

SARAH L. SWAN

Assistant Professor, Florida State University College of Law
425 West Jefferson St., Tallahassee, FL, 32306-1601 • E: sswan@law.fsu.edu • T: 347.585.4723

ACADEMIC APPOINTMENTS

Rutgers Law School (Newark), Associate Professor (as of July 1, 2022)

Florida State University College of Law, Assistant Professor, with Tallahassee Law Alumni Professor Chair (2018-2022)

Courses: State and Local Gov't Law, Advanced Torts, Family Law, Criminal Law

Columbia Law School, Associate-in-Law and Teaching Fellow (2015-2018)

Courses: Legal Practice Workshop (1L), Legal Writing and Analysis (LLM)

ARTICLES

Public Duties for the New City (work-in-progress)

Constitutional Backfires Everywhere, 25 U. PENN. J. OF CONST. L. __ (forthcoming 2023)

Constitutional Off-loading at the City Limits, 135 HARV. L. REV. (2022)

- Responded to in Anne Eisenberg, *Power and Powerlessness in Local Government: A Response to Professor Swan*, 135 HARV. L. REV. F. 173 (2022)

Exclusion Diffusion, 70 EMORY L. J. 847 (2021)

Discriminatory Dualism, 54 GA. L. REV. 869 (2020)

- Selected for the Michigan Law School 5th Annual Junior Scholar's Conference

Plaintiff Cities, 71 VAND. L. REV. 1227 (2018)

- Cited by the New York Court of Appeals in *In the Matter of Part 60 Put-Back Litigation*, 2020 WL 7497993
- Cited by the dissent in the Sixth Circuit decision *In Re: National Prescription Opiate Litigation*, 976 F.3d 644 (2020)

Conjugal Liability, 64 UCLA L. REV. 968 (2017)

- Selected for the 2017 UCLA Law Review Spring Scholar's Forum

Home Rules, 64 DUKE L. J. 823 (2015)

Bystander Interventions, 2015 WIS. L. REV. 975 (2015)

- Reviewed in Martha Chamallas, *Bystanders v. Bullies*, JOTWELL: THE JOURNAL OF THINGS WE LIKE (LOTS) (2016)

Triangulating Rape, 37 N.Y.U. REV. L. & SOC. CHANGE 403 (2013)

- Reprinted in WOMEN AND THE LAW (collecting “the leading legal scholarship on women’s rights” each year) (2014)

A New Tortious Interference with Contractual Relations: Gender and Erotic Triangles in Lumley v. Gye, 35 HARV. J. L. & GENDER 167 (2012)

SYMPOSIA, CHAPTERS, AND SHORTER WORKS

State v. Walden, A Rewritten Feminist Judgment, in FEMINIST JUDGMENTS: CRIMINAL OPINIONS REWRITTEN (Bennett Capers et al. eds.) (forthcoming 2022)

Tort Law and Feminism, in THE OXFORD HANDBOOK ON FEMINISM AND LAW IN THE UNITED STATES (Deborah L. Brake et al. eds., 2022)

Running Interference: Local Government, Tortious Interference with Contractual Relations, and the Constitutional Right to Petition, 36 J. LAND USE & ENV’T. L. 57 (2020) (invited symposium article)

Discriminatory Dualism in Process: Title IX, Reverse Title IX, and Campus Sexual Assault, 73 OKLA. L. REV 69 (2020) (invited symposium article)

Farwell v. Keaton, A Rewritten Feminist Judgment, in FEMINIST JUDGMENTS: TORTS OPINIONS REWRITTEN 81- 92 (Lucinda Finley and Martha Chamallas, eds. 2020)

Aiding and Abetting Matters, 12 J. TORT L. 255 (2019) (invited contribution to “New Voices in Tort Law” issue)

Preempting Plaintiff Cities, 45 FORD. URB. L. J. 1241 (2019) (invited symposium article)

Between Title IX and the Criminal Law: Bringing Tort Law to the Campus Sexual Assault Debate, 64 U. KAN. L. REV. 961 (2016) (invited symposium article)

- Reprinted in WOMEN AND THE LAW (collecting “the leading legal scholarship on women’s rights” each year) (2017)

BOOKS

SINS OF THE SPOUSE: INTIMACY AND COMPLICITY IN LAW AND CULTURAL POLITICS (work-in-progress, NYU Press)

