

# KATIE R. EYER

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## ACADEMIC APPOINTMENTS

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### RUTGERS LAW SCHOOL, Camden, NJ

*Professor of Law (Assistant Professor 2012-2015, Associate Professor 2015-2018, Full Professor 2018-date)*

2012 – Present

**Courses:** Constitutional Law, Civil Procedure, Employment Discrimination, Disability Law, Sexuality Gender Identity and the Law.

**Honors:** Lastowka Award for Scholarly Excellence (2023, 2018), Professor of the Year (2019), Honored as Grand Marshall, Hooder or Reader by the Rutgers Law Graduating Class (2024, 2023, 2022, 2021, 2020, 2017), Honoree, Remarkable 31 Women's History Month (2021), Board of Trustees Research Fellowship for Scholarly Excellence (2018), Presidential Fellowship for Teaching Excellence (2018), Dean's Award for Distinguished Service (2017).

**Service:** Appointments Committee (Chair, 2021-2022, Member, 2019-2020, 2022-2023, 2023-2024), Budget and Planning Committee (2024-date), Academic Policy Committee (2012-2013, 2017-2018, 2020-2021, 2023-2024), Social Justice Scholars Mentoring Coordinator (2016-present), Faculty Compensation Committee (Chair, 2024), Working Group on Diversity, Inclusion and Belonging (Chair, 2019, Member, 2018-2022), Merger Review Committee (2021-2022), Working Group on Racial Justice and the Bar Exam (2020-2021), Working Group on Racial Equity and the Curriculum (2021), Rutgers Loan Repayment Assistance Advisory Board (2015-2020), Speakers Committee (Chair, 2014-2015, Member 2013-2014, 2016-2017), Co-Leader, Faculty Integration Initiative (2016-2017), Clinical Promotions and Review Committee (2015-2016), Faculty Review Committee, Student Writing Awards (2013).

### UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL

*Visiting Professor of Law*

Fall 2023

### UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA

*Research Scholar and Lecturer in Law*

2009 – 2012

## TEACHING INTERESTS

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Current Classes: Constitutional Law, Civil Procedure, Employment Discrimination, Disability Law, Sexuality Gender Identity and the Law.

Other Teaching Interests: Anti-Discrimination Law, Federal Courts, Statutory Interpretation, Administrative Law, State Constitutional Law, Employment Law, Equal Protection, Transgender Law, Critical Race Theory.

## OTHER LEGAL HONORS AND AWARDS

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Elected Member, American Law Institute (2018)

Dukeminier Award for Best Legal Scholarship in LGBTQ Law (2020)

SALT Junior Faculty Teaching Award (2017)

AALS Scholarly Papers Competition (2013)

Super Lawyers Rising Star (2010-2012)

Cheryl Ingram Advocate for Justice Award for Work on Behalf of LGBT Rights (2011)

