

MARTHA T. MCCLUSKEY

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EMPLOYMENT

School of Law, State University of New York at Buffalo, *Professor* since 2001. *William J. Magavern Scholar* since 2006. *Associate Professor*, 1995-2001 .

University of Connecticut School of Law, *Visiting Professor*, 2003-04.

Columbia University in the City of New York, *Associate in Law*, 1993-1995.

Maine Public Advocate, *Counsel*, 1989-93; *Consultant*, 1993-94.

Magistrate Judge David M. Cohen, *Law Clerk*, U.S. District Court, Portland, Maine, 1988-89.

EDUCATION

Columbia Law School, LL.M. 1995, J.S.D. awarded with distinction 2002. Dissertation: *Beyond Efficiency Versus Redistribution: Workers' Compensation and Welfare State Reform*.

Yale Law School, J.D. 1988.

Yale Law Journal, *editor*, 1987-88.

Clifford L. Porter Prize for best student paper in taxation (joint award), 1988:
A Critical Analysis of the Treatment of Dependent Care and Household Expenses in Federal Income Tax Theory.

Colby College, B.A. in Human Development, *magna cum laude*, 1980.

SCHOLARSHIP

Works In Progress

RETHINKING LAW AND ECONOMICS (book project)

LAW AND ECONOMICS: CONTEMPORARY APPROACHES (co-edited with Frank Pasquale and Jennifer Taub)

Book

FEMINISM, MEDIA AND THE LAW (Oxford University Press, 1997) co-editor (with Professor Martha A. Fineman) and chapter contributor, *Fear of Feminism: The Media Debate about Victims and Violence on College Campuses*.

Articles

Shifting the Frame: Foundational Concepts of Law and Political Economy, Journal of Law and Political Economy, (in progress, invited for publication in 2020).

Developing the Association for the Promotion of Political Economy and the Law, Journal of Law and Political Economy, (in progress, invited for publication in 2020) (co-authored with Frank Pasquale and Jennifer Taub).

All Costs Have a Right, in Eleven Things They Don't Tell You About Law and Economics: An Informal Introduction to Political Economy and the Law, 37 LAW & INEQUALITY: A JOURNAL OF THEORY AND PRACTICE 95 (2019) (co-authored with Frank Pasquale et al.).

Are We Economic Engines Too? Precarity, Productivity and Gender, 49 Toledo Law Rev. 631 (2018) (symposium issue on *Gender Equality: Progress and Possibilities*).

Defining the Pie, Not Dividing or Maximizing It, CRITICAL ANALYSIS OF LAW: AN INTERNATIONAL AND INTERDISCIPLINARY LAW REVIEW (University of Toronto) special issue on *New Economic Analysis of Law*, Vol. 5, Issue #1 (2018).

Constitutional Economic Justice: Structural Power for "We the People," 35 YALE LAW & POLICY REVIEW 271 (2016).

Law and Economics: Contemporary Approaches (co-authored with Frank Pasquale and Jennifer Taub), 35 YALE LAW & POLICY REV. 297 (2016).

Framing Middle Class Insecurity: Tax and the Ideology of Unequal Growth, 84 FORDHAM L. REV. 2699 (2016).

Facing the Ghost of Cruikshank in Constitutional Law, 65 J. OF LEGAL EDUCATION 278 (2015).

Toward A Fundamental Right to Evade Law? Protecting the Rule of Power in Shelby County and State Farm, 17 BERKELEY J. AFR. AM. LAW & POLICY 216; 7 TOURO LAW JOURNAL OF RACE, GENDER, & ETHNICITY 216 (2015).

When Caring is Work: Home, Health, and the Invisible Workforce – Introduction, 61 BUFF. L. REV. 253 (2013) (co-authored with Dianne Avery).

How the "Unintended Consequences" Story Promotes Unjust Intent and Impact, LatCrit XV Symposium Issue, 22 BERKELEY LA RAZA L. J. 21 (2013).

Reforming Insurance to Support Workers' Rights to Compensation, 55 AMERICAN J. OF INDUSTRIAL MEDICINE 545-559 (2012).

How Money for Legal Theory Disadvantages Feminism, 9 ISSUES IN LEGAL SCHOLARSHIP

(BEPRESS ONLINE), *Legal Feminism Now* symposium (Kathryn Abrams, ed., 2011).

Taxing Family Work: Aid for Affluent Husband Care, 21 COLUMBIA J. OF GENDER AND LAW 109 (2011).

How the Biological/ Social Divide Limits Disability and Equality, 33 WASH. UNIV. J. OF L. & POLICY 109 (2010).

Constitutionalizing Class Inequality: Due Process in State Farm, ClassCrits Essay Issue, 56 BUFFALO L. REV. 1035 (2008)

The Substantive Politics of Formal Corporate Power, 53 BUFFALO L. REV. 1453 (2006) (symposium issue featuring Marc Galanter, *Planet of the Aps: Reflections on the Scale of Law and Its Users*).

How Equality Became Elitist: The Cultural Politics of Economics from the Court to the "Nanny Wars," 35 SETON HALL L. REV. 1291 (2005) (LatCrit IX symposium issue)

Caring for Workers, Symposium on Law, Labor & Gender, 55 MAINE LAW REVIEW 314 (2003).

Efficiency and Social Citizenship: Challenging the Neoliberal Attack on the Welfare State, 78 INDIANA LAW JOURNAL 783 (2003).

Thinking with Wolves: Left Legal Theory After The Right's Rise, 54 BUFFALO L. REV. 1013 (2007) (book review of Wendy Brown and Janet Halley, *Left Legalism/Left Critique*, 2002).

Book Review of Terry Thomason, Timothy P. Schmidle & John F. Burton, Jr., *Workers' Compensation: Benefits, Costs, and Safety under Alternative Insurance Arrangements*, 27 JOURNAL OF HEALTH POLITICS, POLICY AND LAW (2002).

Insurer Moral Hazard in the Workers' Compensation Crisis: Reforming Cost Inflation, Not Rate Suppression, 5 EMPLOYEE RIGHTS AND EMPLOYMENT POLICY JOURNAL 55 (2001).

