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**EDUCATION**

**Stanford Law School**, J.D. 1993 (associate editor, **Stanford L. Rev.**)  
**University of Chicago**, M.A. 1980, Ph.D. 1984, in Philosophy  
**Harvard College** 1977, B.A. in Philosophy

**WORK EXPERIENCE**

Trustees Professor of Law; Capital Univ. Law School; Columbus, OH; 1/02 - Present  
 Visiting Tyler Haynes Chair Professor of Law, Univ. of Richmond School of Law; Richmond, Va; 8/01 - 12/01  
 Prof. of Law; Capital Univ. Law School; Columbus, OH; 8/99 - 12/01  
 Visiting Prof. of Law; Univ. of Maryland Law School; 8/99 - 5/00  
 Assoc. Prof. of Law; Capital Univ. Law School; Columbus, OH; 8/96 - 7/99  
 Asst. Prof. of Law; Capital Univ. Law School; Columbus, OH; 8/93 - 7/96  
 Asst. Prof. of Philosophy; Washington Univ.; St. Louis, MO; 7/87 - 7/90  
 Asst. Prof. of Philosophy; Univ. of TX at Arlington; Arlington, TX; 9/84 - 6/87

**BAR ADMISSION**

California (1993)

**COURSES TAUGHT****Law**

Constitutional Law; Torts; Family Law; Jurisprudence; Sexual Diversity and the Law; Sex and the Law (seminar); Law and Philosophy (seminar); Law and Biomedical Ethics (seminar)

**Arts and Sciences**

Ethical Theory; Biomedical Ethics; Social and Political Philosophy; Philosophy of Religion

**PUBLICATIONS**BOOKS

**Family Law from Multiple Perspectives: Cases and Commentary**, with Lynn Wardle and Lynne Marie Kohm (West Academic, 2014); (2<sup>nd</sup> ed. with Lynn Wardle, Lynne Marie Kohm and Tanya Washington, 2019)  
**Free Exercise of Religion and the United States Constitution: The Supreme Court's Challenge** (Routledge, 2018)  
**Religion, Education and the State: An Unprincipled Doctrine in Search of**

- Moorings** (Ashgate Publishing, 2011)
- Questions and Answers: Family Law Questions and Answers: Family Law** (LexisNexis, 2003; 2011, 2<sup>nd</sup> ed.); (Carolina Academic Press, 3<sup>rd</sup> ed. 2018)
- Same-Sex Unions Across the United States** (Carolina Academic Press, 2011)
- "Separate but Equal" No More: A Guide to the Legal Status of Same-Sex Marriage, Civil Unions, and Other Partnerships** (ed.) (1<sup>st</sup> volume in 3-volume set entitled "Defending Same-Sex Marriage." Praeger Publishers/Greenwood Publishing Group, 2006)
- Marriage and Same-Sex Unions: A Debate** (co-edited with Lynn Wardle, William Duncan and David Coolidge) (Praeger Publishers/Greenwood Publishing Group, 2003)
- On Same-Sex Marriage, Civil Unions, and the Rule of Law: Constitutional Interpretation at the Crossroads** (Praeger Publishers/Greenwood Publishing Group, 2002)
- The Challenge of Same-Sex Marriage: Federalist Principles and Constitutional Protections** (Praeger Publishers/Greenwood Publishing Group, 1999)
- Legally Wed: Same-Sex Marriage and the Constitution** (Cornell University Press, 1997)
- Agency, Free Will, and Moral Responsibility** (Hollowbrook Publishing, 1992)
- The Moral Philosophy of John Stuart Mill: Toward Modifications of Contemporary Utilitarianism** (Longwood Academic/Hollowbrook Communications, 1991)
- Francis Hutcheson's Moral Theory: Its Form and Utility** (Longwood Academic/Hollowbrook Communications, 1990)

#### CHAPTERS

- Family, Same-Sex Unions, and the Law*, in **The Routledge Handbook of Family Law and Policy** (ed. John Eekelaar and Rob George) (London, UK: Routledge, 2014), 45-60
- Marriage, Parenting and Sexual Orientation*, in **The Ethics of the Family** (ed. Stephen Scales, Adam Potthast, and Linda Oravec) (Newcastle upon Tyne, UK: Cambridge Scholars' Publishing, 2010), 133-43
- Wrongful Birth and the Right to Refuse Treatment: The Implications for Wrongful Life*, in **Ethical Dilemmas in Obstetrics** (ed. Joseph G. Schenker) (New Delhi: Jaypee Brothers Medical Publishers Ltd., 2009), 55-60
- Marriage, Same-Sex, International Encyclopedia of the Social Sciences*. (ed. William A. Darity, Jr. Vol. 4, 2<sup>nd</sup> ed. (Detroit: Macmillan Reference USA, 2008), 619-21
- The Alleged Harms of Recognizing Same-Sex Marriage*, in **What's the Harm? How Legalizing Same-Sex Marriage Harms Society, Families and Individuals** (ed. Lynn Wardle) (Lanham, MD: University Press of America, 2008), 27-45
- Paying to Stay Home: On Competing Notions of Fairness and the Imputation of Income, Reconceiving the Family: Critical Reflections on the American Law Institute's Final Principles of the Law of Family Dissolution (ed. Robin Fretwell Wilson) (New York: Cambridge University Press, 2006), 142-61*
- The Interstate Recognition of Same-Sex Marriages and Civil Unions*, in **2004 Family Law Update** (ed. Ron Brown & Laura W. Morgan, 2004), 115-51
- Degradation, Pornography, and Immorality*, in **Terrorism, Justice, and Social Values** (C. Peden and Y. Hudson eds. 1990), 339-53
- Ethical Considerations* (co-written with G. Giles), in **Anorexia and Bulimia Nervosa** (D. Scott ed. 1988), 204-12

