

**JENNIFER MASON MCAWARD**

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**EDUCATION**

**New York University School of Law:** Juris Doctor, *summa cum laude*, May 1998.

- Class Rank: 1/465
- University Graduation Prize (for the student with the highest cumulative average)
- Managing Editor, NEW YORK UNIVERSITY LAW REVIEW
- Order of the Coif
- N.Y.U. Alumnae Club Key Pin Award
- Walter J. Derenberg Prize for Excellence in Copyright Law
- Public Interest Committee 1996 Summer Internship Grant
- First Place, N.Y.U. Trial Lawyers' Association Oral Advocacy Competition
- Research Assistant, Professor H. Hershkoff
- Teaching Assistant, Lawyering Program

**University of Notre Dame:** Bachelor of Arts (government major, theology minor), *summa cum laude*, May 1994.

- Phi Beta Kappa
- Pi Sigma Alpha Political Science Honor Society
- Dean's List (all semesters)
- President, Notre Dame Folk Choir
- Study Abroad: London, England, Fall 1992

**EXPERIENCE**

**Notre Dame Law School**, Notre Dame, IN: Associate Professor of Law with Tenure (2013 to present); Acting Director, Center for Civil and Human Rights (2015-present); Associate Professor of Law (2006 to 2013); Visiting Assistant Professor of Law (2005 to 2006)

- Teach Civil Rights, Constitutional Law II, and Post-Conviction Remedies.
- Distinguished Professor of the Year (2007).
- Law School Commencement Speaker (2007, 2009).

**Holland & Knight LLP**, Washington, DC (2002 to 2005): Public Interest Fellow and Litigation Associate

- Completed two-year fellowship doing pro bono trial litigation on a variety of public interest issues, including civil rights, child abuse and neglect, immigration, and prisoners' rights.
- Worked on trial and appellate litigation related to First Amendment, criminal defense, and commercial law issues.

**Progressive Faith Media**, New York, NY (Fall 2004): Policy and Media Consultant

- Advised faith leaders on policy and media strategy. Drafted op-ed pieces, press releases, and radio and print advertisements on topics of faith and public policy.

**United States Supreme Court**, Hon. Sandra Day O'Connor, Washington, DC (2000 to 2001): Law Clerk

- Assisted with researching and drafting opinions and speeches.

**Shea & Gardner**, Washington, DC (1999 to 2000): Litigation Associate

- Researched and drafted briefs and motions for federal and state court litigation and arbitration.
- Worked pro bono on asylum and welfare benefits cases.

**United States Court of Appeals for the Ninth Circuit**, Hon. Alex Kozinski, Pasadena, CA (1998 to 1999): Law Clerk

- Assisted with researching and drafting opinions and articles.

**West Women's and Children's Shelter**, Portland, OR (1994 to 1995): Outreach Coordinator and Holy Cross Associate

- Maintained ongoing outreach relationships with caseload of former residents. Coordinated all furniture, food and clothing donations.
- Trained extensively in issues of domestic violence, child abuse, sexual assault, addictions and HIV.

## **PUBLICATIONS**

*Supreme Court – October Term 2012 Foreword: The Confident Court*, 47 LOY. L.A. L. REV. 379-392 (2014) (invited contribution)

*The Civil Rights Legacy of Fr. Theodore Hesburgh*, 28 NOTRE DAME J.L. ETHICS & PUB. POL'Y 309-322 (2014) (invited contribution)

*Good Faith and Narrow Tailoring in Fisher v. University of Texas*, 59 LOY. L. REV. 77-87 (2013) (invited contribution)

*McCulloch and the Thirteenth Amendment*, 112 COLUM. L. REV. 1769-1809 (2012) (invited symposium contribution)

*Defining the Badges and Incidents of Slavery*, 14 U. PA. J. CONST. L. 561-630 (2012) (lead article in issue) (ranked #1 specialty journal in Constitutional Law)

*Congressional Authority to Interpret the Thirteenth Amendment: A Response to Professor Tsesis*, 71 MD. L. REV. 60-82 (2011) (invited symposium contribution)

*The Scope of Congress's Thirteenth Amendment Enforcement Power after City of Boerne v. Flores*, 88 WASH. U. L. REV. 77-147 (2010)

*Congress's Power to Block Enforcement of Federal Court Orders*, 93 IOWA L. REV. 1319-1367 (2008)

#### **WORKING PAPERS**

*An Empirical Study of Brady Violations* (in progress)  
*Congress's Power to Regulate Human Trafficking and Hate Crimes* (in progress)