Subsidized Lives and the Ideology of Efficiency, 8 AM. UNIV. J. OF GENDER, SOCIAL POLICY, & THE LAW 115 (2000).

Revision reprinted in *THE SUBJECT OF CARE: FEMINIST PERSPECTIVES ON DEPENDENCY* (Eva Feder Kittay and Ellen K. Feder, eds.) (Rowman and Littlefield 2002).

Reprinted in Frank Munger, ed., *Law and Poverty*, in *International Library of Essays in Law and Society*, Ashgate Publishing (2006)

The Illusion of Efficiency in Workers' Compensation "Reform," 50 RUTGERS LAW REVIEW 657 (1998).

Privileged Violence, Principled Fantasy, and Feminist Method: The Colby Fraternity Case, 44
MAINE LAW REVIEW 261 (1992).

Note, *Rethinking Equality and Difference: Disability Discrimination in Public Transportation*,
97 YALE LAW JOURNAL 863 (1988).

Book Chapters

*Big Government Against Social Responsibility: A Vulnerability Critique of Privatization's
Public Priorities*, in PRIVATIZATION, VULNERABILITY, AND SOCIAL RESPONSIBILITY
(Martha Albertson Fineman, Titti Mattsson, and Ulrika Andersson eds.)
(Ashgate/Routledge 2017).

Personal Responsibility for Systemic Inequality in RESEARCH HANDBOOK ON POLITICAL
ECONOMY AND THE LAW (Ugo Mattei and John D. Haskell, eds.) (Edward Elgar 2015).

From The Welfare State to the Militarized Market: Losing Choices, Controlling Losers
in ACCUMULATING INSECURITY, SECURING ACCUMULATION (Shelley Feldman, Charles
Geisler, and Gayatri Menon eds., Univ. of Georgia Press 2010).

Defending and Developing Critical Feminist Theory As Law Leans Rightward in TRANSCENDING
THE BOUNDARIES OF LAW (Martha Albertson Fineman, ed., Routledge) (2010).

Razing the Citizen: Economic Inequality, Gender, and Marriage Tax Reform, in GENDER
EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP, (Linda McClain and Joanna
Grossman, eds., Cambridge University Press 2009).

*How Queer Theory Makes Neoliberalism Sexy: Economics and the Queer Challenge to
Feminism* in FEMINIST AND QUEER LEGAL THEORY: INTIMATE ENCOUNTERS,
UNCOMFORTABLE CONVERSATIONS (Martha Albertson Fineman, Jack Jackson, and Adam
Romero, eds., Ashgate Press 2009).

Changing, Not Balancing, the Market: Economic Politics and "Social" Programs in
PROGRESSIVE LAWYERING, GLOBALIZATION, AND MARKETS: RETHINKING IDEOLOGY AND
STRATEGY (Clare Dalton ed., William S. Hein 2007)

*Deconstructing the State/Market Divide: The Rhetoric of Regulation from Workers'
Compensation to the WTO* (book chapter), in FEMINISM CONFRONTS *HOMO ECONOMICUS*:
GENDER, ECONOMICS AND THE LAW (Martha A. Fineman & Terence Dougherty, eds.) (Cornell
Univ. Press 2005).

The Politics of Economics in Welfare Reform, in FEMINISM CONFRONTS *HOMO ECONOMICUS*:
GENDER, ECONOMICS AND THE LAW (Martha A. Fineman & Terence Dougherty, eds.)
(Cornell Univ. Press 2005).

Workers' Compensation, in POVERTY AND SOCIAL WELFARE IN AMERICA: AN ENCYCLOPEDIA (Gwendolyn Mink & Alice O'Connor, eds., ABC-CLIO 2004).

Rhetoric of Risk and the Redistribution of Social Insurance (book chapter), in EMBRACING RISK: THE CHANGING CULTURE OF INSURANCE AND RESPONSIBILITY (Tom Baker and Jonathan Simon, eds.) (Univ. of Chicago Press 2001).

Short Essays, Policy Papers, and Commentary

[*Reclaiming Public Fiscal Power for Transforming Precarity*](#), Law and Political Economy Blog, www.lpeblog.org, Yale Law School (May 2019).

Against the Economic Pie: How Economic “Maximizing” Skews Legal Analysis, Law and Political Economy Blog, www.lpeblog.org, Yale Law School (March 2019).

Against the Economic Pie: How “Redistribution” Limits Political Economic Analysis, Law and Political Economy Blog, www.lpeblog.org, Yale Law School (March 2019).

Toward a Political Economy of Gender Violence. Law and Political Economy Blog, www.lpeblog.org, Yale Law School (Nov. 2018).

Civil Justice in the United States: How Access to Courts is Essential to a Fair Economy, Center for Progressive Reform (Sept. 2018) (co-authored with Thomas McGarity, Sidney Shapiro, Karen Sokol, and James Goodwin).

As Hurricanes Expose Inequalities, Civil Courts May Be Great Equalizers, The Hill, Oct. 16, 2018 (co-authored with Sidney Shapiro).

Economic Human Rights, Not Tough Policy Tradeoffs, Law and Political Economy Blog, www.LPEblog.org, Yale Law School (April 2018).

The House Recently Sided With Big Banks Over Consumers, The Hill, Aug. 4, 2017 (in support of the Consumer Financial Protection Bureau’s rule limiting arbitration clauses barring consumer class actions).

Martha McCluskey & Matt London, Raise Maximum Fine to Deter Unsafe Working Conditions, (Albany) Times Union, Aug. 3, 2017

Following the Money in Public Higher Education Foundations, 103 ACADEME: AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS 27 (2017)

Regulation of Forced Arbitration in Consumer Financial Services: Re-Opening the Courthouse Doors to Victimized Consumers, Center for Progressive Reform (May 2016) (co-authored with James Goodwin, Mollie Rosenzweig, Thomas O. McGarity, and Sidney Shapiro).

Preventing Death and Injury on the Job: The Criminal Justice Alternative in State Law, Center for Progressive Reform Paper 1602, a manual for state and local advocates (March 2016) (co-authored with by Thomas O. McGarity, Sidney Shapiro, Rena Steinzor, Ron Wright, and Katherine Weatherford).

