

**Professor Nancy Marcus, LL.M., S.J.D.**  
California Western School of Law  
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### **EDUCATION**

**University of Wisconsin Law School, S.J.D.** awarded 2006 and **LL.M.** awarded 2005.

**Case Western Reserve University School of Law, J.D.** awarded 1997.

- Dean's Honor List, 1994-97.
- Merit Scholar, 1994-97.
- CALI Excellence for the Future Award, 1997.
- Lesbian Gay Law Alliance Award, 1996.
- *Health Matrix Law Journal*, Associate Notes Editor, 1996-97.

**James Madison College at Michigan State University, B.A.**, Political Theory and Constitutional Democracy, awarded 1994 (includes three years of credits from St. John's College, Annapolis, MD).

### **BAR ADMISSIONS**

- State of California (Admitted 2017).
- District of Columbia (Admitted 1999) (inactive).
- State of Ohio (Admitted 1997) (inactive).
- United States Court of Appeals for the Sixth Circuit (Admitted 2010).
- United States District Court for the Northern District of Ohio (Admitted 2010).
- United States District Court for the Southern District of Ohio (Admitted 1998).

### **ACADEMIC AND OTHER LEGAL EMPLOYMENT**

**California Western School of Law**, San Diego, CA 2021-Present

***Legal Skills Professor***

Courses Taught: Legal Skills I; Legal Skills II; Sexuality, Gender Identity and the Law

**Waters, Kraus & Paul**, Los Angeles, CA, 2018-2021

***Attorney***

Law and motions attorney in plaintiff's side complex litigation in asbestos, other toxic torts cases. Defeated corporate defendants in 28 of 29 summary judgment hearings.

**Lambda Legal Defense and Education Fund**, Los Angeles, CA, 2016-2018

***Law and Policy Senior Attorney***

Engaged in appellate litigation, policy, educational, and related LGBTQ-rights work

**Indiana Tech Law School**, Fort Wayne, Indiana, 2013-16.

***Assistant Professor of Law and Founding Constitutional Law Professor***

Courses Taught: Constitutional Law I, Constitutional Law II, Administrative Law, Appellate Advocacy, Voting Rights, Moot Court (Primary Coach for Elon Moot Court Competition). Also, guest lectured for Criminal Law and Professionalism classes.

Law School Committee Chair Positions: Chair of Diversity Committee, 2014-16.

**Case Western Reserve University School of Law**, Cleveland, Ohio, 2011-13.

***Adjunct Professor of Law***

Courses Taught: Appellate Practice. In addition to teaching course, was primary author of Dunmore Moot Court Competition problem, 2013, and was volunteer judge (brief-scorer) with Dunmore Moot Court Competition 2012. My Appellate Practice students went on to advance to semi-finals of National Moot Court Competition.

**Berkman, Gordon, Murray & DeVan**, Cleveland, OH, 2009-13.

***Attorney of Law***

Associate attorney at boutique firm with practice areas including constitutional law, civil rights, appellate law, litigation, land use law, criminal law, family law, business law, intellectual property law, personal injury and medical malpractice.

**Justice Louis B. Butler, Wisconsin Supreme Court**, Madison, WI, 2007-08.

***Judicial Law Clerk***

Sole judicial law clerk for Wisconsin Supreme Court Justice Louis Butler.

**Judge Paul B. Higginbotham, Wisconsin Court of Appeals**, Madison, WI, 2006-07.

***Judicial Law Clerk***

Sole judicial law clerk for Wisconsin Court of Appeals, District IV, Judge Paul Higginbotham.

**Tenant Resource Center**, Madison, WI, 2004-06.

***Mediation Director***, 2005-2006

***Campus Coordinator and Housing Counselor***, 2004-2005.

As mediation director, coordinated mediation and worked with court commissioner to resolve eviction cases. As housing counselor/campus coordinator, educated landlords, tenants and students through counseling, presentations, and written resources.

**National Abortion Federation**, Washington, DC, 2002-04.

***State Public Policy Director***

Tracked 300-500 pieces of abortion-related legislation a year and produced educational and advocacy materials and assistance; authored judicial nomination reports.

**American Association of Justice (formerly ATLA)**, Washington, DC, 2000-02.

***State Affairs Research Counsel***

Tracked tort reform laws, produced related educational and advocacy materials on tort law and policy developments.

**Alliance for Justice**, Washington, DC, 1999-2000.

***Judicial Selection Project Dorot Law Fellow***

Tracked, produced educational and advocacy materials, and vetted media inquiries, on federal judicial nominations; worked with civil rights coalition partners to organize strategy, White House, and Capitol Hill meetings; assisted with various nonprofit advocacy projects.

**Southeastern Ohio Legal Services Association**, New Philadelphia, OH, 1997-99.

***Staff Attorney***

Represented clients in domestic violence, landlord-tenant issues, consumer law, divorce and child custody, workers compensation and other government benefits cases.

**PUBLICATIONS**

**BOOK CHAPTERS AND SECTIONS**

Nancy Marcus, *From Edward to Eric Garner and Beyond: The Importance of Constitutional Limitations on Lethal Use of Force in Police* [full law review cite below] reprinted as Chapter 8 in 33 NATIONAL POLICE ACCOUNTABILITY PROJECT, CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman, ed., Thomson Reuters, 2017).

Judi Fitzgerald & Nancy Marcus, *The Power to Regulate Bankruptcy*, in THE POWERS OF THE U.S. CONGRESS: WHERE ITS CONSTITUTIONAL AUTHORITY BEGINS AND ENDS (Brian Hallett, ed. ABC-CLIO, 2016).

GENDER IDENTITY AND SEXUAL ORIENTATION DISCRIMINATION IN THE WORKPLACE (Christine Duffy, ed., Bloomberg BNA 2014)(expert reviewer/contributing editor for Ohio law section).