#### **CONFERENCE ORGANIZED**

*Roundtable on the Reconstruction Amendments and Constitutional Structure*, sponsored by the Notre Dame Law School Program in Constitutional Structure and Design (co-organizer with A.J. Bellia) (March 23, 2012)

#### **PRESENTATIONS OUTSIDE NOTRE DAME**

Presenter, *Congress's Power to Regulate Human Trafficking and Hate Crimes*, Sesquicentennial Conference on the Thirteenth Amendment through the Lens of Class and Labor (May 31-June 1, 2015) (invited)

Panelist, *Inequality in the Eyes of the Court*, Law and Society Association Annual Meeting (May 30, 2014) (invited)

Presenter, *Is the Matthew Shepard and James Byrd Jr. Hate Crimes Act in Part Unconstitutional?*, The Federalist Society, Civil Rights Practice Group Podcast (March 20, 2014) (invited)

Presenter, *The History and Theory of the Thirteenth Amendment*, Colloquium sponsored by the Program on Constitutional Theory, History and Law, University of Illinois College of Law (March 11, 2013) (invited)

Panelist, *Forty Years after Rodriguez, 35 Years after Bakke: Education, Equality and Fundamental Rights*, American Association of Law Schools Annual Conference, Constitutional Law Section (January 4, 2013) (invited)

Presenter, *McCulloch and the Thirteenth Amendment*, Third Annual Originalism Works-in-Progress Conference, University of San Diego Law School (February 4, 2012) (invited)

Presenter, *McCulloch and the Thirteenth Amendment*, Columbia Law School Symposium, "The Thirteenth Amendment Today" (January 27, 2012) (invited)

Presenter, *McCulloch and the Thirteenth Amendment*, Northwestern University School of Law Faculty Colloquium (October 5, 2011) (invited)

Presenter, *Defining the Badges and Incidents of Slavery*, Cardozo School of Law Faculty Colloquium (February 28, 2011) (invited)

Presenter, *Congressional Authority to Interpret the Thirteenth Amendment: A Response to Professor Tsesis*, Maryland Discussion Group on Constitutionalism, University of Maryland School of Law (February 26, 2011) (invited)

Presenter, *Defining the Badges and Incidents of Slavery*, Constitutional Law Colloquium, Loyola University Chicago School of Law (November 6, 2010) (invited)

Presenter, *Defining the Badges and Incidents of Slavery*, The Third Annual Junior Faculty Federal Courts Workshop, University of Illinois College of Law (October 8, 2010) (invited)

Presenter, *The Scope of Congress's Thirteenth Amendment Enforcement Power after City of Boerne v. Flores*, The Second Annual Junior Faculty Federal Courts Workshop, Michigan State University College of Law (October 23, 2009) (invited)

Presenter, *The Scope of Congress's Thirteenth Amendment Enforcement Power after City of Boerne v. Flores*, University of Illinois College of Law Faculty Workshop (May 1, 2009) (invited)

Presenter, *Congress's Power to Block Enforcement of Federal Court Orders*, Jurisgenesis Conference, Washington University School of Law (June 18, 2007) (invited)

Moderator, *Social Justice in a New Constitutional Order: Equality, Fundamental Justice, and Legislative Responsibility for Rights Protection*, Conference on Law and the Quest for Freedom, Justice and Equality, sponsored by Texas Wesleyan University School of Law in Gloucester, England (June 20, 2006) (invited)

Presenter, *Catholic Social Teaching and Civil Rights*, Catholic Charities JustFaith Program (November 18, 2005) (invited)

#### **PRESENTATIONS AT NOTRE DAME**

Presenter, *Violence Against Black Churches: Contextualizing the 2015 Charleston Massacre*, Kroc Institute for International Peace Studies (September 10, 2015) (invited)

Moderator, *Conversation with U.S. Supreme Court Justice Sonia Sotomayor*, Notre Dame Law School (September 2, 2015) (invited)

Presenter, *Catholic Social Thought and the American Experience of Race: Slavery and the Fight for Civil Rights*, Notre Dame Law School (November 6, 2014) (invited)

Presenter, *The Civil Rights Legacy of Fr. Theodore Hesburgh*, Notre Dame Law School Center for Civil and Human Rights (September 30, 2013) (invited)

Moderator, *The American Congress: Legal Implications of Gridlock*, Notre Dame Law Review Symposium (November 16, 2012) (invited)

Presenter, *Affirmative Action After Parents Involved in Community Schools v. Seattle School District No. 1*, Summer Scholars Program, Notre Dame Office of Pre-College Programs (Summers of 2007, 2010-2012) (invited)

