

KATHERINE A. MACFARLANE
SOUTHERN UNIVERSITY LAW CENTER
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ACADEMIC EXPERIENCE

SOUTHERN UNIVERSITY LAW CENTER, BATON ROUGE, LA
Associate Professor, 2021–Present
Courses: Civil Procedure, Constitutional Law, Federal Jurisdiction

UNIVERSITY OF IDAHO COLLEGE OF LAW, BOISE, ID
Associate Professor, 2015–2021 (tenured in 2019)
Courses: Civil Procedure, Civil Rights Litigation, Constitutional Law, Conflict of Laws, Federal Courts

LOUISIANA STATE UNIVERSITY PAUL M. HEBERT LAW CENTER, BATON ROUGE, LA
Teaching Fellow, 2013–2015
Courses: Civil Rights Litigation, Disability Rights, Legal Writing & Research

CHAPMAN UNIVERSITY FOWLER SCHOOL OF LAW, ORANGE, CALIFORNIA
Visiting Professor of Law, 2019–2020
Courses: Civil Procedure, California Civil Procedure

SELECTED HONORS AND AWARDS

Visiting Investigator, Langston University, Rehabilitation Research and Training Center

Peer Reviewer: Cambridge University Press, University of Chicago Press, Yale Law Journal

Accomplished Under 40, Idaho Business Review, 2019

University of Idaho College of Law Diversity and Human Rights Award, 2019

SCHOLARSHIP

ARTICLES & ESSAYS

Section 1983 Dealmaking, 97 TUL. L. REV. (forthcoming 2023)

Disability Without Documentation, 90 FORDHAM L. REV. 59 (2021)

Procedural Animus, 71 ALA. L. REV. 1185 (2020)

Foreseeable Police Shootings, 119 COLUM. L. REV. F. 283 (2019)

The New Jim Crow's Equal Protection Potential, 27 WM. & MARY BILL OF RTS. J. 61 (2018)

Accelerated Civil Rights Settlements in the Shadow of Section 1983,
2018 UTAH L. REV. 639 (2018), *reprinted in* NLG Civil Rights Litigation & Attorneys
Fees Handbook (2018)

Los Angeles v. Mendez: Proximate Cause Promise for Police Shooting Victims,
118 COLUM. L. REV. F. (2018)

Posner Tackles the Pro Se Problem: A Book Review of Reforming the Federal Judiciary,
83 MO. L. REV. 113 (2018)

Terry v. Ohio at 50, 54 IDAHO L. REV. 279 (2018) (symposium introduction)

Camouflaging State Biosimilar Laws, 26 ANNALS OF HEALTH LAW 52 (2017)

Shadow Judges: Staff Attorney Adjudication of Prisoner Claims, 95 OR. L. REV. 97 (2017)

Predicting Utah v. Strieff's Civil Rights Impact, 127 YALE L.J. F. 139 (2016)

A New Approach to Local Rules, 11 STAN. J. C.R. & C.L. 121 (2015)

Analyzing the S.D.N.Y.'s Amended "Related Cases" Rule: The Process For Challenging Case Assignment Remains Inadequate, 69 N.Y.U. ANN. SURV. AM. L. 699 (2015)

The Danger of Nonrandom Case Assignment: How the S.D.N.Y.'s "Related Cases" Rule Has Shaped Stop-and-Frisk Law, 19 MICH. J. RACE & L. 199 (2014)

Adversarial No More: How Sua Sponte Assertion of Affirmative Defenses to Habeas Wreaks Havoc on the Rules of Civil Procedure, 91 OR. L. REV. 177 (2012)

Dismissal of Title VII Claims on "Jurisdictional" Exhaustion Grounds,
21 GEO. MASON U. CIV. RTS. L.J. 213 (2011)

BOOK CHAPTERS

Teaching the Americans with Disabilities Act's Constitutionality without Othering Law Students with Disabilities in Integrating Doctrine and Diversity: Inclusion & Equity Beyond the First Year (Carolina Academic Press forthcoming 2023) (in progress)

Prisoner Procedure in A Critical Guide to Civil Procedure (NYU Press 2022)

Rewritten Opinion of Kulko v. Superior Court in Feminist Family Law Judgments (Cambridge Univ. Press 2020)

OTHER WRITING

Amici Curiae Brief for *E.T. v. Paxton*, U.S. Court of Appeals for the Fifth Circuit No. 21-51083, January 14, 2022

