

ELIZABETH SEPPER
The University of Texas at Austin
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ACADEMIC APPOINTMENTS

University of Texas School of Law

Professor 2019 - Present

Princeton University

Law and Public Affairs Fellow/Crane Fellow 2018 - 2019

Washington University School of Law

Professor 2017 - 2019

Associate Professor 2012 - 2017

- Courses Taught: Torts; Health Law; Healthcare Financing; Constitutional Law II: Reproductive Rights and Justice; Health, Innovation & the Law, Corporations & the Constitution Seminar; Law & Sexuality Seminar
- Research Interests: Law & Religion, Health Law, Corporate Constitutional Rights, Public Accommodations Law, and Gender & Reproduction

EDUCATION

New York University School of Law, New York, NY

LL.M. in International Legal Studies, 2007

Honors: Institute for International Law and Justice Scholar

New York University School of Law, New York, NY

J.D., *magna cum laude*, 2006

Honors: *New York University Law Review*; Order of the Coif; Dean's Scholarship

Boston University, Boston, MA

B.A. in History, *summa cum laude* with distinction, 2002

WORKS IN PROGRESS

- *Crisis of Conscience in Post-Roe America*, 24 J. OF CONTEMP. LEGAL ISSUES --- (forthcoming 2024) (invited symposium keynote speaker)
- *The Return of Boy Scouts of America v. Dale*, 68 ST. LOUIS U. L.J. -- (forthcoming 2024) (invited response to Professor Carlos Ball's Childress Lecture)
- *The Religious Liberty Challenges to American-Style Social Insurance* 58 U.C. DAVIS L. REV --- (forthcoming 2024) (with Lindsay D. Wiley)

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- *Healthcare in the HANDBOOK OF RELIGION AND AMERICAN CULTURE* (Chad E. Seales, ed. Routledge, forthcoming 2024)
- *Religious Exemptions and Gender Equality in a Pandemic in THE ROUTLEDGE GENDER COMPANION TO GENDER AND COVID-19* (Linda C. McClain & Aziza Ahmed, eds. forthcoming 2024)
- *Race, Sex, and Public Space* (in progress)
- *An American Establishment of Religion* (with James D. Nelson) (in progress)

PUBLICATIONS

- *Free Exercise of Abortion*, 49 B.Y.U. L. REV. 177 (2023) (BYU Law School's Annual Law and Religion Lecturer)
- *Abortion Exceptionalism After Dobbs*, 51 J. OF L. MED. & ETHICS 612 (2023) (invited symposium) (peer-reviewed)
- *The Supreme Court's 303 Creative Decision and the Threat to LGBTQ+ Health Care*, 330 JAMA 1951 (2023) (with Joshua Romero and Daniel Aaron) (peer reviewed)
- *Government's Religious Hospitals*, 109 VA. L. REV. 61 (2023) (with James D. Nelson)
- *Religion Law and Political Economy*, 108 IOWA L. REV. 2341 (2023) (with James D. Nelson) (invited symposium)
- *The Feminist Movement's State Action Doctrine*, 2021 MICH. ST. L. REV. 1377 (2021) (invited symposium keynote speaker)
- *Adolf Berle's Corporate Conscience*, 45 U. SEATTLE L. REV. 97 (2021) (with James D. Nelson) (invited symposium)
- *The Religious Conversion of Corporate Social Responsibility*, 71 EMORY L.J. 217 (2021) (with James D. Nelson)
- *Disestablishing Religious Hospitals*, 49 J. OF L. MED. & ETHICS 542 (2021) (with James D. Nelson) (peer-reviewed)
- *The Original Meaning of "Full and Equal Enjoyment" of Public Accommodations*, 11 CAL. L. REV. ONLINE 572 (2021) (reply to Suja A. Thomas, *The Customer Caste: Lawful Discrimination by Public Businesses*, 109 CAL. L. REV. 141 (2021))
- *The First Amendment and the "Unique Evils" of Public Accommodations Discrimination*, 2020 U. CHI. LEGAL F. 271 (2020) (invited symposium)
- *Shared Histories: The Feminist and Gay Liberation Movements for Freedom in Public*, 54 U. RICHMOND L. REV. 784 (2020) (with Deborah Dinner) (invited symposium)
- *Sex Segregation, Economic Opportunity, and Roberts v. U.S. Jaycees*, 28 WM. & MARY BILL OF RTS J. 489 (2020) (invited symposium)
- *The Right to Avoid Procreation and the Regulation of Pregnancy*, in OXFORD HANDBOOK OF COMPARATIVE HEALTH LAW (Tamara Hervey & David Orentlicher, eds. 2020)
- *Sex in Public*, 129 YALE L.J. 78 (2019) (with Deborah Dinner)