Presenter, *McCulloch and the Thirteenth Amendment*, Notre Dame Law School Roundtable on the Reconstruction Amendments and Constitutional Structure (March 23, 2012) (contributed) (conference co-organizer)

Presenter, *McCulloch and the Thirteenth Amendment*, Notre Dame Law School Faculty Colloquium Series (January 17, 2012) (contributed)

Presenter, *Civil Unions and Employee Benefit Sharing – An Introduction to the Documentary “Freeheld,”* Notre Dame Law School, sponsored by, *inter alia*, ACLU and Business Law Forum (October 10, 2011) (invited)

Presenter, *The Badges and Incidents of Slavery: Preliminary Thoughts*, Notre Dame Law School Faculty Colloquium Series (April 27, 2010) (contributed)

Presenter, *Same-Sex Marriage: A Constitutional Analysis of Recent Decisions*, Notre Dame Law School, sponsored by, *inter alia*, Center for Civil & Human Rights, ACLU, American Constitution Society, Public Interest Law Forum (November 10, 2009) (invited)

Presenter, *The Scope of Congress’s Thirteenth Amendment Enforcement Power after City of Boerne v. Flores*, Notre Dame Law School Faculty Colloquium Series (September 2, 2008) (contributed)

Moderator, *Discussion on Medellin v. Texas*, Notre Dame Law School (April 17, 2008) (invited)

Panelist, *Evaluating Obama’s Speech on Race: A Town Hall Meeting on Race Relations in America*, Notre Dame Department of Africana Studies and the Indiana University of South Bend Civil Rights Heritage Center (April 9, 2008) (invited)

Presenter, *Boumediene v. Bush*, Notre Dame Law School Faculty Colloquium Series (December 4, 2007) (contributed)

Presenter, *Affirmative Action After Parents Involved in Community Schools v. Seattle School District No. 1*, Notre Dame Law School CLE Program (November 17, 2007) (invited)

Panelist, *Discussion About the Jena 6 Case*, Notre Dame Department of Africana Studies and Black Law Students’ Association (November 1, 2007) (invited)

Moderator, *Constitution Day: A Discussion on Judicial Independence*, Notre Dame Law School (September 18, 2006) (contributed) (panel organizer)

Presenter, *The Civil Rights Legacy of Emmett Till*, Pasquerilla West Forum (October 27, 2005) (invited)

Panelist, *Federalism Issues Related to Hurricane Katrina*, Notre Dame Law School (October 4, 2005) (invited)

## SERVICE

### *Law School*

- Law School Appointments Committee (2015-present)
- Law School Clerkship Committee (2007-2012, 2014-2015) (Chair 2009-2012, 2014-2015)
- Law School Self-Study Committee (2014-2015)
- Center for Civil & Human Rights Faculty Advisory Committee (2009-2015)
- Law School Admissions Committee (2012-2013)
- Law School Colloquium Committee (2011-2012)
- Law School Commencement Committee (2009-2011)
- Law School Intellectual Property Clinic Committee (2011)
- Law School Art & Science Client Committee (2009-2010)
- Law School Retreat Speaker (2006-2008, 2010)
- Law School Commencement Speaker (2007, 2009)
- Law School Loan Forgiveness Committee (2007-2008)

### *University*

- University Committee on Women Faculty and Students (2010-present)
- Center for Civil and Human Rights, Director Search Committee (2013)
- University Life Fellow (2012-2013)
- University Committee on Libraries (2008-2011)
- University Foik Award Committee (2011)
- Campus Ministry Senior Retreat Speaker (2006-2009)
- Notre Dame Campaign Inaugural Dinner, Introduction of Law Student Honoree (2007)
- Center for Social Concerns, Keynote Speaker, Workshop on Nonprofit Careers (2007)
- Campus Ministry Theology on Tap Speaker (2006)
- Center for Social Concerns, Keynote Speaker, Service Send-Off Ceremony (2006)

### *Professional*

- Contributing Author, American Bar Association's PREVIEW OF UNITED STATES SUPREME COURT CASES
  - *Kingsley v. Hendrickson* (April 2015)
  - *Wood v. Milyard* (February 20, 2012)

- *Minneeci v. Pollard* (October 31, 2011)
- Contributing Author, National Constitution Center's INTERACTIVE CONSTITUTION
  - *Thirteenth Amendment Common Interpretation* (co-authored with Jamal Greene) (2015)
  - *The Thirteenth Amendment: A Constitutional Success Story* (2015)

**OTHER PROFESSIONAL ACTIVITIES AND AFFILIATIONS**

Member, New York State Bar  
Member, District of Columbia Bar