

Courtney Megan Cahill  
Professor of Law  
University of California, Irvine School of Law  
401 263 3646

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## ACADEMIC APPOINTMENTS

### **University of California, Irvine School of Law**

*Professor of Law* 2022-present

### **Florida State University College of Law, Tallahassee, Florida**

*Donald Hinkle Professor of Law* 2013-2022

*Associate Professor of Law* 2012-2013

#### Teaching:

Courses: Constitutional Law, Family Law, Property, Sexuality, Gender & the Law  
Florida State University Teaching Award Nominee (2015, 2017, 2020, 2021)

#### Service:

Appointments, Chair (2020-2021)  
Associate Dean for Research (2019-2020)  
Appointments, Member (2013-2014; 2018-2019; 2021-2022)  
Dean Search Committee (2015-2016)  
Promotion & Tenure Committee, Chair (2017; 2018-2019)  
Promotion & Tenure Committee, Member (2016; 2019-2020)  
Admissions Committee, Chair (2014-2015)  
Curriculum Committee, Chair (2016-2017)  
Curriculum Committee, Member (2018; 2021-2022)  
Judicial Clerkships Committee, Member (2018)

### **Roger Williams School of Law, Bristol, Rhode Island**

*Associate Professor of Law* 2008-2012

*Assistant Professor of Law* 2007-2008

#### Teaching:

Courses: Constitutional Law I, Constitutional Law II, Family Law, Property, Sexuality, Gender & the Law

#### Service:

Appointments Committee, Member (2007-2008; 2010-2011)  
Honors Committee, Chair (2011-2012)  
Admissions Committee, Member (2010-2011)

### **Brown University, Department of Political Science, Providence, Rhode Island**

*Visiting Professor of Political Science* 2009, 2010, 2011

#### Teaching:

Courses: Constitutional Law, Sexuality, Gender & the Law

Taught Constitutional Law (twice) to around 100 undergraduates and a Sexuality, Gender & the Law seminar

**Washington & Lee University School of Law, Lexington, Virginia**

*Visiting Assistant Professor of Law*

Fall 2006

(permanent offer extended but declined)

Teaching:

Courses: Constitutional Law, Sexuality, Gender & the Law

**University of Michigan Law School, Ann Arbor, Michigan**

*Visiting Instructor of Law*

Spring 2006

Teaching:

Course: Sexuality, Gender & the Law

**University of Toledo College of Law, Toledo, Ohio**

*Assistant Professor of Law*

2003-2007

Teaching:

Courses: Constitutional Law, First Amendment, Family Law, Sexuality, Gender & the Law, Criminal Law

Service:

Appointments Committee, Member (2004-2005)

**EDUCATION**

**YALE LAW SCHOOL, J.D., 2001**

Honors: Colby Townsend Prize (best paper by a second-year student); Coker Teaching Fellow (for Professor Reva Siegel)

Activities: *Yale Law Journal* (Chief Essays Editor); *Yale Journal of Law & Humanities* (Member)

**PRINCETON UNIVERSITY, Ph.D., 1999** (Comparative Literature w/concentration in Italian; advisor: Professor Robert Hollander)

Honors: Mellon Fellow, Center for Human Values (Princeton); Fulbright Fellow (Università degli Studi di Firenze & Società Dantesca Italiana, Florence, Italy); C.H. Grandgent Award (best article on Dante by an American or Canadian graduate student) (Harvard University & the Dante Society of America)

Publications: *Boccaccio's Decameron and the Fictions of Progress* (1999, Ph.D. dissertation); Robert Hollander & Courtney Cahill, *Day Ten of the Decameron: The Myth of Order*, XXIII STUDI SUL BOCCACCIO 113 (1995), reprinted in ROBERT HOLLANDER, BOCCACCIO'S DANTE AND THE SHAPING FORCE OF SATIRE 109-169 (1997); Courtney

Cahill, *The Limitations of Difference in Paradiso XIII's Two Arts: Reason and Poetry*, 114 DANTE STUDIES 245 (1996).

**BARNARD COLLEGE**, B.A., 1993; Classics & English Literature, *summa cum laude*

Honors: Phi Beta Kappa; Honors & Distinction in majors; Jean Willard Tatlock Prize for Excellence in Latin (Columbia College); W. Cabell Greet Prize for Excellence in English Literature (Barnard College)

## BOOKS

ESTATES IN LAND AND FUTURE INTERESTS: A STEP-BY-STEP GUIDE 6<sup>th</sup> ed. (forthcoming) (Wolters Kluwer 2021) (with Linda Edwards).

## ARTICLES & ESSAYS

*Sex Equality's Irreconcilable Differences*, 132 YALE LAW JOURNAL (forthcoming).

