

MICHAEL BOUCAI

Professor

University at Buffalo School of Law (SUNY)

413 John Lord O'Brian Hall, Buffalo, NY 14260

716.645.1743 (p) • 716.645.2064 (f) • mboucai@buffalo.edu

EDUCATION

University of Cambridge, M.Phil., History, 2009

Georgetown University Law Center, J.D., May 2005

Yale College, B.A., History, May 2002

ACADEMIC & PROFESSIONAL EXPERIENCE

Professor, University at Buffalo School of Law (SUNY), Sept. 2020 - present (*Associate Professor*, July 2012 - Aug. 2020)

- Courses: Family Law; Criminal Law; Gender, Sexuality, & Law; Law & Procreation
- Co-Director, Family Law Concentration
- Advisor, American Constitution Society
- Advisor, OUTLaw

Sears Law Teaching Fellow, The Williams Institute, UCLA School of Law, July 2010 - July 2012

Associate, Kasowitz, Benson, Torres & Friedman LLP, New York, NY, Feb. 2007 - Sept. 2008

Law Clerk, The Hon. Rosemary Barkett, 11th Circuit Court of Appeals, Miami, FL, Jan.-Dec. 2006

Consultant, National Gay & Lesbian Task Force/Moral Values Project, Washington, DC, June-Dec. 2005

Visiting Researcher, Georgetown University Law Center, June 2005 - Dec. 2005.

ARTICLES

Topology of the Closet, J. HOMOSEXUALITY (2021).

Before *Loving*: The Lost Origins of the Right to Marry, 2020 UTAH L. REV. 1 (2020).

Is Assisted Procreation an LGBT Right?, 2016 WISC. L. REV. 1065 (2016).

- Abridged and translated into Italian for *ÁCOMA: RIVISTA INTERNAZIONALE DI STUDI NORDAMERICANI* (forthcoming 2019).
- Twice reviewed favorably in JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS): Douglas NeJaime, *Biological and Social Approaches to the LGBT Family*, Apr. 26, 2017; Kaipo Matsumura, *Reproducing Queer Kinship*, Sept. 26, 2017.

Glorious Precedents: When Gay Marriage Was Radical, 27 YALE J. L. & HUMANITIES 1 (2015).

- Winner, 2016 Michael Cunningham Prize, one of three Dukeminier Awards bestowed in recognition of the year's finest legal scholarship on LGBT issues.
- Selected for the Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School, June 27-28, 2014.
- Twice reviewed favorably in JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS): Darren Rosenblum, *Gay Lib Goes to Court: The Marriage of Liberation and Rights*, Jun. 24, 2015; Elaine Craig, *A Queer Story of Same-Sex Marriage*, Feb. 17, 2015.
- Subject of interview with Prof. Richard T. Ford for the [Stanford Comparative Equality Web Course](#).
- Excerpted in casebook on law and social justice: BENDER, HILL, & VALDES, *CRITICAL JUSTICE: SYSTEMIC ADVOCACY IN LAW & SOCIETY* (forthcoming, West 2020).

Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality, 49 SAN DIEGO L. REV. 415 (2012).

- Reviewed in JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS): Clifford Rosky, *Same-Sex Marriage: A Liberty for All*, Mar. 27, 2013.

"Balancing Your Strengths against Your Felonies": Considerations for Military Recruitment of Ex-Offenders, 61 U. MIAMI L. REV. 997 (2007).

A Legal Remedy for Homophobia: Finding a Cure in the International Right to Health, 6 GEO. J. GENDER & L. 21 (2005).

Note, **Caught in a Web of Ignorances: How Black Americans Are Denied Equal Protection of the Laws**, 18 NAT'L BLACK L.J. 239 (2005).

OTHER PUBLICATIONS

Book Review (solicited), Robert Leckey (ed.), *After Equality: Family, Sex, Kinship*, 31 CANADIAN J. L. & SOC'Y 315 (2016).

Book Review (solicited), Vicki Eaklor, *Queer America: A People's History of the United States*, 47 J. SOC. HIST. 1104 (Spring 2014).