ARTICLES

- Those Are Fighting Words, Aren't They? On Adding Injury to Insult*, **Case Western Law Review** (forthcoming)
- Prenatal Tort Slippage*, (Case Western) **Health Matrix: Journal of Law-Medicine** (forthcoming)
- Marriage, Domicile, and the Constitution*, 15 **Duke Journal of Constitutional Law and Public Policy** 103-38 (2020)
- Divorce, Domicile, and the Constitution*, 108 **Kentucky Law Journal** 301-34 (2019-20)
- Establishment Clause Health on a Restricted, Artificial Lemon Diet*, 29 **Boston University Public interest law Journal** 169-221 (2019)
- Deception, Professional Speech, and CPCs: On Becerra, Abortion, and the First Amendment*, 67 **Buffalo Law Review** 311-64 (2019)
- Yoder's Legacy*, 47 **Hofstra Law Review** 1335-57 (2019)
- Masterpiece of Misdirection?* 76 **Washington and Lee Law Review** 963-1010 (2019)
- Custody, Visitation, and Parental Rights under Scrutiny*, 28 **Cornell Journal of Law and Public Policy** 289-327 (2018)
- Free Exercise and Comer: Robust Entrenchment or Simply More of a Muddle?*, 52 **University of Richmond Law Review** 887-922 (2018)
- What's FAIR for Conscientious Objectors Subject to Public Accommodations Laws*, 48 **New Mexico Law Review** 124-44 (2018)
- Pickering, Garcetti, and Academic Freedom*, 83 **Brooklyn Law Review** 579-612 (2018)
- Student Dismissals from Professional Programs and the Constitution*, 68 **Case Western Reserve Law Review** 97-157 (2017)
- Obergefell, Retroactivity and Common Law Marriage*, 9 **Northeastern University Law Review** 379-424 (2017)
- Neutrality, Accommodation, and Conscience Clause Legislation*, 8 **Alabama Civil Rights & Civil Liberties Law Review** 197-238 (2017)
- What's Next In Affirmative Action Jurisprudence: Fisher As Temporizing Rather Than Reflecting A New-Found Consensus*, 20 **The [Iowa] Journal of Gender, Race and Justice** 157-85 (2017)
- Rust in the First Amendment Scaffolding*, 19 **University of Pennsylvania Journal of Constitutional Law** 861-87 (2017)
- Interracial Marriage Litigation Foreshadows What the Obergefell Court Chooses to Address*, 45 **Capital University Law Review** 47-57 (2017) (symposium)
- Affirmative Action Invidiousness*, 20 **Richmond Public Interest Law Review** 1-23 (2017)
- The Updating of Baby M: A Confused Jurisprudence Becomes More Confusing*, 78 **University of Pittsburgh Law Review** 181-215 (2016)
- Tinker ReMorse: On Threats, Boobies, Bullying, and Parodies*, 15 [University of North Carolina] **First Amendment Law Review** 1-42 (2016)
- Obergefell's Legacy*, 24 **Duke Journal of Gender Law and Policy** 61-88 (2016)
- Marriage, Divorce, and Domicile*, 85 **University of Missouri-Kansas City Law Review** 145-86 (2016)
- Obergefell, Dignity, and the Family*, 19 **The Journal of Gender, Race and Justice** 317-49 (2016)
- Government Speech and Circumvention of the First Amendment*, 44 **Hastings Constitutional Law Quarterly** 37-60 (2016)
- Narrow Tailoring, Compelling Interests, and Free Exercise: On ACA, RFRA and Predictability*, 53 **University of Louisville Law Review** 467-508 (2016)

- Hobby Lobby, RFRAs, and Family Burdens, 25 **Boston University Public Interest Law Journal** 239-64 (2016)
- Incitement, Threats, and Constitutional Guarantees: First Amendment Protections pre- and post-Elonis*, 14 **University of New Hampshire Law Review** 163-96 (2016)
- Free Exercise and Substantial Burdens under Federal Law*, 94 **Nebraska Law Review** 633-84 (2016)
- Free Exercise and the Definition of Religion: Confusion in the Federal Courts*, 53 **Houston Law Review** 909-37 (2016)
- The Right to Marry and State Marriage Amendments: Implications for Future Families, 45 **Stetson Law Review** 309-37 (2016)
- Presuming Parentage*, 25 **Texas Journal of Women, Gender, and the Law** 57-91 (2015)
- Schuetz, *Facial Neutrality and the Constitution*, 4 **Tennessee Journal of Race, Gender & Social Justice** 127-55 (2015)
- Naming the States Where Loving Will Be Recognized: On Tea Leaves, Horizontal Federalism, and Same-Sex Marriage*, 22 **William & Mary Journal of Women and the Law** 1-30 (2015)
- Definitions, Religion, and Free Exercise Guarantees*, 51 **Tulsa Law Review** 1-38 (2015)
- Schuetz, *Electoral Process Guarantees, and the New Neutrality*, 94 **Nebraska Law Review** 60-100 (2015)
- Windsor and Interstate Marriage Recognition*, 60 **South Dakota Law Review** 409-23 (2015) (symposium issue)
- Old Wine, Old Bottles, and Not Very New Corks: On State RFRAs and Free Exercise Jurisprudence*, 34 **Saint Louis University Public Law Review** 335-66 (2015) (symposium issue)
- Windsor and Its Progeny*, 13 **Ave Maria Law Review** 181-206 (2015) (symposium issue)
- Marriage, the Constitution, and the Future of Family Law*, 21 **Washington and Lee Journal of Civil Rights & Social Justice** 303-30 (2015)
- Traditional Surrogacy Contracts, Partial Enforcement, and the Challenge for Family Law*, 18 **[Maryland] Journal of Health Care Law & Policy** 85-113 (2015)
- The Protection of Conscience: On ACA, RFRAs and Free Exercise Guarantees*, 82 **Tennessee Law Review** 345-404 (2015)
- International Covenant as Bond: On Federalism and Congress's Ability to Promote National Interests via the Treaty Power*, 84 **Mississippi Law Journal** 309-49 (2015)
- The New Frontier? IVF's Challenges for State Courts and Legislatures*, 17 **Southern Methodist University Science and Technology Law Review** 125-59 (2014)
- What's Next After Windsor*, 6 **Elon Law Review** 387-410 (2014) (symposium issue)
- When a Baker Summary Dismissal Becomes Stale: On Same-Sex Marriage Bans and Federal Constitutional Guarantees*, 17 **The Journal of Gender, Race, and Justice** 137-62 (2014) (symposium issue)
- Hosanna-Tabor, the Ministerial Exception, and Judicial Competence*, 6 **Elon Law Review** 151-71 (2014) (symposium issue)
- Speech, Association, Conscience, and the First Amendment's Orientation*, 91 **Denver University Law Review** 495-531 (2014)
- Tenure, Financial Exigency, and the Future of American Law Schools*, 59 **Wayne Law Review** 269-309 (2013)
- A Constitutional Balancing in Need of Adjustment: On Defamation, Breaches of Confidentiality, and the Church*, 12 **First Amendment Law Review** 325-84