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- *Toppling the Ethical Balance — Health Care Refusal and the Trump Administration*, 381 NEW ENG. J. OF MED. 896 (2019)
- *A Missing Piece of the Puzzle of the Dignitary Torts*, 104 CORNELL L. REV. ONLINE 70 (2019) (reply to Kenneth S. Abraham & G. Edward White, *The Puzzle of the Dignitary Torts*, 104 CORNELL L. REV. 317 (2019))
- *Making Religion Transparent: The Substance, Process, and Efficacy of Disclosing Religious Restrictions on Care in TRANSPARENCY IN HEALTH AND HEALTH CARE* (I. Glenn Cohen, Holly Fernandez Lynch, Barbara Evans & Carmel Shachar eds. 2019)
- *Zombie Religious Institutions*, 112 NW. U. L. REV. 929 (2018)
- *Religious Exemptions, Harm to Others, and the Indeterminacy of a Common Law Baseline*, 106 KENTUCKY L.J. 661 (2018) (invited symposium)
- *Sex, Religion, and Politics, or the Future of Healthcare Antidiscrimination Law*, 19 MARQUETTE BENEFITS & SOC. WELFARE L. REV. 217 (2018) (with Jessica L. Roberts) (invited symposium)
- *The Risky Business of RFRA after Hobby Lobby*, in *THE CONTESTED PLACE OF RELIGION IN FAMILY LAW* (Robin Fretwell Wilson, ed. 2018)
- *LAW, RELIGION, AND HEALTH IN THE UNITED STATES* (Cambridge Univ. 2017) (editor together with Holly Fernandez Lynch and I. Glenn Cohen)
- *Contracting Religion*, in *LAW, RELIGION, AND HEALTH IN THE UNITED STATES* (Holly Fernandez Lynch, I. Glenn Cohen, & Elizabeth Sepper eds. 2017)
- *The Role of Religion in State Public Accommodations Laws*, 60 SLU L.J. 631 (2016) (invited response to Professor Larry Sager's Childress Lecture)
- *Substantiating the Burdens of Compliance*, 2016 U. ILL. L. REV. ONLINE 53 (2016) (invited)
- *Conscientious Refusals of Care*, in *OXFORD HANDBOOK OF AMERICAN HEALTH LAW* (Glenn Cohen, Allison Hoffman, & William Sage, eds. 2016)
- *Free Exercise Lochnerism*, 115 COLUM. L. REV. 1457 (2015)
- *Healthcare Exemptions and the Future of Corporate Religious Liberty*, in *THE RISE OF CORPORATE RELIGIOUS LIBERTY* (Micah Schwartzman, Chad Flanders & Zoe Robinson, eds. 2015)
- *Gendering Corporate Conscience*, 38 HARV. J. GENDER L. 193 (2015) (invited symposium)
- *Gays in the Moralized Marketplace*, 7 ALA. C.R. & C.L. L. REV. 129 (2015) (invited symposium)
- *Doctoring Discrimination in the Same-Sex Marriage Debates*, 89 IND. L.J. 703 (2014)
- *Reports of Accommodation's Death Have Been Greatly Exaggerated*, 128 HARV. L. REV. FORUM 24 (2014) (invited response to Paul Horwitz, *The Hobby Lobby Moment*, 128 HARV. L. REV. 154 (2014))
- *Contraception and the Birth of Corporate Conscience*, 22 AM. U. J. OF GENDER, SOC. POL'Y & L. 303 (2014) (symposium)
- *Not Only the Doctor's Dilemma: The Complexity of Conscience in Medicine*, 4 FAULKNER L. REV. 385 (2013) (invited symposium)