Sexual Epistemology and Bisexual Exclusion: A Response to Professor Russell Robinson's "Masculinity as Prison: Race, Sexual Identity, and Incarceration," 99 CAL. L. REV. 1309 (2011), 2 CAL. L. REV. CIRCUIT 104 (2011).

Book Review, Fred Fejes, *Gay Rights and Moral Panic*, 44 J. SOC. HIST. 606 (Winter 2010).

Book Review (solicited), Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America*, 22 GENDER & HIST. 462 (Summer 2010).

DUE JUSTICE: AMELIORATION FOR LAW SCHOOL COMPLIANCE WITH THE SOLOMON AMENDMENT (with Prof. Chai R. Feldblum) (2003).

SELECTED PRESENTATIONS

INVITED TALKS

Lecture in course on LGBTQ Literature & American History (Prof. Jeffrey Iovannone), SUNY Fredonia, Nov. 19, 2019 ("American Legal History and LGBT Rights").

Lecture in course on Sexuality, Gender, & the Law (Prof. Darren Rosenblum), McGill U., Montréal, QC, Oct. 11, 2018 ("The Conjugal Model: Decline & Resilience").

Panel, "Author Meets Reader: Carol Sanger, *About Abortion*," Law & Society Ass'n Annual Meeting, Toronto, ON, June 8, 2018.

Keynote Address, Erie County Bar Ass'n Supreme Court Review & Preview, Buffalo, NY, Nov. 15, 2017 ("Marriage and the Constitution").

Closing Remarks, Celebrating David Engel's "The Oven Bird's Song," Baldy Center for Law & Social Policy, U. at Buffalo School of Law, Oct. 23, 2015 ("Humanity and Humanities").

Lecture, LGBTQ Faculty & Staff Ass'n, U. at Buffalo, Apr. 28, 2015 ("Same-Sex Marriage and the U.S. Supreme Court").

Guest Lecture in course on Sex, Gender, & the Law, Harvard Law School, Feb. 3, 2015 ("Glorious Precedents: When Same-Sex Marriage Was Radical").

Colloquium, "Regulating Family, Sex, & Gender," University of Chicago Law School, Jan. 28, 2015 ("Glorious Precedents: When Same-Sex Marriage Was Radical").

Plenary Panel, "Identity and Beyond," Workshop on Sexual Orientation & Gender Identity Issues, AALS Mid-Year Meeting, June 7, 2014 ("Queer Universalism in LGBT Politics").

Panel on "Fluidity and Sexual Orientation," Changing Sex/Changing Sexuality (Conference), University of Utah, S.J. Quinney College of Law, Salt Lake City, UT, Jan. 31, 2014 ("Bisexuality and the Rhetoric of Gay Equality").

Panel on *U.S. v. Windsor*, U. at Buffalo School of Law, Buffalo, NY, Nov. 14, 2013 ("U.S. v. Windsor: How Did We Get Here and Where Are We Going?").

Faculty Colloquium, UC Hastings College of Law, San Francisco, CA, Nov. 5, 2013 ("Gay Liberation and Marriage Litigation").

Panel on "Sex and the State: Government Coercion of Racial and Sexual Identities," UC Berkeley School of Law, Berkeley, CA, Nov. 18, 2011 ("Sexual Epistemology and Bisexual Exclusion").

Hofstra Colloquium on Law & Sexuality, Hofstra School of Law, Hempstead, NY, Oct. 17, 2011 ("Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality").

Panel on "Popular Constitutionalism: Examination and Critique," National LGBT Bar Ass'n Conference, Los Angeles, CA, Sept. 9, 2011 ("Legislative Constitutionalism and the Legalization of Same-Sex Marriage in New York").

Orange County Lavender Bar Association Harvey Milk Luncheon, Irvine, CA, May 23, 2011 (“What Would Milk Say? From Stonewall to Same-Sex Marriage”).

OTHER PANELS & PRESENTATIONS

Criminal Law Colloquium, U. at Buffalo School of Law, Sept. 30, 2019 (“Unwanted Consensual Sex”).