- (2013)
- Capato, ART, and the Provision of Benefits to After-Born Children, 2013 **Michigan State Law Review** 1341-68 (2013) (symposium issue)
- Conscience Clauses and the Placement of Children, 2013 **Utah Law Review** 985-1001 (2013); 15 **[Utah] Journal of Law & Family Studies** 1-17 (2013)
- Windsor, Federalism, and the Future of Marriage Litigation, 37 **Harvard Journal Of Law and Gender Online** 1-30 (2013)
- Federal Courts, Misdirection, and the Future of Same-Sex Marriage Litigation, 23 **Kansas Journal of Law and Public Policy** 73-103 (2013)
- Innocents Beware: On Religion Clause Jurisprudence and the Negligent Retention or Hiring of Clergy, 22 **William and Mary Bill of Rights Journal** 177-210 (2013)
- On DOMA, Proposition 8, and the Implications of Their Potential Unconstitutionality for Equal Protection and Substantive Due Process Jurisprudence, 60 **UCLA Law Review Discourse!** 128-141(2013)
- A Family Affair? Domestic Relations and Involuntary Public Figure Status, 17 **Lewis and Clark Law Review** 69-112 (2013)
- The Onslaught on Academic Freedom, 81 **University of Missouri-Kansas City Law Review** 657-83 (2013) (symposium issue)
- The Next Battleground? Personhood, Privacy, and Assisted Reproductive Technologies, 65 **Oklahoma Law Review** 177-223 (2013)
- Whistleblowing, Public Employees, and the First Amendment, 60 **Cleveland State Law Review** 975-97(2013)
- The Endorsement Test Is Alive and Well: A Cause for Celebration and Sorrow, 39 **Pepperdine Law Review** 1273-1315 (2013) (symposium issue)
- Marriage, Cohabitation, and the Welfare of Children, 3 **Alabama Civil Rights & Civil Liberties Law Review** 101-21 (2013)
- Let Me Count the Ways: The Unconstitutionality of Same-Sex Marriage Bans, 27 **Brigham Young University Journal of Public Law** 301-320 (2013) (symposium issue)
- What's It to You: The First Amendment and Matters of Public Concern, 77 **Missouri Law Review** 1083-1119(2012)
- Leaving the Dale to Be More FAIR: On CLS and First Amendment Jurisprudence, 11 **First Amendment Law Review** 235-89 (2012)
- Congress, Federal Courts, and Domestic Relations Exceptionalism, 12 **Connecticut Public Interest Law Journal** 193-230 (2012)
- Making the Anomalous Even More Anomalous: On Hosanna-Tabor, the Ministerial Exception, and the Constitution, 19 **Virginia Journal of Social Policy & the Law** 400-49(2012)
- DOMA, the Constitution, and the Promotion of Good Public Policy, 5 **Albany Government Law Review** 613-33 (2012) (symposium issue)
- Footnote Four to the Rescue, Hosanna-Tabor's Rejection of the Institutional Incompetence Argument, Emory law and religion website, <http://www.emorylawandreligion.com/search?updated-max=2012-07-13T06:47:00-04:00&max-results=3>
- Mill, Holmes, Brandeis, and a True Threat to Brandenburg, 26 **Brigham Young University Journal of Public Law** 37-72(2011)
- DOMA's Bankruptcy, 79 **Tennessee Law Review** 1-28 (2011)
- Ignore the Man behind the Curtain: On the Government Speech Doctrine and What It Licenses, 21 **Boston University Public Interest Law Journal** 85-127 (2011)
- Funeral Protests, Privacy, and the Constitution: What Is Next after Phelps, 61 **American University Law Review** 279-326 (2011)

- Perry, *Same-Sex Marriage, and Federal Constitutional Guarantees*, 12 **Engage** 164-67 (2011)
- Parents, Religious Convictions, and Public School Curricula*, 2011 **Brigham Young University Education and Law Journal** 547-69 (symposium issue)
- Equal Protection, Same-Sex Marriage, and Classifying on the Basis of Sex*, 38 **Pepperdine Law Review** 1021-52 (2011)
- Same-Sex Marriage and the Right to Privacy*, 13 **Journal of Law and Family Studies** 117-50 (2011)
- Advocacy, True Threats, and the First Amendment*, 38 **Hastings Constitutional Law Quarterly** 339-86 (2011)
- Public Policy, Same-Sex Marriage, and Exemptions for Matters of Conscience*, 12 **Florida Coastal Law Review** 135-61 (2010) (symposium issue)
- What If DOMA Were Repealed? The Confused and Confusing Interstate Marriage Recognition Jurisprudence*, 41 **California Western International Law Journal** 249-74 (2010) (symposium issue)
- On Same-Sex Marriage and Matters of Conscience*, 17 **William & Mary Journal of Women and the Law** 1-36 (2010)
- On Disguises, Tokens, and Affirmative Action Policies*, 85 **Indiana Law Journal** 1293-1301 (2010) (symposium issue)
- Defining Sex: On Marriage, Family, and Good Public Policy*, 17 **Michigan Journal of Gender and the Law** 57-82 (symposium issue) (2010)
- Beyond the Binary: What Can Feminists Learn from Intersex and Transgender Jurisprudence* (co-written with Julie Greenberg & Marybeth Herald), 17 **Michigan Journal of Gender and the Law** 13-37 (2010) (symposium issue)
- Life after DOMA*, 17 **Duke Journal of Gender Law and Policy** 399-424 (2010)
- Passive Observers, Passive Displays, and the Establishment Clause*, 14 **Lewis and Clark Law Review** 1123-57 (2010)
- Adoption, Best Interests, and the Arkansas Constitution*, 63 **Arkansas Law Review** 3-29 (2010) (symposium issue)
- DOMA and the Constitution*, 58 **Drake Law Review** 1011-35 (2010) (symposium issue)
- Interstate Marriage Recognition and the Right to Travel*, 25 **Wisconsin Journal of Law, Gender & Society** 1-34 (2010)
- Tribal Marriages, Same-Sex Unions, and an Interstate Recognition Conundrum*, 30 **Boston College Third World Law Journal** 207-37 (2010)
- You Take the Embryos but I Get the House (and the Business)*, 57 **Buffalo Law Review** 1159-1225 (2009)
- The Legal Landscape Post-DOMA*, 13 **Journal of Gender, Race, and Justice** 153-79 (2009) (symposium issue)
- A Little Older, a Little Wiser, and Still Committed*, 61 **Rutgers Law Review** 507-27 (2009) (symposium issue)
- The Coercion Test: On Prayer, Offense, and Doctrinal Inculcation*, 53 **Saint Louis University Law Journal** 417-83 (2009)
- Religion in the Schools: On Prayer, Neutrality, and Sectarian Perspectives*, 42 **Akron Law Review** 185-241 (2009)
- Repudiating Everson: On Buses, Books, and Teaching Articles of Faith*, 78 **Mississippi Law Journal** 567-636 (2009)
- When Churches Divide: On Neutrality, Deference, and Unpredictability*, 32 **Hamline Law Review** 427-75 (2009)
- Interstate Recognition of Adoptions: On Jurisdiction, Full Faith and Credit, and Potential, Future Difficulties*, 2008 **Brigham Young University Law Review** 1809-54 (2008) (symposium issue)
- The Protection and Alienation of Religious Minorities: On the Evolution of the Endorsement Test*, 2008 **Michigan State Law Review** 667-724 (2008)

