

DEBORAH L. BRAKE

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EDUCATION

HARVARD LAW SCHOOL, J.D., 1990, *magna cum laude*

- Harvard Law Review*, Office Chair, Developments in the Law Office
- Women's Law Association, board member
- Students for Public Interest Law

STANFORD UNIVERSITY, B.A., June 1987, *with Distinction*, in political science

- Phi Beta Kappa*

UNIVERSITY OF NEW MEXICO (1983-1985)

- National Debate Tournament qualifier

TEACHING EXPERIENCE

UNIVERSITY OF PITTSBURGH SCHOOL OF LAW

Professor of Law, 2006-present

Associate Professor of Law, 2002-2006

Assistant Professor of Law, 1998-2002

Experience teaching Constitutional Law, Employment Discrimination, Legal Process/Civil Procedure, Gender & Law, Feminist Legal Theory, and Constitutional Theory.

INSTITUTE FOR SHIPBOARD EDUCATION, SEMESTER AT SEA

Summer, 2002

Taught classes on Women and Law (undergraduate) and Sex Discrimination Law (law students) on voyage at sea to nine different European countries. Both courses included a comparative law aspect touching upon women's legal issues in the countries visited.

WASHINGTON COLLEGE OF LAW, American University, Washington, D.C.

Adjunct Lecturer, Fall 1996

Taught a course on Sex Discrimination (with Joanna Grossman).

SELECTED RECENT PUBLICATIONS

The Invisible Pregnant Athlete, Harv. J. L. & Gender (forthcoming, 2008)

The Failure of Title VII as a Rights-Claiming System, N. C. L. Rev. (forthcoming, 2008)
(with Joanna Grossman)

Title IX as Pragmatic Feminism, 55 Cleveland St. L. Rev. 513 (2007)

Perceiving Subtle Sexism: Mapping the Social-Psychological Forces and Legal Narratives that Obscure Gender Bias, 16 Col. J. of Gender & Law 679 (2007)

Retaliation, 90 Minn. L. Rev. 18 (2005)

When Equality Leaves Everyone Worse Off: The Problem of Leveling Down in Equality Law, 46 Wm. & Mary L. Rev. 513 (2004) (selected for the 2004 Yale/Stanford Junior Faculty Forum)

Revisiting Title IX's Feminist Legacy: Moving Beyond the Three-Part Test, 12 Am. Univ. J. Gender, Soc. Pol'y & L. 453 (2004)

The Struggle for Sex Equality in Sport and the Theory Behind Title IX, 34 U. Mich. J. Law Reform 13 (2001)

School Liability for Peer Sexual Harassment After Davis: Shifting From Intent to Causation in Discrimination Law, 12 Hastings Women's Law Journal 5 (2001)

The Cruellest of the Gender Police: Student-to-Student Sexual Harassment, Anti-Gay Harassment, and Title IX, 1 Georgetown Journal of Gender Law 37 (1999)

WORKS IN PROGRESS

She Got Game: Title IX and the Women's Sports Revolution (book contract with NYU Press)

SELECTED SCHOLARLY PRESENTATIONS

- Testimony before the House Education and Labor Committee, Hearing on the Supreme Court's decision in *Ledbetter v. Goodyear* (June 12, 2007)
- AALS Annual Meeting, Section on Women in Legal Education: "Perceiving Subtle Sexism" (January 5, 2007)
- Harvard Law School, Harvard Journal of Law & Gender annual conference: "Changing Social Norms? Title IX and Legal Activism," Opening Remarks and Moderator (April 13, 2007)
- Cleveland Greater Sports Commission and Cleveland Marshall School of Law, "Girls and Women Rock" conference on Title IX: "Title IX and Feminist Legal Theory: The Case for Pragmatism" (March 30, 2007)