Nancy Marcus, *Phantom Parties and Other Practical Problems with the Attempted Abolition of Joint and Several Liability* [full cite below], excerpted in ANDREW F. POPPER, MATERIALS ON TORT REFORM (American Casebook Series] (West Academic Pub., 1<sup>st</sup> Ed., 2010; 2<sup>nd</sup> Ed., 2017).

**LAW REVIEW AND PEER-REVIEWED ARTICLES**

**(NOTABLE CITATIONS BY COURT OPINIONS, TREATISES, BOOKS, GOVERNMENT REPORTS, ETC. INCLUDED.**

**LAW REVIEW AND PEER REVIEW ARTICLE CITATIONS AND SSRN COMMENDATIONS NOT LISTED)**

*When "Riot" Is in the Eye of the Beholder: The Critical Need for Constitutional Clarity in Riot Laws*, 60 Am. Crim. Law. Rev. 281 (2023).

*Bridging the Gap in LGBTQ+ Rights Litigation: A Community Discussion on Bisexual Visibility in the Law*, 34 Hastings J. Gender & Law 69 (2022)(co-authored with Bendita Cynthia Malakia, Ann Tweedy, Mya Reid).

*Yes, Alito, There Is a Right to Privacy: Why the Leaked Dobbs Opinion is Doctrinally Unsound*, 13 ConLawNOW 101 (2022).

- First law journal or article essay on *Dobbs* Supreme Court opinion published on Westlaw or Lexis following the leaked *Dobbs* opinion

*The Duty of Manufacturers to Consumers Under California Fraudulent Concealment Law*, 58 Cal. W. L. Rev. 49 (2022).

*Bostock v. Clayton County and the Problem of Bisexual Erasure*, 15 NW. U. L. Rev. Colloquy 223 (2021), available online at [https://scholarlycommons.law.northwestern.edu/nulr\\_online/298/](https://scholarlycommons.law.northwestern.edu/nulr_online/298/).

*The Global Problem of Bisexual Erasure in Litigation and Jurisprudence*, J. of Bisexuality (2018), DOI: 10.1080/15299716.2017.1384423.

*From Edward to Eric Garner and Beyond: The Importance of Constitutional Limitations on Lethal Use of Force in Police*, 12 Duke J. Const. L. & Pol'y 53 (2016).

- Cited in U.S. Government Accountability Office, Report to Congressional Addressees, *Law Enforcement: DOJ Can Improve Use of Force Data and Oversight of Excessive Force Allegations* (Dec. 2021), available at <https://www.gao.gov/assets/gao-22-104456.pdf>.
- Reprinted as Chapter 8 in 33 National Police Accountability Project, CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK (Steven Saltzman, ed., Thomson Reuters, 2017).
- Cited in books including NATASHA C. PRATT-HARRIS, *WHY THE POLICE SHOULD BE TRAINED BY BLACK PEOPLE* (Routledge, 2022); TRUMAN R. KEYS, *CELEBRITIES AGAINST VIOLENCE: CASE STUDIES IN SPEAKING OUT* (McFarland and Co., Inc. 2022); Henry Smart III, *A Proposal for Strategic Controls to Ensure Equity in the Criminal Justice System*, chapter in *ETHICS FOR CONTEMPORARY BUREAUCRATS: NAVIGATING CONSTITUTIONAL CROSSROADS* (Routledge, 2020); MELVIN DELGADO, *URBAN YOUTH TRAUMA: USING COMMUNITY INTERVENTION TO OVERCOME GUN VIOLENCE* (Rowman & Littlefield, 2019); PEARY BRUG ET AL., *MARGINALITY IN THE URBAN CENTER: THE COSTS AND CHALLENGES OF CONTINUED WHITENESS IN THE AMERICAS AND BEYOND* (Palgrave MacMillen 2019).
- Cited in The Academy for Justice, *Reforming Criminal Justice Vol. 2*, <https://www-media.floridabar.org/uploads/2018/06/ADA-Reforming-Criminal-Justice-Vol-II.pdf> (2017), at p. 186 n. 5, p. 195 n. 50, 52, p. 196 n. 54.

*Bridging Bisexual Erasure in LGBT-Rights Discourse and Litigation*, 22 Mich. J. Gender & L. 291 (2015).

- Cited in DON ROMESBURG, *THE ROUTLEDGE HISTORY OF QUEER AMERICA* (Routledge, 2018).

*Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform*, 59 How. L. J. 5 (2015)(lead article)

- Cited in U.S. Commission on Civil Rights report, *Police Use of Force: An Examination of Modern Policing Practices*, <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>, at 115 n. 711 (Nov. 2018).
- Reviewed in Eric J. Miller, *Rendering the Community, and the Constitution, Incomprehensible Through Police Training*, Criminal Law JOTWELL, <http://crim.jotwell.com/> (Nov. 10, 2016).

- Focus of American Bar Association symposium on police reform, *Out of Breath: Civil Rights and Law Enforcement*, Chicago, IL, April 15, 2016.
- Cited in Leon Neyfakh, *Was the Shooting of Tamir Rice “Reasonable”?* Slate Magazine, [http://www.slate.com/articles/news\\_and\\_politics/crime/2015/10/tamir\\_rice\\_shooting\\_were\\_officer\\_tim\\_loehmann\\_s\\_actions\\_reasonable.html](http://www.slate.com/articles/news_and_politics/crime/2015/10/tamir_rice_shooting_were_officer_tim_loehmann_s_actions_reasonable.html) (Oct. 14, 2015).

*When Quacking like a Duck is Really a Swan Song in Disguise: How Windsor’s State Powers Analysis Sets the Stage for the Demise of Federalism-Based Marriage Discrimination*, 64 Case W. Res. L. Rev. 1073 (2014)(symposium).