Panel, “Crisis at the Border: A Conversation about the U.S. Immigration System and the Current State of Politics,” U. at Buffalo School of Law, Apr. 23, 2019 (moderator).

Panel, “Constructing the Legal Family,” Law & Society Ass’n Annual Meeting, Toronto, ON, June 10, 2018 (“Marriage and the Constitution”).

Panel, “Seeing Difference,” Ass’n for the Study of Law, Culture, & the Humanities Annual Conference, Georgetown U. Law Center, Washington, D.C., Mar. 17, 2018 (“Codifying the Closet: Law and Homosexuality in Modern Britain”).

Panel, “Seeing Difference,” American Society for Legal History Annual Meeting, Las Vegas, NV, Oct. 27, 2017 (“Codifying the Closet: Law and Homosexuality in Modern Britain”).

Panel, “Birth, Life, and Death in LGBTQ Families,” After Marriage (Conference), John Jay College of Law, New York, NY, Oct. 2, 2016 (“Is Assisted Procreation an LGBT Right?”).

Panel, “Religion, Conflict, and Same-Sex Marriage,” After Marriage (Conference), John Jay College of Law, New York, NY, Oct. 1, 2016 (“Disestablishing Marriage”).

Roundtable, “Sociolegal Perspectives on Regulating Sexuality Post-*Obergefell*,” Law & Society Ass’n Annual Meeting, New Orleans, LA, June 4, 2016 (“Use and Abuse of Disparate Impact Theory”).

Colloquium, Syracuse University College of Law, Apr. 14, 2016 (“Is Assisted Procreation an LGBT Right?”).

Panel, “Reproduction and Rights Discourse,” 2016 Baby Markets Congress, UC Irvine School of Law, Irvine, CA, Apr. 2, 2016 (“Is Assisted Procreation an LGBT Right?”).

Panel, “Open Questions and New Frontiers in the Age of Marriage Equality,” Nat’l LGBT Bar Ass’n Conference, Chicago, IL, Aug. 5, 2015 (“Is Assisted Procreation an LGBT Right?”).

Panel, “Assisted Reproductive Technologies,” Workshop on Shifting Foundations in Family Law, AALS Mid-Year Meeting, Orlando, FL, June 23, 2015 (“Adoption, ART, and the Politics of LGBT Parenthood”).

Presenter & Facilitator, Session on “Economies of Desire,” Workshop on Critical Thinking about Sex, Sexuality, Gender & the Family, Harvard Law School, June 3, 2015.

Panel, “Thinking Critically about Family and Reproduction,” Institute for Global Law & Policy, Harvard Law School, June 1, 2015 (“Is Assisted Procreation an LGBT Right?”).

Panel, “Evolving Ideas of Kinship,” Law & Society Ass’n Annual Meeting, Seattle, WA, May 28, 2015 (Discussant, Prof. Courtney Joslin’s “Marriage Equality and Nonmarital Families”).

Panel, “Nontraditional Parenthood,” Law & Society Ass’n Annual Meeting, Seattle, WA, May 28, 2015 (“Is Assisted Procreation an LGBT Right?”; Commentator, Prof. Melanie Jacob’s “Procreative Liberty in the U.S. and China”).

Panel, “Theorizing Under-Recognized Dilemmas for Equality in Relationships and the Family,” Ass’n for the Study of Law, Culture, & the Humanities Annual Conference, Georgetown University Law Center, Washington, D.C., Mar. 7, 2015 (“Is Assisted Procreation an LGBT Right?”).

2014 Harvard/Stanford/Yale Junior Faculty Forum, Stanford Law School, June 27-28, 2014 (“Glorious Precedents: When Gay Marriage Was Radical”).

Podcast, The Impact and Ramifications of Recent Supreme Court Rulings on Same-Sex Marriage, Oct. 28, 2013, available at <http://www.socialwork.buffalo.edu/podcast/episode.asp?ep=130>.

Panel on “Sexual Mutability and the Law,” Law & Society Association Annual Meeting, Honolulu, HI, June 8, 2012 (“Bisexuality and the Rhetoric of Gay Equality”).

Faculty Colloquium Series, UCLA School of Law, Los Angeles, CA, September 19, 2011 (“Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality”).