Economic Dynamics and Economic Justice: Making Law Catastrophic, Middling, or Better? Symposium on David Driesen, ECONOMIC DYNAMICS OF LAW (2012) in Concurring Opinions Blog, April 1, 2014.

At the Company's Mercy: Protecting Contingent Workers From Unsafe Working Conditions (co-authored with Thomas McGarity, Sidney Shapiro, and Matthew Shudtz), Center for Progressive Reform, 2013.

The Next OSHA: Progressive Reforms to Empower Workers (co-authored with Thomas McGarity, Sidney Shapiro, Rena Steinzor and Matthew Shudtz), Center for Progressive Reform, 2012.

ClassCrits Blog, www.classcrits.org, begun 2007 (over 50 postings). Guest Blogger, SALT LAW Blog, 2010.

Whose Risk, Whose Security? THE AMERICAN PROSPECT 38, Jan. 31, 2000.

Seattle Protests Brought Together Some Unlikely Allies, Buffalo News, Dec. 12, 1999.

Victim Narratives, TIKKUN (March/April 1994).

Crying About the Men's Movement, AT THE CROSSROADS 36 (June 1993).

Numerous op-ed pieces and commentaries on issues of law and policy published in Maine newspapers and radio, 1990-93.

RECENT COURSES AND SEMINARS

Constitutional Law, Torts, Disability Law, Economic Inequality, Regulation, Labor and Employment Law Colloquium, Health Insurance Policy Seminar; Work, Family and the Law Seminar, Criminal Law and Safety Regulation; Advanced Writing Seminar.

PhD Candidate Committee, Global Gender Studies (2017 – present). Supervised interdisciplinary readings and comprehensive exam and dissertation proposal on gender in public administration in Poland.

CONFERENCES AND SCHOLARLY EVENTS ORGANIZED

Co-organizer, *Journal of Law and Political Economy: Developing the Field*, Baldy Center for Law and Social Policy, University at Buffalo, (forthcoming Oct. 2019).

Co-organizer, *Policy Options for the 21st Century: 5th Annual Workshop of the Association for the Promotion of Political Economy & the Law (APPEAL)*, University of Maryland Carey Law School (June 2019).

Co-Organizer, *Building Hope for Economic Power and Justice*, ClassCrits XI Conference, University of West Virginia Law School (Nov. 2018).

Co-Organizer, *Connecting Ideas and Policies for Change: Political Economy and the Law Workshop*, Political Economy Research Institute & Association for the Promotion of Political Economy and the Law (APPEAL), University of Massachusetts, Amherst (June 2018).

Conference Organizing Committee, *ClassCrits at Ten: Mobilizing for Resistance, Solidarity, and Justice*, Tulane University School of Law, New Orleans, La. (Nov. 2017) (over 125 participants).

Co-Organizer (with Frank Pasquale and Jennifer Taub) *Engaged Scholarship in Law and Economics*, Association for the Promotion of Political Economy and the Law (APPEAL), University of Maryland Francis King Carey School of Law, Baltimore Md. (June 2017).

Conference Committee, co-organizer, *ClassCrits IX: Corporatocracy and Election 2016*, Loyola University Chicago School of Law (Oct. 2016). Paper presented: *Corporatocracy and Class in State and Local "Job-Creation" Subsidies*; Opening address: *What is Critical Analysis? How does ClassCrits analyze Inequality?*

2016 Mitchell Lecture Committee Member, *Legal Education for a Changing Legal Profession*, SUNY Buffalo Law School, (February and April 2016).

Co-Organizer, *Higher Education Finance: Association for Promotion of Political Economy and the Law*, SUNY Buffalo Law School, June 2015.

Co-Organizer, *Law and Economics Casebook Workshop: Association for Promotion of Political Economy and the Law*, SUNY Buffalo Law School, June 2015; follow-up meeting New York City Jan. 2016.

Conference Organizing Committee member, *ClassCrits VIII, Emerging Coalitions: Challenging the Structures of Inequality*, Univ. of Tenn. Knoxville College of Law, Oct. 2015.

2015 Mitchell Lecture (Chair), *Who Rules Big Data? Law, Knowledge and Power*, SUNY Buffalo Law School (featuring Frank Pasquale, Elizabeth Joh, and Virginia Eubanks).

Conference Organizing Committee member, *ClassCrits VII: Poverty, Precarity and Work: Struggle and Solidarity in an Era of Permanent(?) Crisis*, Univ. of California Davis, Nov. 2014.

Co-Organizer (with Martha Fineman and Mimi Abramovitz), *Vulnerability, Resilience and Public Responsibility for Social and Economic Well-Being*, SUNY Buffalo Law School (co-sponsored by Emory University Project on Vulnerability and the Human Condition), June 2014.

Co-organizer (with Jennifer Taub and Frank Pasquale), *Critiquing Cost-Benefit Analysis in Financial Regulation* (Co-Sponsored by SUNY Buffalo Law School; George Washington University Center for Law, Economics and Finance (host institution); co-sponsored by Association of Professors for Political Economy and the Law, Americans for Financial Reform, Center for Progressive Reform, and Better Markets, Inc., Washington D.C., May 2014

Conference Organizing Committee, *ClassCrits VI: Stuck in Forward: Debt, Austerity and the Possibilities of the Political*, Southwestern Law School, Nov. 2013.

Conference Organizing Committee, *ClassCrits V: From Madison to Zuccotti Park: Confronting Class and Reclaiming the American Dream*, University of Wisconsin, Nov. 2012.

Co-Organizer (with Dianne Avery), *When Caring Is Work: Home, Health, and the Invisible Workforce*, James McCormick Mitchell Lecture, SUNY Buffalo Law School, Oct. 2012.

Conference Co-Organizer, *ClassCrits IV, Criminalizing Economic Inequality*, American University Washington College of Law, co-sponsored by the Baldy Center on Law and Social Policy, Sept. 2011.

Co-organizer, *A New Progressive Agenda for Occupational Safety and Health*, Center for Progressive Reform, Washington D.C. (June 2011).

