

Cary C. Franklin

W.H. Francis, Jr. Professor of Law
University of Texas School of Law
727 E. Dean Keeton St., Austin, TX 78705
cfranklin@law.utexas.edu • (512) 232-3646

ACADEMIC APPOINTMENTS

UNIVERSITY OF TEXAS SCHOOL OF LAW, Austin, TX. 2010 – present

W.H. Francis, Jr. Professor, 2017-present; Professor of Law, 2015-2017; Assistant Professor of Law, 2010-2015

Courses Taught: Constitutional Law I, Constitutional Law II: Due Process and Equal Protection, Antidiscrimination Law

Research Interests: Constitutional Law, Law & Social Movements, American Legal History, Family Law, Employment Discrimination, Gender & Sexuality, Civil Rights

YALE LAW SCHOOL, New Haven, CT. 2016-2017

Florence Rogatz Visiting Professor of Law

YALE LAW SCHOOL, New Haven, CT. 2009-2010

Irving S. Ribicoff Fellow

HARVARD SOCIETY OF FELLOWS, HARVARD UNIVERSITY, Cambridge, MA. 2006-2009

Junior Fellow

OXFORD UNIVERSITY, Oxford, England. 2001-2002

Tutor in Virginia Woolf and in Language and the Media

JUDICIAL CLERKSHIP

HON. SONIA SOTOMAYOR, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, New York, NY. 2005-2006

EDUCATION

YALE LAW SCHOOL, New Haven, CT

J.D., June 2005

Articles Editor, *Yale Law Journal*

Articles Editor, *Yale Journal of Law & the Humanities*

American Constitution Society (Federal Judges Project)

UNIVERSITY OF OXFORD, Oxford, England

1999 Rhodes Scholar

D.Phil. in English, March 2003

M.St. in English (with Distinction), June 2000
Merton Prize Scholar (Outstanding Graduate Student in Merton College)
Rhodes Trust & Oxford University Research Fellowships

YALE UNIVERSITY, New Haven, CT

B.A. in English and History, Distinction in both majors, *summa cum laude*, May 1998
Phi Beta Kappa
Warren Memorial High Scholarship Prize (Highest Ranking Senior in the Humanities)
Chauncey Brewster Tinker Prize (Outstanding Senior in English)
Ralph Paine Memorial Prize (Best Senior Essay in English)
Winifred Sturley Prize (Best Senior Essay in English History)
Steere Prize (Best Senior Essay in Women's Studies)
Winston T. Townsend & J. Edward Meeker Prizes (for English composition)
Kilborne & Marshall-Allison Traveling Fellowships (for research at the British Library)

PUBLICATIONS & WORKS IN PROGRESS

The New Class Blindness, BOSTON REVIEW (forthcoming 2019)

The ERA, the Military, and the Making of Constitutional Meaning, N.Y.U. REV. LAW & SOCIAL CHANGE (forthcoming 2019)

The Story of Whole Woman's Health v. Hellerstedt and What It Means to Protect Women, in REPRODUCTIVE RIGHTS AND JUSTICE STORIES (Melissa Murray, Kate Shaw & Reva Siegel eds., forthcoming 2019)

The New Class Blindness, 128 YALE L.J. 2 (2018)

Biological Warfare: Constitutional Conflict Over "Inherent Differences" Between the Sexes, 2017 SUP. COURT REV. 169 (2018)

Acts of Exclusion, JOTWELL (forthcoming) (reviewing Gabriel J. Chin & John Ormonde, *The War Against Chinese Restaurants*, 67 DUKE L.J. 681 (2018))

The Paranoid "Fringe" in American Politics, JOTWELL (2017) (reviewing Rick Perlstein, *I Thought I Understood The American Right, Trump Proved Me Wrong*, N.Y. TIMES MAGAZINE (April 11, 2017))

Roe as We Know It, 114 MICH. L. REV. 867 (2016)

What We Do With Substantive Due Process, JOTWELL (February 2016) (reviewing Jamal Greene, *The Meming of Substantive Due Process*, 31 CONST. COMMENTARY 241 (2016))

Discriminatory Animus, in A NATION OF WIDENING OPPORTUNITIES? THE CIVIL RIGHTS ACT AT 50 (Michigan Publishing 2015)

Griswold and the Public Dimension of the Right to Privacy, 124 YALE L.J. F. 332 (2015)

A More Perfect Union: Sex, Race, and the VMI Case, in THE LEGACY OF RUTH BADER GINSBURG (Cambridge Univ. Press 2015)

Groundbreaking Female Justices on the Supreme Court, WASH. POST, Aug. 28, 2015 (book review of Linda Hirshman, *Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World*)