## PUBLICATIONS

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- Textualism as an Equality Practice?*, 104 TEXAS L. REV. \_\_ (forthcoming, 2025).
- Title IX in the Age of Textualism*, 86 OHIO STATE L. J. \_\_ (forthcoming, 2025).
- Transgender Equality: An Inflection Point for Equal Protection?*, 93 CINCINNATI L. REV. \_\_ (forthcoming, 2025) (lightly edited transcript of keynote Constitution Day lecture).
- Textualism and Progressive Social Movements*, 90 U CHI. L. REV. ONLINE 1 (2024).
- Anti-Transgender Constitutional Law*, 77 VANDERBILT L. REV. 1113 (2024).
- As-Applied Equal Protection*, 59 HARV. C.R.-C.L. L. REV. 49 (2024).
- Disability and the Ongoing Federalism Revolution*, 133 YALE L. J. 839 (2024) (with Karen Tani).
- Transgender Constitutional Law*, 171 U. PA. L. REV. 1 (2023).
- Transgender Equality and Geduldig 2.0*, 55 ARIZ. ST. L. J. 475 (2023).
- Disentangling Textualism and Originalism*, 13 CON. L. NOW 115 (2022) (based on keynote Constitution Day lecture).
- The “But For” Theory of Anti-Discrimination Law*, 107 VA. L. REV. 1621 (2021) (reprinted in the 2022 Civil Rights and Attorneys’ Fees Annual Handbook).
- Claiming Disability*, 101 B.U. L. REV. 547 (2021).
- Am I Disabled? Disability Identity and Law Faculty*, 71 J. LEGAL EDUCATION 76 (2021).
- Irrational Inequality: The Role of Fact-Based Review in Equality Change*, 73 VAND. L. REV. EN BANC 177 (2020).
- The New Jim Crow is the Old Jim Crow*, 128 YALE L. J. 1002 (2019).
- Statutory Originalism and LGBT Rights*, 54 WAKE FOREST L. REV. 63 (2019) (selected as a recipient of the 2020 Dukeminier awards for best scholarship on sexual orientation and gender identity law).
- The Return of the Technical McDonnell Douglas Paradigm*, 94 WASH. L. REV. 967 (2019).
- State Constitutional Law Teaching Materials*, <https://ssrn.com/abstract=3418938> (2019) (with R. Williams).
- Animus Trouble*, 48 STETSON L. REV. 215 (2019).
- The Canon of Rational Basis Review*, 93 NOTRE DAME L. REV. 1317 (2018).
- A Casebook Section Companion to The Canon of Rational Basis Review*, <https://ssrn.com/abstract=3086830> (2018).
- Incarceration as a Health Determinant for Sexual and Gender Minority Persons*, 108 AM. J. PUB. HEALTH 994 (2018) (with V. Bacak, K. Thurman, R. Quereshi, J. Bird, L. Rivera and S. Kim).
- Protected Class Rational Basis Review*, 95 N.C. L. REV. 975 (2017).
- Sex Discrimination Law and LGBT Equality*, American Constitution Society Issue Brief (2017).

## PUBLICATIONS (CONT.)

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*Ideological Drift and the Forgotten History of Intent*, 51 HARV. C.R.-C.L. L. REV. 1 (2016) (reviewed by Helen Norton on JOTWELL [here](#)).

*The Declaration of Independence As Bellwether*, 89 S. CAL. L. REV. 487 (2016).

*Lesbian, Gay, Bisexual, and Transgender Employees in* LEGAL ISSUES AFFECTING GAY, LESBIAN, BISEXUAL AND TRANSGENDER CLIENTS (PBI Press 2008, 2d ed. 2012, 3d ed. 2016).

Brown, *Not Loving: Obergefell and the Unfinished Business of Formal Equality*, 125 YALE L. J. F. 1 (2015).

*Constitutional Colorblindness and the Family*, 162 U. PA. L. REV. 537 (2014) (selected as Honorable Mention in the 2013 AALS Scholarly Papers Competition).

*Constitutional Crossroads and the Canon of Rational Basis Review*, 48 U.C. DAVIS L. REV. 527 (2014).

*Lower Court Popular Constitutionalism*, 123 YALE L. J. ONLINE 197 (2013).

*Marriage This Term: On Liberty and the "New Equal Protection"*, 60 UCLA L. REV. DISC. 2 (2012).

*That's Not Discrimination: American Beliefs and the Limits of Anti-Discrimination Law*, 96 MINN. L. REV. 1275 (2012) (reviewed by Charles Sullivan on JOTWELL [here](#)).

*Have We Arrived Yet? LGBT Rights and the Limits of Formal Equality*, 19 LAW & SEXUALITY 159 (2010).

*Administrative Adjudication and the Rule of Law*, 60 ADMIN. L. REV. 647 (2008).

Note, *Rehabilitation Act Redux*, 23 YALE L. & POL'Y REV. 271 (2005).

*Litigating for Treatment: The Use of State Laws and Constitutions in Obtaining Treatment Rights for Individuals with Mental Illness*, 28 N.Y.U. REV. L. & SOC. CHANGE 1 (2003).

Case Note, *Related Within the Second Degree? Burns v. Burns and the Potential Benefits of Civil Union Status*, 20 YALE L. & POL'Y REV. 297 (2002).