- Hofstra Law School: “Title IX and the Pragmatic Turn in Feminist Theory” (April 30, 2007)
- Hofstra Law School: “Theorizing Retaliation: The Under-Protection of Discrimination Claimants and the Preservation of the Social Order” (Sept. 24, 2004)
- Yale/Stanford Junior Faculty Forum, Yale Law School: “When Equality Leaves Everyone Worse Off: The Problem of Leveling Down in Equality Law” (June 4-5, 2004)
- Law and Society Conference, Chicago, Ill.: “Retaliation” (May 28, 2004)
- Law, Culture & Humanities Conference, Hartford, Conn.: “When Equality Leaves Everyone Worse Off: The Problem of Leveling Down in Equality Law” (Mar. 12, 2004)
- 2003 Annual Fall Conference of the Association for Public Policy Analysis and Management, Wash. D.C.: paper on Title IX and theories of gender equality (Nov. 7, 2003)
- Law and Society Conference, Pittsburgh, PA: “Equality with a Vengeance: The Leveling Down Problem in Equality Law” (June 7, 2003)
- American University Washington College of Law, Conference: “Title IX: 30 Years Later” (panel presentation) (Apr. 2, 2003)
- University of Cincinnati College of Law, Conference: “‘If you Let Me Play’: Gender and the Politics of Athletics” (Mar. 13, 2003)
- University of Texas School of Law: Conference: “Subversive Legacies” (panel on Title IX and women’s sports) (Nov. 22, 2002)
- Women Law Teachers’ Conference, University of Pennsylvania School of Law, “Leveling Down Responses to Inequality” (Feb. 23, 2002)
- Annual Third Circuit Review, Pittsburgh, PA, “Sexual Harassment Law and the First Amendment: A False Conflict?” (Oct. 16, 2001)
- Hastings Women’s Law Journal, Annual Symposium: “The Academic Epidemic: Peer Sexual Harassment After *Davis v. Monroe County Board of Education*” (March 3, 2000)
- University of Michigan Journal of Law Reform, Annual Symposium: “Competing in the 21st Century: Title IX, Gender Equity and Athletics” (February 4 and 5, 2000)
- Georgetown University Law Center, Georgetown Journal of Gender Law, 2nd Annual Gender, Sexuality and the Law Symposium: “Hostile Hallways: Anti-Gay Peer Harassment in Schools” (March 4, 1999)

SELECTED RECENT LAW SCHOOL SERVICE ACTIVITIES

Faculty advisor and coordinator for annual moot trial competition (1998-2004)
Faculty advisor to the Law Review (2003-present)
Faculty advisor to the Feminist Law Forum (2001-present)
Appointments Committee (2000-2001, 2001-2002, 2002-2003)
Clinic Committee (2006-2007; Chair, 2001-2002)
Diversity Committee (2000-present; Chair, 2002-2006)
Steering Committee (2000-2001, 2003-2004)

OTHER PROFESSIONAL EXPERIENCE

NATIONAL WOMEN'S LAW CENTER, Washington, D.C.

Senior Counsel, 1994-1998

Staff Attorney (Skadden Fellowship), 1992-1994

Conducted litigation and advocacy on issues affecting women's rights and economic security. Major cases included challenges to sex discrimination in intercollegiate and interscholastic athletics, sexual harassment in education, employment, prisons and housing, and discriminatory treatment of women prisoners. Litigation experience included extensive appellate advocacy in federal circuit courts and U.S. Supreme Court as both counsel and *amicus curiae*. Represented women's interests before Congress and administrative agencies. Public education activities included researching and authoring publications and frequent public speaking.

HON. CONSTANCE BAKER MOTLEY, U.S. District Court, S.D.N.Y.

Law Clerk, 1991-1992

PEOPLE FOR THE AMERICAN WAY, Washington, D.C.

Women's Law and Public Policy Fellowship, 1990-1991

Participated in legislative advocacy for the Civil Rights Act of 1991. Researched and drafted *amicus curiae* briefs and other documents on legal issues affecting women's rights and civil rights.

OTHER SELECTED SCHOLARLY AND PROFESSIONAL PRESENTATIONS

- 7th Annual Samuel Francis School Law Symposium, Tri-State Area School Study Council and the University of Pittsburgh (June 16, 2005) (presentation on recent legal developments under Title IX)
- 6th Annual Samuel Francis School Law Symposium, Tri-State Area School Study Council and the University of Pittsburgh (June 17, 2004) (presentation on retaliation against school employees)

- University of Pittsburgh, Title IX Conference, co-sponsored by the Law School and Women's Studies: moderator and presenter on panels on sexual harassment and Title IX and women's sports (Mar. 19, 2004)
- Annual Fall Forum of the National Association of Collegiate Women Athletic Administrators: speech on pay equity and other gender discrimination issues for women coaches (Oct. 12, 2003)
- Carnegie Mellon University, Annual Mosaic Women's Issues Conference: "The Struggle for Sex Equality in Sport: Progress, Resistance, and the Emerging Battle Lines" (Feb. 21, 2003)
- University of Denver, Title IX Conference, keynote address: "Title IX 30 Years Later" (Nov. 1, 2002)
- 4th Annual Samuel Francis School Law Symposium, Tri-State Area School Study Council and the University of Pittsburgh (June 20, 2001) (presentation on sexual harassment law)
- University of Texas, San Antonio Center for the Study of Women and Gender, Conference: "Sex Equality in the Younger Years: Title IX in High Schools and Middle Schools" (Sept. 8, 2000)
- 3rd Annual Samuel Francis School Law Symposium, Tri-State Area School Study Council and the University of Pittsburgh (presentation on sexual harassment law) (June 14, 2000)
- Allegheny Intermediate Unity and the Tri-State Area School Study Council of the University of Pittsburgh, School Law Conference (presentation on sexual harassment law) (Oct. 29, 1999)
- Colorado Women's Bar Association, Annual Convention, keynote address: "The Law of Gender Discrimination: Making a Difference in the 21st Century" (May 15, 1999)
- The Federalist Society, Annual Conference, Washington D.C. (panel on sexual harassment) (November 13, 1998)
- 20th Annual National Association of Women Judges Conference, St. Louis, MO (panel on Title IX and sexual harassment law) (Oct. 9, 1998)
- Talk of the Nation, National Public Radio (program on Title IX) (July 9, 1997)
- Washington Council of Lawyers, program for summer associates interested in public interest law (civil rights panel) (June, 1995, 1996, 1997)