- Cited by West, Government Discrimination: Equal Protection Law and Litigation, *Gays, Lesbians, and Sexual Orientation* § 5:18 at n. 62 (updated 2015).
- Cited by West, Government Discrimination: Equal Protection Law and Litigation, *Privacy and Family—Marriage and Children* § 6:24 at n. 8 (updated 2015).

*Deeply Rooted Principles of Equal Liberty, not “Argle Bargle”: The Inevitability of Marriage Equality After Windsor*, 23 Tul. J. L. & Sexuality 17 (2014).

*Phantom Parties and Other Practical Problems with the Attempted Abolition of Joint and Several Liability*, 60 Ark. L. Rev. 437 (2007)

- Cited by United States Court of Appeals for the Fourth Circuit, in *In re KBR, Inc., Burn Pit Litig.*, 744 F.3d 326, 340 n. 4 (4th Cir. 2014).
- Cited by the Kentucky Court of Appeals in *House v. Jewish Hosp. & St. Mary’s Healthcare, Inc.*, No. 2015-CA-001205-MR, 2017 WL 3495923, at \*1 n. 2 (Ky. Ct. App. July 28, 2017)(unpublished).
- Cited by New Zealand Law Commission, NZLC R132—LIABILITY OF MULTIPLE DEFENDANTS at ch.2 note 29 (2014).
- Cited in RON EADES, JURY INSTRUCTIONS ON MEDICAL ISSUES (6<sup>th</sup> Ed.)(LexisNexis 2022)
- Cited in casebook, AARON D. TWERSKY, TORTS: CASES AND MATERIALS at ch. 9 (4<sup>th</sup> Ed. (Aspen Publishing 2017).
- Cited in the following AMERICAN JURISPRUDENCE articles: 7 Am. Jur. Proof of Facts 2d 635 (*Tavern Keeper’s Liability for Injury Inflicted by Patron*); 30 Am. Jur. Proof of Facts 2d 429 (*Governmental Entity’s Liability for Failure to Prevent Crime*); 42 Am. Jur. Proof of Facts 2d 173 (*Landowner’s Failure to Provide Adequate Security*); 46 Am. Jur. Proof of Facts 2d 59, (*Identification of Manufacturer of Diethylstilbestrol (DES)*) ; 3 Am. Jur. Trials 681 (*Tactics and Strategy of Pleading*); 5 Am. Jur. Trials 1 (*Whom To Sue-Multiple Defendants*); 21 Am. Jur. Trials 715 (*Trial of a Personal Injury Case in a Comparative Negligence Jurisdiction*); 35 Am. Jur. Trials 1 (*Landlord Liability for Criminal Attack on Tenant*); 46 Am. Jur. Trials 1 (*Tort Liability of Owner or Operator of Public Parking Facility*); 68 Am. Jur. Trials 503 (*Hidden and Multiple Defendant Tort Litigation*).
- Cited in litigation practice guides and treatises including BETH HOLLIDAY, *Cause of Action by Motorcyclist for Injury or Death Resulting from Accident Involving Automobile*, in 50 CAUSES OF ACTION 2d 207 (updated November 2015); GA. LAW OF TORTS PREPARATION FOR TRIAL § 18:5, *Effects of tort reform legislation—Apportionment of fault* and in § 16:5 n. 6 (2014 ed.).

*Beyond Romer and Lawrence: The Right to Privacy Comes out of the Closet*, 15 Colum. J. Gender & L. 355 (2006)(lead article)

- Cited by United States Court of Appeals for the First Circuit, in *Cook v. Gates*, 528 F.3d 42, 51 n.7 (1<sup>st</sup> Cir. 2008).
- Cited in (UN Shadow Report) *Lesbian, Gay, Bisexual, Transgender and Intersex Human Rights in the United States, A Shadow Report: Violations Under the International Covenant on Civil and Political Rights*, June 2006, at 26, n.103.
- Cited in a number of books including GEORGE WIMBERLY, *LGBTQ ISSUES IN EDUCATION* (Amer. Educ. Research Ass'n 2015); ROBERT LECKEY, *CONTEXTUAL SUBJECTS: FAMILY, STATE AND RELATIONAL THEORY* at 320 (U of Toronto Press, 2008); GORDON ALBERT BABST, *et al*, *MORAL ARGUMENT, RELIGION, AND SAME-SEX MARRIAGE: ADVANCING THE PUBLIC GOOD* (Lexington Books, 2006).

*The Freedom of Intimate Association in the Twenty First Century*, 16 Geo. Mason U. Civ. Rts. L.J. 269 (2006)

- Cited by the United States District Court for the Middle District of Pennsylvania, in *Kost v. Baldwin*, No. CV 3:16-2008, at \*4, 2017 WL 4362720 (M.D. Pa. Sept. 29, 2017).
- Cited by the United States District Court for the Middle District of Pennsylvania, in *Gardner v. Barry*, No. 1:10-CV-0527, at \*5, 2010 WL 4853885 (M.D. Pa. Nov. 23, 2010).
- Cited by the Washington Court of Appeals in *State v. Dickerson*, 194 Wash. App. 1014 n.1 (2016)
- Cited in casebook, RONALD J. KROTOSZYNSKI, CHRISTINA, E. WELLS, *THE FIRST AMENDMENT: CASES AND THEORY*, at 243 (2d Ed., 2014).
- Cited in other books including *WORLDWIDE PERSPECTIVES ON LESBIANS, GAYS AND BISEXUALS* (Paula Gerber, ed. ABC-CLIO, 2021); JOHN D. INAZU, *LIBERTY'S REFUGE*, at 1985 (2012).

## **NEWSPAPER OPINION EDITORIALS**

*Bostock's Bisexual Erasure*, LA Blade,

<https://www.losangelesblade.com/2020/06/25/bostocks-bisexual-erasure/> (June 25, 2020), also reprinted in abbreviated form in Washington Blade

<https://www.washingtonblade.com/2020/07/10/bostocks-bisexual-erasure/> (July 10, 2020).

