

SARAH L. SWAN

Professor of Law and Dean's Civil Governance Scholar, Rutgers Law School
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ACADEMIC APPOINTMENTS

Rutgers Law School (Newark)

Professor of Law and Dean's Civil Governance Scholar (July 2023 –)
Associate Professor (2022-23)
Courses: Torts, Advanced Torts, State and Local Gov't Law

Florida State University College of Law

Assistant Professor (2018-2022) with Tallahassee Law Alumni Professor Chair (2021-2022)
Courses: State and Local Gov't Law, Advanced Torts, Family Law, Criminal Law

Columbia Law School

Teaching Fellow (2017-2018)
Associate-in-Law (2015-2017)
Courses: Legal Writing and Analysis (LLM), Legal Practice Workshop (1L)

ARTICLES

The Plaintiff Police, 134 YALE L. J. __ (forthcoming 2024)

Public Duties for the New City, 122 MICH. L. REV. 309 (2023)

Constitutional Backfires Everywhere, 25 U. PA. J. CONST. L. 311 (2023)

- Awarded a \$20,000 grant in a university-wide competitive process

Constitutional Off-loading at the City Limits, 135 HARV. L. REV. 831 (2022)

- Peer-review selected as one of the four best land use articles of the year for reprint in the LAND USE & ENVIRONMENT LAW REVIEW (2022-2023)
- Response in Harvard Law Review Forum: 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)

- Competitively selected for the 2019 Michigan Law Junior Scholars 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)
- “Download of the Week,” *Legal Theory Blog* (Nov. 11, 2017)

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

- Selected by the Review for the 2017 UCLA Law Review Spring Scholar’s Forum
- Featured in the American Journal of Family Law, Family Law Review Articles (2018)

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

- Cited in *City of East St. Louis v. Netflix et al.*, No. 3:21-CV-561-MAB (US Dist. Ct. S.D. Illinois Sept. 23, 2022)
- “Download of the Week,” *Legal Theory Blog* (Aug. 23, 2014)

Bystander Interventions, 2015 WISC. 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. OF L. & SOC. CHANGE 403 (2013)

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

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

SYMPOSIA, CHAPTERS, AND SHORTER WORKS

Microlocal Litigation in a Mass Tort World, __ DEPAUL L. REV. __ (work-in-progress, forthcoming 2025) (invited symposium article)

Courting Jural Rights: The Kentucky Constitution and the Super Common Law of Torts, 112 KY. L. J. __ (work-in-progress, forthcoming 2024) (invited contribution to symposium on state supreme courts)

Commentary on Beltran-Serrano v. City of Tacoma, 17 J. OF TORT L. (forthcoming 2024) (invited contribution to special issue on *Great Tort Judgments of the 21st Century*)

The Promise and Peril of Place Governance, ABA J. AFFORDABLE HOUSING & COMMUN. DEV. L. (invited book review on HYPERLOCAL: PLACE GOVERNANCE IN A FRAGMENTED WORLD (Jennifer S. Vey & Nate Storrington, eds., 2022))

State v. Walden, A Rewritten Feminist Judgment, in FEMINIST JUDGMENTS: CRIMINAL OPINIONS REWRITTEN (Bennett Capers et al. eds., 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. OF LAND USE & ENVTL 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. OF TORT L. 255 (2019) (invited contribution to “New Voices in Tort Law” issue)

Preempting Plaintiff Cities, 45 FORDHAM 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 KAN. L. REV. 961 (2016) (invited symposium article)

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

BOOKS

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

EDUCATION

Columbia Law School, JSD, 2016

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

Columbia Law School, LLM, 2010

Honors: Harlan Fiske Stone Scholar

University of British Columbia, JD, 2004

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

PRESENTATIONS

Recent Developments in Plaintiff City Litigation

Urban Law Day, University of Stellenbosch, South Africa (Jan. 26, 2024) (via Zoom)

A Feminist Theory of the City

Feminist Approaches to State and Governance, Emory Law School (Dec. 15, 2023)

The Plaintiff Police

Tort Law and Social Equality Speaker Series, University of Toronto Faculty of Law (March 22, 2024)

