

**KATHERINE A. MACFARLANE**  
University of Idaho College of Law  
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## ACADEMIC EXPERIENCE

UNIVERSITY OF IDAHO COLLEGE OF LAW, BOISE, IDAHO  
*Associate Professor (tenured)*, 2015–Present  
Courses: Civil Procedure, Civil Rights Litigation, Constitutional Law, Conflict of Laws,  
Federal Courts

LOUISIANA STATE UNIVERSITY PAUL M. HEBERT LAW CENTER, BATON ROUGE, LA  
*Teaching Fellow*, 2013–2015  
Courses: Civil Rights Litigation, Disability Rights, Legal Writing & Research

## SCHOLARSHIP

### ARTICLES & ESSAYS

- Procedural Animus*, 71 ALA. L. REV. 1185 (2020)
- Foreseeable Police Shootings*, 119 COLUM. L. REV. F. 283 (2019)
- The New Jim Crow's Equal Protection Potential*, 27 WM. & MARY BILL OF RTS. J. 61 (2018)
- Accelerated Civil Rights Settlements in the Shadow of Section 1983*,  
2018 UTAH L. REV. 639 (2018), *reprinted in* NLG Civil Rights Litigation & Attorneys  
Fees Handbook (2018)
- Posner Tackles the Pro Se Problem: A Book Review of Reforming the Federal Judiciary*,  
83 MO. L. REV. 113 (2018)
- Los Angeles v. Mendez: Proximate Cause Promise for Police Shooting Victims*,  
118 COLUM. L. REV. F. (2018)
- Camouflaging State Biosimilar Laws*, 26 ANNALS OF HEALTH LAW 52 (2017)
- Shadow Judges: Staff Attorney Adjudication of Prisoner Claims*, 95 OR. L. REV. 97 (2017)
- Predicting Utah v. Strieff's Civil Rights Impact*, 127 YALE L.J. F. 139 (2016)
- A New Approach to Local Rules*, 11 STAN. J. C.R. & C.L. 121 (2015)
- Analyzing the S.D.N.Y.'s Amended "Related Cases" Rule: The Process For Challenging Case  
Assignment Remains Inadequate*, 69 N.Y.U. ANN. SURV. AM. L. 699 (2015)
- The Danger of Nonrandom Case Assignment: How the S.D.N.Y.'s "Related Cases" Rule Has  
Shaped Stop-and-Frisk Law*, 19 MICH. J. RACE & L. 199 (2014)
- Adversarial No More: How Sua Sponte Assertion of Affirmative Defenses to Habeas Wreaks  
Havoc on the Rules of Civil Procedure*, 91 OR. L. REV. 177 (2012)
- Dismissal of Title VII Claims on "Jurisdictional" Exhaustion Grounds*,  
21 GEO. MASON U. CIV. RTS. L.J. 213 (2011)

### SYMPOSIA

- Introduction, *Terry v. Ohio at 50*, 54 IDAHO L. REV. 279 (2018)

## BOOK CHAPTERS

*Prisoner Procedure* in *A Critical Guide to Civil Procedure* (forthcoming 2020)

*Rewritten Opinion of Kulko v. Superior Court* in *Feminist Family Law Judgments*  
(Cambridge Univ. Press, forthcoming 2020)

## COMMENTARY

*Accommodations and Everything After*, MS. JD WRITER IN RESIDENCE, Jan.–Dec. 2018

*Idaho Legislation Looks Disturbingly Like Arizona’s ‘Show Your Papers’ Law*, ACS BLOG, Feb. 2017

*Does Idaho’s Immigration Bill Go Too Far?*, IDAHO STATESMAN Feb. 9, 2017

*Opinion: Trump Wrong But Stop-and-Frisk Still Constitutional*, LAW360, Sept. 22, 2016

*Utah v. Strieff May Shrink Civil Rights Damages*, ACS BLOG, July 2016

*Procedure Takes Center Stage in Stop-and-Frisk Litigation*, SUMMARY JUDGMENTS,  
LOYOLA LAW SCHOOL FACULTY BLOG, Nov. 18, 2013 (invited guest blogger)

*New York City’s Stop-and-Frisk Appeals Are Still Alive*, BROOKLYN L.J. PRACTICUM (2013)

*Gender Bias in the Courtroom*, N.Y. OBSERVER, July 10, 2013

*Lactation Regulation*, DAILY JOURNAL, Sept. 23, 2009

## SELECTED PRESENTATIONS

Junior Faculty Federal Courts Workshop, Fayetteville, AR  
“Procedural Animus,” Sept. 2019

AALS Annual Meeting, New Orleans, LA  
“Disability Rights as a Social Movement,” Jan. 2019 (invited speaker following call for papers)

Policing, Police Brutality, and the Black Community, LSU Law Center, Baton Rouge, LA  
“Accelerated Civil Rights Settlements and Their Impact on Section 1983,” Sept. 14, 2018