*Rogue Justice Has No Legal Rationale*, Fort Wayne Journal Gazette,

<http://www.journalgazette.net/opinion/columns/Rogue-justice-has-no-legal-rationale-5509703> (March 18, 2015).

*Religious Freedom Isn't Under Attack*, Lafayette Journal and Courier,

[http://www.jconline.com/story/opinion/readers/2015/02/27/guest-religious-freedom-attack/24083827/?fb\\_ref=Default](http://www.jconline.com/story/opinion/readers/2015/02/27/guest-religious-freedom-attack/24083827/?fb_ref=Default) (Feb. 27, 2015).

## UNITED STATES SUPREME COURT BRIEFS

*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, Case No. 16-111, Brief of Amici Curiae Lambda Legal et al., in Support of Respondents, Oct. 30, 2017, available at [https://www.lambdalegal.org/in-court/legal-docs/us\\_masterpiece-cakes\\_20171030\\_amicus-brief](https://www.lambdalegal.org/in-court/legal-docs/us_masterpiece-cakes_20171030_amicus-brief) (co-authored with Jennifer Pizer, Shelbi Day, and Denise Brogan-Kator).

*Obergefell v. Hodges*, Case Nos. 14-556, 14-562, 14-571, 14-574, Brief of Amicus Curiae BiLaw, in Support of Petitioners, March 3, 2015, available at [http://www.supremecourt.gov/ObergefellHodges/AmicusBriefs/14-556\\_BiLaw.pdf](http://www.supremecourt.gov/ObergefellHodges/AmicusBriefs/14-556_BiLaw.pdf) (co-authored with Kyle Velte, Toby Phoebe Adams, Naomi Mezey, Ann Tweedy, Diana Adams, and Jodi Argentino) (cited in *Roberts v. United Parcel Service*, 2015 WL 4509994 (E.D.N.Y. 2015)).

*In re Annex Books, Inc.*, Case No. 09-221, Petition for Writ of Mandamus, March 18, 2009, available at <http://web.mit.edu/jhawk/tmp/p/annex-final-mandamus.pdf> (co-authored with Michael Murray and Steven Shafron).

## OTHER PUBLICATIONS

*Why The Leaked Supreme Court Opinion Overruling Roe v. Wade Is Fundamentally Flawed*, Reproductive Rights Prof Blog (May 11, 2022), [https://lawprofessors.typepad.com/reproductive\\_rights/2022/05/why-the-leaked-supreme-court-opinion-overruling-roe-v-wade-is-fundamentally-flawed.html](https://lawprofessors.typepad.com/reproductive_rights/2022/05/why-the-leaked-supreme-court-opinion-overruling-roe-v-wade-is-fundamentally-flawed.html).

*How Bisexuality Helps Secure Sex Discrimination Protections*, National LGBT Bar Association (Dec. 12, 2018), [https://lgbtbar.org/bar-news/how-bisexuality-helps-secure-sex-discrimination-protections/?fbclid=IwAR2wtVBWfCwvOutjVDwSyM10tOx0Lc7\\_HliJh9V2X3263NygdVN6ntXFG0s](https://lgbtbar.org/bar-news/how-bisexuality-helps-secure-sex-discrimination-protections/?fbclid=IwAR2wtVBWfCwvOutjVDwSyM10tOx0Lc7_HliJh9V2X3263NygdVN6ntXFG0s).

*An Interview with Judge Mike Jacobs – The Nation’s First Openly Bisexual Judge*, National LGBT Bar Association (Nov. 13, 2018), <https://lgbtbar.org/bar-news/an-interview-with-judge-mike-jacobs-the-nations-first-openly-bisexual-judge/>.

*Legally Bi: Bi Erasure in LGBT-Rights Litigation*, Bi Magazine (Sept. 8, 2018), <https://bisexual.org/legally-bi-bi-erasure-in-lgbt-rights-litigation/>.

*Legally Bi: “The Staircase” Tells the Story of Anti-Bi Bias in Our Courts*, Bi Magazine (August 25, 2018), <https://bisexual.org/legally-bi-the-staircase-tells-the-story-of-anti-bi-bias-in-our-courts/>.

*Legally Bi: A Brief History of Bi Erasure in LGBT Political Discourse*, Bi Magazine (August 11, 2018), <https://bisexual.org/legally-bi-a-brief-history-of-bi-erasure-in-lgbt-political-discourse/>.

*Legally Bi: Becoming a BiLawrrrior Part III*, Bi Magazine (July 20, 2018), <https://bisexual.org/legally-bi-becoming-a-bi-lawrrrior-part-3/>.

*Legally Bi: Becoming a BiLawrrrior, Part II*, Bi Magazine (June 29, 2018), <https://bisexual.org/legally-bi-becoming-a-bilawrrrior-part-2/>.

*Legally Bi: Becoming a BiLawrrrior, Part I*, Bi Magazine (June 8, 2018), <https://bisexual.org/legally-bi-becoming-a-bilawrrrior-part-1/>.

*Legally Bi: Finally, A Bi Judge*, Bi Magazine (May 18, 2018), <https://bisexual.org/legally-bi-finally-a-bi-judge/>.

*Legally Bi: The Inaugural Column*, Bi Magazine (May 4, 2018), <https://bisexual.org/legally-bi-the-inaugural-column/>.

*Emma González, Bi Heroine and Voice of Hope*, Bi Magazine (March 2, 2018), <https://bisexual.org/emma-gonzalez-bi-heroine-and-voice-of-hope/>.

*Being A Both/And Binary-Challenging Bi in a Zero-Sum World*, Bi Magazine (Feb. 21, 2018), <https://bisexual.org/being-a-both-and-binary-challenging-bi-in-a-zero-sum-world/>.