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- *Taking Conscience Seriously*, 98 VA. L. REV. 1501 (2012)
- *Confronting the ‘Sacred and Unchangeable’: The Obligation to Modify Cultural Patterns Under the Women’s Discrimination Convention*, 30 U. PA. J. INT’L L. 585 (2008), reprinted in GENDER ISSUES AND HUMAN RIGHTS (Dianne Otto, ed. 2013)
- *International Health Law*, 41 INT’L LAWYER 629 (2007) (co-authored with Jonathan Todres & Laurel R. Hyle)

AWARDS

- Nootbaar Fellow in Law and Religion, Pepperdine School of Law, Fall 2020-present
- 2023 Law and Religion Lectureship at BYU Law School
- 2022 Recipient of the McDonald-Merrill-Ketcham Memorial Lectureship and Award for Excellence in Law and Medicine, Indiana University Robert H. McKinney School of Law and Indiana University School of Medicine
- Audre Lorde Academic Exploration Award from Washington University LGBT* Student Association, Nov. 2016
- *Doctoring Discrimination in the Same-Sex Marriage Debates* awarded:
 - Dukeminier Award and the Ezekiel Webber Prize 2015, which recognize the best sexual orientation and gender identity legal scholarship published in the previous year and are conferred by the Williams Institute at UCLA School of Law
 - Southeastern Association of Law Schools 2014 Annual Meeting Best Papers Prize
- 2014 Health Law Scholar, The American Society of Law, Medicine, and Ethics and St. Louis University

SELECTED PRESENTATIONS

- *The Return of Boy Scouts of America v. Dale*
 - Loyola-Chicago School of Law Faculty Workshop, Apr. 2024
 - St. Louis University, Childress Lecture Response, Oct. 2023
- *Free Exercise of Abortion*
 - Case Western University School of Law, Apr. 2024
 - BYU School of Law, Distinguished Lecture in Law & Religion, Feb. 2023
- *The Religious Challenges to American-Style Social Insurance*
 - Health Insurance Regulation and Reform Seminar, University of Pennsylvania School of Law, Mar. 2023
 - Virtual Health Law Workshop, Feb. 2023
 - Nootbaar Workshop, Jan. 2023
- *Anti-Abortion Exceptionalism After Dobbs*
 - Reproductive Justice Seminar, Columbia Law School, Nov. 2023
 - Reproductive Rights/Reproductive Justice Roundtable, Feb. 2023
 - After Roe and Dobbs: Seeking Reproductive Justice in the Next Fifty Years Conference, BU School of Law, Jan. 2023
- *Government’s Religious Hospitals*
 - Berkeley Law School Kadish Workshop, Mar. 2023
 - Georgetown Law Faculty Workshop, Feb. 2023