## AMICUS BRIEFS AND AGENCY COMMENTS (AUTHORED OR CO-AUTHORED)

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Brief of Katie Eyer, Sandra Sperino and Deborah Widiss in Support of Neither Party, *Ames v. Ohio Dep't of Youth Services*, No. 23-1039 (S.Ct. 2024) (co-authored) (argument in favor of textualist interpretation of Title VII, and for reaffirmation of *Bostock v. Clayton County*).

Brief of Statutory Interpretation and Equality Law Scholars in Support of Defendant-Appellants, *Alabama v. U.S. Secretary of Education*, No. 24-12444 (11th Cir. 2024) (textualist argument for the application of Title IX to LGBTQ students and stakeholders).

Brief of Statutory Interpretation and Equality Law Scholars in Support of Defendant-Appellants, *Louisiana v. U.S. Dep't of Education*, No. 24-30399 (5th Cir. 2024) (textualist argument for the application of Title IX to LGBTQ students and stakeholders).

Brief of Statutory Interpretation and Equality Law Scholars in Support of Defendants-Appellants, *Kansas v. U.S. Dep't of Education*, No. 24-3097 (10th Cir. 2024) (textualist argument for the application of Title IX to LGBTQ students and stakeholders).

## AMICUS BRIEFS AND AGENCY COMMENTS (AUTHORED OR CO-AUTHORED) (CONT.)

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Brief of Statutory Interpretation and Equality Law Scholars in Support of Defendants-Appellants, *Tennessee v. Cardona*, No. 24-5588 (6th Cir. 2024) (textualist argument for the application of Title IX to LGBTQ students and stakeholders).

Brief of Statutory Interpretation and Equality Law Scholars in Support of Applicants, *Department of Education v. State of Louisiana, Miguel Cardona et al. v. State of Tennessee*, Nos 24A78, 24A79 (U.S. 2024) (textualist argument for the application of Title IX to LGBTQ students and stakeholders).

Brief of Amici Curiae Constitutional Law Professors in Support of Appellees and in Support of Affirmance, *Fain v. Crouch*, No. 22-1927 (4th Cir. 2022) (addressing the question of what is a facial classification for Equal Protection purposes, and the proper understanding of *Geduldig v. Aiello* in the context of transgender rights).

Brief of Amici Curiae Constitutional Law Professors in Support of Appellees and in Support of Affirmance, *Kadel v. Folwell*, No. 22-1721 (4th Cir. 2022) (addressing the question of what is a facial classification for Equal Protection purposes, and the proper understanding of *Geduldig v. Aiello* in the context of transgender rights).

Brief of Statutory Interpretation and Equality Law Scholars as Amici Curiae in Support of the Employees, *Bostock v. Clayton County, 17-1618, Altitude Express v. Zarda, 17-1623, R.G. & G.R. Harris Funeral Homes v. EEOC, 18-107* (U.S. 2019) (textualist argument for why Title VII prohibits anti-LGBT discrimination in the workforce).

Law Professor Letter to the Pennsylvania Commission on Human Relations, Request for Public Comment, PHRC Guidance Concerning Protections for LGBT Individuals in the PHRA and PFEOA (2017) (argument for why the PHRA and PFEOA's sex discrimination provisions should be understood to extend to anti-LGBT discrimination).

## EDUCATION

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### YALE LAW SCHOOL

Juris Doctorate, June 2004

**Honors:** Coker Fellow; Stephen J. Massey Prize; Connecticut Bar Foundation Fellow

**Activities:** Teaching Assistant (Constitutional Litigation and Torts); Jerome N. Frank Legal Services Organization (Complex Federal Litigation and Prison Legal Services); Workers' Rights Project; Student/Faculty Alliance for Military Equality; Disability and Bioethics Working Group; Lowenstein International Human Rights Project

### COLUMBIA UNIVERSITY, COLUMBIA COLLEGE

Bachelor of Arts, *magna cum laude*, May 1999

**Honors:** Phi Beta Kappa; Best Senior Honors Thesis, Political Science Department; John Jay Scholar; National Merit Scholar