*Reproductive Exceptionalism In and Beyond Birth Rights*, 100 B.U. L. REV. ONLINE 152 (2020) (online symposium responding to DOV FOX, BIRTH RIGHTS AND WRONGS: HOW MEDICINE AND TECHNOLOGY ARE REMAKING REPRODUCTION AND THE LAW (2019)).

*The New Maternity*, 133 HARVARD LAW REVIEW 2221 (2020).

- Winner, Dukeminier Award (2021)

*After Sex*, 97 NEBRASKA LAW REVIEW 1 (2018).

- Reprinted in part in JUDITH DAAR, GLENN COHEN, SEEMA MOHAPATRA, & SONIA SUTER, REPRODUCTIVE TECHNOLOGIES AND THE LAW (3<sup>rd</sup> ed.).

*Universalizing Anonymity Anxiety*, 3 J. L. & BIOSCIENCES 647 (2016) (invited).

*Reproduction Reconceived*, 101 MINNESOTA LAW REVIEW 617 (2016).

- Reprinted in Minnesota Family Law Journal (2018).

*Obergefell and the "New" Reproduction*, 100 MINNESOTA LAW REVIEW HEADNOTES 1 (2016).

*The Oedipus Hex: Regulating Family After Marriage Equality*, 49 U.C. DAVIS LAW REVIEW 183 (2015).

- Winner, Dukeminier Award, Michael Cunningham Prize (2017)
- Reviewed by Douglas NeJaime, *Alternative Reproduction in the Age of Marriage Equality*, Jotwell (2016), at <http://family.jotwell.com/2016/03/>.

*Does the Public Care how the Supreme Court Reasons? Empirical Evidence and Normative Concerns in the Case of Same-Sex Marriage* (with Geoffrey Rapp), 93 NORTH CAROLINA LAW REVIEW 303 (2015).

*Abortion and Disgust*, 48 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 410 (2013).

- Discussed in Anu Kumar, *Disgust, Stigma, and the Politics of Abortion*, MS. (Magazine) (May 22, 2017).

*Regulating at the Margins: Non-Traditional Kinship and the Legal Regulation of Intimate and Family Life*, 54 ARIZONA LAW REVIEW 43 (2012).

*Disgust and the Problematic Politics of Similarity*, 109 MICHIGAN LAW REVIEW 943 (2011) (essay reviewing MARTHA NUSSBAUM, FROM DISGUST TO HUMANITY: SEXUAL ORIENTATION & CONSTITUTIONAL LAW (2010)).

*Celebrating the Differences That Could Make a Difference: United States v. Virginia and a New Vision of Sexual Equality*, 70 OHIO STATE LAW JOURNAL 943 (2010) (Justice Ginsburg Symposium).

*(Still) Not Fit to Be Named: Moving Beyond Race to Explain Why ‘Separate’ Nomenclature for Gay and Straight Relationships Will Never Be ‘Equal,’* 97 THE GEORGETOWN LAW JOURNAL 1155 (2009).

*Rhetorical Atavism and the Narrative of Progress in the Debate Over Marriage Equality*, 1 THE FREEDOM CENTER JOURNAL 64 (2008) (symposium and invited contribution to the inaugural issue of *The Freedom Center Journal*, University of Cincinnati College of Law).

*“If Sex Offenders Can Marry, Then Why Not Gays and Lesbians?”: An Essay on the Progressive Comparative Argument*, 55 BUFFALO LAW REVIEW 222 (2007) (invited contribution to the annual essays issue).

*The Genuine Article: A Subversive Economic Perspective on the Law’s Procreationist Vision of Marriage*, 64 WASHINGTON & LEE LAW REVIEW 393 (2007).

*Same-Sex Marriage, Slippery Slope Rhetoric, and the Politics of Disgust: A Critical Perspective on Contemporary Family Discourse and the Incest Taboo*, 99 NORTHWESTERN UNIVERSITY LAW REVIEW 1543 (2005).

- Linked to in Thomas Edsall, *Purity, Disgust, and Donald Trump*, N.Y. TIMES (Jan. 6, 2016).

*“What is Our Bane, That Alone We Have in Common”: Incest, Intimacy, and the Crisis of Naming*, 21 STUDIES IN LAW, POLITICS, AND SOCIETY 3 (A. Sarat & P. Ewick, eds, 2000) (invited contribution).

## SHORTER WORKS & NON-ACADEMIC PUBLICATIONS

*Extreme Anti-Transgender Laws Will Backfire for Conservative States*, SLATE (Apr. 30, 2021).

*Fair Housing for a Non-Sexist Household*, Jotwell (2021) (reviewing Noah M. Kazis, *Fair Housing for a Non-Sexist City*, 134 HARV. L. REV. 1684 (2021)).