*Oregon Court Rules Against Bakery that Refused to Bake Wedding Cake for Lesbian Couple*, Lambda Legal (Dec. 28, 2017), [https://www.lambdalegal.org/blog/20171228\\_court-rules-against-oregon-sweetcakes-by-melissa](https://www.lambdalegal.org/blog/20171228_court-rules-against-oregon-sweetcakes-by-melissa)

*If You're Queer and Not Angry About the State of Paid Family Leave in This Country, You Should Be*, Lambda Legal (Dec. 15, 2017), [https://www.lambdalegal.org/blog/us\\_20171214\\_paid-family-leave-chosen-families](https://www.lambdalegal.org/blog/us_20171214_paid-family-leave-chosen-families)

*Real LGBT Voices from Lambda Legal Brief Heard in Supreme Court Fight About Cake*, Lambda Legal (Dec. 8, 2017), [https://www.lambdalegal.org/blog/20181208\\_not-about-the-cake](https://www.lambdalegal.org/blog/20181208_not-about-the-cake)

(Co-Authored with Ariel Goldberg) *Erasing LGBTQ People from the 2020 Census Isn't Just Wrong, It's Life-Threatening*, Lambda Legal (March 29, 2017), [http://www.lambdalegal.org/blog/20170329\\_erasing-lgbtq-people-from-census](http://www.lambdalegal.org/blog/20170329_erasing-lgbtq-people-from-census)

*Why Lambda Legal Joins the Call to #BeBoldEndHyde*, Lambda Legal (Sept. 24, 2016), [http://www.lambdalegal.org/blog/20160924\\_why-lambda-legal-joins-beboldendhyde](http://www.lambdalegal.org/blog/20160924_why-lambda-legal-joins-beboldendhyde)

*Celebrating #BiVisibilityDay*, Lambda Legal (Sept. 23, 2016), [http://www.lambdalegal.org/blog/20160923\\_bi-visibility-day](http://www.lambdalegal.org/blog/20160923_bi-visibility-day)

(Co-Authored with Jennifer Pizer) *Lambda Legal Represents Lesbian Couple in Wedding Cake Discrimination Case*, Lambda Legal (Sept. 6, 2016), [https://www.lambdalegal.org/blog/20160906\\_lesbian-couple-wedding-cake-discrimination](https://www.lambdalegal.org/blog/20160906_lesbian-couple-wedding-cake-discrimination)



*Immigration and Seventh Circuit Judges Reject Bisexual Man's Request for Protection; Here's Why They Were Wrong*, Lambda Legal (Aug. 19, 2016), [http://www.lambdalegal.org/blog/20160819\\_ray-fuller-judges-reject-bisexual-mans-request-for-protection](http://www.lambdalegal.org/blog/20160819_ray-fuller-judges-reject-bisexual-mans-request-for-protection)

*Transgender Rights Litigation Moves Through Fourth Circuit*, American Bar Association Civil Rights Litigation Section "Articles" (June 6, 2016), <https://apps.americanbar.org/litigation/committees/civil/home.html> (ABA Membership required to access)

*New Historic Developments in Federal Sexual-Orientation-Discrimination Protections*, American Bar Association Civil Rights Litigation Section "Practice Points" (March 18, 2016), <http://apps.americanbar.org/litigation/committees/civil/practice.html#01>

*What Scalia's Death Means for Five Pending Civil Rights Cases*, American Bar Association Civil Rights Litigation Section "Practice Points" (Feb. 16, 2016), <http://apps.americanbar.org/litigation/committees/civil/practice.html#01>

*"Religious Freedom" as a Shield and a Sword: Tensions Between Conflicting Rights*, JURIST Magazine - Academic Commentary (August 11, 2015), <http://jurist.org/forum/2015/08/nancy-marcus-religious-freedom.php>

*Title VII Protections Extended to Victims of Sexual-Orientation Discrimination*, American Bar Association Civil Rights Litigation Section "News and Developments," (July 21, 2015), <http://apps.americanbar.org/litigation/committees/civil/practice.html>

*Texas AG Vows to Protect Officials Refusing to Comply with Marriage Ruling*, American Bar Association Civil Rights Litigation Section "News and Developments," (June 30, 2015), <https://apps.americanbar.org/litigation/committees/civil/practice.html>

*Indiana Amends RFRA Bill, Marking Potential New Era of Protections*, American Bar Association Civil Rights Litigation Section "News and Developments," (April 6, 2015), <http://apps.americanbar.org/litigation/committees/civil/practice.html>

*Indiana Passes RFRA*, American Bar Association Civil Rights Litigation Section "News and Developments," (March 30, 2015), <http://apps.americanbar.org/litigation/committees/civil/practice.html>

*Guest Blog: March 19 Update on Proposed Indiana RFRA*, Hamilton and Griffin on Rights (March 19, 2015), <http://hamilton-griffin.com/guest-blog-professor-nancy-c-marcus-march-19-update-on-proposed-indiana-rfra/>

*Guest Blog: Indiana's Proposed RFRA is Unconstitutional*, Hamilton and Griffin on Rights (March 18, 2015), <http://hamilton-griffin.com/guest-blog-professor-nancy-c-marcus-indianas-proposed-rfra-is-unconstitutional/>

(Co-Authored with Toby Adams et al) *How We're Asking the Supreme Court to End Bi Erasure*, The Advocate Magazine, <http://www.advocate.com/commentary/2015/03/04/op-ed-how-were-asking-supreme-court-end-bi-erasure> (March 4, 2015).