**Employment:** 20+ hours/week in Food Service for Self-Support

## JUDICIAL CLERKSHIP

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**HON. GUIDO CALABRESI**, United States Court of Appeals for the 2nd Circuit, New Haven, CT  
*Law Clerk* 2004 - 2005

## OTHER EXPERIENCE

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**SALMANSON GOLDSHAW, PC**, Philadelphia, PA  
*Employment Discrimination and ERISA Attorney (Focus on LGBTQ and Disability Rights)* 2007 - 2012

**EQUALITY ADVOCATES PENNSYLVANIA**, Philadelphia, PA  
*LGBT Employment Rights Project Attorney and Skadden Fellow* 2005 - 2007

## OTHER EXPERIENCE (CONT.)

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**JEROME N. FRANK LEGAL SERVICES ORGANIZATION**, New Haven, CT  
*Legal Intern, Prison Legal Services and Complex Federal Litigation Clinics* Spring, 2002 - Spring, 2004

**CENTER FOR LESBIAN & GAY CIVIL RIGHTS**, Philadelphia, PA  
*Legal Intern* Summer, 2003

**DISABILITIES LAW PROJECT (DLP)**, Philadelphia, PA  
*Legal Intern* Summer, 2003

**CONNECTICUT LEGAL RIGHTS PROJECT**, Middletown, CT  
*Legal Intern* Winter, 2002-2003

**LAMBDA LEGAL DEFENSE & EDUCATION FUND**, Chicago, IL & New York, NY  
*Intern / Legal Intern* Summer, 2001 & Summer, 2002

**LOWENSTEIN INTERNATIONAL HUMAN RIGHTS PROJECT**, New Haven, CT  
*Legal Intern* Fall, 2001

**GALLOWAY AND ASSOCIATES**, Boulder, CO  
*Paralegal / Office Manager* 2000-2001

**UNIVERSITY OF CALIFORNIA**, Los Angeles, CA  
*Senior Administrative Analyst* 1999-2000

**FOOD SERVICE AND TEMP WORKER POSITIONS**, Various Locations  
*Various* 1993-1999

## SELECTED PRESENTATIONS AND CONFERENCES

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### *Textualism as an Equality Practice?*

- 2025 AALS Annual Meeting (January, 2025)

### *Title IX in the Age of Textualism*

- *West Coast Gender and Sexuality Law Conference* (Upcoming, February 2025)
- 2025 AALS Annual Meeting (January, 2025)

### *Transgender Equality: An Inflection Point for Equal Protection?*

- Invited Keynote Constitution Day Speaker, Cincinnati Law (September, 2024)

### *As-Applied Equal Protection*

- Harvard Civil Rights-Civil Liberties Law Review Annual Symposium (April, 2024)

### *Anti-Transgender Constitutional Law*

- University of Michigan Public Law Workshop (March, 2024)
- Seattle University School of Law Faculty Workshop (January, 2024)
- University of Chicago Faculty Workshop (November, 2023)
- St. John's University School of Law Faculty Workshop (September, 2023)

### *Disability and the Ongoing Federalism Revolution*

- American Society for Legal History Annual Meeting (October, 2023)
- Maryland Law Constitutional Law Schmooze (June, 2023)

## SELECTED PRESENTATIONS AND CONFERENCES (CONT.)

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### *Transgender Constitutional Law*

- AALS 2024 Annual Meeting, Washington, DC (January 2024)
- National Conference of ConLaw Scholars (March, 2023)
- University of Florida Faculty Colloquium (September, 2022)
- University of Chicago Workshop on Family, Sex and Gender (April, 2022)

### *Am I Disabled?*

- AALS 2024 Annual Meeting, Washington, DC (January, 2024)
- University of Pennsylvania Law Review Symposium on the Disability Frame (February, 2022)

### *Textualism Revisited*

- Ohio State Faculty Colloquium (April, 2022)
- Loyola University Chicago/George Washington University Constitutional Law Colloquium (November, 2021)
- Invited Keynote Speaker, Center for Constitutional Law, University of Akron School of Law (September, 2021)