- Deliberate Indifference, Professional Judgment, and the Constitution: On Liberty Interests in the Child Placement Context*, 15 **Duke Journal of Gender, Law and Policy** 223-46 (2008)
- The Future of Marriage*, 21 **Journal of the American Academy of Matrimonial Lawyers** 87-119 (2008)
- Death by a Thousand Cuts: The Illusory Safeguards against Funding Pervasively Sectarian Institutions of Higher Learning*, 56 **Buffalo Law Review** 353-408 (2008)
- Marriage, Free Exercise, and the Constitution*, 26 **Law and Inequality: A [Minnesota] Journal of Theory and Practice** 59-108 (2008)
- State Funding of Devotional Studies: A Failed Jurisprudence that Has Lost Its Moorings*, 11 **Journal of Law and Family Studies** 1-34 (2008)
- The Often Illusory Protections of "Biology Plus:" On the Supreme Court's Parental Rights Jurisprudence*, 13 **Texas Journal on Civil Liberties and Civil Rights** 31-83 (2007)
- Preaching, Fundraising, and the Constitution: On Proselytizing and the First Amendment*, 85 **Denver University Law Review** 405-41 (2007)
- Loving Revisionism: On Restricting Marriage and Subverting the Constitution*, 51 **Howard Law Journal** 75-115 (2007) (symposium issue)
- Establishing the Pledge: On Coercion, Endorsement and the Marsh Wild Card*, 40 **Indiana Law Review** 529-83 (2007) (symposium issue)
- State Marriage Amendments and Overreaching: On Plain Meaning, Good Public Policy, and Constitutional Limitations*, 25 **Law and Inequality: A Journal of Theory and Practice** 59-113 (2007)
- Thou Shalt Not?* 6 **Maryland Law Journal of Race, Religion, Gender and Class** 439-90 (2006)
- Holmes on Law and Morality*, 44 **Alberta Law Review** 377-402 (2006)
- Lawrence, Mill, and Same-Sex Relationships: On Values, Valuing, and the Constitution*, 15 **Southern California Interdisciplinary Law Journal** 285-306 (2006)
- An Amendment to Protect Marriage: Bad in Theory, Likely Worse in Practice*, 20 **Brigham Young University Journal of Public Law** 387-406 (2006) (symposium issue)
- State Constitutional Amendments Defining Marriage: On Protections, Restrictions, and Credibility*, 7 **Florida Coastal Law Review** 365-87 (2005) (symposium issue)
- Monogamy, Licentiousness, Desuetude, and Mere Tolerance: The Multiple Misinterpretations of Lawrence v. Texas*, 15 **Southern California Review of Law and Women's Studies** 95-144 (2005)
- Lawrence, Lofton, and Reasoned Judgment: On Who Can Adopt and Why*, 18 **Saint Thomas Law Review** 473-93 (2005) (symposium issue)
- Rebellion in the Eleventh Circuit: On Lawrence, Lofton and the Best Interests of Children*, 40 **Tulsa Law Review** 421-42 (2005) (symposium issue)
- "Defending" Marriage in Light of the Moreno-Cleburne-Romer-Lawrence Jurisprudence: Why DOMA Cannot Pass Muster after Lawrence*, 38 **Creighton Law Review** 421-47 (2005) (symposium issue)
- The Lawrence Reader: Standhardt and Lewis on Women in Love*, 24 **Saint Louis University Public Law Review** 59-88 (2005) (invited article)
- Marriage, Parental Rights, and Public Policy: On the FMA, Its Purported Justification, and Its Likely Effects on Families*, 2 **University of St. Thomas Law Journal** 118-36 (2004) (symposium issue)
- Interpretations of Loving in Lawrence, Baker, and Goodridge: On Equal Protection and the Tiers of Scrutiny*, 13 **Widener Law Journal** 859-77 (2004) (symposium issue)

- Lawrence and Same-Sex Marriage Bans: On Constitutional Interpretation and Sophisticated Rhetoric, 69 **Brooklyn Law Review** 1003-36 (2004)
- Adoption and the Best Interests of the Child: On the Use and Abuse of Studies, 38 **New England Law Review** 629-42 (2004) (symposium issue)
- Lawrence, Same-Sex Marriage and the Constitution: On What Is Protected and Why, 38 **New England Law Review** 667-81 (2004) (symposium issue)
- Was Brown's Declaration of Per Se Invalidity Really Out of the Blue: The Evolving "Separate But Equal" Education Jurisprudence from Cumming to Brown, 47 **Howard Law Journal** 769-94 (2004) (symposium issue)
- Domestic Relations, Missouri v. Holland, and the New Federalism, 12 **William & Mary Bill of Rights Journal** 179-220 (2003)
- Adoption, Best Interests, and the Constitution: On Rational Basis Scrutiny and the Avoidance of Absurd Results, 5 **Journal of Law and Family Studies** 297-318 (2003)
- Yes, Virginia, There Can Be Wrongful Life: On Consistency, Public Policy, and the Birth-Related Torts, 4 **Georgetown Journal of Gender and the Law** 821-61 (2003)
- Marriage, Transsexuals, and the Meaning of Sex: On DOMA, Full Faith and Credit, and Statutory Interpretation, 3 **Houston Journal of Health Law & Policy** 301-30 (2003) (symposium issue)
- Harvesting the Fruits of Gardiner: On Marriage, Public Policy, and Fundamental Interests, 71 **George Washington Law Review** 179-230 (2003)
- Some Reflections on the President's Pardon Power, 31 **Capital University Law Review** 143-59 (2003) (symposium issue)
- The Limits of the Clemency Power: On Pardons, Retributivists, and the United States Constitution, 41 **Brandeis Law Journal** 85-154 (2002)
- Some Observations about DOMA, Marriages, Civil Unions, and Domestic Partnerships, 30 **Capital University Law Review** 363-86 (2002) (symposium issue)
- Same-Sex Marriages and Civil Unions: On Meaning, Free Exercise, and Constitutional Guarantees, 33 **Loyola Chicago Law Journal** 597-630 (2002)
- Hans, Ayers, and Eleventh Amendment Jurisprudence: On Justification, Rationalization, and Sovereign Immunity, 10 **George Mason Law Review** 251-91 (2001)
- When Is a Parent Not a Parent? On DOMA, Civil Unions, and Presumptions of Parenthood, 23 **Cardozo Law Review** 299-324 (2001)
- Toleration, Approval, and the Right to Marry: On Constitutional Limitations and Preferential Treatment, 35 **Loyola Los Angeles Law Review** 65-99 (2001)
- A Small Step Forward: The ALI's Domestic Partners Recommendation, 2001 **Brigham Young University Law Review** 1135-1173 (symposium issue)
- Taking Exception to Traditional Exceptions Clause Jurisprudence: On Congress's Power to Limit the Court's Jurisdiction, 2001 **Utah Law Review** 125-87
- Chisholm, the Eleventh Amendment, and Sovereign Immunity: On Alden's Return to Confederation Principles, 28 **Florida State University Law Review** 605-48 (2001)
- Same-Sex Marriage, Referenda, and the Constitution: On Hunter, Romer, and Electoral Process Guarantees, 64 **Albany Law Review** 949-81 (2001) (symposium issue)
- The Future of Same-Sex Marriage, 22 **University of Hawaii Law Review** 119-47 (2000) (symposium issue)
- Equal Protection at the Crossroads: On Baker, Common Benefits, and Facial Neutrality, 42 **Arizona Law Review** 935-63 (2000)
- Mission Impossible: On Baker, Equal Benefits, and the Imposition of Stigma, 9