Negotiating Masks in the Workplace When the ADA Does and Does Not Apply, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2022)

Using Health Justice to Dismantle Workplace Ableism, PETRIE-FLOM CENTER AT HARVARD LAW SCHOOL BILL OF HEALTH BLOG (2021)

SELECTED PRESENTATIONS

Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Considering the Needs of the Vulnerable in the Next Stage of the Pandemic, May 20, 2022

Creighton University School of Law, Employment Law and the Legal Legacy of COVID-19, Symposium Keynote Address: "Disability Law's Accommodation Lessons," March 25, 2022

University of Detroit Mercy Law Review Symposium
"Disability Law's Coercive Medical Encounters," March 4, 2022

Syracuse University College of Law, Unpacking Disability Accommodations in Law School Panel, Feb. 25, 2022

University of North Carolina School of Law
"Supporting Law Students with Disabilities in the Classroom," Feb. 16, 2022

Federal Bar Association Diversity & Inclusion Federal Clerkship Panel, April 4, 2022

Northwestern University School of Law, Validity and Equity Problems in Law School Teaching Evaluations Program, Jan. 20, 2022

AALS Annual Meeting, 2022

Disability Law Section: “Incorporating Disability into the Law School Curriculum”

Law Professors with Disabilities and Allies Section: “The Forgotten Demographic: Law Professors with Disabilities in Legal Academia”

Civil Procedure Section: “Prisoner Procedure”

AALS Annual Meeting, 2021

Hot Topic Program, Disability and COVID-19: Lessons from Disability, Lessons from the Pandemic, Jan. 2021

Southern University Law Center, Representative Government Virtual Forum

“Accessible Ballots, Accessible Government: Ensuring Equality for Individuals with Disabilities,” Oct. 2020

American University Washington School of Law, Health Law & Policy Program

Health Justice: Engaging Critical Perspectives in Health Law and Policy, Oct. 2020

Junior Faculty Federal Courts Workshop, Fayetteville, AR

“Procedural Animus,” Sept. 2019

AALS Annual Meeting, New Orleans, LA

“Disability Rights as a Social Movement,” Jan. 2019 (invited speaker following call for papers)

Policing, Police Brutality, and the Black Community, LSU Law Center, Baton Rouge, LA

“Accelerated Civil Rights Settlements and Their Impact on Section 1983,” Sept. 14, 2018

Idaho Trial Lawyers Association Annual Meeting, Sun Valley, ID

“Proposed Bill Threatens to Curtail ADA Title III Claims,” June 22, 2018

Federal Bar Association of Idaho, Boise, ID

“The History of the Fourteenth Amendment,” May 23, 2018

ACS Constitutional Scholars Forum, Barry University School of Law, Orlando, FL

“How and Why the Federal Courts Are Citing *The New Jim Crow*,” March 1, 2018

Southeastern Association of Law Schools Conference, Boca Raton, FL

“Appropriate Uses of Polarizing Current Events in Doctrinal Teaching,” Aug. 5, 2017

Southern University Law Center, Fourth Amendment Symposium, Baton Rouge, LA

“Utah v. Strieff,” Jan. 20, 2017

Loyola University Chicago School of Law, Innovations and Incentives in Life Sciences, Chicago, IL

“Innovation and Patient Access,” Oct. 28, 2016

Idaho State Bar & University of Idaho College of Law Bill of Rights Celebration, Moscow, ID

“Racial Justice Under the Bill of Rights,” Sept. 15, 2016

University of Idaho Malcolm M. Renfrew Interdisciplinary Colloquium, Moscow, ID

“Teaching and Living the Affordable Care Act,” Sept. 6, 2016

Idaho Trial Lawyers Association, Annual Meeting, Sun Valley, ID

“Recent Developments in Section 1983 Litigation: From Police to Prisons,” June 17, 2016

Law and Society Association, Courts, Litigation and Social Change Paper Session, New Orleans, LA
 “Does Accelerating Civil Rights Litigation Shortchange Social Change?” June 4, 2016

Idaho Law Foundation, CLE Idaho, Twin Falls, ID
 “Section 1983: A Vehicle for Antidiscrimination Litigation,” May 20, 2016

Widener University Commonwealth Law School, Harrisburg, PA
 “Ruling the Courts: The Future of Local Rules of Civil Procedure,” Feb. 22, 2016