Idaho Trial Lawyers Association Annual Meeting, Sun Valley, ID  
“Proposed Bill Threatens to Curtail ADA Title III Claims,” June 22, 2018

Federal Bar Association of Idaho, Boise, ID  
“The History of the Fourteenth Amendment,” May 23, 2018

ACS Constitutional Scholars Forum, Barry University School of Law, Orlando, FL  
“How and Why the Federal Courts Are Citing *The New Jim Crow*,” March 1, 2018

Southeastern Association of Law Schools Conference, Boca Raton, FL  
“Appropriate Uses of Polarizing Current Events in Doctrinal Teaching,” Aug. 5, 2017

Southern University Law Center, Fourth Amendment Symposium, Baton Rouge, LA  
“Utah v. Strieff,” Jan. 20, 2017

Loyola University Chicago School of Law, Innovations and Incentives in Life Sciences, Chicago, IL  
“Innovation and Patient Access,” Oct. 28, 2016

- Idaho State Bar & University of Idaho College of Law Bill of Rights Celebration, Moscow, ID  
“Racial Justice Under the Bill of Rights,” Sept. 15, 2016
- University of Idaho Malcolm M. Renfrew Interdisciplinary Colloquium, Moscow, ID  
“Teaching and Living the Affordable Care Act,” Sept. 6, 2016
- Idaho Trial Lawyers Association, Annual Meeting, Sun Valley, ID  
“Recent Developments in Section 1983 Litigation: From Police to Prisons,” June 17, 2016
- Law and Society Association, Courts, Litigation and Social Change Paper Session, New Orleans, LA  
“Does Accelerating Civil Rights Litigation Shortchange Social Change?” June 4, 2016
- Idaho Law Foundation, CLE Idaho, Twin Falls, ID  
“Section 1983: A Vehicle for Antidiscrimination Litigation,” May 20, 2016
- Widener University Commonwealth Law School, Harrisburg, PA  
“Ruling the Courts: The Future of Local Rules of Civil Procedure,” Feb. 22, 2016
- Inland Northwest Scholars Workshop, University of Idaho College of Law, Boise, ID  
“Diluting the Judicial Power,” July 31, 2015
- Congressional Arthritis Caucus Briefing, Panelist, Washington, D.C., July 13, 2015
- Journalist Law School, Loyola Law School, Los Angeles, CA  
“Using Dockets to Improve Reporting: A Police Litigation Case Study,” May 29, 2015
- Women’s Leadership Symposium, Louisiana State University, Baton Rouge, LA  
“Title IX and Title VII: Gender Discrimination at School and at Work,” March 7, 2014
- Southeastern Association of Law Schools (SEALS), Prospective Law Teachers Workshop  
“A New Approach to Local Rules,” August 3, 2014
- Faculty Paper Workshop, LSU Law Center, Baton Rouge, LA  
“Of Prisoners and Patents: Non-transsubstantive Local Rules,” April 9, 2014
- Journal of Race & Law Speaker Series, University of Michigan Law School, Ann Arbor, MI  
“Stop-and-Frisk Litigation in the Second Circuit,” Feb. 3, 2014
- Southeastern Law Scholars Conference, Charleston, SC  
“The Danger of Nonrandom Case Assignment,” Oct. 5, 2013

## **AWARDS**

- Accomplished Under 40, Idaho Business Review, 2019
- University of Idaho College of Law Diversity and Human Rights Award, 2019

## **NATIONAL SERVICE**

- Chair-Elect, AALS Disability Law Section (2020–2021)
- Secretary, AALS Disability Law Section (2019–2020)

**UNIVERSITY SERVICE**

University of Idaho Representative, Local Rules Advisory Committee, District of Idaho, 2016–2019  
Chair, Strategic Plan Implementation Committee, 2018–2019  
Member, Dean’s Advisory Committee, 2018–2019  
Faculty Advisor, IDAHO LAW REVIEW symposium issue, 2017–2018 and 2018–2019  
Member, University of Idaho Title IX Policies, Procedures and Protocol Committee, 2017–2018  
Faculty Advisor, American Constitution Society Student Chapter, 2016–2017, 2017–2018, 2018–2019  
Chair, Technology Committee, 2016–2017  
Coach, National Moot Court Team, 2016–2017  
Outside Member, University of Idaho Media Law Search Committee, 2015–2016  
Faculty Advisor, University of Idaho College of Law Black Law Students Association, 2015–2016