- William & Mary Bill of Rights Journal** 1-27 (2000)
- Baehr *Mysteries, Retroactivity, and the Concept of Law*, 41 **Santa Clara Law Review** 161-201 (2000)
- Plessy, Brown, and the HBCUs: *On the Imposition of Stigma and the Court's Mechanical Equal Protection Jurisprudence*, 40 **Washburn Law Journal** 48-69 (2000) (symposium issue)
- Sex, Law, and the Sacred Precincts of the Marital Bedroom: On State and Federal Right to Privacy Jurisprudence*, 14 **Notre Dame Journal of Law, Ethics & Public Policy** 753-789 (2000) (symposium issue)
- Loving in the New Millennium: On Equal Protection and the Right to Marry*, 7 **University of Chicago Law School Roundtable** 61-90 (2000)
- The Privileges of National Citizenship: On Saenz, Same-Sex Couples, and the Right to Travel*, 52 **Rutgers Law Review** 553-588 (2000)
- Loving, Baehr, and the Right to Marry: *On Legal Argumentation and Sophistical Rhetoric*, 24 **Nova Law Review** 769-791 (2000) (festschrift)
- Marital Acts, Morality, and the Right to Privacy*, 30 **New Mexico Law Review** 43-68 (2000)
- From Colorado to Alaska by Way of Cincinnati: On Romer, Equality Foundation, and the Constitutionality of Referenda*, 36 **Houston Law Review** 1193-1250 (1999)
- Courts, Legislatures, and Second Parent Adoptions: On Judicial Deference, Specious Reasoning, and the Best Interests of the Child*, 66 **Tennessee Law Review** 977-1018 (1999)
- Unity, Sovereignty, and the Interstate Recognition of Marriage*, 102 **West Virginia Law Review** 393-409 (1999) (symposium issue)
- A Jurisprudence in Disarray: On Battery, Wrongful Living, and the Right to Bodily Integrity*, 36 **San Diego Law Review** 997-1041 (1999)
- Wrongful Life, Wrongful Birth, Wrongful Death, and the Right to Refuse Treatment: Can Reasonable Jurisdictions Recognize All But One?* 64 **Missouri Law Review** 29-76 (1999)
- Misconceptions and Wrongful Births: A Call for a Principled Jurisprudence*, 31 **Arizona State Law Journal** 161-202 (1999)
- Constitutional Limitations and Baehr Possibilities: On Retroactive Legislation, Reasonable Expectations, and Manifest Injustice*, 29 **Rutgers Law Journal** 271-314 (1998)
- Ex Post Facto Laws, Bills of Attainder, and the Definition of Punishment: On DOMA, the Hawaii Amendment, and Federal Constitutional Constraints*, 48 **Syracuse Law Review** 227-259 (1998)
- Baker and Some Recipes for Disaster: On DOMA, Covenant Marriages, and Full Faith and Credit Jurisprudence*, 64 **Brooklyn Law Review** 307-351 (1998)
- DOMA and the Two Faces of Federalism*, 32 **Creighton Law Review** 457-475 (1998) (symposium issue)
- For Whom Bell Tolls: On Subsequent Domiciles' Refusing to Recognize Same-Sex Marriages*, 66 **University of Cincinnati Law Review** 339-383 (1998)
- Sodomy, Adultery, and Same-Sex Marriage: On Legal Analysis and Fundamental Interests*, 8 **University of California at Los Angeles Women's Law Journal** 313-339 (1998) (symposium issue)
- Natural Law and Same-Sex Marriage*, 48 **DePaul Law Review** 51-81 (1998)
- The Futility of Futility? On Life, Death, and Reasoned Public Policy*, 57 **Maryland Law Review** 505-557 (1998)
- Statutory Construction, Equal Protection, and the Amendment Process: On Romer, Hunter, and Efforts to Tame Baehr*, 45 **Buffalo Law Review** 739-777 (1997)

- Loving the Romer Out for Baehr: On Acts in Defense of Marriage and the Constitution*, 58 **University of Pittsburgh Law Review** 279-323 (1997)
- Judicial Good Faith and the Baehr Essentials: On Giving Credit Where It's Due*, 28 **Rutgers Law Journal** 313-366 (1997)
- Fit To Be Tied: On Custody, Discretion, and Sexual Orientation*, 46 **American University Law Review** 841-895 (1997)
- Legislative Presumptions and Judicial Assumptions: On Parenting, Adoption, and the Best Interests of the Child*, 45 **University of Kansas Law Review** 49-111 (1996)
- Domestic Relations Jurisprudence and the Great, Slumbering Baehr: On Definitional Preclusion, Equal Protection, and Fundamental Interests*, 64 **Fordham Law Review** 921-986 (1995)
- Unconstitutional? Don't Ask; If It Is, Don't Tell: On Deference, Rationality, and the Constitution*, 66 **University of Colorado Law Review** 375-460 (1995)
- Assisted Suicide and the Competent, Terminally Ill: On Ordinary Treatments and Extraordinary Policies*, 74 **Oregon Law Review** 539-609 (1995)
- Hutcheson and Mill on Evaluating Actions and Characters*, 24 **Philosophia** 417-432 (1995)
- Incompetents and the Right to Die: In Search of Consistent, Meaningful Standards*, 83 **Kentucky Law Journal** 733-799 (1994-1995)
- The Invidiousness of Invidiousness: On the Supreme Court's Affirmative Action Jurisprudence*, 21 **Hastings Constitutional Law Quarterly** 323-403 (1994)
- Parental Rights Terminations: On Surrogate Reasons and Surrogacy Policies*, 60 **Tennessee Law Review** 135-228 (1992)
- Suspect Classes and Suspect Classifications: On Discriminating, Unwittingly or Otherwise*, 64 **Temple Law Review** 937-975 (1991)
- Family, Definitions, and the Constitution: On the Antimiscegenation Analogy*, 25 **Suffolk University Law Review** 981-1034 (1991)
- Hutcheson on Aesthetic Perception*, 21 **Philosophia** 107-118 (1991)
- The Virtues of Utilitarianism*, 20 **Philosophia** 209-226 (1990)
- Actual Versus Probable Consequence Utilitarianism*, 27 **Southern Journal of Philosophy** 585-597 (1989)
- The New Paternalism*, 2 **Bioethics** 103-117 (1988)
- Mill on Voluntary Self-Enslavement*, 17 **Philosophical Papers** 171-183 (1988)
- Frankfurt, Aristotle, and PAP*, 26 **Southern Journal of Philosophy** 235-246 (1988)
- Schell on the Internal Inconsistency of Deterrence Theory*, 19 **Journal of Social Philosophy** 30-36 (1988)
- Guilt, Regret, and Prima Facie Duties*, 25 **Southern Journal of Philosophy** 133-146 (1987)
- Accordion Effects Without Accordion Players -- A Critique of Davidson*, 17 **Philosophia** 191-194 (1987)
- Conscience and the Right to Do Wrong*, 17 **Philosophia** 411-420 (1987)
- Ross on the Sense of Duty*, 16 **Philosophical Papers** 195-207 (1987)
- Hutcheson on the Higher and Lower Pleasures*, 25 **Journal of the History of Philosophy** 517-531 (1987)
- Physicians, Battery, and the Duty to Give Informed Consent*, 8 **Journal of Medical Humanities & Bioethics** 40-48 (1987)
- Noonan on Contraception and Abortion*, 1 **Bioethics** 199-205 (1987)
- Mill on the Right to Remain Uninformed*, 11 **Journal of Medicine & Philosophy** 265-278 (1986)