*Supreme Court Grants Cert to Decide Same-Sex Marriage Case*, American Bar Association Civil Rights Litigation Section "News and Developments," (Jan. 23, 2015), <http://apps.americanbar.org/litigation/committees/civil/practice.html>

*Stage Set for Supreme Court to Decide Same-Sex Marriage Issue*, American Bar Association Civil Rights Litigation Section "News and Developments," (Dec. 10, 2014), <http://apps.americanbar.org/litigation/committees/civil/practice.html>

*Ind. Decisions – Comments on SCOTUS Denials Today by IndianaTech Law Professor* (Oct. 6, 2014), [www.indianalawblog.com](http://www.indianalawblog.com)

American Bar Association, ABA Now, *3 Developments with Transgender Rights that May Affect Employment Discrimination Cases* (February 19, 2013), [http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/3\\_developments\\_with.html](http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/3_developments_with.html)

(Co-Authored with Roselyn Bonanti) *Seat Belt Defense Legislation*, 27 Advocate 5, June 2001.

*Four Young People Speak Out*, Memphis Magazine, Memphis, TN (April, 1988) (special commemorative issue on race issues coinciding with 20<sup>th</sup> anniversary of Martin Luther King, Jr.'s assassination).

### **PODCASTS AND INTERNET INTERVIEWS**

"Interview with Bisexual Expert: Nancy Marcus," Interview with Dr. Tania Israel, UC Santa Barbara, April 1, 2021, <https://www.youtube.com/watch?v=B3pV-J-LVMk>

"BiLaw: All about the B in IgBt" Webinar/LeGaL Pride Power Lunch Series, LGBT Bar NY, LeGaL LGBT Podcast, June 3, 2020, <https://www.lgbtbarny.org/podcast>

"BiLawrriors: All about the B in IgBt," LGBT Bar NY, LeGaL LGBT Podcast, Sept. 20, 2018, <https://www.lgbtbarny.org/podcast>

"Getting a Job in Public Service," American Bar Association, Civil Rights Division, "Sound Advice" Podcast, Oct. 19, 2017, [https://www.americanbar.org/content/aba/tools/digitalassetabstract.html/content/dam/aba/publications/litigation\\_committees/civil/audio/101917-civil-rights-getting-a-job-in-public-service.mp3](https://www.americanbar.org/content/aba/tools/digitalassetabstract.html/content/dam/aba/publications/litigation_committees/civil/audio/101917-civil-rights-getting-a-job-in-public-service.mp3)

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## **OTHER MEDIA INTERVIEWS/ARTICLES QUOTING MARCUS**

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Linda Lipp, *Forum Addresses Law and the LGBT Worker*, *Fort Wayne Business Weekly*, [http://www.fwbusiness.com/news/latest/businessweekly/article\\_623f705e-cb09-5899-9500-5fa40a048d11.html?mode=story](http://www.fwbusiness.com/news/latest/businessweekly/article_623f705e-cb09-5899-9500-5fa40a048d11.html?mode=story) (Jan. 28, 2016).

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Editorial, *"No Fix for Freedom: Taking a Stand Against Intolerance is Lawmakers' Only Solution to Firestorm,"* *Fort Wayne Journal Gazette*, <http://www.journalgazette.net/opinion/editorials/No-fix-for-freedom-5856942> (March 31, 2015)

Marilyn Odendahl, *Windsor Counsel to Speak at IU Maurer*, *Indiana Lawyer*, [http://www.theindianalawyer.com/windsor-counsel-to-speak-at-iu-maurer/PARAMS/article/36717#.VRMwvj\\_6iFc.facebook](http://www.theindianalawyer.com/windsor-counsel-to-speak-at-iu-maurer/PARAMS/article/36717#.VRMwvj_6iFc.facebook) (March 26, 2015).

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John Caniglia, *Gay Couples in Cleveland React to Supreme Court Same-Sex Arguments Today*, Cleveland Plain Dealer,  
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## **RADIO INTERVIEWS**

Darren Wright, *Constitutional Legal Expert Weighs in on Mask Debate*, News Talk WOWO Fort Wayne, July 28, 2020, <https://www.wowo.com/constitutional-legal-expert-weighs-in-on-mask-debate/>

Guest on Fort Wayne 1450 AM "The Patriot" radio station's "Voice of Dissent" Show (Oct. 18, 2014).

Interview on the Johnny D Show, on Toledo Ohio's 1370 WSPD and iHeartRadio (March 26, 2013)

## **CONFERENCE PRESENTATIONS AND GUEST LECTURES**

Organizer and Panelist, *Resisting Erasure: The Need for Visibility, Intersectional Awareness, and Increased Inclusivity*, SALT Teaching Conference, Chicago, IL, October 14, 2022.

Invited Panelist, *Dobbs and Precedent*, AMINTAPHIL Protecting Democracy, Liberty, and the Common Good Conference, Winter Park, FL, October 8, 2022.

Panelist, *Progress and Barriers Toward Visibility and Inclusion of Bisexual+ People*, National LGBTQ Bar Association 2022 Lavender Law Conference, Los Angeles, CA, July 27, 2022.



Organizer and Facilitator, *National LGBTQ Bar Association “BiLaw” Caucus*, Lavender Law Conference (Multiple conferences between 2014 and 2022).

Organizer, Moderator and Panelist, *Legal Protections for Transgender and Non-Binary Workers Under Title VII and The Pregnancy Discrimination Act: A Conversation with LGBTQ-Rights Scholar/Law Professors Ezra Young (Cornell Law) and Nancy Marcus (CWSL)*, California Western School of Law, Jan. 28, 2022, available at <https://cwsf.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=fa260274-17a5-4290-8837-ae2b017e19ae&fbclid=IwAR3e2vSDSKtYNxcSopAl6Fvb5igU4T8-Eh68C8tAqNWrM1h24GpJi1lfx5M>.

Panelist, *Bridging the Gap in LGBTQ+ Rights Litigation: A Community Discussion on Bisexual Visibility in the Law*, National LGBT Bar Association 2021 Lavender Law Conference (Virtual), July 2021, available at <https://sites.google.com/view/bilawoutreach/home/bridging-the-gap>.

