

## Naomi Schoenbaum

Associate Professor of Law

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### ACADEMIC APPOINTMENTS

#### **George Washington University Law School**

*William Wallace Kirkpatrick Dean's Research Associate Professor of Law*

*Associate Professor of Law* (tenured January 2017)

Washington, DC

December 2022 – Present

July 2012 – November 2022

- Courses: Torts; Employment Law; The Law of Work, Family, and Gender
- Service: Appointments Committee (2017-2019, 2020-22), Intellectual Life Committee (2015-20, Fall 2022), Committee on Incidents of Discrimination and Harassment (2012-present), Admissions Committee (2013-2017), Clerkship Committee (2012-13)

#### **Harvard Law School**

*Samuel Williston Visiting Associate Professor of Law*

Cambridge, MA

Spring 2023

#### **University of New South Wales Law School**

*Guest Lecturer, Herbert Smith Freehills Law and Economics Initiative/Women's Leadership Network*

Sydney, NSW, AU

December 2016

#### **University of Chicago Law School**

*Bigelow Fellow & Lecturer in Law*

Chicago, IL

July 2010 – June 2012

- Courses: Work and Gender; Legal Research and Writing
- Service: Faculty Advisor, Domestic Violence Project

### EDUCATION

#### **Harvard Law School, J.D.**

*Harvard Journal of Law & Gender*, Editor-in-Chief

June 2005

#### **Yale University, B.A., *cum laude*, with distinction in Ethics, Politics, and Economics**

May 2001

### JOURNAL ARTICLES

*Unsexed Breastfeeding*, --- MINN. L. REV. --- (forthcoming 2022)

- Subject of review by Courtney Cahill, JOTWELL (forthcoming) (digital)

*The New Law of Gender Nonconformity*, 105 MINN. L. REV. 831 (2020)

*Unsexed Pregnancy*, 119 COLUM. L. REV. 309 (2019) (with David Fontana)

- Response by Jessica Clarke, *Pregnant People?*, 119 COLUM. L. REV. F. 173 (2019)
- Subject of Christine Emba, *It's Time to "Unsex" Pregnancy*, WASH. POST, Apr. 3, 2019 (digital)

*The Case for Symmetry in Antidiscrimination Law*, 2017 WIS. L. REV. 69

*Towards a Law of Coworkers*, 68 ALA. L. REV. 605 (2017)

- Subject of Alex B. Long, *Valuing Coworker Bonds in Employment Law*, JOTWELL (Aug. 7, 2018) (digital); Rick Bales, *A Law of Coworkers*, WORKPLACE PROF BLOG (Nov. 10, 2016) (digital)

*The Law of Intimate Work*, 90 WASH. L. REV. 1167 (2015)

*Mobility Measures*, 2012 BYU L. REV. 1169

*It's Time That You Know: The Shortcomings of Ignorance as Fairness in Employment Law and the Need for an "Information-Shifting" Model*, 30 HARV. J.L. & GENDER 99 (2007)

### **INVITED ESSAYS**

*The Market Response to Discrimination in the Sharing Economy*, 13 L. & ETHICS HUM. RTS. J. 1 (2019) (symposium)

*Intimacy and Equality in the Sharing Economy*, in THE CAMBRIDGE HANDBOOK OF THE LAW OF THE SHARING ECONOMY (Nestor Davidson, John Infranca, & Michele Finck, eds.) (2018)

*Stuck or Rooted? The Costs of Mobility and the Value of Place*, 127 YALE L. J. F. 500 (2017)

- Response to David Schleicher, *Stuck! The Law and Economics of Residential Stagnation*, 127 YALE L. J. 78 (2017)

*Heteronormativity in Employment Discrimination Law*, 56 WASHBURN L.J. 245 (2017) (symposium)

*A Modest Proposal? Regulating Customer Discrimination Through the Firm*, 102 IOWA L. REV. ONLINE 310 (2017)

- Response to Katharine Bartlett & Mitu Gulati, *Discrimination by Customers*, 102 IOWA L. REV. 223 (2016)

*Gender and the Sharing Economy*, 43 FORDHAM URBAN L.J. 1023 (2016) (symposium)

- Response by Katharine Bartlett, *Sharing Sexism*, 43 FORDHAM URBAN L.J. 1163 (2016)

*The Family and the Market at Wal-Mart*, 62 DEPAUL L. REV. 759 (2013) (symposium)

### **WORKS IN PROGRESS**

*Equal Protection and the New Sex* (manuscript available on request)

*Information Regulation as Antidiscrimination* (working draft)

*The Boundaries of Work*

*The Persistence of Sex*

### **OTHER WRITING**

*The Supreme Court Victory for Transgender Women Is a Win for All Women*, SLATE (June 15, 2020) (digital)

*When Liberals and Conservatives Agree on Women's Rights*, POLITICO MAGAZINE (Mar. 31, 2015) (digital)