Conference Co-Organizer (with Angela Harris and Athena Mutua), *Rethinking Economics and Law After the Great Recession*, ClassCrits III, Baldy Center on Law and Social Policy and University at Buffalo Law School (May 2010).

Co-Organizer (with Lucinda Finley), *The Abortion Controversy in Context: Protest and Policy*, Buffalo NY (two events: Oct. 2006 and Oct. 2007).

Co-Organizer (with Sarah Faherty, Sam Magavern, and Lou Jean Fleron), *The High Road Runs Through the City: Advocating for Economic Justice at the Local Level*; Buffalo NY (Sept. 2007).

Co-Organizer (with Athena Mutua), *ClassCrits Workshop II, Constructing the Story of Class in Law*, Buffalo NY (May 2007).

Co-Organizer (with Martha A. Fineman), *Searching for New Paradigms? Class and Caste Within a World of Global Inequalities*, Emory Law School, Atlanta (May 2007).

Co-Organizer (with Athena Mutua), *ClassCrits Workshop I, Toward a Critical Legal Analysis of*

Economic Inequality, Buffalo NY, (Jan. 2007).

ACADEMIC PRESENTATIONS

**Invited **

**Developing Critical Legal Resistance for Neoliberal Poverty and Precarity*, Critical Legal Studies Symposium: Adam Geary, POVERTY LAW AND LEGAL ACTIVISM, Uppsala University, Uppsala, Sweden (forthcoming August 2019).

Political Economy and Law, and Future Research Directions, Law and Money: From Past to Future, Law and Money, Summer Academy (co-sponsored by the Law and Money Initiative, the Institute for New Economic Thinking Young Scholars Initiative, APPEAL, and the University of Manchester Law School), University of Manchester, UK (forthcoming July 2019).

Discussant, Theoretical Perspectives on Law and Political Economy, Law and Society Association Annual Meeting, Washington, D.C. (May 2019).

Money, Moral Hazard, and the Transformative Power of Social Welfare Spending, Law and Society Association Annual Meeting, Washington, D.C. (May 2019).

Roundtable presenter, *Vulnerability and Neoliberalism*, Law and Society Association Annual Meeting, Washington, D.C. (May 2019).

** Rethinking Political Economy for Democracy and Justice*, Democracy faculty seminar series, Ohio State University Moritz College of Law (May 2019).

**Law and Political Economy Method and Theory (informal essay)*, Law and Political Economy Project Convening, Yale Law School (Jan. 2019).

Panel organizer and moderator, *Democratizing Money's Power and Protection*, [Money as a Democratic Medium conference](#), Harvard Law School (Dec. 2018).

An Introduction to ClassCrits: What is Critique? What does Class Add to Inequality?
ClassCrits XI: Rising Together for Economic Hope, Power, and Justice, at the West Virginia University College of Law (Oct. 2018).

Beyond Public Economic Incapacity: Vulnerability Theory for Ambitious Social Justice, presented at:

Law Faculty Workshop, University at Buffalo, State University of NY (Sept. 2018);
University of Manchester International Law Centre (Sept. 2018);
University of Leeds School of Law (Sept. 2018).

Introduction to Law and Political Economy, Connecting Ideas and Policies for Change:
Political Economy and the Law Workshop, Political Economy Research Institute & Association

for the Promotion of Political Economy and the Law (APPEAL), University of Massachusetts, Amherst (June 2018).

Panelist, *The New Law and Political Economy and Sociolegal Studies I: Legal Perspectives*, Law and Society Assoc. Annual Meeting, Toronto, Canada (June 2018).

**Grounding Economic Production in Social Resilience, Vulnerability and the Social Reproduction of Resilient Societies*, Emory University (May 2018).

Responsiveness and Resilience Beyond Neoliberal Autonomy, Buffalo Law Faculty workshop (Jan. 2018) and Emory University Vulnerability and the Human Condition workshop (Feb. 2018).

Introduction to Critical Analysis of Class and Inequality, ClassCrits X conference, Tulane University Law School (Nov. 2017).

Video editor and presenter, *Five Things They Don't Tell You About Law and Economics*, International Festival for New Economic Thinking, Institute for New Economic Thinking, Edinburgh, Scotland (Oct. 2017).

**Are We Economic Engines Too? Precarity, Productivity and Gender* for the symposium, Gender Equality: Progress & Possibilities, Toledo Law School (Oct. 2017).

**State and Local Government Fiscal Policy and Economic Disinvestment* (on the panel Modern Money, Courts, and Civil Rights--Against Legal Predation), The First International Conference Of Modern Monetary Theory: *Economics for a New Progressive Era*, University of Missouri Kansas City (Sept. 2017)

**Law, Economics and MMT* (for the panel, Towards a 21st Century Brain Trust--The Role of Lawyers in MMT), The First International Conference Of Modern Monetary Theory: *Economics for a New Progressive Era*, University of Missouri Kansas City (Sept. 2017).

Defining the Pie, Not Dividing or Maximizing It, Baldy Center and Buffalo Law Faculty Workshop, (Sept. 2017).

Law, Economics and the Minimum Wage, APPEAL Workshop on Engaged Scholarship in Law and Economics, University of Maryland, Carey School of Law (June 2017).

Toward a Heterodox Constitutional Economics, 6th Cross-Border Post-Keynesian Economics Conference: Populism, Heterodoxy, Globalization held at SUNY Buffalo State (June 2017).

**Tribute to Martha A. Fineman in honor of her Ruth Bader Ginsburg Lifetime Achievement Award*, Women in Legal Education Luncheon, AALS Annual Meeting, San Francisco (Jan. 2017).

Follow the Money in Campus Foundations, Socioeconomics Session, Higher Education, Finance and Student Debt, AALS Annual Meeting, San Francisco (Jan. 2017).

Toward a Constitutional Theory of Resilience: Access to Collective Power for Substantive Change, Emory University, Vulnerability and the Human Condition Workshop (Dec. 2016).

Paper presented: *Corporatocracy and Class in State and Local "Job-Creation" Subsidies*; ClassCrits IX Conference, Loyola University Chicago School of Law (Oct. 2016).

Opening address: *What is Critical Analysis? How does ClassCrits analyze Inequality?* ClassCrits IX Conference, Loyola University Chicago School of Law (Oct. 2016).