EDUCATION

Columbia Law School, JSD, 2016

Dissertation: *Law's Erotic Triangles: A Conversion, Inversion, and Subversion*

Honors: Doctoral Fellow, Social Sciences and Humanities Research Council of Canada

Columbia Law School, LLM, 2010

Honors: Harlan Fiske Stone Scholar

University of British Columbia, JD, 2004

Activities: Member: Gale Cup (Criminal) Moot Team; VIS International Arbitration Moot Team; Research Assistant for Dr. John P. Hogarth and Sharon Sutherland in the Program on Dispute Resolution

Honors: Entrance Scholarship (full tuition); Patrick Clery Scholarship; Superior Court Judges Scholarship; David Roberts Prize in Legal Writing

University of British Columbia, BA, 2001

Honors: Undergraduate Program Scholarship (full tuition); John Alexander Scholarship in the Humanities; Gilean Douglas Scholarship in English; Philip Akrigg Scholarship in Shakespeare; Dean's List

SELECTED PRESENTATIONS

Public Duties for the New City

Duke Law School Colloquium on Civil Rights History, Enforcement, and Policy
(March 31, 2022)

Constitutional Off-loading at the City Limits

University of Richmond School of Law Junior Faculty Forum (September 24, 2021)
University of Texas at Austin School of Law Faculty Workshop (September 9, 2021)
FSU Faculty Workshop (June 3, 2021)
Marquette Law School, Faculty Workshop (March 2, 2021)
Cardozo Law School, Local Government Law Workshop (November 16, 2020)

Constitutional Backfires Everywhere

Law & Society Association Annual Meeting (May 30, 2021)
Brooklyn Law School, Family Law Scholars and Teachers Conference (June 21, 2021)

Rescuing Law: On Fetal Harms, Moms, Migrants, and #MeToo

Panelist, AALS Criminal Law Section Panel (competitively selected) (Jan. 5, 2021)

Exclusion Diffusion

Brooklyn Law School, Family Law Scholars and Teachers Conference (June 15, 2020)
Cardozo Law School, NYC Family Law Scholars Workshop (June 5, 2020)
University of Virginia, State and Local Gov't Law Workshop (September 21, 2019)
Brooklyn Law School, Crimfest (July 15, 2019)

Law & Society Association Annual Meeting (June 9, 2018)
Fordham Law School, Family Law Scholars and Teachers Conference (June 6, 2017)
University of Michigan, Association for Law, Property & Society (May 18, 2017)

Targeting Community Character

Duke Law School, Center for Firearms Law Colloquium on Localism, Popular Constitutionalism, Preemption and Firearms (April 24, 2020)

Running Interference: Local Governments, Tortious Interference with Contractual Relations, and the Constitutional Right to Petition

State and Local Government Law Work-in-Progress (Sept. 24, 2020)
FSU College of Law, Local Autonomy & Energy Law Symposium (Feb. 21, 2020)

Discriminatory Dualism in Process: Title IX, Reverse Title IX, and Campus Sexual Assault

Oklahoma Law School, Symposium: Modern Sexual Conflicts and the Law (Oct. 18, 2019)

Sins of the Spouse: Intimacy as Complicity in Law and Cultural Politics

Law & Society Association Annual Meeting (May 30, 2019)
Law, Culture, and the Humanities Conference (March 22, 2019)

Discriminatory Dualism

AALS Family Law Section Panel (competitively selected panel) (January 4, 2020)
Tulane Law School, Senior-Junior Southeastern Law Conference (November 1, 2019)
Howard Law School, Family Law Scholars and Teachers Workshop (May 29, 2019)
Syracuse Law School, Association of Law, Property and Society (May 18, 2019)
University of Michigan Law School, Junior Scholars Workshop (April 27, 2019)
Cardozo Law School, NYC Area Family Law Scholar's Workshop (January 18, 2019)
Cardozo Law School, Family Law Scholars and Teachers Workshop (June 19, 2018)

Preempting Plaintiff Cities

Fordham Law School, State & Local Gov't Law Workshop (Sept. 25, 2018)

Rewriting Farwell v. Keaton

Georgetown Law School, Law, Culture and the Humanities (March 17, 2018)