Inland Northwest Scholars Workshop, Boise, ID, “Diluting the Judicial Power,” July 31, 2015
 Congressional Arthritis Caucus Briefing, Panelist, Washington, D.C., July 13, 2015

Journalist Law School, Loyola Law School, Los Angeles, CA
 “Using Dockets to Improve Reporting: A Police Litigation Case Study,” May 29, 2015

Women’s Leadership Symposium, Louisiana State University, Baton Rouge, LA
 “Title IX and Title VII: Gender Discrimination at School and at Work,” March 7, 2014

Southeastern Association of Law Schools (SEALS), Prospective Law Teachers Workshop
 “A New Approach to Local Rules,” August 3, 2014

Faculty Paper Workshop, LSU Law Center, Baton Rouge, LA
 “Of Prisoners and Patents: Non-transsubstantive Local Rules,” April 9, 2014

Journal of Race & Law Speaker Series, University of Michigan Law School, Ann Arbor, MI
 “Stop-and-Frisk Litigation in the Second Circuit,” Feb. 3, 2014

Southeastern Law Scholars Conference, Charleston, SC
 “The Danger of Nonrandom Case Assignment,” Oct. 5, 2013

MEDIA

New York Times, Wall Street Journal, NPR, USA Today, The Nation, Bloomberg News, Health Central, Law 360, Law to Fact, Ipse Dixit, Legal Innovators Law in Black & White, Tea for Teaching

TESTIMONY

Before the Louisiana Legislature, House Committee on Health and Welfare, May 2015

NATIONAL SERVICE

American Association of University Women, Fellowships & Grants Review Panel

Co-Founder and Executive Committee Member, AALS Affinity Group for Law Professors with Disabilities and Allies

Chair, AALS Disability Law Section (2021)

Chair-Elect, AALS Disability Law Section (2020)

Secretary, AALS Disability Law Section (2019)

UNIVERSITY SERVICE

Chair, College of Law Recruitment Committee, 2020–2021

Member, COVID-19 University of Idaho Advisory Committee, 2020–2021

Outside Member, Department of Politics and Philosophy Tenure and Promotion Committee, 2020

University of Idaho Representative, Local Rules Advisory Committee, District of Idaho, 2016–2019

Chair, Strategic Plan Implementation Committee, 2018–2019

Faculty Advisor, IDAHO LAW REVIEW symposium issue, 2017–2018 and 2018–2019

Member, University of Idaho Title IX Policies, Procedures and Protocol Committee, 2017–2018

Faculty Advisor, American Constitution Society Student Chapter, 2016–2021

Coach, National Moot Court Team, 2016–2017

Outside Member, University of Idaho Media Law Search Committee, 2015–2016

Faculty Advisor, University of Idaho College of Law Black Law Students Association, 2015–2016

COMMENTARY

Employers Have the Power to Make Workplaces More Accessible, BLOOMBERG LAW, Oct. 22, 2021

Vaccinate High-Risk People with Disabilities, Now, MS. MAGAZINE, March 4, 2021

Accommodations and Everything After, MS. JD WRITER IN RESIDENCE, Jan.–Dec. 2018

Idaho Legislation Looks Disturbingly Like Arizona’s ‘Show Your Papers’ Law, ACS BLOG, Feb. 2017

Does Idaho’s Immigration Bill Go Too Far?, IDAHO STATESMAN Feb. 9, 2017

Opinion: Trump Wrong But Stop-and-Frisk Still Constitutional, LAW360, Sept. 22, 2016

Utah v. Strieff May Shrink Civil Rights Damages, ACS BLOG, July 2016

Stalled In an Inaccessible Bathroom, THE MIGHTY, June 20, 2016

Uterus Transplants & the Social Pressures of Biological Motherhood, MS. BLOG, Nov. 2015

Procedure Takes Center Stage in Stop-and-Frisk Litigation, SUMMARY JUDGMENTS, LOYOLA LAW SCHOOL FACULTY BLOG, Nov. 18, 2013 (invited guest blogger)

New York City’s Stop-and-Frisk Appeals Are Still Alive, BROOKLYN L.J. PRACTICUM (2013)