Panel on “Sexuality and Marriage in Sociolegal Context,” Law & Society Association Annual Meeting, San Francisco, CA, June 4, 2011 (“Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality”).

Panelist on “Frontiers of Sexual Orientation Law,” Association for the Study of Law, Culture, & the Humanities Annual Conference, Boyd School of Law, University of Nevada, Las Vegas, March 11, 2011 (“On Mutability and the Politics of Containment”).

Seventh Annual Williams Institute Moot Court Competition, UCLA School of Law, Los Angeles, CA, March 10, 2011 (“Is Affirmative Action for LGBT People Constitutional?”).

Gender History Workshop, University of Cambridge, UK, May 12, 2009 (“Was Oscar Wilde a Pornographer? (And Why It Matters?”).

Historical Studies Symposium, University of Cambridge, UK, March 13, 2009 (“The Closet as Legal Regime: The Case of Britain in the Modern Period”).

PROFESSIONAL SERVICE

University at Buffalo

- Delegate, Faculty Senate (elected for two-year term, July 2019-June 2021)
- Delegate, Faculty Senate Executive Committee (volunteered for one-year term, July 2019-June 2020)
- Co-Director, Family Law Concentration (Jan. 2019-present)
- Coordinator, Junior Faculty Forum (Fall 2013-Spring 2015), Junior Faculty Exchange with Syracuse College of Law (Fall 2014-Spring 2015)
- Law School Committees:
 - Admissions (Chair, Summer 2016-Spring 2018); Member; Fall 2012-Spring 2016, Fall 2018-present)
 - Appointments (Fall 2013-Spring 2015; Fall 2018-Spring 2020) (elected)
 - Diversity, Equity, & Inclusion (Fall 2020-present; Chair Fall 2020)
 - Committee on Committees (Spring 2020-Spring 2022) (elected)
 - Search Committee, Director of Diversity, Equity, & Inclusion (Fall 2017-Spring 2018)
 - Law School Survey of Student Engagement (Fall 2012-Spring 2013)
- Member, UB General Education Committee (Integrative Theme Cluster Group) (Spring 2014)
- Honors College Presidential Scholarship Selection Committee (Spring 2015; Spring 2017)
- Member, Graduate Faculty (appointed Nov. 2017).
- Panel, Legal Dialogue Series, 2018 Discover Law Undergraduate Scholars Program, Jun. 25, 2018.
- Panel, “Free Speech, Academic Freedom, & Inclusion: Can They Be Reconciled?”, Living Our Commitment: Inaugural Inclusive Excellence Conf., May 4, 2018 (“Academic Freedom: Its History and Meanings at UB and Beyond”).

Coordinator, LGBT Law Faculty Workgroup of New York, Sept. 2014-May 2017

Research grant reviews for: Israel Science Foundation (2015); Baldy Center for Law & Social Policy (2015)

Prepublication reviews for: *Law & Social Inquiry* (2018-present); *Columbia Law Review* (2017); *Transgender Studies Quarterly* (2017); *Journal of Homosexuality* (2016-present); Anthem Press.

OTHER SERVICE

Board of Directors (Sep. 2019-present), **Gay & Lesbian Youth Services (GLYS) of Western New York**

Board of Directors (Aug. 2019-Nov. 2020), Member (Feb. 2017-Nov. 2020), **Buffalo-Niagara LGBT History Project**

MEDIA APPEARANCES

Anne Cullen, *Equality Act's Critics Rally Around RFRA Nullification*, LAW360, Feb. 25, 2021.

Henry Gass, *Why Gorsuch Upheld Civil Rights for LGBTQ Americans*, CHRISTIAN SCIENCE MONITOR, June 16, 2020.

President's Day Interviewee, TALKING PEACE, WBNY 93.1 (Buffalo, NY), Feb. 17, 2020.

Ginger O'Donnell, *Law Schools Across the Country Train Students to Fight for LGBTQ Rights*, INSIGHT INTO DIVERSITY, June 24, 2019.