Following the Money in Campus Foundations: Academic Austerity amidst Academic Wealth, American Association of University Professors (AAUP) National Convention (June 2016).

**Are We Economic Engines Too? Precarity, Productivity and Gender*, Janice L. Moritz Distinguished Lecture, University at Buffalo, Institute for Research and Education on Women and Gender, Buffalo, N.Y. (April 2016).

* *Framing Middle Class Insecurity: Tax and the Ideology of Unequal Economic Growth*, Fordham Law School (Symposium "We Are What We Tax") (Nov. 2015).

Constitutional Economic Justice, ClassCrits VIII: *Emerging Coalitions: Challenging the Structures of Inequality*, Univ. of Tenn. Knoxville College of Law, (Oct. 2015).

**Constitutional Economic Justice*, Law and Inequality (American Constitution Society), Yale Law School (Oct. 2015).

* *Criminal Law Strategies for Workplace Safety Enforcement*, Enforcement Strategies Panel, Center for Progressive Reform, Scholars Meeting (May 2015).

Cost-Benefit Critique, Socioeconomics session, AALS Annual Meeting (Jan. 2015).

From the Captured State to the Responsive State, Vulnerability and the Human Condition Project Workshop on Theorizing the State: The Resources of Resilience, Emory University, Atlanta, Georgia (Dec. 2014).

Precarity and Efficiency: Rationalizing Unequal Insecurity, ClassCrits VII, Poverty, Precarity, and Work: Struggle and Solidarity in an Era of Permanent(?) Crisis, University of California Davis School of Law, Davis, California (Nov. 2014).

**Framing Equality: Beyond Efficiency versus Redistribution*, Tulane University Law School Future of Law and Inequality Symposium, New Orleans, L.A. (Nov. 2014).

From Antidiscrimination to Austerity: Escaping The Neoliberal Subject's Equality Bind,

Vulnerability and the Human Condition panel, Law and Society Annual Meeting, Minneapolis, Minn. (May 2014).

Can Embodied Vulnerability be Powerful and Normative: Resisting Rugged Individualism in Both Neoliberalism and Rebellion, Suiting Up: Disciplining the Aesthetics of Difference, University at Buffalo Institute for Research on Women and Gender, Buffalo, N.Y. (April 2014).

Terms of Injustice: A Critical Guide to Law and Economics, SUNY Buffalo Law School Faculty Workshop, Buffalo, N.Y. (Feb. 2014)

Criticizing Cost-Benefit Analysis in Financial Regulation (with Jennifer Taub and Frank Pasquale), Society of Socio-Economists Annual Meeting, New York, N.Y. (Jan. 2014).

Regulatory Capture: Getting Beyond Little Law to Challenge Big Power, ClassCrits VI, Stuck in Forward: Debt, Austerity and the Possibility of the Political (conference co-organizer), Southwestern Law School, Los Angeles, Calif. (Nov. 2013).

**The Role of Insurance in Workers' Compensation Justice*, International Perspectives Keynote Panel, No Half Measures: Workers' Compensation 100 Years after Sir William Meredith, Law Foundation of Ontario, Ontario Federation of Labor McMaster University, et al., Toronto, Canada. (Nov. 2013).

Beyond Growth and Austerity : Reclaiming The Welfare State as Public Power for Resilience Privatization, Globalization, and Social Responsibility Workshop, Lund University Faculty of Law, (co-sponsored by Emory University Project on Vulnerability and the Human Condition), Lund, Sweden (June 2013).

Against Efficiency versus Equity as a Framework for Legal Analysis, Toward Law and Political Economy: Transforming Unequal Power through Heterodox Theory (panel co-organizer), Law and Society Annual Meeting, Boston, Mass. (June 2013).

Affirming the Commanding, not the Contracting State, Contract as Public Law at the Intersection of Privatization and Globalization, Vulnerability and the Human Condition Project, Emory University (paper distributed but not presented due to illness) (March 2013).

**Terms of Injustice: A Critical Guide to Law and Economics* Critical Legal Theory Colloquium, University of Colorado Law School, (paper distributed; presentation cancelled due to family emergency) (Feb. 2013).

Dreaming the Big Pie: How Efficiency versus Equity Mystifies Class Conflict, ClassCrits V: From Madison to Zuccotti Park: Confronting Class and Reclaiming the American Dream, University of Wisconsin (Nov. 2012).

Rationalizing Inequality as Personal Responsibility for Systemic Failure Faculty Workshop, SUNY Buffalo Law School (Dec. 2011).

**Rationalizing Inequality as Personal Responsibility for Systemic Failure*, Faculty Workshop, Denver University Sturm College of Law (Oct. 2011).

Introduction to ClassCrits, ClassCrits IV, Criminalizing Economic Inequality, American University Washington College of Law, Washington D.C. (Sept. 2011).

How Money in Legal Theory Disadvantages Feminism, plenary panel presentation at AALS midyear conference, Women in Legal Education, Washington D.C. (June 2011).

Moderator, *Worker Empowerment Roundtable, A New Progressive Agenda for Occupational Safety and Health*, Center for Progressive Reform, Washington D.C. (June 2011).

Unintended Consequences, Faculty Workshop, SUNY Buffalo Law School, Buffalo (May 2011).

Collective Vulnerability, Personal Responsibility, and Government Support, Beyond Rights: Vulnerability and Justice, Feminism and Legal Theory Project, Smith College (May 2011).

**Taxing Family Work: Aid for Affluent Husband Care*, Work, Family and Public Policy Workshop, Washington University, St. Louis (April 2011).

Collective Vulnerability, Personal Responsibility, and Corporate Agency, Masking and Manipulating Vulnerability, Feminism and Legal Theory Project, Emory University (March 2011).

Unintended Consequences: Impact, Intent, and the Ideology of Economic Regulation, The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up (plenary presentation) LatCrit XV, University of Denver, Sturm College of Law (Oct. 2010).

**Reforming Insurance Regulation to Support Workers' Benefits*, Workers' Compensation National Strategy Meeting, National Economic and Social Rights Initiative, Washington D.C. (Oct. 2010).