*Hutcheson on External Rights*, 49 **Philosophical Studies** 263-269 (1986)  
*Leibniz, Plantinga, and the Test for Existence in Possible Worlds*, 18  
**International Journal of Philosophy and Religion** 153-159 (1985)  
*Mill's Higher and Lower Pleasures Re-examined*, 17 **International Studies in  
 Philosophy** 51-72 (1985)  
*Dependence, Reliance, and Abortion*, 35 **Philosophical Quarterly** 73-82 (1985)  
*Mill and the Utility of Liberty*, 34 **Philosophical Quarterly** 63-68 (1984)

#### BOOK REVIEWS

**Notre Dame Philosophical Reviews** 2012.07.41(2012) (reviewing John Corvino and  
 Maggie Gallagher, **Debating Same-Sex Marriage** (2012))  
 25 **Journal of Law and Religion** 305-09 (2009-10) (reviewing Douglas Laycock,  
 Anthony Picarello, Jr. & Robin Fretwell Wilson ed. **Same-Sex Marriage and  
 Religious Liberty: Emerging Conflicts** (2008))  
**Journal of Church and State** 2009; doi: 10.1093/jcs/csp062 (reviewing Douglas  
 Laycock, Anthony Picarello, Jr. & Robin Fretwell Wilson ed. **Same-Sex  
 Marriage and Religious Liberty: Emerging Conflicts** (2008))  
 21 **Journal of Law and Religion** 209-12 (2006) (reviewing **James Bernard Murphy,  
 The Philosophy of Positive Law: Foundations of Jurisprudence** (2005))  
 19 **Constitutional Commentary** 761-779 (2003) An Analysis of the Federal  
 Constitutional Right to Same-Sex Marriage (reviewing **Andrew Koppelman,  
 The Gay Rights Question in Contemporary American Law** (2002))  
 10 **Business Ethics Quarterly** 761-767 (2000) (reviewing **V. Samar, Justifying  
 Judgment: Practicing Law and Philosophy** (1998))  
 43 **Review of Metaphysics** 870-871 (1990) (reviewing **J. Kekes, Moral Tradition  
 and Individuality** (1989))  
 8 **Canadian Philosophical Reviews/Revue Canadienne de Comptes Rendus en  
 Philosophie (C.P.R./R.C.C.P.)** 141-143 (1988) (reviewing **S. McMurrin ed.,  
 Liberty, Equality, and Law** (1988))

#### CONFERENCES, ADDRESSES, AND TESTIMONY

"Changing Legal Landscape Panel Discussion," Exploring Bias and Navigating the  
 Shifting Legal Landscape, OSBA 6<sup>th</sup> Annual LGBTQ and Allies Diversity and  
 Inclusion Conference, Columbus, OH, June 14, 2017  
 "What's Next in LGBT Family Law," William and Marry Journal of Women and the  
 Law Symposium, Advancing LGBTQIA Rights in a Post-Obergefell World,  
 William and Mary Law School, Williamsburg, VA, 2/26/16  
 "The Future of Affirmative Action," The Present and Future of Civil Rights  
 Movements: Race and Reform in 21<sup>st</sup> Century America, Duke Law School,  
 Durham, NC, November 21, 2015  
 "Hobby Lobby and Family Burdens," Sixth Annual Constitutional Law Colloquium,  
 Loyola University Chicago School of Law, Chicago, Illinois, November 6,  
 2014  
 Marriage Equality, The United States Supreme Court has Spoken: Challenges and  
 Questions Remain, Ohio State Bar Association (OSBA), Columbus, Ohio,  
 October 27, 2015  
 "What's Next After *Hobby Lobby*," (OSBA), LGBT Diversity and Inclusion  
 Conference, Columbus, Ohio, June 17 2015  
 "Windsor and Interstate Marriage Recognition," symposium entitled, "Many

- Voices: A Discussion of LGBTQ Marriage Rights and Transgender Rights," University of South Dakota Law School, Vermillion, SD, March 27, 2015
- "Schuette, Electoral Process Guarantees, and the New Equal Protection," Fifth Annual Constitutional Law Colloquium, Loyola University Chicago School of Law, Chicago, Illinois, November 10, 2014
- "Windsor and Its Progeny," symposium entitled "The Future of Families and of Family Law," J. Reuben Clark Law School, Brigham Young University, Provo, Utah, October 10, 2014
- "Hobby Lobby: Major Change or Minor Accommodation" (OSBA) Webcast, CLE, Supreme Court Case Law Update: *Burwell v. Hobby Lobby Stores*, Columbus, Ohio, September 4, 2014
- "Windsor, Family, & Religious Liberty," AALS Workshop on Sexual Orientation and Gender Identity Issues, Washington D.C., June 6, 2014
- "Windsor, DOMA Section 2, and Same-Sex Marriage Bans," AALS Section on Sexual Orientation, New York, Jan. 5, 2014
- "Windsor and Beyond," video teleconference presentation for The Ohio Judicial College, Columbus Ohio, Nov. 15, 2013
- "What's Next after Windsor," conference entitled, "The Implications of *United States v. Windsor* and *Hollingsworth v. Perry* for Family Law, Constitutional Law, Tax Law, and Society, Elon University School of Law, Greensboro, NC, Nov. 1, 2013
- "Latest Developments in LGBT Rights," panel discussion, conference entitled "LGBT Diversity and Inclusion Conference," Ohio State and Columbus Bar Associations, Columbus, Ohio, May 2, 2013
- "Let Me Count the Ways: The Unconstitutionality of Same-Sex Marriage Bans," conference entitled "Symposium on Whether Legalization of Same-Sex Marriage Is Constitutionally Required," J. Reuben Clark Law School at Brigham Young University, Provo, UT, Nov. 2, 2012
- "Hosanna-Tabor, the Ministerial Exception, and Judicial Competence," conference entitled, "Emerging Issues in First Amendment Jurisprudence: Interpreting the Relationship between Religion and the State in the Modern Age," Elon University School of Law, Greensboro, NC, Oct. 26, 2012
- "Conscience Clauses and the Placement of Children," American Academy of Adoption Attorneys (AAAA), conference entitled "The Future of Adoption," Salt Lake City, Utah, October 18-19, 2012
- "The Endorsement Test Is Alive and Well: A Cause for Celebration and Sorrow," Association for the Study of Law, Culture and Humanities (ASLCH), conference entitled "Representing Justice," Texas Wesleyan School of Law, Fort Worth, Texas, March 15-17, 2012
- "The Endorsement Test Is Alive and Well: A Cause for Celebration and Sorrow," Pepperdine University School of Law, conference entitled "The Competing Claims of Law and Religion: Who Should Influence Whom?" Malibu, CA, Feb. 23-25, 2012
- "DOMA: Constitutional and Policy Considerations," AALS Section on Family and Juvenile Law, Federal Family Law and Family Law Federalism, Washington D.C., Jan. 6, 2012
- "Funeral Protests, Privacy, and the Constitution: What Is Next after *Phelps*," Loyola University of Chicago School of Law, Second Annual Constitutional Law Colloquium, Chicago, IL, Oct. 22, 2011
- "Same-Sex Marriage and the Constitution," Constitution Day Forum, Case Western Reserve University School of Law, Cleveland, OH, Sept. 15, 2011
- "What Should Be Done with Frozen Embryos upon Divorce," Virginia State Bar Association, Family Law Section, University of Richmond, Richmond, VA,

