

Marcia L. McCormick

Saint Louis University School of Law
3700 Lindell Boulevard
St. Louis, Missouri 63108
mmccor20@slu.edu
314.977.4263

CURRENT ACADEMIC APPOINTMENT

Saint Louis University School of Law

Associate Professor of Law (without tenure)

Associate Professor of Law (with tenure)

St. Louis, Missouri

July 2009-June 2011

July 2011-present

Courses: Federal Courts, Employment Discrimination, Criminal Law, Gender and the Law seminar, International and Comparative Employment Law (Madrid program)

Honors: Saint Louis University Student Government Association Faculty Excellence Award, 2013

PUBLICATIONS

Alternative Agency Models for Optimal Enforcement of Employment Discrimination Laws (in progress).

Gender, Family, and Work, 30 HOFSTRA LAB. & EMP. L. J. ____ (forthcoming 2013).

From Podcasts to Treasure Hunts – Using Technology to Promote Student Engagement, 58 ST. LOUIS UNIV. L.J. ____ (forthcoming 2013).

Constitutional Limitations on Closing the Gender Gap in Employment, 8 FLA. INT'L UNIV. L. REV. ____ (forthcoming 2013).

Implausible Injuries: Wal-Mart v. Dukes and the Future of Class Actions and Employment Discrimination Cases, 62 DEPAUL L. REV. 1401 (2013).

Workplace Reform in a Jobless Recovery, 81 UMKC L. REV. 347 (2012) (essay).

Disparate Impact and Equal Protection after Ricci v. DeStefano, 27 WIS. J. LAW, GENDER & SOC'Y 100 (2012).

Decoupling Employment, 16 LEWIS & CLARK L. REV. 499 (2012).

Federal Regulation and the Problem of Adjudication, 56 ST. LOUIS U. L.J. 39 (2011).

Consensus, Dissensus, and Enforcement: Legal Protection of Working Women from the Time of the Triangle Shirtwaist Factory Fire to Today, 14 N.Y.U. J. LEG. & PUB. POL'Y 645 (2011).

Implausible Wrongs and Dissimilarities: The Supreme Court Continues Its Anti-Litigation Trend, This Time With a Class Action Focus in Wal-Mart v. Dukes, 8 ANTITRUST CHRON. (online), <https://www.competitionpolicyinternational.com/aug-11/> (2011).

Back to Color-Blindness: Recent Developments in Discrimination Law in the United States, 16 REVUE DES AFFAIRES EUROPEENNES 203 (2010).

BECOMING A LAW PROFESSOR (2010) (with Brannon P. Denning and Jeffrey Lipshaw).

The Truth Is Out There: Revamping Federal Antidiscrimination Enforcement for the 21st Century 30 BERKELEY J. EMP. & LAB. L. 193 (2009).

Solving the Mystery of How Ex Parte Young Escaped the Federalism Revolution, 40 U. TOLEDO L. REV. 909 (2009).

The Equality Paradise: Paradoxes of the Law's Ability to Promote Equality, 13 TEX. WESLEYAN L. REV. 515 (2007).

When Worlds Collide: Federal Court Construction of State Institutional Competence, 9 U. PENN. J. CON. L. 1167 (2007).

The Allure and Danger of Practicing Law as Taxonomy, 58 ARK. L. REV. 159 (2005).

Federalism Re-Constructed: The Eleventh Amendment's Illogical Impact on Congress' Power 37 IND. L. REV. 345 (2004).

Truth or Consequences: Why the Rejection of the Pretext Plus Approach to Employment Discrimination Cases in Reeves v. Sanderson Plumbing Establishes the Better Legal Rule, 21 N. ILL. U. L. REV. 355 (2001).

M. Cherif Bassiouni & Marcia McCormick, *Sexual Violence: An Invisible Weapon of War* (John D. & Catherine T. MacArthur Foundation 1996).

