

**KATHARINE K. BAKER**  
University Distinguished Professor

Chicago-Kent College of Law  
565 W. Adams  
Chicago, IL 60661  
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**Academic Experience**

1993 - 2019     **Chicago-Kent College of Law**

2016: University Distinguished Professor and Associate Dean for  
Administration and Strategic Initiatives

2009–2016: Professor of Law

2002-2009: Professor of Law and Associate Dean for Faculty

1993-2001: Assistant and Associate Professor of Law

*Courses Taught: Family Law, Property, Contracts, Strategic Problem-Solving, Domestic  
Violence, Evidence, Gender and the Law, Feminism and the Family, Sexual Orientation  
and the Law, Environmental Law, Environmental Enforcement*

TEACHER OF THE YEAR, 1999-2000, 2013-2014

2007-2008: Visiting Professor,  
**Northwestern University School of Law**  
SBA TEACHER OF THE YEAR

Fall, 2000: Visiting Professor,  
**Yale Law School**

Fall, 1997: Visiting Assistant Professor,  
**University of Pennsylvania Law School**

**Education**

**UNIVERSITY OF CHICAGO LAW SCHOOL**

J.D., with Honors, 1989 - Comment Editor, *University of Chicago Law Review*  
D. Francis Bustin Prize for Outstanding Student Comment

**HARVARD-RADCLIFFE COLLEGE**

A.B., 1984 - *Magna Cum Laude* in Social Studies

**Clerkship**

Judicial Clerk to the Honorable Edward R. Becker,  
United States Court of Appeals for the Third Circuit, 1989 – 1990

## **Books**

FAMILY LAW: THE ESSENTIALS (with Katharine B. Silbaugh), ASPEN LEGAL EDUCATION, 2009

## **Book Chapters:**

### *Procreation and Parenting*

In THE OXFORD HANDBOOK OF CHILDREN AND THE LAW, (J. Dwyer, ed., 2019),  
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190694395.001.0001/oxfordhb-9780190694395>

*Sex Equality, Gender Injury, Title IX and Women's Education in the United States*  
 in RESEARCH HANDBOOK ON FEMINIST JURISPRUDENCE, (C. Bowman and  
 R. West eds., 2019), <https://doi.org/10.4337/9781786439697.00028>

*Women's Sexual Agency and the Law of Rape in the 21<sup>st</sup> Century,*  
 69 STUDIES IN LAW, POLITICS AND SOCIETY 63 (A. Sarat, ed, 2016) (with Michelle  
 Oberman)

*Asymmetric Parenthood* in RECONCEIVING THE FAMILY: CRITIQUE ON THE AMERICAN  
 LAW INSTITUTE'S PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION (R. Wilson, ed)  
 (Cambridge, 2006)

## **Law Review Publications**

*Campus Misconduct, Sexual Harm and Appropriate Process: The Essential Sexuality of it All*  
 66 J. of L. Ed 777 (2017)

*Quacking Like A Duck? Functional Parent Doctrine and Same-Sex Parents*  
 92 CHI-KENT L REV 135 (2017)

*The DNA Default and Its Discontents*  
 96 B.U. L. REV 2037 (2016)

*Campus Sexual Misconduct as Sexual Harassment: A Defense of the DOE*  
 64 KAN.L. REV 861 (2016)

*Why Rape Should Not (Always) Be a Crime*  
 100 MINN. L. REV 221 (2015)

*Legitimate Families and Equal Protection*  
 56 B.C. L. REV. 1647 (2015)

*Sex and Equality* (book review)  
 HANNA ROSIN, THE END OF MEN  
 93 B.U. L. REV. ANNEX 11 (2013).