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- University of Texas Law School Faculty Workshop, Oct. 2022
- University of Kansas School of Law Faculty Workshop, Sept. 2022
- University of Kentucky College of Law Faculty Workshop, Apr. 2022
- University of Texas Law School Seminar on Corporations and the Constitution, Apr. 2022
- Nootbaar Fellows Workshop, Pepperdine School of Law, Dec. 2021
- APPEAL Working Group on Constituting and Constitutionalizing Law and Political Economy, Dec. 2021
- Yale Law School, Information Society Project Workshop, Oct. 2021
- Annual Law & Religion Roundtable, June 2021
- American Society of Law, Medicine, & Ethics Annual Meeting, June 2021
- *The Religious Conversion of Corporate Social Responsibility*
 - National Business Law Scholars' Conference, June 2021
 - UC Davis School of Law Faculty Workshop, March 2021
 - Michigan State University College of Law, Nov. 2020
 - Yale Law School Seminar on Private Law, March 2020
- *Sex in Public: The Feminist Movement for Public Accommodations Law*
 - Princeton University, Law and Public Affairs Program, Feb. 2019
 - Temple School of Law, Faculty Workshop, Feb. 2019
 - Rutgers-Camden School of Law, Faculty Workshop, Nov. 2018
 - Drexel Law School, Faculty Workshop, Nov. 2018
 - Washington University School of Law, Faculty Workshop, June 2018
 - Law & Society Association, June 2018
- *Zombie Religious Institutions*
 - University of Indiana Indianapolis McKinney School of Law, Health Law Grand Rounds, Nov. 2017
 - University of Houston Law Center, Colloquium: Reenvisioning Law, Apr. 2017
 - University of Indiana Maurer School of Law, Faculty Workshop, Mar. 2017
 - University of Notre Dame School of Law Faculty Workshop, Mar. 2016
- *Making Religion Transparent,*
 - Harvard Law School, Petrie-Flom Center Conference Transparency in Health and Health Care: Legal and Ethical Possibilities and Limits, Apr. 2017
- *Social Citizenship, Antidiscrimination, and the Affordable Care Act*
 - Southeastern Association of Law Schools, Panel, Health Law, Aug. 2017
 - American Association of Law Schools, Panel, Health Insurance and Access to Healthcare After the Affordable Care Act, Jan. 2017
 - American Association of Law Schools, Health Law Works-in-Progress, The Promise and Perils of the Healthcare Antidiscrimination Act, Jan. 2017
 - American Society of Law, Medicine, & Ethics Annual Meeting, June 2016
- *Free Exercise Lochnerism*
 - Roundtable on First Amendment Lochnerism, Columbia Law School, Mar. 2016
 - University of Missouri School of Law Faculty Workshop, Apr. 2015
 - Wharton Business School, Hobby Lobby Conference, Philadelphia, Dec. 2014
 - Loyola Constitutional Law Colloquium, Loyola Chicago Law School, Nov. 2014
 - Southeast Law Schools Junior-Senior Workshop, Florida State University, Oct. 2014
 - Annual Law and Religion Roundtable, June 2014
 - Harvard Law School, Religious Accommodation in the Age of Civil Rights, Apr. 2014
 - Washington University Midwest Junior Faculty Workshop, Dec. 2013