State and Local Government Law Works-in-Progress, Northwestern Pritzker School of Law (Oct. 14, 2023)

Courting Jural Rights: The Kentucky Constitution and the Super Common Law of Torts

University of Kentucky College of Law Symposium (Oct. 13, 2023)

Aiding and Abetting Terrors Both Global and Domestic

Brooklyn Law School, Crimfest (July 19, 2023)

Boston College, Family Law Scholars and Teachers Conference (June 14, 2023)

Law & Society Association Annual Meeting (June 1, 2023)

The Premises of Family Liability

University of Southampton, UK, Association of Law, Property, and Society (May 12, 2023)

*Commentary on *Beltran-Serrano v. City of Tacoma**

Arizona State University College of Law, Great Tort Cases of the 21st Century Symposium (April 14, 2023)

Public Duties for the New City

University of Pennsylvania Carey Law School, Markelloquium Criminal Law Workshop, (Jan. 13, 2023)

Northeastern University School of Law Faculty Workshop (Oct. 13, 2022)

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 (Sept. 24, 2021)

University of Texas at Austin School of Law Faculty Workshop (Sept. 9, 2021)

Florida State University College of Law Faculty Workshop (June 3, 2021)

Marquette Law School, Faculty Workshop (March 2, 2021)
Cardozo Law School, Local Government Law Workshop (Nov. 16, 2020)

Constitutional Backfires Everywhere

SMU Dedman School of Law, Faculty Workshop (Sept. 14, 2022)
Temple Law School, Family Law Scholars and Teachers Conference (June 24, 2022)
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 panel) (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 (Sept. 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) (Jan. 4, 2020)
Tulane Law School, Senior-Junior Southeastern Law Conference (Nov. 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 (Jan. 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 (Oct. 21, 2016)

Houston Law Center, State and Local Gov't Law Workshop (Oct. 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 (Feb. 9, 2016)

Fordham Law School, Feminist Jurisprudence Workshop (Jan. 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 (Oct. 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 (Dec. 2, 2011)

BLOG WRITINGS, PODCASTS, AND OTHER MEDIA

News

Quoted in Jodi Miller, *Is Charging Parents for School Shootings a Solution?* New Jersey State Bar Foundation Legal Eagle Newspaper for Kids (March 27, 2023)

<https://njsbf.org/2023/03/27/is-charging-parents-for-school-shootings-a-solution/>

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/>

Podcasts and Webinar Appearances

Webinar on Hyperlocal: The Role of Place-Based Governance Entities in Shaping Communities,

(Host: American Bar Association) (Oct. 27, 2023)

Florida Matters: DeSantis Enforces Executive Order to Have Final Say on Masks. But Some Local Officials are Fighting to Change That (Host: Bradley George) (Aug. 17, 2021)

Discriminatory Dualism, Ipse Dixit Podcast (Host: Brian L. Frye) (Aug. 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 (Oct. 6, 2014)

Adding to Eviction Rates, The Faculty Lounge Blog (Sept. 6, 2014)

A Surprise Female Plaintiff in an 1878 Pleading, The Faculty Lounge Blog (Sept. 23, 2013)

Trayvon Martin and Third-Party Settlements, The Faculty Lounge Blog (Sept. 10, 2013)

Audience-Oriented Wrongs, The Faculty Lounge Blog (Aug. 25, 2013)

Audience Participation, The Faculty Lounge Blog (Aug. 19, 2013)

SERVICE

Markelloquium! Criminal Law Workshop, Planning Committee (2023-present)

Advocacy and Amicus Brief Support, Public Rights Project (2021, 2022) and ACLU (2022, 2023)

• Authored Brief of Amicus Curiae Law Professors in Support of Petitioners, *Planned Parenthood Southwest and Central Florida et al. v. State of Florida* No.

SC2022-1050 (filed on March 8, 2023).

Manuscript and Peer Review: University of California Press (2022), University of Virginia Press (2020); Oxford University Press (2019)

AALS Family and Juvenile Law Section

Chair, 2023-2024

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 Attorney</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