### *The But-For Theory of Anti-Discrimination Law*

- University of Pennsylvania Journal of Law and Public Affairs Symposium (March, 2021)
- AALS 2021 Annual Meeting, Virtual (January, 2021)
- 15th Annual Colloquium on Labor and Employment Law (October, 2020)

### *Claiming Disability*

- DIScourse Philosophy and Disability Workshop (May, 2023)
- South Texas College of Law Faculty Colloquium Series (March, 2021)
- University of Texas School of Law Faculty Colloquium Series (September, 2020)
- Wayne State Gershenson Lecture Series (September, 2020)
- Equality Law Scholars Forum (Spring, 2020 – Cancelled due to COVID-19)
- University of Connecticut School of Law Faculty Colloquium Series (November, 2019)
- Pace Law School Faculty Speaker Series (October, 2019)

### *The Return of the Technical McDonnell Douglas Paradigm*

- Villanova Faculty Colloquium Series (April, 2019)
- IIT Chicago-Kent College of Law Faculty Speaker Series (April, 2019)
- UNC School of Law Faculty Speakers Series (February, 2019)
- Rutgers Faculty Colloquium, Newark Location (February, 2019)
- American Society for Legal History Annual Meeting (November, 2018)
- University of Kansas School of Law Faculty Colloquium Series (October, 2018)
- 13th Annual Colloquium on Scholarship in Employment and Labor Law (COSELL) (September, 2018)
- Federalist Society/University of Houston Law Center Junior Faculty Colloquium (April, 2018)

### *Statutory Originalism and LGBT Rights*

- AALS 2019 Annual Meeting, New Orleans, LA (January, 2019)

### *Animus Trouble*

- Stetson Law Review Symposium (April, 2018)

## SELECTED PRESENTATIONS AND CONFERENCES (CONT.)

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### *The Canon of Rational Basis Review*

- Institute for Justice/Antonin Scalia Law School Symposium, the 14th Amendment at 150 (September, 2018)
- Penn State Law Faculty Workshop Series (March, 2018)
- American Constitution Society Junior Scholars Public Law Workshop (January, 2018)
- Temple University Beasley School of Law Faculty Colloquium (September, 2017)
- The Constitution in Trial Courts Workshop, Bar Ilan University, Israel (January, 2017)
- Loyola University Chicago Sixth Annual Constitutional Law Colloquium (November, 2016)
- NYC-Area Junior Faculty Colloquium (October, 2016)
- Drexel Law Faculty Colloquium Series (September, 2016)

### *Protected Class Rational Basis Review*

- Rutgers Law Joint Junior Faculty Colloquium (April, 2016)
- Law and Public Affairs (LAPA) Seminar, Princeton University (December, 2015)
- Duke Center for Law, Race and Politics, The Present and Future of Civil Rights Movements (November, 2015)
- Loyola University Fifth Annual Constitutional Law Colloquium (November, 2015)

### *Sex Discrimination and Rational Basis Review: Lessons for LGBT Rights*

- AALS 2016 Annual Meeting, New York, NY (January, 2016)

### *Ideological Drift and the Forgotten History of Intent*

- Law and Society Annual Meeting, Seattle, WA (May, 2015)
- Chancellor's Faculty Research Day, Rutgers-Camden (April, 2015)
- Rutgers Newark Faculty Colloquium (March, 2015)
- Loyola University Chicago Fourth Annual Constitutional Law Colloquium (November, 2013)
- Rutgers Law Junior Faculty Seminar (March, 2013)

### *The Declaration of Independence as Bellwether*

- National Constitution Center / Southern California Law Review Symposium (April, 2015)

### *Constitutional Crossroads and the Canon of Rational Basis Review*

- Beijing+20: Gender Equality on the 20<sup>th</sup> Anniversary of the UN 4<sup>th</sup> World Conference on Women (September, 2015) (transcript of conference remarks in the Women's Law Reporter)
- Loyola University Chicago Fifth Annual Constitutional Law Colloquium (November, 2014)
- Seton Hall Faculty Colloquium Series (October, 2014)
- AALS Mid-Year Meeting on Sexual Orientation and Gender Identity Issues (June, 2014)
- Rutgers Law Junior Faculty Seminar (February, 2014)
- UC Davis Law Review Symposium, Davis, CA (February, 2014)
- AALS 2014 Annual Meeting, New York, NY (January, 2014)