- Washington & Lee School of Law, Women's Law Association event (presentation on VMI and the Citadel and the legality of single-sex education) (Mar. 21, 1997)
- Diane Rehm show, National Public Radio (program on Title IX) (Mar. 18, 1997)
- D.C. Bar Association, Arts, Entertainment and Sports Law Section (Mar. 17, 1997)
- American University, "Race, Gender, & Intercollegiate Athletics" (Apr. 16, 1997)
- Georgetown University Law Center, Sports and Entertainment Law Society (conference on Title IX) (Apr. 4, 1997)
- Mid-Atlantic Equity Consortium, Annual Conference (legal implications of single-sex classes) (Dec. 9, 1996)
- National Council of State Sex Equity Educators, Annual Conference (legal implications of single-sex classes) (July 22, 1996)
- New York State Occupational Education Equity Center, Annual Conference (legality of single-sex education) (May 2, 1996)
- University of Richmond School of Law, "The VMI Debate," sponsored by the Federalist Society and the Women's Law Association (Apr. 10, 1996) (presenting the pro-integration position in *U.S. v. Virginia*)
- Washington College of Law, American University, Centennial Celebration, "Two Decades of Intermediate Scrutiny: Evaluating Equal Protection for Women" (Apr. 8, 1996)
- NCAA, Annual Title IX Seminars (Apr. 21-22 and May 12-13, 1997; Apr. 29-30, 1996)
- America's Talking, CNBC (discussing single-sex schools) (Mar. 13, 1996)
- Seton Hall Law School, "Symposium: Re-Examining Gender Scrutiny" (Jan. 24, 1996)
- Derrick McGinty Show, National Public Radio (discussing VMI) (Aug. 28, 1995)
- Equal Employment Opportunity Commission, Testimony before the Commission on Pay Equity Issues (June 20, 1995)
- Tennessee Women Lawyer's Association, Annual Conference (keynote speech) (June 16, 1995)
- Diane Rehm Show, National Public Radio (May 8, 1995) (program on Title IX)
- Notre Dame Law School, "Sports Reform: College Athletics in Flux" (Feb. 25, 1995)

- Duke University Law School, "Moving Towards Gender Equity in College Athletics" (Feb. 17, 1995)
- George Washington University, Washington Women's Sports Network (Oct. 28, 1994) (conference on Title IX)
- The Posner/Donahue Show, CNBC (discussing *Harris v. Forklift Systems* and sexual harassment law) (Oct. 14, 1993)

OTHER PUBLICATIONS (prior to full-time law teaching)

Right the Wrongs: A Legal Guide to Understanding, Addressing, and Preventing Sexual Harassment in Schools (National Women's Law Center 1998) (with Verna Williams)

Do the Right Thing: Understanding, Addressing and Preventing Sexual Harassment in Schools; A Practical Guide for Educators, Parents and Students (National Women's Law Center, in collaboration with the Council of Chief State School Officers and the National School Boards Association, 1998) (with Verna Williams)

When a Kiss Isn't Just a Kiss: Title IX and Student-to-Student Harassment, 30 Creighton L. Rev. 423-56 (1997) (with Verna Williams)

Sex as a Suspect Class: An Argument for Applying Strict Scrutiny to Gender Discrimination, 6 Seton Hall Con. L. J. 953-66 (1996)

The Path of Most Resistance: The Long Road Toward Gender Equity in Intercollegiate Athletics, 3 Duke J. Gender L. & Policy 51-92 (1996) (with Elizabeth Catlin)

Goals 2000 and Pregnant and Parenting Teens: Making Education Reform Attainable for Everyone (National Women's Law Center March, 1995)

Legal Challenges to the Educational Barriers Facing Pregnant and Parenting Adolescents, 28 Clearinghouse Review 141 (June 1994)

The Civil Rights Act of 1990 and the President's Veto, in Lost Opportunities: The Civil Rights Record of the Bush Administration Mid-Term (Citizen's Commission on Civil Rights, 1991) (with Elliot Minberg)

Gay Men and Lesbians and the Criminal Justice System, in Developments in the Law: Sexual Orientation and the Law, 102 Harv. L. Rev. 1519-54 (1989)