Marrying Liberty and Equality: The New Jurisprudence of Gay Rights, 100 VA. L. REV. 817 (2014)

Separate Spheres, 123 YALE L.J. 2878 (2014)

The Fight Over Gay Marriage Isn't Just About Marriage, HUFFINGTON POST, April 11, 2014

Justice Ginsburg's Advocacy and the Future of Equal Protection, 122 YALE L.J. ONLINE 227 (2013)

Inventing the "Traditional Concept" of Sex Discrimination, 125 HARV. L. REV. 1307 (2012)

The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law, 85 N.Y.U. L. REV. 1 (2010) (Recipient of the 2009 Kathryn T. Preyer Scholars Award from the American Society for Legal History)

The Politics of Feminist Modernism: Dora Marsden & the Freewoman Journal (2003) (dissertation)

Marketing Edwardian Feminism, WOMEN'S HISTORY REVIEW, v. 12, no. 1 (2003)

PRESENTATIONS

Moderator, Conference: "Reclaiming—and Restoring—Constitutional Norms," University of Texas School of Law, February 2019

"The New Class Blindness," Faculty Workshop, University of Michigan School of Law, January 2019

"The New Class Blindness," Faculty Workshop, Fordham University School of Law, December 2018

"The ERA, the Military, and the Making of Constitutional Meaning," Conference: The Equal Rights Amendment: A Century in the Making, Brennan Center for Justice, New York University School of Law, November 2018

“The New Class Blindness,” YLJ Contemporary Scholars Workshop, Yale Law School, November 2018

“The Story of *Whole Women’s Health*,” Reproductive Rights and Justice Stories Workshop, Yale Law School, December 2017

“The Story of *Whole Women’s Health*,” American Society for Legal History Annual Meeting, Las Vegas, NV, November 2017

“The New Class Blindness,” Legal History Workshop, University of Michigan Law School, October 2017

“Workshop After the Workshop,” Presentation to Ph.D. in Law students, Yale Law School, March 2017

“Leaving People Alone,” Faculty Workshop, Yale Law School, March 2017

“Leaving People Alone,” Faculty Workshop, George Washington School of Law, February 2017

“Infrastructures of Provision,” Equality Roundtable, Cardozo School of Law, November 2016

“Infrastructures of Provision,” Conference: What’s the Role of Constitutional Theory?, Columbia Law School, November 2016

“Infrastructures of Provision,” Colloquium on Constitutional Theory, New York University School of Law, November 2016

“The Right Not to be Left Alone,” Faculty Workshop, Vanderbilt Law School, April 2016

Moderator, Conference: Workers’ Rights in the 21st Century, University of Texas School of Law, February 2016

“Reproductive Rights and Class,” Conference: The Constitution and Economic Inequality, University of Texas School of Law, January 2016

“*Roe* As We Know It,” Gender, Law & Policy Workshop, Boston University School of Law, November 31, 2015

“*Griswold* as a Poverty Case,” Conference: AALS Midyear Meeting: Workshop on Next Generation Issues on Sex, Gender, and Law, June 2015

“Do We Need an Equal Rights Amendment?” National Constitution Center, March 2015

“*Griswold v. Connecticut*: Then and Now,” Conference: AALS Annual Meeting, January 2015

“The History of the Right to Privacy,” Conference: The Fiftieth Anniversary of *Griswold v. Connecticut*, Privacy Laws Today, UConn Law School, November 2014

“Marrying Liberty and Equality,” Conference: AALS Midyear Meeting: Workshop on Sexual Orientation and Gender Identity Issues, June 2014 (paper competition)

Moderator, Conference: Diversity in Higher Education Post-*Fisher*, University of Texas School of Law, March 2014

“Separate Spheres,” Conference: The Meaning of the Civil Rights Revolution, Yale Law School, February 2014

“Gays and the Equal Protection Clause,” Faculty Workshop, University of Chicago Law School, October 2013

“Gays and the Equal Protection Clause,” Faculty Workshop, Duke Law School, October 2013

“Discriminatory Animus,” Conference: A Nation of Widening Opportunities: The Civil Rights Act at 50, University of Michigan Law School, October 2013

“Gays and the Equal Protection Clause,” Faculty Workshop, University of Texas School of Law, September 2013

“Gays and the Equal Protection Clause,” Conference: Williams Institute 12th Annual Update: Lawrence+10: What’s Next for LGBT Rights?, UCLA Law School, April 2013

Moderator, Women in the Workforce Today, Conference: Women’s Power Summit, Center for Women in Law, University of Texas School of Law, April 2013