*Kinship at the Border*, Jotwell (2020) (reviewing NARA B. MILANICH, *PATERNITY: THE ELUSIVE QUEST FOR THE FATHER* (2019)).

*Disestablishing the Mother & Courts, Law, and Social Change: A Response to Litman, Take Care* Online Symposium (2019) (invited commentary on REPRODUCTIVE RIGHTS AND JUSTICE STORIES (Kate Shaw, Reva Siegel, & Melissa Murray, eds. 2019)).

*The Space In-Between*, Jotwell (2019) (reviewing Naomi R. Cahn, *Revisiting Revocation upon Divorce?*, 103 IOWA L. REV. 1880 (2018)).

*The Story of Parenthood*, Jotwell (2018) (reviewing Douglas NeJaime, *The Nature of Parenthood*, 126 YALE L.J. 2260 (2017)).

*Perfecting Procreation*, Jotwell (2017) (reviewing JUDITH DAAR, *SELECTIVE BREEDING IN AN ERA OF REPRODUCTIVE TECHNOLOGIES* (2017)).

*On Marriage Equality and Transformation Through Preservation*, Jotwell (2016) (reviewing Douglas NeJaime, *Marriage Equality and the New Parenthood*, 129 HARV. L. REV. 1185 (2016)).

## WORKS IN PROGRESS

*The New (and Distorted) Anti-Stereotyping* (essay critiquing pro-life feminism's claim that constitutional sex equality *requires* an acknowledgement of real biological differences between the sexes).

*Dobbs and the Maternal Certainty Justification for Sex Discrimination* (essay arguing that *Dobbs* paradoxically weakens an argument for sex discrimination as old as *Roe v. Wade*—that women, but not men, prove their parental commitments through the *voluntary* decision to carry a pregnancy to term).

*The Footnote* (essay on *Geduldig v. Aiello* footnote 20 and its (mis)use by the *Dobbs* Court to shut down the sex equality argument for abortion).

*Breast Practices* (essay arguing that the nation's "breast practices" demonstrate how even the most overt forms of sex discrimination find continued shelter in sex equality jurisprudence).

*Equality or Bust* (book project surveying and critiquing the regulation of women's bodies in the United States and using criminal breast laws as an entry point to that discussion).

*Anti-Trans Laws and the End of Jane Crow* (essay arguing that the anti-trans laws and bills sweeping the nation should eventually curtail the states' power to define sex just as Jim Crow laws eventually curtailed the states' power to define race).

## **MEDIA CONTRIBUTIONS**

Interview with Spike Cohen from Muddied Waters Media (podcast) (discussing anti-trans laws) (aired May 13, 2021).

Interview with Gina Jordan from WLRN (Miami), South Florida's NPR affiliate (discussing marriage equality in Florida and nationally as well as the emerging conflict between marriage equality and religious freedom) (aired February 3 and 4, 2015).

## **PRESENTATIONS & CONFERENCES**

### 2022

- Presenter, "Sex Equality's Irreconcilable Differences," Faculty Workshop, University of Connecticut School of Law
- Presenter, "Sex Equality's Irreconcilable Differences," Roundtable on LGBTQ Rights, Vanderbilt Law School

### 2021

- Panelist, "A Conversation on Reproductive Rights: The Texas Issue," White & Case LLP (with Jael Humphrey, Senior Counsel, State Legislative Affairs at NARAL Pro-Choice America)
- Presenter, "Litigating Abortion Cases After Texas," Debevoise & Plimpton (with Shannon Selden)
- Panelist, "Abortion in the Courts from *Casey* to *Dobbs*," FSU Federalist Society
- Moderator, "The Public Law of the Body," ICON-S The International Society of Public Law: Annual Conference

### 2020

- Speaker, "Women and the Court After RBG," Yale Law Women and Debevoise & Plimpton
- Panelist, "The Court After RBG," FSU College of Law
- Presenter, "The New Maternity," Faculty Presentation, University of Richmond Law School & the Jepson School for Leadership Studies
- Invited Presenter, "The New Maternity," Faculty Workshop, University of San Diego School of Law (March 2020; cancelled)

### 2019

- Presenter, "The Supreme Court's Title VII Cases, 2019 Term," Holland & Knight, Boston, Mass.
- Presenter, "The New Maternity," Faculty Presentation, UCLA School of Law
- Presenter, "The New Maternity," Baby Markets Roundtable, The George Washington University Law School
- Commentator, Baby Markets Roundtable, The George Washington University Law School
- Presenter, "The New Maternity," Faculty Workshop, The University of Arizona, James E. Rogers College of Law

### 2017

- Presenter, “Sex and the New Reproduction,” Baby Markets Roundtable, University of Texas School of Law
- Guest Speaker, “LGBT Rights in the Trump Administration,” St. Stephen Lutheran Church, Tallahassee, Florida