RECENT SPEECHES, PRESENTATIONS, AND PANELS

Constitutional Limitations on Closing the Gender Gap in Employment
Florida International University Law Review Symposium, *Minding the Gap: Reflections on the Achievement Gap Between Men and Women in the Workplace* in 2013, March 2013

The 150th Anniversary of the Emancipation Proclamation: Was the Movie Lincoln an Accurate Depiction of the Struggle to End Slavery?
Saint Louis University School of Law Office of Multicultural Affairs and Outreach,
February 2013

From Podcasts to Treasure Hunts – Using Technology to Promote Student Engagement
Saint Louis University School of Law, Teaching Labor and Employment Law,
February 2013

Embodied Labor Three: Choice or Exploitation?
Washington University Law Invisible Labor Colloquium, Moderator, February 2013

Continuity and Change in Legal Scholarship: Plain Talk for New Law Professors
American Association of Law Schools Annual Meeting, Moderator, January 2013

Legal Issues in Occupational Health
Saint Louis University Occupational Health Psychology, Guest Speaker, December
2012, December 2011

Identity and Law
Saint Louis University, Crossroads: Introduction to Honors: Exploring Identity, Guest
Speaker, October 2012.

The Benefits of Blogging for Law Professors, Lawyers, and Students
Saint Louis University School of Law, Student Legal Writers Association, Guest
Speaker, October 2012

Statutory Interpretation: The Richard J. Childress Memorial Lecture Program
Saint Louis University School of Law, Statutory Interpretation, Panel 2, Moderator,
October 2012

From Constitution as Power to Constitution as Impediment
Seventh Annual Colloquium on Labor and Employment Law Scholarship,
Northwestern University School of Law and Loyola University Chicago School of
Law, September 2012

Ex parte Young: For Whom the Bell Tolls
Southeastern Association of Law Schools (SEALS) Annual Meeting, August 2012

*They Did What? Update of Recent Cases from the Supreme Court, 8th Circuit, and
Missouri Supreme Court*
Eighth Circuit Conference, National Employment Lawyers Association, April 2012

Consensus, Dissensus, & Enforcement
Saint Louis University School of Law Scholarship Day, April 2012
Saint Louis University School of Law Lunch and Learn, September 2011

Saint Louis University School of Law Workshop, March 2011

Disparate Impact after Ricci v. DeStefano

Saint Louis University School of Law Workshop, March 2012

The Constitutionalization of Labor and Employment Law?, University of Wisconsin Law School, October 2011

Implausible Injuries: Wal-Mart v. Dukes and the Future of Class Actions and Employment Discrimination Cases

Class Action Rollback?, DePaul University Law Review Symposium, February 2012

Women/Feminism in the Workplace Laws

Saint Louis University Women's Studies Brown Bag Lunch Series, December 2011

Decoupling Employment

The Protected Class Approach to Antidiscrimination Law: Logic, Effects, Reform, Lewis & Clark Law School 16th Annual Business Law Fall Forum, September 2011
Saint Louis University Half-Baked Series, June 2011

Of VAPS and LLM's

Aspiring Law Professor's Conference, Sandra Day O'Connor College of Law, Arizona State University, September 2011

Employment Law Supreme Court Update

Southeastern Association of Law Schools (SEALS) Annual Meeting, August 2011

Should Employment Cases be Arbitrated (discussion panel)

SEALS Annual Meeting, August 2011

Supreme Court Review

Saint Louis University School of Law Continuing Legal Education, April 2011

The Art of the Difficult Conversation

Kramer Levin Naftalis and Frankel, January 2011

Getting to No

American Association of Law Schools (AALS) New Law Professors Section, Annual Meeting, January 2011

RECENT MEDIA APPEARANCES

Robert Patrick, *Suit Says Hooters Waitress Forced Out After Surgery*, ST. LOUIS POST-DISPATCH (Apr. 6, 2013 12:06 AM), http://www.stltoday.com/news/local/crime-and-courts/suit-says-hooters-waitress-forced-out-after-surgery/article_db861563-d08b-5cb7-9cc9-91150b39351b.html (also quoted on same topic by ABC.com and article reprinted by Business Insider, AOL Jobs, Good Morning America on Yahoo! News,