Moderator, Artful Evolution of Judicial Interpretation, Conference: Constitutional Foundations, University of Texas School of Law, January 2013

“Same-Sex Marriage from a Social Movement Perspective,” Conference: Liberty/Equality: The View from *Roe*’s 40th and *Lawrence*’s 10th Anniversaries, UCLA Law School, January 2013

“The Liberty to Marry,” Faculty Workshop, Moritz College of Law, Ohio State University, December 2012

Guest Speaker, “Day in the Life” Series, Yale Law School, November 2012

“The Liberty to Marry,” Developing Scholarship Series, Yale Law School, November 2012

“Anti-Stereotyping and Sexual Orientation,” Constitutional Law Workshop, Cornell University Law School, November 2012

“Anti-Stereotyping on the Frontiers of Equal Protection Law,” Panel on Equality’s Frontiers, in conjunction with the inaugural Gruber Distinguished Lecture in Women’s Rights delivered by Justice Ruth Bader Ginsburg, Yale Law School, October 2012

“The Anti-Stereotyping Principle in American Law,” Public Law Discussion Group, University of Oxford, May 2012

Moderator, The Relationship Between Lynching and the Death Penalty During the Lynching Era, Conference: Lynching and the Death Penalty, University of Texas School of Law, March 2012

Panelist, The Role of Lawyers in Social Movements, Public Interest Law Association Symposium, University of Texas School of Law, March 2012

“Inventing the ‘Traditional Concept’ of Sex Discrimination,” Legal Theory Workshop, Columbia Law School, February 2012

“Inventing the ‘Traditional Concept’ of Sex Discrimination,” Legal History and Law & Humanities Workshops, University of Virginia Law School, December 2011

“Inventing the ‘Traditional Concept’ of Sex Discrimination,” Faculty Workshop, University of Texas School of Law, December 2011

“The ‘Traditional’ Understanding of Sex Discrimination,” American Society for Legal History Annual Meeting, Atlanta, Georgia, November 2011

“LGBT Rights and the History of Title VII,” Conference: LGBT Identity and the Law, Loyola Law School, Los Angeles, October 2011

Participant, Constitutional Law Workshop, American Constitutional Society, George Washington Law School, June 2011

“The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law,” Conference: The Constitution in 2020: The Future of Equality, University of Texas School of Law, April 2011

Guest Speaker, Feminisms: Law & Policy (taught by Jane Cohen & Zipporah Wiseman), University of Texas School of Law, February 2011

“The Anti-Stereotyping Principle and the Regulation of Abortion,” Academic Perspectives on Sex Discrimination and Abortion Litigation, ACLU/Yale Law School ISP Equality Roundtable, New York, NY, December 2010

Guest Speaker, Law & Lawyers in America, 1776-2010 (taught by William Forbath), University of Texas School of Law, November 2010

Panelist, Pursuing a Career in Law Teaching, Yale Law School, April 2010

“The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law,” Kathryn T. Preyer Memorial Panel, American Society for Legal History Annual Meeting, Dallas, Texas, November 2009

“Stereotyping,” Junior Fellows Workshop, Harvard Society of Fellows, Harvard University, April 2007

“The Politics of Feminist Modernism,” Conference: Feminist Forerunners: The New Woman in the National and International Periodical Press, Manchester Metropolitan University, Manchester, England, July 2001

SERVICE & OTHER ACTIVITIES

Budget Committee, University of Texas School of Law, 2018-present

Tenure & Promotion Committee, University of Texas School of Law, 2017-2018

Endowed Lecturers & Short-Term Visitors Committee, University of Texas School of Law, 2015-2016

Scholarly Life Committee, University of Texas School of Law, 2014-2015

Library Committee, University of Texas School of Law, 2010-2013

Faculty Advisor, *Texas Journal of Women, Gender, and the Law*, 2010-2016

Affiliated Faculty, Rapoport Center for Human Rights and Justice, University of Texas School of Law, 2012-present

Constitutional Law Editor, *Jotwell*, 2016-present

OTHER LEGAL EXPERIENCE

PROFESSOR NEAL KATYAL, GEORGETOWN LAW SCHOOL. 2004-2005

Hamdan v. Rumsfeld: Assisted Professor Katyal in his representation of a Guantanamo Bay detainee challenging the constitutionality of military commissions

PROFESSOR REVA SIEGEL, YALE LAW SCHOOL, New Haven, CT. 2003-2005

Research Assistant

PROFESSOR KENJI YOSHINO, YALE LAW SCHOOL, New Haven, CT. 2003-2005
Research Assistant

JENNER & BLOCK, Washington, D.C. 2004
Summer Associate