#### 2016

- Presenter, “Reproduction Reconceived,” Baby Markets Roundtable, University of California, Irvine School of Law

#### 2015

- Panelist, “Same-Sex Marriage: Religious Liberty After *Obergefell*,” FSU Federalist Society
- Panelist, “Same-Sex Marriage: A Conservative, a Libertarian, and a Liberal,” FSU Federalist Society
- Presenter, “Legal Issues After Marriage Equality,” Tallahassee Women Lawyers
- Presenter, “Family Law Issues After Marriage Equality,” Florida First District Court of Appeal (Lunch & Learn Series)
- Panelist, “Gay Rights and the Procreative Right,” AALS Workshop on Shifting Foundations in Family Law, Orlando, Florida
- Moderator, “After Marriage,” American Constitution Society, Washington, D.C.

#### 2014

- Organizer, After Marriage Symposium, FSU College of Law

#### 2013

- Panelist, “Law, Humanities, and the Vulnerable Subject,” AALS Annual Meeting
- Presenter, “After Marriage,” Brown University
- Panelist, “Same-Sex Marriage: A Debate,” Brown University, Taubman Center for Public Policy & American Institutions

#### 2012

- Panelist, “Marriage Equality,” Brown University

#### 2011

- Presenter, “Regulating at the Margins: Non-Traditional Kinship and the Legal Regulation of Intimate and Family Life,” Faculty Presentation, University of Colorado Law School
- Presenter, “Regulating at the Margins: Non-Traditional Kinship and the Legal Regulation of Intimate and Family Life,” Faculty Presentation, Florida State University College of Law

#### 2010

- Lecture, “Beyond Prop. 8: Race, Sexuality, Religion and Same-Sex Marriage,” Annual Masha Dexter Lecture, Brown University
- Presenter, “Family Law and the Marginal Moment,” Faculty Workshop, Marquette Law School

- Panelist, “Religious Liberty and Same-Sex Marriage in Rhode Island,” Roger Williams Federalist Society

#### 2009

- Presenter, “Reorienting Sexual Orientation and the Law: Lessons Learned from Justice Ginsburg and *United States v. Virginia*,” Ohio State University, Moritz College of Law, The Jurisprudence of Justice Ruth Bader Ginsburg: A Discussion of Fifteen Years on the U.S. Supreme Court
- Presenter, “The Legal Case for Marriage Equality,” Brown University (Brown Democrats)
- Presenter, “The Legal Case for Marriage Equality,” Rhode Island Young Democrats
- Presenter, “(Still) Not Fit To Be Named: Moving Beyond Race To Explain Why ‘Separate’ Nomenclature for Gay and Straight Relationships Will Never Be ‘Equal,’” Brown University (Janus Conversation)
- Presenter, “Law and the Marginal Moment,” Brown University Pre-Law Society
- Presenter, “(Still) Not Fit To Be Named: Moving Beyond Race To Explain Why ‘Separate’ Nomenclature for Gay and Straight Relationships Will Never Be ‘Equal,’” Brown University (Out to Lunch Series)

#### 2008

- Presenter, “The ‘S’ Word,” Faculty Workshop, Chapman University School of Law
- Presenter, “The ‘S’ Word,” Feinstein Institute Speaker Series, Roger Williams School of Law

#### 2007

- Presenter, “Rhetorical Atavism and the Narrative of Progress in the Debate Over Marriage Equality,” University of Cincinnati College of Law, “Reconstructions: Historical Consciousness and Critical Transformation”
- Presenter, “Just Rhetoric?: How (and Why) Rhetoric is Driving the Debate Over Marriage Equality,” University of Michigan Law School

#### 2006

- Presenter, “The Genuine Article: A Subversive Economic Perspective on the Law’s Procreationist Vision of Marriage,” Feminism and Legal Theory Workshop, Emory Law School
- Presenter, “The Genuine Article: A Subversive Economic Perspective on the Law’s Procreationist Vision of Marriage,” Faculty Presentation, Washington & Lee University School of Law

#### 2004

- Panelist, “Justice Scalia’s Jurisprudence,” University of Michigan Law School

#### 2000

- Presenter, “‘What is Our Bane, That Alone We Have in Common’: Incest, Intimacy, and the Crisis of Naming,” Law, Culture, and the Humanities Conference, Washington, D.C.

## **SERVICE**



Williams Institute Dukeminier Awards Journal Selection Committee (2017)

Jotwell Contributor, Family Law Section (2016-present)

## **OTHER LEGAL EXPERIENCE**

**Law Clerk to the Honorable Harold Baer, Jr.**

United States District Court for the Southern District of NY 2002-2003

**Simpson Thacher & Bartlett, New York, New York**

*Litigation Associate* 2001-2002

**BAR ADMISSION** – New York (2001)