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- Washington University Women, Gender, and Sexuality Studies Workshop, Oct. 2013
- Southeastern Association of Law Schools Annual Meeting, Aug. 2013
- *Contracting Religion*
 - Loyola Constitutional Law Colloquium, Loyola Chicago Law School, Nov. 2015
 - University of Chicago Workshop on Regulating Family, Sex, and Gender., Nov. 2015
 - Harvard Law School, Petrie-Flom Center Conference on Law, Religion, and Health in America, May 2015
- *Contraception and the Birth of Corporate Conscience*
 - American Society of Law, Medicine, & Ethics Annual Meeting, June 2013
 - American University School of Law, Symposium on Gender Matters: Women, Social Policy, and the 2012 Election, April 2013
- *Doctoring Discrimination*
 - Southeastern Association of Law Schools Annual Meeting, Aug. 2014
 - University of Illinois School of Law Faculty Workshop, Sept. 2013
 - Washington University Faculty Workshop, July 2013
 - Emerging Family Law Scholars Conference, June 2013
 - Southeastern Association of Law Schools Annual Meeting, Aug. 2013
 - Law and Society Association Annual Meeting, May 2013
- *Taking Conscience Seriously*
 - Oxford University, University College, Abortion in Context: Law, Ethics, & Practice Seminar, June 2016
- Other
 - The Return of Boy Scouts of America v. Dale, St. Louis University Law School, Response to Childress Lecture, Oct. 2023
 - From the New Establishment to the Next Disestablishment, Freedom, Equality, Religion Conference, Oxford University, Nuffield College, June 2023
 - Annual Law and Religion Roundtable, University of Virginia School of Law, June 2023
 - American Health Law Association, The Courts and Post-Dobbs Access to Reproductive Care: Implications of the Mifepristone and Medical Abortion Lawsuits, June 2023
 - The Dobbs Decision and the Emergency Medical Treatment and Active Labor Act Implications for the Emergency Physician, The Society of Academic Emergency Medicine, May 2023
 - Religious Liberty and Reproduction, University of Maryland Francis King Carey School of Law, Law & Health Care Program, Speaker Series, Nov. 2022
 - Keynote: Crisis of Conscience in Post-Roe America, University of San Diego and UC San Diego Conference on The Role of Conscience in the Practice of Medicine and the Rule of Law, Nov. 2022
 - Reproduction and Establishment, NYU Journal of Legislation and Public Policy's (JLPP) Symposium on The Fading Establishment Clause: What Happened to the Separation of Church and State?, NYU School of Law, Nov. 2022
 - Health Justice Course for Ob-Gyns, Center for Bioethics and Humanities, University of Colorado Anschutz Medical Campus, Nov 2022
 - Religion Law and Political Economy, University of Iowa College of Law, Symposium on the Future of Religious Freedom, Oct. 2022
 - Rockefeller University Women in Science Lecture Series, Reproductive Rights and Justice after Dobbs v. Jackson Women's Health Organization, June 2022
 - Vanderbilt Law School, LGBTQ+ Roundtable, Apr. 2022

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- Yale Law School Free Exercise Speaker Series, Revisiting Free Exercise Lochnerism, Apr. 2022
- Indiana University Robert H. McKinney School of Law and Indiana University School of Medicine, The Law and Ethics of Conscience in Healthcare, McDonald-Merrill-Ketcham Memorial Lectureship and Award for Excellence in Law and Medicine, Mar. 2022
- Dartmouth University, Ethics Institute, State Funding of Religious Schools and *Carson v. Makin*, Feb. 2022
- AALS, SB8 and the Future of Reproductive Rights, Jan. 2022
- American Constitution Society, Abortion & the Supreme Court: Debriefing the SB8 Oral Arguments, Nov. 2021
- University College London Bioethics and Medical Law Society, Understanding the State of Abortion in the US, Nov. 2021
- NYU Law Birnbaum Center, Texas SB 8 and Looking Ahead to Dobbs, Nov. 2021
- Federalist Society Chapters of the University of Virginia and the University of Texas, Unpacking Fulton, July 2021
- Southwestern Association of Obstetrician-Gynecologists, Dallas, TX, Nov. 2018
- Southern Methodist University New Feminist Discourses and Social Change, Reproductive Justice and Religion, Apr. 2018
- Law and Society Annual Meeting, Commentator on Carol Sanger's On Abortion, June 2018
- Southeastern Association of Law Schools, Aug. 2017
 - Presenter, Recent Developments in Health Law and Public Health Ethics
 - Presenter, Affordable Care Act Repeal and Replace Proposals
- Columbia Law School, The Future of Religious Exemptions, Dec. 2016
- University of Virginia, Religion, Liberalism, and Law Symposium, Apr. 2016
 - Invited Commentator on Nelson Tebbe book manuscript
- American Society of Law, Medicine, & Ethics Annual Meeting, June 2015
 - Panelist and Moderator, Toward a Healthy First Amendment
- Law and Society Association Annual Meeting, May 2015
 - Panelist, *The Family Corporation*
- American Society of Law, Medicine, and Ethics and St. Louis University Health Law Scholars Workshop, Sept. 2014
 - Workshop, *Unethical Contracts*
- Federalist Society, Faculty Legal Colloquium, Liberty of Conscience and the Law, Chicago, Aug. 2014
- Religious Institutionalism Conference, DePaul School of Law, Sept. 2013
 - Commentator, *Demagoguing Abortion* by Robin Fretwell Wilson
- Faulkner Law School Symposium on Overlapping Jurisdictions: What Role for Conscience and Religion?, October 2012
 - Plenary Speaker, *Not Only the Doctor's Dilemma: The Complexity of Conscience in Medicine*
- American Society of Law, Medicine, & Ethics Annual Meeting, June 2012
 - Panelist, *Free to Associate Against Public Health?: Religious Organizations' Challenges to Sexual and Reproductive Healthcare*