Unintended Consequences, National People of Color Scholarship Conference, Seton Hall University Law School (Sept. 2010).

**Toward a Critical Theory of Law and Economic Justice*, Critical Legal Theory Workshop, Georgetown Law School (April 2010).

Toward a Law and Economics of Resilience: From Moral Hazard and Paternalism to Bargaining Power, Vulnerability Resilience and the State Workshop, Feminism and Legal Theory Project, Emory University, (March 2010).

How the Biological/Social Divide Limits Disability and Equality, Feminist Disability Theories and the Law, Feminism and Legal Theory Project, Emory Law School, (Dec. 2009) (paper)

included in workshop materials but I did not present it due to illness).

Regulation is for Losers, Regulation is Against Losers, and Regulation Makes More Losers, So How Can Regulation Be Progressive? LatCrit XIV, American University Law School, (Oct. 2009).

**Serving Husbands, Serving Masters of Capital: The Neo-Feudal Family in the Neoliberal Market,* Gender Matters in Social Sciences: Family, Economy, and Politics, Harvard University, Cambridge, Mass. (Feb. 2009).

**What is the "Critical" Difference? Law and Political (not just Social) Economics,* Socioeconomics Session, AALS Annual Meeting, San Diego, California (Jan. 2009).

**Defending and Developing Critical Feminist Theory as Law Leans Rightward,* Feminism and Legal Theory Project 25th Anniversary Conference, Emory Law School, Atlanta, Georgia (Nov. 2008).

**From The Welfare State to the Militarized Market: Losing Choices, Controlling Losers,* Accumulating Insecurity, Securing Accumulation: Colloquia on Militarizing Everyday Life, Cornell University, Ithaca, NY (Sept. 2008 and April 2009).

Who's Afraid of Theory's Politics? Reviving Left Critique in the Right-Wing U.S., Critical Legal Strategies Conference, University of Glasgow, Scotland (Sept. 2008).

Constitutionalizing Class Inequality in the U.S.: The Continuing Economic Substance of Due Process, Critical Legal Strategies Conference, University of Glasgow, Scotland (Sept. 2008).

Making Vulnerability Powerful and Public: A Critique of Economic Ideology, Feminism and Economic Vulnerability Workshop, Feminism and Legal Theory Project, University of Colorado Law School (March 2008).

**Razing the Citizen: The Economic Family and the Anti-Democratic State and Market,* Family Law Exceptionalism and the Economic Family, University of Toronto Law School (co-sponsored with Harvard Law School) (Feb. 2008).

**Opening Plenary Panelist,* AALS Section on Women in Legal Education, Workshop on Gender and Class, AALS Annual Meeting (New York, Jan 2008).

Research Roundtable, Baldy Center Annual Retreat, Buffalo (Dec. 2007)

Moderator, *The Erosion of Roe, Rise of Restrictions: Lessons from the Past, Prospects for the Future. The Abortion Controversy in Context: Protest and Policy,* Buffalo NY (Oct. 2007).

Moderator, *Local Experiences, Global Connections Panel. The High Road Runs Through the City: Advocating for Economic Justice at the Local Level* Buffalo NY (Sept. 2007).

Razing the Citizen: Economic Inequality, Gender, and Marriage Tax Reform, Dimensions of Women's Equal Citizenship, Hofstra Law School, Hempstead NY (Nov. 2006).*

Constitutionalizing Class Inequality in State Farm Mutual Auto Ins. v. Campbell, Law and Society Annual Meeting, Baltimore (July 2006).

A Critical Field Guide to Law and Economics, LatCrit X, San Juan, Puerto Rico (Oct. 2005).

How Queer Theory Makes Neoliberalism Sexy: Economics and the Queer Challenge to Feminism, Feminism and Legal Theory Workshop, Emory Law School, Atlanta, Ga. (April 2005).

Disability, Dignity, Difference and Dependence, The Law of Dignity/ The Politics of Shame, Program on Law and Social Thought, Harvard Law School and Harvard University, Cambridge, Mass., (Nov. 2004).

Moderator, *Consequences of Pharmaceutical Reimportation*, U.S. and Canadian Pharmaceutical Policy: A Tale of Two Countries, Univ. of Connecticut Law School, Hartford, Conn. (Oct. 2004).

Where is Neoliberalism in the Kulturkampf? The Politics of Economics in the Nanny Wars, Ninth Annual LatCrit Conference, Villanova University School of Law, Malvern, Penn., (May 2004).

Insurance Regulation and Workers' Compensation Reform, New York's Workers and Workers' Compensation, Labor & Employment Law Program, New York Law School, New York, NY (April, 2004).*

Biology versus Culture in Disability Law, Association for the Study of Law, Culture, and Humanities Annual Meeting, University of Connecticut School of Law, Hartford, Conn. (March 2004).

Disability and Equality Theory: Difference, Dependence, and the Social versus Medical Bind, Feminism and Legal Theory Workshop, Emory Law School, Atlanta, Georgia, (March 2004).

From 'Affluent Husband Care' to Worker Care: Rethinking Support for Family Caretaking Labor, Law and Society Colloquium, New York Law School, New York, NY (Dec. 2003)*.

Care, Work, and Sex, Conference on Law and Sex, Sexuality, Gender and the Family, Program on Law and Social Thought, Harvard Law School and Harvard University, Cambridge, Mass. (Nov 2003).*

Economic Efficiency and the Neoliberal Attack on the Welfare State, Conference on Ideology and Strategy: Progressive Lawyering, Globalization & Markets, Progressive Lawyering Project, Northeastern University School of Law, Boston, Mass. (Nov. 2003).

From 'Affluent Husband Care' to Worker Care: Rethinking Support for Family Caretaking Labor, Faculty Workshop, University of Connecticut School of Law Faculty Workshop (Oct. 2003).

Feminism, Law and the Politics of Theory: What's Left After Scholarship's Right Turn?, Feminism and Legal Theory Project 20th Anniversary Workshop, University of Wisconsin, Madison, Wisc. (June 2003).