*Kamala Harris, Sheryl Sandberg, and a Double Bind for Working Women*, SLATE (Apr. 9, 2013) (digital)

*The Single Word That Could Make or Break Obamacare*, THE ATLANTIC (Oct. 17, 2012) (digital)

- Subject of Sarah Kliff, *Could One Word "Make or Break" the Health Care Law?*, WASHINGTON POST WONKBLOG (Oct. 22, 2012) (digital)

*Post-Gender Justice*, THE NEW REPUBLIC (July 12, 2010) (digital)

## **LEGAL EXPERIENCE**

### **Sidley Austin LLP**

*Litigation Associate*

Washington, DC  
November 2007 – May 2010

### **National Partnership for Women & Families**

*Women's Law and Public Policy Fellow/ Policy Counsel*

Washington, DC  
August 2006 – August 2007

### **United States Court of Appeals for the Sixth Circuit**

*Law Clerk to the Honorable Karen Nelson Moore*

Cleveland, OH  
August 2005 – August 2006

### **Bernabei & Katz, PLLC (civil rights law firm)**

*Law Clerk*

Washington, DC  
Summer 2004

### **NOW Legal Defense and Education Fund**

*Legal Intern*

New York, NY  
Summer 2003

## **PRESENTATIONS**

### *Equal Protection and the New Sex*

- Boston College Law School Faculty Workshop, February 2023
- George Washington University Law School Faculty Workshop, November 2022
- Hebrew University Faculty of Law, Seminar, June 2022
- Family Law Scholars and Teachers Conference, June 2022
- George Washington University Law School Half-Baked Ideas Lunch, March 2021

### *Unsex-ing Breastfeeding*

- Panelist, Hidden Harms in the Legal Regulation of Sex & Reproduction, AALS Annual Meeting, January 2022
- Constitutional Law Colloquium, George Washington University Law School, November 2021
- Feminist Forum, George Washington University Law School, November 2021
- George Washington University Law School Faculty Workshop, June 2021
- Family Law Scholars and Teachers Conference, June 2021
- Breastfeeding Law and Policy Discussion Group, AALS Annual Meeting, January 2020

### *The New Law of Gender Nonconformity*

- *Minnesota Law Review* Experto Crede Podcast, September 2020
- George Washington University Law School Faculty Workshop, September 2020
- Feminist Forum, George Washington University Law School, September 2020

### *Ignorance as Equality in the Sharing Economy*

- Keynote Speech, International Conference on the Regulation of the Sharing Economy, University of Valencia, Spain, November 2019

### *Ignorance as Equality*

- Craigardan Public Lecture Series (Keene, NY), August 2018
- Bar-Ilan University Faculty of Law Faculty Workshop, June 2018
- IDC Herzliya Radzyner Law School Law and Psychology Seminar, June 2018
- George Washington University Law School Half-Baked Ideas Lunch, December 2017

*Stuck or Rooted? The Costs of Mobility and the Value of Place*

- Craigardan Public Lecture Series (Keene, NY), August 2018

*The Market Response to Discrimination in the Sharing Economy*

- Sharing Economy: Markets and Human Rights Symposium, College of Law and Business (Ramat Gan, Israel), January 2018

*Intimacy and Equality in the Sharing Economy*

- Welfare, Rights, and Discrimination Workshop, University of Oslo Faculty of Law, November 2017
- Workshop for The Cambridge Handbook of the Law of the Sharing Economy, April 2017

*Unsexung Pregnancy*

- Loyola Law School, Los Angeles Faculty Workshop, October 2017
- George Washington University Law School Faculty Workshop, January 2017
- University of Maryland/University of Baltimore Schools of Law Junior Faculty Workshop, October 2016
- Colloquium on Scholarship in Employment and Labor Law, September 2016
- Family Law Scholars and Teachers Conference, June 2016

*Heteronormativity in Employment Discrimination Law*

- Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, April 2017
- Washburn Law Journal Symposium: Future of Labor and Employment Law, February 2017

*The Case for Symmetry in Antidiscrimination Law*

- Comparative Constitutional Law Roundtable, University of New South Wales Law School, December 2016
- George Washington University Law School Faculty Workshop, September 2016
- University of Maryland/University of Baltimore Schools of Law Junior Faculty Workshop, October 2015
- Columbus School of Law, Catholic University of America Faculty Workshop, September 2015

*Gender and the Sharing Economy*

- Fordham Urban Law Journal Cooper-Walsh Colloquium, October 2015

*Towards a Law of Emerging Adulthood*

- Family Law Scholars and Teachers Conference, June 2015

*Towards a Law of Coworkers*

- AALS Mid-Year Meeting, Family Law, June 2015
- George Washington University Law School Faculty Workshop, April 2015
- Mount Vernon Fellows Workshop, George Washington University, March 2015