Jezebel, Gawker, Comic Vine, and Holly Post, among others, and various radio and television stations across the country)

Same Sex Marriage & the Supreme Court, THE PULSE OF ST. LOUIS, KPLR-TV (air date Mar. 30, 2013), available at <http://kplr11.com/2013/03/29/pulse-same-sex-marriage-the-supreme-court/>

Carlyn Kolker, *Class Arbitration Could Be Big Deal for Employers*, THOMSON REUTERS NEWS & INSIGHT (Mar. 26, 2013), http://newsandinsight.thomsonreuters.com/Legal/News/2013/03_-_March/Class_arbitration_case_could_be_big_deal_for_employers/

Carlyn Kolker, *U.S. Supreme Court to Consider Age Discrimination Case*, THOMSON REUTERS NEWS & INSIGHT (Mar. 19, 2013), http://newsandinsight.thomsonreuters.com/Legal/News/2013/03_-_March/U_S__Supreme_Court_to_consider_age_discrimination_case/

Rachel Nickless, *Collaborative Approach on the Table*, AUSTRALIAN FIN. REV., Oct. 24, 2012, at 45

Scott Pummell, *Judge: Lack of State Funding May Leave Mizzou Without Sovereign Immunity*, MISSOURI LAWYERS MEDIA (Sept. 4, 2012)

Samantha Liss, *Des Peres, SLU Hospital Nurses Spark Unionization*, ST. LOUIS BUSINESS JOURNAL (Aug. 31, 2012, 5:00 AM CDT), <http://www.bizjournals.com/stlouis/print-edition/2012/08/31/des-peres-slu-hospital-nurses-spark.html?page=all>

Courtney Sherwood, *Court Could Erase Sick Leave Rights for 5 Million Workers*, LAWYERS.COM, Feb. 2, 2012, <http://blogs.lawyers.com/2012/02/court-could-erase-sick-leave-rights-for-5-million-workers/>

William Freivogel, *Supreme Court Rules for Walmart in Class-Action Sex-Discrimination Case*, STL BEACON, June 20, 2011, https://www.stlbeacon.org/#!/content/15885/supreme_court_rules_for_wal_mart_in_class_action_sex_discrimination_case

Ministerial Exception Questions Bring Teacher's Case Before Supreme Court, DISABILITY COMPLIANCE BULLETIN, May 5, 2011

Todd Wallack, *State Payouts Sealed with a Promise of Silence*, BOSTON GLOBE, Apr. 24, 2011

Jeff Roberts, *Former Howrey Employees Sue over Abrupt Layoffs*, REUTERS, Apr. 5, 2011

Robert Patrick, *Privacy of Phone Records at Issue in St. Louis Police Case*, ST. LOUIS POST DISPATCH, Mar. 30, 2011

Kelsey Volkmann, *"Right to Work" Part of Larger Movement Targeting Unions*, ST. LOUIS BUS. J., Mar. 14, 2011

PROFESSIONAL MEMBERSHIP AND SERVICE ACTIVITIES

Managing Editor, EMPLOYEE RIGHTS & EMPLOYMENT POLICY JOURNAL, 2004-present

Co-editor, Workplace Prof Blog, http://lawprofessors.typepad.com/laborprof_blog/, 2008-present

Contributing Editor, Jotwell (Journal of Things We Like (Lots)), Work Law Section, <http://worklaw.jotwell.com/>, 2010-present

Fifth Annual Colloquium on Current Scholarship in Labor and Employment Law, Organizing committee, 2009-10

Shalom House, St. Louis, Missouri, Personnel Committee Member, 2009-12

American Association of Law Schools

New Law Professors Section, Chair 2012, Chair-Elect 2011, Treasurer 2010

Employment Discrimination Section, Executive Committee Member, 2010-present

Sabbatical Membership Reporter, 2013-present

American Bar Association

Section of State and Local Government Law, State Attorneys General and State Department of Justice Issues Committee, Founding Member, 2013-present