### *That's Not Discrimination: American Beliefs and the Limits of Anti-Discrimination Law*

- Symposium, Beyond Formal Equality, University of Pennsylvania Law School (February, 2013)
- Jacobus tenBroek Disability Law Symposium, Baltimore, MD (April, 2012)
- University of Pennsylvania Law School Ad Hoc Series (June, 2010)
- Law and Society Association Annual Meeting, Chicago, IL (May, 2010)

### *Marriage This Term: On Liberty and the "New Equal Protection"*

- Feminist Legal Theory Collaborative Research Network Conference, University of Baltimore Law School (October, 2012)

## SELECTED PRESENTATIONS AND CONFERENCES (CONT.)

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### *Constitutional Colorblindness and the Family*

- Washington University School of Law Faculty Workshop Series (November, 2013)
- Villanova University Law School Faculty Colloquium (October, 2013)
- Vanderbilt Law School Faculty Workshop Series (March, 2013)
- Chancellor's Faculty Research Day, Rutgers-Camden (February, 2013)
- Scholarly Papers Presentation, AALS 2013 Annual Meeting, New Orleans, LA (January, 2013)
- Loyola University Chicago Third Annual Constitutional Law Colloquium (November, 2012)
- Rutgers-Camden Junior Faculty Colloquium (November, 2012)
- Mid-Atlantic Law and Society Association Annual Meeting, Philadelphia, PA (October, 2012)
- Emerging Family Law Teachers and Scholars Conference, Fordham Law School (May, 2012)
- Law and Society Association Annual Meeting, San Francisco, CA (June, 2011)

### *Other LGBT Law Presentations*

- 100+ Presentations Across a Range of Contexts (2005-date)

### *Workshops / Working Groups*

- LGBT Health Disparities Working Group, Rutgers Center for Gender and Sexuality Law and Policy (2016-2018)
- The Constitution in Trial Courts Workshop, Bar Ilan University, Israel (January, 2017) (invited participant)
- Constitutional Law "Schmooze" ACS National Convention, Washington, DC (June, 2013) (invited participant)
- Law and Society Early Career Workshop, San Francisco, CA (June, 2011) (selected through competitive process)
- Conducting Empirical Legal Scholarship Workshop, Northwestern University School of Law (May, 2011)

## PROFESSIONAL ACTIVITIES

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### American Law Institute

- Members' Consultative Group, Student Sexual Misconduct: Procedural Frameworks for Colleges and Universities, Principles of Policing, Constitutional Torts (2019-present)

### AALS Section on Law Professors with Disabilities and Allies

- Co-Founder and Inaugural Chair (2021-2022), Executive Committee (2022-date)

### AALS Section on Legislation and Law of the Political Process

- Executive Committee (2024-date)

### AALS Section on Disability Law

- Chair (2020-2021), Chair-Elect (2019-2020), Secretary (2018-2019), Executive Committee (2013-2014)

### AALS Section on Constitutional Law

- Executive Committee (2018-2020)

### Mazzoni Center

- Legal Advisory Board (2010-2018)

### Bar Association Service

- Gay/Lesbian Rights Committee of the Pennsylvania Bar Association, Vice Chair (2007-2009); LGBT Rights Committee, Philadelphia Bar Association, Co-Chair (2006-2008); Public Interest Section, Philadelphia Bar Association (2006-2007)

### Mayor's LGBT Advisory Board, City of Philadelphia

- Working Group on Implementation of Gender Identity Protections (2005-2006)



## **B A R   A D M I S S I O N S**

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Bar Admissions: Pennsylvania, United States Supreme Court, United States Court of Appeals for the Third Circuit, United States Court of Appeals for the Tenth Circuit, United States Court of Appeals for the Eleventh Circuit, Eastern District of Pennsylvania, Middle District of Pennsylvania.