Gender Bias in the Courtroom, N.Y. OBSERVER, July 10, 2013

Lactation Regulation, DAILY JOURNAL, Sept. 23, 2009

EDUCATION

LOYOLA LAW SCHOOL, LOS ANGELES, CA

J. D., *cum laude*, 2006

Honors:	Order of the Coif
Awards:	Copyright Law First Honors Dean's Service Award
Scholarships:	California Bar Foundation Service Scholarship Faculty Honors Scholarship Jesuit Community Scholarship
Law Review:	Chief Articles Editor, <i>Loyola Law Review</i>
Note:	<i>Derungs v. Wal-Mart Stores: A Federal Interpretation Excluding Breast-Feeding from a State's Sex Discrimination Protection</i> , 38 LOY. L.A. L. REV. 2319 (2005)

NORTHWESTERN UNIVERSITY, EVANSTON, IL

B.A., *magna cum laude*, Spanish Language and Gender Studies, 2002

Honors:	Phi Beta Kappa
Awards:	Pathbreaker Award, Women in Leadership Conference
Study Abroad:	Universidad de Guanajuato, Mexico (literature coursework)

JUDICIAL CLERKSHIPS

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, LOS ANGELES, CA

Law Clerk to Hon. Arthur L. Alarcón, 2007–2008

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, PHOENIX, AZ

Law Clerk to Hon. Frederick J. Martone, 2006–2007

PROFESSIONAL EMPLOYMENT

NEW YORK CITY LAW DEPARTMENT, NEW YORK, NY

Assistant Corporation Counsel, Special Federal Litigation Division, 2011–2013
Lead attorney in approximately 80 federal civil rights actions

QUINN EMANUEL URQUHART & SULLIVAN, LLP, LOS ANGELES, CA AND NEW YORK, NY

Associate, 2008–2011
Senior associate in securities action against Countrywide Financial
Lead counsel in *pro bono* federal prisoner civil rights action

OTHER EMPLOYMENT

O'MELVENY & MYERS, LLP, CENTURY CITY, CA, 2005, Summer Associate, White Collar Defense

HADSELL & STORMER, PASADENA, CA, 2004, Law Clerk, Civil Rights and Employment Litigation

INNER CITY LAW CENTER, LOS ANGELES, CA, 2002–2003, Paralegal, Slum-housing Litigation

MALDEF, LOS ANGELES, CA, 2002, Legal Secretary, Voting and Educational Access Litigation

BAR ADMISSIONS

California, New York, United States Court of Appeals for the Ninth Circuit, Central District of California, Southern and Eastern Districts of New York

COMMUNITY SERVICE

Arthritis Foundation, Patient Ambassador, 2015–2018

Global Healthy Living Foundation, Patient Advocate, 2014–2015

Catholic Charities of Idaho, DACA Volunteer, 2017

Loyola Law School Class of 2006 Reunion Committee, Co-Chair, 2016

Loyola Alumni Clerkship Committee, Co-Founder and Advisor, 2007–2015

Legal Aid Society of New York, Deferred Action Attorney Volunteer, Summer 2012

Central District of California Pro Bono Civil Rights Panel, Los Angeles, CA, 2008–2010

Bresee Youth Center, Reading Tutor and Career Mentor, Los Angeles, CA, 2003–2005

LANGUAGES

Fluent in Spanish and Italian (lived in Rome, Italy 1985–1991)

CREATIVE WRITING

So Sorry to Bother You, But I Might Die If You Don't Wear a Mask, INTIMA, November 2020

Flying into Jerusalem, in *Personal Narratives on Illness, Disability, and Medicine* (Erin Murphy, Dinty Moore, and Renée K. Nicholson eds., 2019)

St. Cynthia of South Brooklyn, FOLIATE OAK, Feb. 1, 2017

Medical Mystery Tour, FOLIATE OAK, Dec. 1, 2016

Hey Xeljanz, What Exactly Are You Selling? BUST, Oct. 2015

The Immeasurable Cost of Infertility, INTIMA, June 2015

Patient Blogger, CREAKY JOINTS, 2014–2015

Actually, I do have some questions, ARTHUR'S PLACE, Oct. 8, 2014

The (Café) Flora and Fauna, NOLAVIE, July 17, 2014

Purple Prose: On the Move, NORTHWESTERN MAGAZINE, March 1, 2014

Blue Cup, THE HAIRPIN, Dec. 10, 2013

Every Summer and Every Other Christmas, HUFFINGTON POST, April 5, 2012