- Sept. 13, 2011
- "Child Welfare and the Promotion of Marriage," Family Law in the 21<sup>st</sup> Century, Michigan State University College of Law, June 16-17, 2011, East Lansing, MI
- "Marriage and the Welfare of Children," International Society of Family Law, Caribbean Regional Conference, Eugene Dupuch Law School, March 17-19, 2011, Nassau, Bahamas
- "Corn Dealers, Crowded Theaters, and the Incoherence of True Threat Jurisprudence," Association for the Study of Law, Culture and Humanities, UNLV School of Law, Las Vegas, NV, Mar. 11-12, 2011
- "The Constitutionality of the Federal Defense of Marriage Act," Drake Law School ("The Same-Sex Marriage Divide"), Des Moines IA, April 10, 2010
- "What If DOMA Were Repealed? The Confused and Confusing Interstate Marriage Recognition Jurisprudence," California Western School of Law ("DOMA Issues Concerning Federalism and Interstate Recognition of Same-Sex Relationships"), San Diego, CA, Mar. 20, 2010
- "Same-Sex Marriage and Interstate Recognition," Duke University Law School ("Current Developments Regarding the LGBT Community and the Law"), Durham, N.C. Feb. 4, 2010
- "Adoption, Best Interests, and the Arkansas Constitution," University of Arkansas-Fayetteville School of Law (conference entitled "Arkansas Unmarried Couple Adoption Ban"), Fayetteville, AR, Nov. 5, 2009
- "After DOMA's Repeal," Suffolk University ("Law Culture and Humanities"), Boston MA, April 3, 2009
- "After DOMA," UCLA Law School, International Lesbian and Gay Law Association (ILGLaw), Conference entitled, "The Global Arc of Justice," Los Angeles, CA, March 13, 2009
- "The Legal Landscape Post-DOMA," University of Iowa Law School, conference entitled "As Iowa Goes, So Goes the Nation: *Varnum v. Brien* and its Impact on Same-Sex Marriage Rights," Iowa City, IA, Feb. 27, 2009.
- "Feminist legal Theory and Transgender Issues," University of Michigan Law School, conference entitled "Rhetoric & Relevance: An Investigation into the Present & Future of Feminist Legal Theory," Ann Arbor, MI, Feb. 13, 2009
- "Marriage, Parenting, and Sexual Orientation," Towson University, conference entitled "The Ethics of the Family," Baltimore, Maryland, Nov. 14, 2008.
- "Repudiating Everson: On Buses, Books, and Teaching Articles of Faith," Boalt Hall, conference entitled "Law, Culture and the Humanities"), Berkeley, California, March 29, 2008
- "Interstate Recognition of Adoptions: On Jurisdiction, Full Faith and Credit, and Potential, Future Difficulties," conference entitled "Contemporary Conflicts of Law Issues in Family Law," Brigham Young University Law School, Provo UT, Feb. 1, 2008
- "The Rights of the Unmarried Father: A Jurisprudence in Disarray," conference entitled, "Making Family Law, Facts, Values and Practicalities," International Society of Family Law (ISFL), Vancouver, BC, June 20, 2007
- "Deliberate Indifference, Professional Judgment, and the Constitution: On Liberty Interests in the Child Placement Context Deliberate Indifference, Professional Judgment, and the Constitution: On Liberty Interests in the Child Placement Context," "Symposium on Children's Rights and Adoption," J. Reuben Clark Law School, Brigham Young University, Provo, UT, March 2, 2007
- "Comment on 'Abandonment, Termination of Parental Rights and the Constitutional Contrast between the Rights of Married and Unmarried

- Fathers," conference entitled "No Parent Left Behind: Fathers' Rights in Adoption," Capital University Law School, Columbus, OH, Feb. 15, 2007
- "Legal Impact of Issue One," The Supreme Court of Ohio Judicial College, (Common Pleas Judges Association Winter Meeting Seminar), Columbus, OH, Dec. 7, 2005
- "The Constitutionality of Restrictions of Lesbian and Gay Adoption," conference entitled "Lofton and the Future of Lesbian and Gay Adoption", Stetson University College of Law, Tampa, FL, Oct. 28, 2005
- "Some Undesirable Intended and Unintended Consequences of the Proposed Federal Marriage Amendment," Symposium on a Federal Marriage Protection Amendment, J. Reuben Clark Law School, Brigham Young University, Provo, Utah, Sept. 9, 2005
- "Lawrence, Mill, and Same-Sex Relationships: On Values, Valuing, and the Constitution," conference entitled, "Family Law--Balancing Interests and Pursuing Priorities", ISFL, Salt Lake City, Utah, July 21, 2005
- "The Multiple Meanings of *Lawrence*," University of Toronto Faculty of Law-Flavelle House (ILGLaw Conference, "Rights Are Right") Toronto, Canada, June 28, 2005
- "State Constitutional Amendments Defining Marriage: On Protections, Restrictions and Credibility," Georgia State University College of Law (Symposium on State Marriage Amendments: Efforts to Protect Conjugal Marriage, Efforts to Legalize Same-Sex Unions), Atlanta, Ga, April 16, 2005
- "Holmes's *Path* from Mill's *Utilitarianism*: A Reexamination of a Seminal Essay," College of Liberal Arts, University of Texas ("Law, Culture and the Humanities"), Austin, Texas, March 13, 2005
- "Justice for All" (A Panel Discussion on the Importance of a Fair and Balanced Judiciary to the GLBT Community), Moritz College of Law, Ohio State University, Columbus OH, Jan. 26, 2005
- "DOMA and the Interstate Recognition of Marriage" ("Life After *Lawrence*: The State of Marriage Equality in America Today"), Fordham University School of Law, New York, NY, Jan. 18, 2005
- "Income Imputation and the Stay-at-Home Parent: The ALI versus the States on When to Impute and Why," Harvard Law School (Critical Reflections on the American Law Institute's Final Principles of the Law of Family Dissolution), Cambridge, MA, Oct. 15, 2004
- "Marriage, Parental Rights, and Public Policy: On the FMA, Its Purported Justification, and Its Likely Effects on Families," University of St. Thomas School of Law ("The Federal Marriage Amendment: Yes or No?"), Minneapolis, MN, Sept. 24, 2004
- "*Lawrence* and the Right to Marry," Roundtable: Same-Sex Marriage and the Future of American Constitutionalism, American Political Science Association (APSA), Chicago IL, Sept. 3, 2004
- "DOMA's Constitutionality in Light of *Moreno* and *Lawrence*," Catholic University Law School ("The Implications of *Lawrence* and *Goodridge* for the Recognition of Same-Sex Marriages and the Validity of DOMA"), Washington, D.C., May 20, 2004
- "Toward Marriage Equality: Harvesting the Fruits of *Lawrence* and Recent Transgender Cases," University of Houston Law School ("The Second Annual Alternative Family Law Seminar"), Houston, TX, Nov. 7, 2003
- "Same-Sex Marriage and the Constitution: On What Is Protected and Why," New England School of Law ("Same Sex Marriages: Can Anyone Show Just Cause Why These Two Should Not Be Lawfully Joined Together?"), Boston, MA, Oct. 24, 2003