Plaintiff Cities

Law & Society Association Annual Meeting (June 22, 2017)
Stanford Law School, Law, Culture and the Humanities Conference (April 1, 2017)
New York Law School, NYC Area Junior Faculty Colloquium (October 21, 2016)
Houston Law Center, State and Local Gov't Law Workshop (October 6, 2016)
Columbia Law School, Associates and Fellows Workshop (July 12, 2016)

Conjugal Liability

UCLA Law School, UCLA Law Review Spring Scholars' Forum (April 3, 2017)
Law & Society Association Annual Meeting (June 1, 2016)

Cardozo Law School, New York Area Family Law Scholars Workshop (May 6, 2016)
Columbia Law School, Associates and Fellows Workshop (February 9, 2016)
Fordham Law School, Feminist Jurisprudence Workshop (January 6, 2016)
FAMU Law School, Family Law Scholars and Teachers Workshop (June 21, 2015)

Bystander Interventions

Law & Society Association Annual Meeting (May 29, 2015)
Cardozo Law School, New York Area Family Law Scholars Workshop (May 7, 2015)
Georgetown Law School, Law, Culture, and the Humanities (March 8, 2015)

Home Rules

Law & Society Association Annual Meeting (May 30, 2014)
University of Minnesota, Family Law Scholars and Teachers (May 28, 2014)
University of Virginia, Law, Culture, and the Humanities (March 10, 2014)
Columbia Law School, Associates and Fellows Workshop (October 22, 2013)

Pursuing Equality Through Third-Party Liability

Law & Society Association Annual Meeting (May 30, 2013)

Triangulating Rape

Columbia Law School, Associates and Fellows Workshop (June 20, 2012)
Yale Law School, Yale Law Doctoral Scholarship Conference (December 2, 2011)

BLOG WRITINGS, PODCASTS, AND OTHER MEDIA

News

Quoted in Katie Hyson, *Gainesville To Become First Florida City To Sue Over ‘Anti-Riot’ Law After 4-3 City Commission Vote*, WUFT (Aug. 6, 2021)
<https://www.wuft.org/news/2021/08/06/gainesville-to-become-first-florida-city-to-sue-over-anti-riot-law-after-4-3-city-commission-vote/>

Podcast Appearances

Florida Matters: DeSantis Enforces Executive Order to Have Final Say on Masks. But Some Local Officials are Fighting to Change That (Host: Bradley George) (August 17, 2021)
Discriminatory Dualism, Ipse Dixit Podcast (Host: Brian L. Frye) (August 2, 2020)

Blog Posts

Swan’s Picks, SLoG State & Local Government Law Blog (weekly compilation of state and local gov’t law news)
The Many Public Disorders of Florida’s HB1, SLoG State & Local Government Law Blog (Sept. 7, 2021)
Targeting Community Character, Second Thoughts: A Blog from the Center for Firearms Law at Duke University (May 7, 2020)
Conflict Resolution, Lately (weekly blog compilation of developments in dispute resolution)

Parental Liability and the Cycle of Violence, The Faculty Lounge Blog (October 6, 2014)
Adding to Eviction Rates, The Faculty Lounge Blog (September 6, 2014)
A Surprise Female Plaintiff in an 1878 Pleading, The Faculty Lounge Blog (September 23, 2013)
Trayvon Martin and Third-Party Settlements, The Faculty Lounge Blog (September 10, 2013)
Audience-Oriented Wrongs, The Faculty Lounge Blog (August 25, 2013)
Audience Participation, The Faculty Lounge Blog (August 19, 2013)

SERVICE

AALS Family Law Section
 Chair-Elect. 2022-2023
 Secretary, 2021-2022
 Executive Committee, 2020-2023

Family Law Scholars and Teachers Conference Planning Committee, 2019-2020

Columbia Law School Reunion Committee, 2019-2020

FSU Faculty Enrichment Committee, 2018-2020

Family Law Scholars and Teachers Conference Planning Committee, 2014-2015

LEGAL EXPERIENCE

<i>Pro Bono Attorney</i> , Clemency Project 2014	2016-2017
<i>Associate</i> (Insurance and Commercial Litigation), Harper Grey LLP	2005-2008
<i>Supervising Attorney</i> , UBC Law Student's Legal Advice Program	2007-2008
<i>Legal Committee Member</i> , Women's Legal Education and Action Fund	2005-2006
<i>Judicial Law Clerk</i> , British Columbia Supreme Court	2004-2005