Elizabeth Sepper

Law School

University of Texas:

- Budget Committee, 2021-present
- Library Director Search Committee, Chair, 2021-22
- Tenure & Promotions Committee, Chair, 2020-21
- Colloquium Committee, 2019-20
- Faculty Advisor, American Constitution Society UT Chapter, 2021-Present
- Faculty Advisor, Health Law Society UT Chapter, 2022-Present

Washington University:

- Appointments Committee, Summer/Fall 2018
- Scholarship Committee, Spring 2017, Chair, 2017-18
- Institutional Profile Committee, 2014-16
- Mission/Community Planning Committee, 2012-13
- Appointments Committee, Fall 2013
- Judicial Clerkship Advisor, Fall 2013
- Faculty Advisory Committee, Transnational Law Program, Fall 2012-2018
- Faculty Advisor, Health Law Student Association, 2014-2018
- Faculty Advisor, Washington University Journal of Law & Policy, 2015-2018
- Women's Law Caucus, Mentor, 2012-2015

University-wide

- University of Texas: University Faculty Gender Equity Council, 2020-23
- Washington University: Association of Women Faculty Board, 2018-19; Honorary Degree Committee, 2018-19; Work-Life Balance Committee, 2018-19; Embryonic Stem Cell Research Oversight Committee, 2015-19; Faculty Scholar, Institute for Public Health, 2012-19

Professional

- AALS Section on Law & Religion, At-Large Member, 2016-2019
- AALS Section on Sexual Orientation and Gender Identity, Treasurer, 2019-20; Executive Committee Member, 2018
- Legal Advisor, Public Rights/Private Conscience Project, Columbia Law School, 2014-2017
- Board Member, Planned Parenthood of the St. Louis Region and Southwest Missouri, 2013-2016
- Referee: Journal of Law and Biosciences; New England Journal of Medicine; Journal of Law, Medicine, and Ethics; Journal of Law, Religion and State; Journal of Church and State
- Media: Regular commentator in popular national outlets, including the New York Times, Washington Post, NPR, the Atlantic, Bloomberg, Reuters, and AP, and local television, radio, and print media, including the Texas Tribune, Houston Chronicle, Spectrum TV, and Austin American Statesman. My scholarly writing has been reported in the New Republic, the Nation, Slate, and the Maryland Daily Record.

OTHER LEGAL EXPERIENCE

- Columbia Law School, New York, NY
 - *Center for Reproductive Rights Fellow*, 2010-2012

Elizabeth Sepper

- N.Y.U. Center for Human Rights and Global Justice, New York, NY
 - *Legal Fellow*, 2009-2010
- Human Rights Watch, New York, NY
 - *Legal Fellow*, 2008-2009
- The Honorable Marjorie O. Rendell, Third Circuit Court of Appeals, Philadelphia, PA
 - *Law Clerk*, 2007-2008
- Human Rights First, New York, NY
 - *Legal Intern*, Fall 2007
- Cooley, Godward & Kronish, New York, NY
 - *Summer Associate*, Summer 2007
- Cleary, Gottlieb, Steen & Hamilton, Rome, Italy and New York, NY
 - *Summer Associate*, Summer 2005
- International Women's Rights Action Watch, Kuala Lumpur, Malaysia
 - *Legal Intern*, Summer 2004

ADDITIONAL INFORMATION

Languages: fluent Italian, proficient French, and basic Spanish.

Bar admissions: New York.