Guest Lecturer, *The Importance of Bi Inclusion in LGBTQ Law and Policy Work*, Sonoma State University Queer Lecture Series, Rohnert Park, CA, March 2, 2020.

Panelist, *More Than Just a Wedding Cake: The Intersectionality of Civil Rights in Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, Feminist Majority Foundation, Los Angeles, CA, April 25, 2018.

Guest Lecturer on LGBT Issues, CDTA Speaker Series, California Desert Trial Academy College of Law, Indio, CA, April 14, 2018.

Presenter, *The Critical Importance of Judicial Nominations, Or Why Bad Judges Are Worse than Bad Spouses*, Equality California Fair Share Conference, Los Angeles, CA, April 6, 2018.

Keynote Speaker, *Legacy for Equality Foundation Reception*, Lambda Legal, Palm Springs, CA, March 29, 2018.

Keynote Speaker, *Love Lounge*, Lambda Legal, West Hollywood, CA, March 11, 2018.

Panelist, *LGBTQ Life One Year After Trump*, L.A. City Hall Panel Discussion, Los Angeles, CA, Jan. 18, 2017.

Organizer and Panelist, *Lambda Legal Presents: Legal Rights and Intersectional Issues Related to Bi+ Discrimination*, BECAUSE Conference, St. Paul, MN, Nov. 10, 2017.

Panelist, *Understanding Discrimination Against Bisexuals and Internalized Biphobia: The Keys to Successful Representation of Members of the Bi+ Community*, 2017 National LGBT Bar Association Lavender Law Conference, San Francisco, CA, August 2, 2017.

Moderator and Panelist, *Bisexual-Inclusive Equality: Bi-Inclusivity Issues and Opportunities in State and Local Policy Work*, Equality Federation Leadership Conference, July 27, 2017.

Organizer and Panelist, *Legal Issues Facing the Transgender Community*, Gender Odyssey Conference, June 28, 2017.

Organizer and Panelist, *Religion as Sword or Shield? Tensions over LGBT Rights and Religious Exemption Claims*, American Bar Association Inaugural Litigation Section LGBT Forum, May 2, 2017.

Organizer, Moderator and Panelist, *Recent Developments in LGBT Litigation and Legislation*, American Bar Association Civil Rights Litigation Committee Roundtable, April 27, 2017.

Panelist, *Putting the "BT" Back in "LGBT": Bisexual and Transgender Issues*, Midwest Law and Society Retreat, Concurrent Session, Madison, Wisconsin, November 19, 2016.

Presenter, *The Freedom of Intimate Association in Same-Sex Marriage and Beyond*, Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL, Nov. 4, 2016.

Moderator, *Panel on Bisexual Discrimination*, Bisexuality Awareness Week Community Briefing, White House, Washington, D.C., Sept. 26, 2016.

Presenter, *Can You See Us Now? #BiStories Panel*, Cannon House Office Building, Capitol Hill, Washington, D.C., Sept. 23, 2016.

Keynote Speaker, *Lambda Legal Summer Soiree*, Los Angeles, CA, Sept. 10, 2016.

Presenter, *Bridging Bisexual Erasure in LGBT-Rights Discourse and Litigation*, European Bisexual Research Conference, Amsterdam (via Sykpe), July 29, 2016

Organizer and Moderator, *"Out of Breath: Civil Rights and Law Enforcement,"* American Bar Association Litigation Section Conference, Chicago, IL, April 15, 2016.

Guest Lecturer, *Sexual Orientation and the Law Class*, Loyola University New Orleans College of Law (via Skype), Jan. 26, 2016.

Presenter, *"Race, Gender, Sexual Orientation and Religious Freedom: Building Bridges Toward Greater Intersectionality and a Compassionate Civil Rights Framework,"* Unitarian Universalist Congregation of Fort Wayne, Fort Wayne, IN, December 6, 2015.

Presenter, *"Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform,"* Present and Future of Civil Rights Movements: Race and Reform in 21st Century America, Duke Law School, Durham, NC, November 21, 2015.

Plenary Panelist, *“Social Transformation,”* Social Justice Think Tank, *“Educating for Struggle: Social Justice, Empathy and Social Transformation,”* Case Western Reserve University Social Justice Institute, Cleveland, OH, November 14, 2015.

Presenter, *“In Defense of Broad Federal Injunctions Against Unconstitutional Laws and the Power of Courts to Effectually Strike Down Unconstitutional Laws,”* Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, IL, November 7, 2015.

Keynote Speaker, *“Reproductive Rights, LGBT Rights and Religious Freedom: Where Do One Group’s Rights Stop and Another’s Start? From RFRA to Civil Disobedience Against Same-Sex Marriage and Beyond,”* Ohio Regional Association of Law Libraries Conference, Fort Wayne, IN, October 22, 2015.

Organizer and Facilitator, *“Hate Crimes: Tackling the Epidemic”* Conference, Indiana Tech Law School, Fort Wayne, OH, October 16, 2015.

Presenter, *“Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform,”* Central States Law School Association Conference, Criminal Law Panel Presenter, University of Toledo College of Law, Toledo, OH, October 10, 2015.

Invited Participant, *Bisexuality Day White House Policy Briefing*, Washington, D.C., September 23, 2015.

Organizer and Presenter, *“Constitution Day 2015: Korematsu and Civil Liberties,”* Indiana Tech Law School Event, Fort Wayne, IN, September 17, 2015.

Panelist, *“Beyond Marriage Relationships: Property and Family in the Nontraditional Relationships,”* National LGBT Bar Association Lavender Law Conference, August 6, 2015.

Panelist, *“B: The Forgotten Letter in LGBT – Not Anymore,”* National LGBT Bar Association Lavender Law Conference, Panelist, August 6, 2015.