*The Law of Intimate Work*

- George Washington University Law School Faculty Workshop, March 2014
- Queen's University Faculty of Law Workshop, March 2014
- George Mason University School of Law Works-in-Progress Workshop, March 2014
- Employment and Labor Law Scholars' Forum (selected paper), October 2013

*The Family and the Market at Wal-Mart*

- DePaul Law Review Annual Symposium, February 2012

### *Mobility Measures*

- Colloquium on Scholarship in Employment and Labor Law, September 2011
- University of Chicago Law School Works-in-Progress Seminar, September 2011
- Southeastern Association of Law Schools Annual Meeting, July 2011
- Law and Society Annual Meeting (response by Professor Gillian Lester), June 2011

### **SELECTED MEDIA APPEARANCES AND COMMENTARY**

Invited Participant, Biological Binary Sex Essentialism in the Law and Public Policy Workshop, Harvard Gender Science Lab, April 2021

Commenter, Professor Shirley Lin, *Bargaining for Survival: Disability and Pregnancy Accommodations as Privatized Public Law*, AALS Employment Discrimination Section Paper Workshop, July 2020

Commenter, Professor Josephine Nelson, *Management Culture and Surveillance*, Emerging Labor and Employment Law Scholars Workshop, AALS Annual Meeting, January 2020

Speaker, Diversity Affairs Speaker Series, George Washington University Law School Bar Association, March 2018

Moderator, Relationships in Employment Discrimination Law, AALS Annual Meeting, January 2018

Moderator, Emerging Labor and Employment Law Scholars Workshop, AALS Annual Meeting, January 2018

Speaker, George Washington University Law School Law Association for Women Lunch, November 2017

Panelist, Mastering the Art of Teaching the Small Class and Supervising the Paper, George Washington University Law School, October 2017

Commenter, Professor Kimberly Yuracko, *Valuing Black Lives: A Constitutional Challenge to the Use of Race-Based Tables in Calculating Tort Damages*, Faculty Workshop, George Washington University Law School, October 2017

Moderator and Discussant, Hot Topics in Teaching Family Law: Triggers, Transgender, and Technology, Southeastern Association of Law Schools Annual Meeting, July 2017

Moderator and Organizer, Author Meets Reader: New Books in Employment Discrimination Law, AALS Annual Meeting (authors Susan Bisom-Rapp, Tristin Green, Joanna Grossman, Ann McGinley, Sandra Sperino, and Suja Thomas), January 2017

Commenter, Jessica Dixon Weaver, *Vulnerability, Resistant Assets, and Reciprocal Exchange*, Family Law Scholars and Teachers Conference, June 2015

Commentary on *Young v. UPS* decision, Shattering the Ceiling Blog, May 2015

Pregnancy Discrimination and *Young v. UPS*, DC Women's Bar Association, January 2015

Commentary on *Young v. UPS* argument, Shattering the Ceiling Blog, January 2015

Commentary on *United States v. Commonwealth of Pennsylvania*, Arise News, July 2014

Women in Legal Education: Advice for New Law Professors, American Association of Law Schools Workshop for New Law Professors, June 2014

*Wal-Mart v. Dukes* and the Implications for Sex Discrimination Litigation, Feminist Forum, George Washington University Law School, April 2013

Commenter, Dorothy Roberts, *Oncofertility*, Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, January 2012

Commenter, Ann McGinley, *Reasonable Men? Multidimensional Masculinities and Sexual Harassment*, Feminist Legal Theory Conference, George Washington University Law School, January 2012

Invited Speaker on *Race* by David Mamet, University of Chicago Arts Pass Program, January 2012

Commenter, Margaret F. Brinig, *The Division of Labor Across Time and Generations*, Regulation of Family, Sex, and Gender Workshop, University of Chicago Law School, February 2011

### **PROFESSIONAL ACTIVITIES**

#### Reviewer

- *Yale Law Journal*
- *Stanford Law Review*
- *Science*
- *Law & Social Inquiry*
- *International Journal of Comparative Labour Law and Industrial Relations*
- Israel Science Foundation
- Oxford University Press

#### Employment Discrimination Section, American Association of Law Schools

- Executive Committee, January 2018 – present
- Chair, January 2017 – December 2017
- Chair Elect, January 2016 – December 2016
- Secretary, January 2015 – December 2015

#### Labor and Employment Relations Section, American Association of Law Schools

- Executive Committee, January 2017 – present; January 2015 – December 2015
- Treasurer, January 2016 – December 2016

Volunteer Attorney, Obama for America, Washington, D.C., August 2008 – October 2008

### **BAR ADMISSIONS**

New York (2007); District of Columbia (2008, currently inactive); U.S. Court of Appeals for the Federal Circuit (2008); U.S. Court of Appeals for the Fifth Circuit (2009); U.S. District Court for the District of Columbia (2009)