Alex Swoyer, *Transgender Activists Challenge Tennessee for Right to Alter Birth Certificates*, WASHINGTON TIMES, Apr. 29, 2019.

Gigi Douban, *State Lawmakers Consider Eliminating Marriage Licenses*, WBHM 90.3 (Birmingham, AL), Apr. 17, 2019.

Dalvin Brown, *Marsha P. Johnson: Transgender Hero of Stonewall Riots Finally Gets Her Due*, USA TODAY, Mar. 8, 2019.

Stephen T. Watson, *End of Catholic Charities' Adoption, Foster Care Ripples Through Community*, BUFFALO NEWS, Aug. 25, 2018.

Maria Puente et al., *Bill Cosby Retrial Verdict: Guilty on All 3 Counts of Aggravated Indecent Assault*, USA TODAY, Apr. 26, 2018.

Justin Rohrlich, *How the Army Recruits Straight Out of Prisons*, DAILY BEAST, Apr. 23, 2018.

Thomas Korosec, *Why Big Business Supports Gay and Transgender Rights*, D MAGAZINE (Dallas, TX), Apr. 2018.

[International Edition](#), Voice of America Radio, Mar. 22, 2017 (interviewed about confirmation hearings of Supreme Court Justice Neil Gorsuch).

Maddy Longwell, *Dropped Law School Application Fee Could Increase Student Interest*, GW HATCHET, Feb. 20, 2017.

Gorsuch's Appeal to Both Sides of Aisle in Question, BUFFALO LAW JOURNAL, Feb. 6, 2017.

Debate over Transgender Access to Restrooms in Leroy HS, WGRZ Channel 2 (Western NY), Nov. 3, 2015.

Marriage Equality and the Constitution: A Radio Dialogue, WBNY 91.3 FM (Buffalo), Sept. 17, 2015.

Mike Wynn & Chris Kenning, *KY Clerk's Office Will Issue Marriage Licenses Friday—Without the Clerk*, USA TODAY, Sept. 4, 2015; LOUISVILLE COURIER-JOURNAL, Sept. 4, 2015.

Christopher Jasper, *Western NY Reacts to Supreme Court Ruling*, BUFFALO NEWS, June 26, 2015.

[AM Buffalo](#), WKBW (ABC Affiliate), Apr. 29, 2015 (interviewed about oral arguments before the Supreme Court in same-sex marriage case, *Obergefell v. Hodges*).

Sarah Jones, *'Religious Freedom' Laws Open the Door to Discrimination against Women Too*, POLITICUS, Apr. 2, 2015.

Interview with Prof. Richard T. Ford (Stanford) for Massive Open Online Course (MOOC) on Comparative Equality Law, Mar. 19, 2015, New York, NY.

Local Advocates Weigh in on Same-Sex Marriage, News 4, WIVB (Buffalo), Jan. 18, 2015.

Seth Slabaugh, *RFRA Cancels BSU-Buffalo Tennis*, STAR PRESS, Apr. 2, 2015 (quoted), available at www.thestarpress.com/story/news/local/2015/04/02/rfra-cancels-bsu-buffalo-tennis/70842494/.

Lauren McGaughey, *Unlikely Gay Marriage Pioneers Tied Knot in Houston*, HOUSTON CHRON., Nov. 28, 2014, at 1A.

Podcast, *The Impact and Ramifications of Recent Supreme Court Rulings on Same-Sex Marriage*, Oct. 28, 2013.

US Military Recruits More Felons, BBC News, Feb. 14, 2007.

PROFESSIONAL ASSOCIATIONS

American Constitution Society
Association for the Study of Law, Culture, & the Humanities
Law & Society Association
National LGBT Bar Association

ADMITTED TO PRACTICE: New York

MISCELLANEOUS

Named in May 2017 among the **Best LGBT Lawyers Under 40** by the National LGBT Bar Association.

Fluent French. Translator, Esquisse, Réforme du Code de l'organisation judiciaire, Réforme du Code de procédure civile (Draft, Reform of the Code of Judicial Organization, Reform of the Code of Civil Procedure) (2008); Translator, *La Perruque* ("The Wig," 2007, Jean-Claude Montheil, dir.).