Defining Work Disability in Workers' Compensation and the Americans with Disabilities Act: The Politics of the Status/Conduct Bind, Faculty Workshop, University of Wisconsin Law School, Madison, Wisc (May 2003).*

No-Fault Means More Fault for Victims, commentary as part of panel on the Sept. 11 Victims' Compensation Fund, Session of Tort and Compensation Law and Insurance Law Sections, AALS Annual Meeting (January 2003).*

From Affluent Husband Care to Worker Care: Subverting the Dilemmas of Dependent Care Support, Subversive Legacies Conference, Univ. of Texas Law School, (Nov. 2002).

From Husband Care to Worker Care: Rethinking Support for Family Caretaking Labor, Law, Gender and Labor Conference, Maine Law School (Sept. 2002).

Guest Lecturer on taxation of the family, Family Law course of Prof. Janet Halley, Harvard Law School (Sept. 2002).*

Caring for Workers: Beyond the Divides of Home/Market, Maternalism/Antimaternalism, and Dependency Pleasure, Law and Society Association Annual Meeting, Vancouver (May 2002).

Guest Lecturer on welfare policy, in Professor Martha Fineman's Topics in Feminist Legal Theory Seminar, Cornell Law School (Feb. 2002).*

Efficiency and Social Citizenship, Cornell Law School Faculty Workshop (Nov. 2001)*;
University of Denver Law School faculty workshop (March 2002)*;
Political Economics Research Institute Faculty Seminar, University of Massachusetts (May 2002).*

Conference co-organizer (with Martha A. Fineman and Dalia Tsuk), *Feminism, Corporations and Capitalism: Policy and Protest*, SUNY Buffalo Law School, jointly sponsored by the Baldy Center on Law & Social Policy and Cornell Law School's Feminism & Legal Theory Workshop (April 2001).

Economics, Law and Caretaking Work: Feminist Alternatives, Socioeconomics Section, Association of American Law Schools Annual Meeting, San Francisco (January 2001).*

Caretaking Work and Efficiency, Canadian Law and Economics Association Annual Meeting, University of Toronto (Sept. 2000); Co-organizer of panel on Women, Work & Family

Corporate Citizenship and the Decline of the Welfare State: Redefining "Public Interest" in the Neoliberal Age, Society for the Advancement of Socio-Economics Annual Meeting, London School of Economics (July 2000).

Roundtable panelist, *Feminist Reflections on Corporations and Capitalism*, Feminism and Legal Theory Workshop, Cornell Law School (June 2000).*

Martha as Metaphor: Martha in the Market, Law and Society Annual Meeting, Miami Beach (May 2000).

Class, Medicine, and the Construction of Work Disability: Rating Impairment in Workers' Compensation, Law and Society Annual Meeting, Miami Beach (May 2000).

Celebrating Women in Law, Buffalo Law Review Annual Dinner keynote address, SUNY Buffalo Law School (April 2000).*

Subsidized Lives and the Ideology of Efficiency, Feminism and Legal Theory Workshop, Cornell Law School (Nov. 1999).*

Intergenerational Responsibility and the Market, Feminist Call To Action, Cornell Club of New York City (Nov. 1999).*

The Politics of Science in Impairment Rating Reform, American Bar Association Annual Meeting, Atlanta, Ga. (Aug. 1999).*

Corporate Citizenship and the Decline of the Welfare State: Redefining "Public Interest" in the Neoliberal Age, Law and Society Association Annual Meeting, Chicago (May 1999).
Co-organizer of panel on "The Elusive Corporation in the Culture of the Free Market."

The Rhetoric of Economics and the Cultural Construction of Managed Care, Law and Society Association Annual Meeting, Chicago (May 1999).

Commentator, *The Rhetorics of Financial Regulation*, Law and Society Association Annual Meeting, Chicago (May 1999).*

Rhetoric of Risk and the Redistribution of Social Insurance, Insurance, Risk and Responsibility -
- Toward a New Paradigm, University of Connecticut Law School (April 1999).*

Commentator, *From Providence to CREF: Taming Risk in the Liberal State*, Law and Society Association Annual Meeting, Aspen (June 1998).

Economic Illusions in Social Welfare Cuts: Disguising Politics and Values as Efficiency Principles, Feminism and Legal Theory Workshop, Columbia Law School (November 1996)

Victim Narratives as Political Power in an Age of Personal Responsibility: Common Themes in the Backlash Against Feminism and Environmentalism, Law and Society Association Annual Meeting, Glasgow (July 1996).

Telling Stories about the Market: Economic Analysis As Rhetoric in the Workers' Compensation Insurance Crisis, Law and Society Association Annual Meeting, Toronto (June 1995).

Commentator, *Feminism and Sociobiology*, Law and Society Association Annual Meeting, Toronto (June 1995).

Commentator, *Tax Policy*, Feminism and Legal Theory Workshop, Columbia Law School (June 1995).*

Telling Stories about the State and the Market: The Rhetorical Construction of Efficiency, Feminism and Legal Theory Workshop, Columbia Law School (February 1995).

Commentator, *Sexuality and Feminist Theory*, Feminism and Legal Theory Workshop, Columbia Law School (June 1994).*

The Rhetoric of Rate Regulation: Reading the Workers' Compensation Crisis, New Economic Criticism Conference, Society for Critical Exchange, Case Western Reserve University (October 1994).*

Panelist, *Victim Feminism Roundtable*, Law and Society Association Annual Meeting, Phoenix (June 1994).*

Controlling the Workers' Compensation Crisis: From Contested Cost Limits to Cooperative Savings, Law and Society Association Annual Meeting, Phoenix (June 1994).

Commentator, *Direction and Distortion: The Centrality of Sexuality in the Shaping of Feminist Legal Theory*, Feminist Legal Theory Workshop, Columbia Law School, (June 1994).

Panelist, *Sexuality, Feminism, Political Correctness*, Tikun Conference of Liberal and Progressive Jews, New York City (Jan. 1994).*

Fear of Feminism: Privileged Victims in the Media Debate about Campus Violence, Feminism, Media and the Law Conference, Feminist Legal Theory Workshop, Columbia Law School, (Dec. 1993).