Panelist, *“Bi-Specific Discrimination and Needs,”* Ohio State Bar Association LGBT Diversity and Inclusion Conference/CLE Presentation, Columbus, OH, June 17, 2015.

Organizer and Presenter, *“BiLaw! BiLawrriors Discuss Bringing Bisexuals to Legal Discourse and Bringing the Law to Bisexuals,”* Bisexual Organizing Project BECAUSE 2015 Conference, Minneapolis, MN, April 18, 2015.

Organizer and Moderator, *“Supreme Court Marriage Cases: What to Watch For,”* American Bar Association Roundtable, March 31, 2015.

Panelist and Co-Facilitator, *Harvard Law School “Bisexuality Day,”* Cambridge, MA, March 5, 2015.

Panelist, *"We Have Marriage, Now What?"* Fort Wayne Pride Third Thursday Event, Fort Wayne, IN, February 19, 2015.

Presenter, *"Bridging Bisexual Erasure in LGBT-Rights Discourse and Litigation,"* Indiana Tech Law School Faculty Scholarship Presentation, Fort Wayne, Indiana, December 12, 2014.

Speaker, *"Gay Clients, Law & Mediation: The National Scene,"* CME/CLE Presentation, Fort Wayne, IN, December 5, 2014.

Moderator, *"Constitutional Movements"* Concurrent Session, Midwest Law and Society Retreat, Madison, Wisconsin, October 25, 2014.

Presenter, *"Bridging Bisexual Erasure in LGBT-Rights Discourse and Litigation,"* Midwest Law and Society Retreat, Concurrent Session, Panelist, Madison, Wisconsin, October 25, 2014.

Presenter, *"Bridging Bisexual Erasure in LGBT-Rights Discourse and Litigation,"* Central States Law School Association Conference, Louisiana State University Law School, Baton Rouge, Louisiana, October 11, 2014.

Invited Panelist, *Huntington College Constitution Day 2014*, Huntington, Indiana, September 19, 2014.

CLE Presenter, *"Legal Developments in Same-Sex Marriage,"* Fort Wayne, Indiana, July 11, 2014.

Presenter, *"Being a 'Bi Bridge' in LGBT Legal Developments,"* Bisexual Organizing Project BECAUSE Conference, Minneapolis, Minnesota, June 7, 2014.

Presenter and Conference Co-Organizer, *"Untraceable, Undetectable, and, So Far, Largely Unregulated: '3-D Guns,'"* Indiana Tech Law School Inaugural Symposium, On the Question of Regulating Guns, Fort Wayne, Indiana, November 8, 2013.

Presenter, *"When Quacking Like a Duck is Really a Swan Song in Disguise: How Windsor's Federalist Undertones Set the Stage for the Demise of Federalism-Based Marriage Discrimination,"* Case Western Reserve School of Law, Law Review Symposium, Cleveland, Ohio, October 25, 2013.

Panelist, *"It's All in the Framing: Structuring Constitutional Claims to Advance LGBT Rights,"* Lavender Law Lesbian and Gay Law Association Conference, Washington, DC, September 8, 2006.

Presenter, *"The Future of LGBT Rights in the Twenty First Century,"* University of Wisconsin LGBTQ Research Symposium, Madison, WI, November 5, 2005.

Speaker, "*Same Sex Marriage: An Overview*," 19th Annual Coming Together of Peoples Indian Law Conference, Madison, WI, April 1, 2005.

Panelist, "*The Attack on Privacy: Reproductive Health and LGBT Rights*," Planned Parenthood of Wisconsin's Women's Health Day of Action, Madison, WI, March 15, 2005.

Presenter, "*Becoming an Off-Campus Renter*," representing Tenant Resource Center at Numerous Fora Throughout University of Wisconsin Community, 2004-05.

Presenter, "*Safe, Legal and OK: Speaking About Abortion Positively*," Various National Pro-Choice Coalition Meetings, Spring 2004.

Presenter, "*State Abortion Legislation in 2004*," National Abortion Federation Annual Meeting, April 2004.

Presenter, "*Title X: Dangers We're Facing and Actions We're Taking*," National Family Planning and Reproductive Health National Conference, Washington, DC, June 24, 2003.

Presenter, "*The Dangers of Fake Abortion Clinics: Women at Risk*," American Association of University Women Student Leader Conference, Providence, Rhode Island, June 20, 2003.

Presenter, "*State Abortion Legislation in 2003*," National Abortion Federation Annual Meeting, April 2003.

### **LEADERSHIP POSITIONS AND COMMENDATIONS**

Member of Board of Directors, Chosen Family Law Center, 2022-Present

Co-Founder and Primary Coordinator, "BiLaw" (First national association of bisexual and bi-allied lawyers, legal academics and law students), 2013-Present.

Co-Founder, Organizer, and Co-Facilitator of National LGBT Bar Association BiLaw Caucus, 2014-Present.

Expert Reviewer, Journal of Homosexuality (published by the Taylor & Francis Group, LLC), 2015-2018.

Chair, American Bar Association Civil Rights Litigation Section LGBT Rights Subcommittee, 2014-2017.

Member of Board of Directors, Northeast Indiana Positive Resource Connection, Fort Wayne, Indiana, 2015-16.

Member of Board of Directors, Northeast Indiana Diversity Library, Fort Wayne, Indiana, 2015-16.

Recognized as National Bisexuality and the Law Expert, March 2015, BiNet USA, See <http://www.binetusa.org/bijacked>.

Recipient, "Tech Salute" Faculty Recognition Award, Indiana Institute of Technology, Awarded on Multiple Occasions (May 2015, February 2015, and May 2014).

Board of Directors, Board Member, Outreach Community Center, Madison, Wisconsin 2008-2009.

Board of Directors, Board Member and Corporate Liaison, National Lesbian and Gay Law Foundation, 2005-2006.