Section of Labor and Employment Law, Member 2001-present

Section of Legal Education and Admissions to the Bar, Member 2001-present, Accreditation Site Team Member, 2013-present

Section of Litigation, Member Appellate Practice, Employment & Labor Relations, and The Woman Advocate Committees 2001-present

Southeastern Association of Law Schools

New Scholars Committee Member, 2006-10, Chair, 2010-13

Aspiring Law Professors Program Committee Member, 2012-present

New Law Professors Program Committee Member, 2012-present

Website Committees Member, 2008-10

Saint Louis University

Womens' Studies Advisory Board, 2012-present

Saint Louis University College of Law

Dean Search Committee, 2012-13

Curriculum Committee, 2009-11, 2012-present

Appointments Committee, 2010-12

Working Group on Status, Chair, 2011-12

International Law Students Association Advisor, 2012-present
National Lawyer's Guild Co-Advisor, 2011-present
Hispanic National Bar Association Moot Court Competition Coach/Advisor, 2010

Cumberland School of Law, Samford University

Public Interest Project Advisory Board Member, 2007-09
Appointments Committee, 2007-09
Admissions Committee, 2006-07
Faculty Policy Committee (elected), 2006-09
University Diversity Committee, 2006-09
Faculty Advisor: Moot court, 2007-09, Women in Law. 2006-09, Community Service Organization, 2005-07
Organizer, Interschool Symposium on the Role of Professional Schools in Promoting Public Mindedness (2005-07)

RECENT LITIGATION/CONSULTING

Consulted pro bono with various groups or individuals on matters related to workplace law and federal courts expertise, for example helping to draft legislation for state legislature seeking to ban confidential settlements by government actors, providing expert opinion on same sex harassment, and conferring on civil service and labor protections for city workers, 2010-present

Young v. United Parcel Serv., Inc., United States Supreme Court No., 12-1226, Brief of Law Professors and Legal Momentum as *Amici Curiae* in Support of Petitioner on Petition for Writ of Certiorari, October Term 2012

University of Texas Southwestern Medical Center v. Nassar, United States Supreme Court No. 12-484, Brief of Employment Law Professors as *Amici Curiae* in Support of Respondent, October Term 2012

Adar v. Smith, United States Supreme Court No. 11-46, Brief of Dean Erwin Chemerinsky et al., in Support of the Petition for Writ of Certiorari, October Term 2011

Iowa Public Employees' Retirement System v. Franks, 2d Cir. No. 11-1982, Brief of Civil Procedure and Federal Courts Professors as *Amici Curiae* in Support of Plaintiffs-Appellants Seeking Reversal, September 2011

OTHER PROFESSIONAL EXPERIENCE AND PAST ACADEMIC APPOINTMENTS

| | |
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| Cumberland School of Law, Samford University <i>Associate Professor of Law (without tenure)</i> <i>Assistant Professor of Law</i> | Birmingham, Alabama July 2008-June 2009 July 2005-June 2008 |
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Courses: Federal Courts, Employment Law, Civil Rights, Criminal Law, Property
Honors: Lightfoot, Franklin & White Scholarship Award, 2008
Harvey S. Jackson Excellence in Teaching Award, 2007

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| Chicago-Kent College of Law <i>Visiting Assistant Professor of Law</i> | Chicago, Illinois July 2001-June 2005 |
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Courses: Labor Law, Federal Courts, Legal Research and Writing I and II
Honors: Nudelman Award for Outstanding Faculty Support to Moot Court, 2004

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| Office of the Illinois Attorney General <i>Assistant Attorney General</i> | Chicago, Illinois Sept. 1995-June 2001 |
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| International Human Rights Law Institute, DePaul University <i>Staff Attorney</i> | Chicago, Illinois July 1993-Sept. 1995 |
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EDUCATION

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| University of Iowa College of Law Juris Doctor, 1993, <i>with distinction</i> Managing Editor, IOWA LAW REVIEW, Outstanding Woman Law Graduate | Iowa City, Iowa |
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| Grinnell College Bachelor of Arts, Philosophy, 1989 | Grinnell, Iowa |
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