Privileged Violence, Free Speech and Fraternities: A Case Study in the Legal Reconstruction of Violence Against Women, Law and Society Association Annual Meeting, Chicago (May

1993).

Guest Lecturer: Feminist Theory course, University of Southern Maine, 1993; Women and the Law course, University of Maine School of Law, 1991 and 1992.

Masquerade as Feminist Political Strategy, 1992 Maine Women's Studies Conference, Bates College.

Workshop Facilitator, *Hate Speech/Pornography and Violence Against Women*, 1991 Justice and Gender Conference, University of Maine School of Law.*

The Colby Fraternity Case: Violence Against Women in Law and Experience, 1991 Maine Women's Studies Conference, Bowdoin College.

Panelist, *Women and the State: Public Policy Constraints on Women's Lives*, 1990 Maine Women's Studies Conference, Bowdoin College.

Gender and Disability: Toward a New Theory of Equality and Difference, 1987 New England Women's Studies Conference, Trinity College.

UNIVERSITY SERVICE AND ACTIVITIES

Faculty Senate Budget Priorities Committee (2018-2019); (2014-2015).

Law School Visiting Committee Chair (promotion and tenure candidate) (2015-present)

SUNY Faculty Senate, Ethics and Institutional Integrity Committee (2016-17)

UB Gender Institute Steering Committee

Economic Justice Studies, Law School E-Fund Grant (2013-2015).

University at Buffalo Faculty Senate (2011-12, 2013-16); Executive Committee (2011-12; 2014-15);

Advisor, Law Student Chapter of the American Constitution Society (2012-present).

Mitchell Lecture Committee Member (2015-16); Chair (2014-15); Co-Chair (2012); Chair (2002-03)

Law School Dean Search Committee (2007)

Provost's Decanal Review Committee (2006)

Baldy Center Faculty Seminar Series co-organizer (2006-07)

ClassCrits Working Group Co-Convenor, Baldy Center on Law and Social Policy (2005-2010)

University Committee to draft Faculty Code of Conduct (2005)

Curriculum Committee, Academic Policy Committee, and Admissions Committees (2005-2006)

Co-Director, Regulation and Public Policy Program, Baldy Center for Law and Social Policy (1997-2002)

Academic Program and Policy Committee (1999-2000)

Baldy Center Advisory Board (1995-2000, 2005-07)

Faculty Appointments Committee (2000-2001) (elected position)

Faculty Advisor to Law Review (1999-2001)

Law School Planning Committee (1996 - 1999)

Committee on Committees (1997, 1998) (elected position)

Advisor to Law School student groups: National Lawyers Guild chapter; Association for Women Law Students; National Mobilization Against Sweatshops chapter; Labor and Employment Law Association.

COMMUNITY AND PROFESSIONAL LEADERSHIP AND SERVICE

Law and Society Association Collaborative Research Network on Law and Political Economy (co-organizer 2018).

ClassCrits, Inc. Co-Founder and Board of Directors.

Association for Political Economy and Law, President and Board of Directors.

Affiliated Scholar, Emory University Vulnerability and the Human Condition Project.

AAUP Buffalo Advocacy Chapter, Co-Founder and Secretary/Treasurer (2015- 2017).

Litigation Committee Member, Association of American University Professors (AAUP) 2014-17.

Co-founder of APPEAL (Association of Professors for Progressive Economics and Law) and co-leader 2012-present.

UBCLEAR (UB Coalition for Leading Ethically in Academic Research) 2012.

Member Scholar, Center for Progressive Reform, 2011-present.

Co-founder, Executive Board Member and blogger, ClassCrits scholarly network for the critical study of law and economic inequality, www.classcrits.org

National Fuel Gas Accountability Coalition, pro bono public utility work on behalf of low-income consumers 2011

Annual Meeting keynote speaker, Coalition for Economic Justice, Buffalo, NY, February 2000.

Law and Society Review, *Editorial Board*, 1998-2000.

Insurance and Society Study Group member, University of Connecticut Law School Insurance Law Center, 1998-2002.

Western New York Council on Occupational Safety & Health, *Anniversary Dinner Committee*, 1998.

New York Chapter, National Lawyers Guild, *Executive Committee*, 1994-1995.

Pine Tree Legal Assistance, *Board of Directors*, 1992-93.

UNIVERSITY AND CIVIC ENGAGEMENT (selected other activities)

Commentator, RBG film screening, Beyond Boundaries: Daring to be Diverse Film Series, Buffalo State College (March 2019).

Faculty Advisor, American Constitution Society UB Law Student Chapter (2016-present).

I was a guest presenter for the Sociolegal Research Seminar class, Univ. at Buffalo Law School, (Sept. 2017).

Guest lecturer (virtual presentation) for a graduate law class on Critical Theory at Uppsala University in Sweden (Sept. 2017).

Wrote internal scholarship review for law school tenure candidate (May 2017).

Panelist, *Pay Equity Gap: Current Legislative Strategies*, Western NY Women's Action Coalition (April 2017).

Is the Economy Working? For Whom? Baldy Discussion Circle, University at Buffalo Baldy Center for Law and Social Policy (March 2017).

Co-Organizer, *Gender, Politics and Power in Election 2016*, UB Gender Institute, UB Baldy Center, SUNY Buffalo Law School ACS Chapter, Women of SUNY Buffalo Law, OUTLAW (Nov. 2016).

Organizer and Moderator, *Your Right to Know, New York's Freedom of Information Law*, conversation with Robert Freeman, Executive Director, New York State Committee on Open Government, SUNY Buffalo Law School (co-organizer, sponsored by UUP, UB-AAUP, UB Baldy Center, SUNY Buffalo Law School Human Rights Center (April 2016).

Panel participant, Supreme Court Nomination, SUNY Buffalo Law School (March 2016).

Channel 4 WITV news comment on Supreme Court Nomination (March 2016).

Comments on proposed SUNY Guidelines for Campus Foundations, SUNY Board of Trustees (co-authored, on behalf of UB Chapter AAUP, March 2016).

Organized and presented First Monday Supreme Court event on *Friedrichs v. Calif. Teachers Assn.*, Law Student Chapter of the American Constitution Society, SUNY Buffalo Law School (Oct. 2015).