- "Lawrence, Equal Protection, and the Right to Marry a Same-Sex Partner," J. Reuben Clark Law School, Brigham Young University ("The Future of Marriage and Claims for Same-Sex Unions"), Provo, Utah, August 29, 2003
- "Mill on Morality and the Law," Cardozo Law School and New York University Law School ("Law, Culture and the Humanities"), New York, New York, March 8, 2003
- "Adoption, Best Interests, and the Constitution: On Rational Basis Scrutiny and the Avoidance of Absurd Results," Capital University Law School Symposium ("Marriage, Adoption and the Best Interests of the Child), Columbus, OH, Nov. 1, 2002
- "Families, Hierarchies, and Arrays of Choices: The United States Approach," ILGLA (International Lesbian and Gay Law Association) & CERSGOSIG (Center for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity), Turin, Italy, ("Marriage, Partnerships and Parenting in the 21<sup>st</sup> Century"), June 7, 2002
- "Some Legal and Philosophical Reflections on the Presidential Pardon Power," Capital University Law School Symposium ("Forgiveness and the Law Executive Clemency and the American System of Justice"), Columbus OH, April 10, 2002
- "Public Policy and the Birth-Related Torts: A Plea for Consistency," Medical College of Wisconsin, Milwaukee, WI, ("Values in Healthcare: Past, Present and Future"), April 5, 2002
- "DOMA, Civil Unions and Parental Status," Queen's University, Kingston, Ontario, Canada, ISFL North American Regional Conference, ("Defining the Family: Familial Rights and Obligations in the New Century"), June 16, 2001
- "Interstate Recognition of Same-Sex Marriages and Civil Unions," Vermont House Judiciary Committee (telephone testimony), Mar. 20, 2001
- "The Cultural Meaning of Civil Unions," University of Texas at Austin, ("Law, Culture and the Humanities,") Austin, TX, March 9, 2001
- "Some Observations about DOMA, Marriages, Civil Unions, and Domestic Partnerships," Capital University Law School Symposium ("Same Sex Marriages, Domestic Partnerships and Civil Unions"), Mar. 3, 2001
- "A Small Step Forward: The ALI's Domestic Partners Provision," J. Reuben Clark Law School, Brigham Young University Symposium ("The ALI's Family Dissolution Principles: Blueprint to Strengthen or to Deconstruct Families"), Feb. 2, 2001
- "DOMA: Status of Children, Parents, and Spouses," Discussant, "Transcending Boundaries: The Constitution, Families, Federalization and Federalism," Joint Program of Sections of Constitutional Law, Family and Juvenile Law and Federal Courts, AALS, San Francisco, Jan. 4, 2001
- "Same-Sex Marriage Referenda and the Constitution: On *Hunter*, *Romer*, and Electoral Process Guarantees," Albany Law School Symposium ("Family and the Political Landscape for Lesbian, Gay, Bisexual, Transgender, People (LGBT)"), Oct. 19, 2000
- "The Interstate Implications of Vermont's Recognizing Same-Sex Marriages or Domestic Partnerships," Vermont House Judiciary Committee, Jan. 20, 2000
- "Same-Sex Marriage and Equal Protection," University of Chicago Law School, University of Chicago Law School Roundtable Symposium ("A Symposium on Same-Sex Marriage"), Oct. 22, 1999
- "Courts, Legislatures, and Second Parent Adoptions: On Deference and the Best Interests of the Child," University of New Mexico Law School, ISFL (International Society of Family Law), June 11, 1999
- "Natural Law, Same-Sex Marriage, and Domestic Relations Jurisprudence,"

- Twentieth World Congress of Philosophy, Philosophy of Law Section,  
Aug. 10, 1998
- "DOMA and the Two Faces of Federalism," Conference on Interjurisdictional  
Marriage Recognition, Creighton University School of Law, June 20, 1998  
(paper presented by another participant)
- "Baehr, DOMA, and the Two Faces of Federalism," Indiana University School of  
Law-Indianapolis, Apr. 2, 1998
- "Sodomy, Adultery, and Same-Sex Marriage: On Legal Analysis and Fundamental  
Interests," UCLA Law School, UCLA Women's Law Journal symposium ("Queer  
Matters: Emerging Issues in Sexual Orientation Law"), Los Angeles,  
CA, March 7, 1998
- "DOMA, Ohio, and the Recognition of Same-Sex Marriages," Columbus Bar  
Association, Spring Seminar: Family Law, Columbus, OH, Apr. 13, 1998
- Conference, Interstate Recognition of Marriage, Lambda Legal Defense and  
Education Fund (LLDEF), New York, NY, Feb. 24, 1997
- "Recognition of Same-Sex Marriage," Ohio State Bar Association, Family Law  
Section, Columbus, OH, June 6, 1997

#### GRANTS AND FELLOWSHIPS

- Human Action: Self, Thinking, and Reality;** Hector-Neri Castaneda, Dir.;  
Bloomington, IN (Summer 1986)
- NEH Summer Seminar Visiting Fellowship in Ethics and Medicine;** Baruch Brody,  
Dir.; Houston, TX (Summer, 1986); Exxon Education Foundation
- Institute on Human Action;** Robert Audi, Dir.; Lincoln, NE (Summer, 1984); NEH  
Summer Institute

#### ORGANIZATIONS

- American Law Institute  
Ohio Advisory Committee to the U. S. Commission on Civil Rights

#### Peer Reviewer (occasional)

- Journal of Law and Religion, McGill Law Journal, Journal of Homosexuality,  
Ethical Theory and Moral Practice, Journal of Law and Social Deviance, Canadian  
Journal of Human Rights, Political Studies

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