
National Lawyer's Guild Co-Advisor, 2011-14
Hispanic National Bar Association Moot Court Competition Coach/Advisor, 2010
Center for International & Comparative Law, Member 2010-present
William C. Wefel Center for Employment Law, Member 2009-present

Cumberland School of Law, Samford University

Public Interest Project Advisory Board Member, 2007-09
Appointments Committee, 2007-09
Admissions Committee, 2006-07
Faculty Policy Committee (elected), 2006-09
University Diversity Committee, 2006-09
Faculty Advisor: Moot court, 2007-09, Women in Law. 2006-09, Community Service Organization, 2005-07
Organizer, Interschool Symposium on the Role of Professional Schools in Promoting Public Mindedness (2005-07)

RECENT LITIGATION/CONSULTING/POLICY ADVOCACY

Consulted pro bono with various groups or individuals on matters related to workplace law and federal courts expertise, for example consulting on diversity issues and discrimination, helping to draft legislation for state legislature seeking to ban confidential settlements by government actors, providing expert opinion on same sex harassment, and conferring on civil service and labor protections for city workers, 2010-present

New Prime v. Oliveira, United States Supreme Court No. 17-340, Brief by Employment Law Scholars Amici Curiae in Support of Respondent, October term 2018

Janus v. AFSCME, United States Supreme Court No. 16-1466, Brief of Amici Curiae Labor Law & Labor Relations Professors in Support of Respondents, October term 2017

Title IX and the Preponderance of the Evidence: A White Paper (Oct. 3, 2016),
<http://www.feministlawprofessors.com/wp-content/uploads/2016/08/Title-IX-Preponderance-White-Paper-signed-10.3.16.pdf>

Cooperative Home Care, Inc. v. City of St. Louis, Missouri Supreme Court No. SC 95401, Brief of Amicus Curiae Municipal and Labor Law Scholars, National Employment Law Project, and Missouri Jobs with Justice (June 8, 2016)

Nat'l Football League Mgmt. Council v. Nat'l Football League Players Ass'n, United States Court of Appeals for the Second Circuit No. 15-2801, Brief of U.S. Labor Law and Industrial Relations Professors as Amicus in Support of Petition for Panel Rehearing and Rehearing en banc (May 31, 2016)

Statement of the Public Rights/Private Conscience Project at Columbia Law School on Missouri's Senate Joint Resolution 39 regarding same sex marriage (April 18, 2016)

Mann v. City of Kansas City, Missouri Supreme Court No. SC 95368, Brief of Amicus Curiae Municipal and Labor Law Scholars, National Employment Law Project, and Missouri Jobs with Justice (April 1, 2016)

Rulemaking Petition of Professor Charles J. Morris and other Labor-Law Related Professors, In re Proposed Rule to Regulate Captive-Audience Meetings that Provides Grounds For Setting Aside a Section 9 Representation Election and Ordering a New Election (Jan. 15, 2016)

Friedrichs v. Cal. Teachers Ass'n, United States Supreme Court No. 14-915, Brief of Amici Curiae Labor Law & Labor Relations Professors in Support of Respondents, October Term 2015

OTHER PROFESSIONAL EXPERIENCE AND PAST ACADEMIC APPOINTMENTS

Cumberland School of Law, Samford University Birmingham, Alabama
Associate Professor of Law (without tenure) July 2008-June 2009
Assistant Professor of Law July 2005-June 2008

Courses: Federal Courts, Employment Law, Civil Rights, Criminal Law, Property
Honors: Lightfoot, Franklin & White Scholarship Award, 2008
Harvey S. Jackson Excellence in Teaching Award, 2007

Chicago-Kent College of Law Chicago, Illinois
Visiting Assistant Professor of Law July 2001-June 2005

Courses: Labor Law, Federal Courts, Legal Research and Writing I and II
Honors: Nudelman Award for Outstanding Faculty Support to Moot Court, 2004

Office of the Illinois Attorney General Chicago, Illinois
Assistant Attorney General Sept. 1995-June 2001

International Human Rights Law Institute, DePaul University Chicago, Illinois
Staff Attorney July 1993-Sept. 1995

EDUCATION

University of Iowa College of Law Iowa City, Iowa
Juris Doctor, 1993, *with distinction*
Managing Editor, IOWA LAW REVIEW, Outstanding Woman Law Graduate

Grinnell College Grinnell, Iowa

Bachelor of Arts, Philosophy, 1989