**COMMUNITY SERVICE**

Arthritis Foundation, Patient Ambassador, 2015–Present  
Arthritis Foundation Idaho Juvenile Arthritis Day Speaker, 2018  
Global Healthy Living Foundation, Patient Advocate, 2014–2015  
Catholic Charities of Idaho, DACA Volunteer, 2017  
Loyola Law School Class of 2006 Reunion Committee, Co-Chair, 2016  
Loyola Alumni Clerkship Committee, Co-Founder and Advisor, 2007–2015  
Legal Aid Society of New York, Deferred Action Attorney Volunteer, Summer 2012  
Central District of California Pro Bono Civil Rights Panel, Los Angeles, CA, 2008–2010  
Bresee Youth Center, Reading Tutor and Career Mentor, Los Angeles, CA, 2003–2005

**TESTIMONY**

Before the Louisiana Legislature, House Committee on Health and Welfare, May 2015

**MEDIA**

USA Today, The Nation, NPR, Bloomberg News, Spokane Public Radio, Boise Public Radio, Wall Street Journal, Health Central, Everyday Health, MedPage, Ipse Dixit Podcast, Law to Fact Podcast

**EDUCATION**

LOYOLA LAW SCHOOL, LOS ANGELES, CA

J. D., *cum laude*, 2006

Honors:	Order of the Coif
Awards:	Copyright Law First Honors Dean's Service Award
Scholarships:	California Bar Foundation Service Scholarship Faculty Honors Scholarship Jesuit Community Scholarship
Law Review:	Chief Articles Editor, <i>Loyola Law Review</i>
Note:	<i>Derungs v. Wal-Mart Stores: A Federal Interpretation Excluding Breast-Feeding from a State's Sex Discrimination Protection</i> , 38 LOY. L.A. L. REV. 2319 (2005)

NORTHWESTERN UNIVERSITY, EVANSTON, IL

B.A., *magna cum laude*, Spanish Language and Gender Studies, 2002

Honors:	Phi Beta Kappa
Awards:	Pathbreaker Award, Women in Leadership Conference
Study Abroad:	Universidad de Guanajuato, Mexico (literature coursework)

**JUDICIAL CLERKSHIPS**

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, LOS ANGELES, CA

Law Clerk to Hon. Arthur L. Alarcón, 2007–2008

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, PHOENIX, AZ

Law Clerk to Hon. Frederick J. Martone, 2006–2007

**PROFESSIONAL EMPLOYMENT**

NEW YORK CITY LAW DEPARTMENT, NEW YORK, NY

Assistant Corporation Counsel, Special Federal Litigation Division, 2011–2013  
Lead attorney in approximately 80 federal civil rights actions

QUINN EMANUEL URQUHART & SULLIVAN, LLP, LOS ANGELES, CA AND NEW YORK, NY

Associate, 2008–2011  
Lead associate in securities action against Countrywide Financial  
Lead counsel in *pro bono* federal prisoner civil rights action

**OTHER EMPLOYMENT**

LOS ANGELES COUNTY PUBLIC DEFENDER'S OFFICE, LOS ANGELES, CA, Extern, Spring 2006

O'MELVENY & MYERS, LLP, CENTURY CITY, CA, 2005, Summer Associate, White Collar Defense

HADSELL & STORMER, PASADENA, CA, 2004, Law Clerk, Inmate and Employment Litigation

INNER CITY LAW CENTER, LOS ANGELES, CA, 2002–2003, Paralegal, Slum-housing Litigation

MALDEF, LOS ANGELES, CA, 2002, Legal Secretary, Voting and Educational Access Litigation

**BAR ADMISSIONS**

California, New York, United States Court of Appeals for the Ninth Circuit, Central District of California, Southern and Eastern Districts of New York

**LANGUAGES**

Fluent in Spanish and Italian (lived in Rome, Italy 1985–1991)

**CREATIVE WRITING**

*Flying into Jerusalem*, in *Personal Narratives on Illness, Disability, and Medicine* (Erin Murphy, Dinty Moore, and Renée K. Nicholson eds., 2019)

*Committed*, TEMENOS LITERARY JOURNAL, Spring 2017

*St. Cynthia of South Brooklyn*, FOLIATE OAK, Feb. 1, 2017

*Medical Mystery Tour*, FOLIATE OAK, Dec. 1, 2016

*Stalled In an Inaccessible Bathroom*, THE MIGHTY, June 20, 2016

*Uterus Transplants & the Social Pressures of Biological Motherhood*, MS. BLOG, Nov. 2015

*Hey Xeljanz, What Exactly Are You Selling?* BUST, Oct. 2015

*The Immeasurable Cost of Infertility*, INTIMA, June 2015

Patient Blogger, CREAKY JOINTS, 2014–2015

*Actually, I do have some questions*, ARTHUR'S PLACE, Oct. 8, 2014

*The (Café) Flora and Fauna*, NOLAVIE, July 17, 2014

*Purple Prose: On the Move*, NORTHWESTERN MAGAZINE, March 1, 2014

*Blue Cup*, THE HAIRPIN, Dec. 10, 2013

*Every Summer and Every Other Christmas*, HUFFINGTON POST, April 5, 2012