- Homogeneous Rules for Heterogeneous Families: The Standardization of Family Law When There is No Standard Family*  
2012 UNIV. OF IL. L. REV. 319
- Marriage and Parenthood as Status and Rights: The Growing, Problematic and Possibly Constitutional Trend to Disaggregate Family Status from Family Rights*  
71 OHIO ST. L. J 127 (2010)
- The Stories of Marriage*  
12 J L. & FAM STUD 1 (2010)
- Bionormativity and the Construction of Parenthood*  
42 GA. L. REV. 649 (2008)
- The Problem with Unpaid Work*  
4 ST. THOM L. J. 599 (2007)
- Supporting Children, Balancing Lives*  
34 PEPP. L. REV. 359 (2007)
- A Separate Crime of Reckless Sex*  
72 U. CHI. L. REV. 599 (2005) (with Ian Ayres)
- Gender and Emotion in Criminal Law*  
28 HARV. J OF L. & GENDER 447 (2005)
- Bargaining or Biology? The History and Future of Paternity Law and Parental Status*  
14 CORNELL J. OF L. & PUB. POLICY 1 (2004)
- Asking What Before We Ask Why: Taxonomy, Etiology and Rape*  
989 N.Y. Acad. Sci. 288 (2003)
- Gender, Genes and Choice: A Comparative Look at Feminism, Evolution and Economics*  
80 N.C. L. REV. 465 (2002)
- Alternative Caretaking and Family Autonomy: Some Thoughts in Response to Dorothy Roberts*  
76 CHI.KENT L. REV. 1643 (2001)
- Dialectics and Domestic Abuse* (book review)  
ELIZABETH SCHNEIDER, BATTERED WOMEN AND FEMINIST LAWMAKING (2000)  
110 YALE L. J. 1459 (2001)
- Biology for Feminists*  
75 CHI.-KENT L. REV. 805 (2000)
- Power, Gender and Juggling the Work/Family Conflict* (book review)  
Books-On-Line (March, 2000)
- Unwanted Supply, Unwanted Demand* (book review)  
STEPHEN SCHULHOFER, UNWANTED SEX (1999)  
2 GREEN BAG 103 (1999)

*Sex, Rape and Shame*

79 B.U. L. REV 663 (1999)

*What Rape Is and What It Ought Not To Be*

39 JURIM. 233 (1999)

*Text, Context and The Problem of Rape*

28 SW. U. L. REV. 297 (1999)

*Property Rules Meet Feminist Needs: Respecting Autonomy by Valuing Connection*

59 OHIO ST. L. J. 1523 (1998)

*A Wigmorean Defense of Feminist Method*

49 HASTINGS L. J. 861 (1998)

*Taking Care of Our Daughters* (book review)

MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* (1995)

18 CARD. L. REV. 1495 (1997)

*Once A Rapist? Motivational Evidence and Relevancy in Rape Law*

110 HARV. L. REV. 563 (1997)

*Consorting with Forests: Rethinking Our Relationship to Natural Resources and How We Value Their Loss*

22 Ec. L. Q. 677 (1995)

Land Use and Environment Law Review, Vol. 28 (Lead Article)

### **Encyclopedia Entries:**

*Children and Rape* in *THE CHILD: AN ENCYCLOPEDIA COMPANION* (University of Chicago Press, 2009) (with Michelle Oberman)

*Caban v. Mohammed & Michael H. v. Gerald D.* in *ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES* (Gale/Cengage, 2008)

### **Selected Presentations, Colloquia and Media Appearances**

“Sexual Harm and Campus Misconduct”

Georgetown University Law Center, October 2017

“A Defense of DOE: Campus Misconduct as Sexual Harassment”

University of Kansas Law School, October 2016

“My Milkshake Brings All the Boys to the Yard:

Women’s Agency and Rape”

AALS Conference on Women’s Equality, June 2011

“Homogeneous Rules for Heterogeneous Families”

John Marshall Law School, April 2011

“The Stories of Marriage”  
Work, Families and Public Policy Workshop  
Washington University, December, 2008

“Why Will No One Define Marriage?”  
Midwest Family Law Teachers Conference  
University of Indiana Law School, Indianapolis, June, 2008

“Family, the Law and the Constitution(s)”  
George Washington University School of Law Faculty Workshop  
Washington, DC, March 2008

“What’s Wrong with Unpaid Work?”  
Symposium on Workplace Restructuring and Family Life  
University of St. Thomas Law School  
March, 2007

“Bionormativity and the Construction of Parenthood”  
Feminist Uncomfortable Conversation Series: Feminism and Evolutionary Biology  
Emory Law School  
December, 2006

“Supporting Children, Balancing Lives”  
Balancing Career and Family: A Work/Life Symposium  
Pepperdine University School of Law  
April, 2006

“The Promise and Likely Pitfalls of Neuro-Science and Law”  
AALS Annual Meeting  
San Francisco, CA  
January, 2005

“Assymetric Parenthood”  
A Conference on the ALI’S PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION  
Harvard Law School  
October, 2004

“Reckless Sex”  
University of Iowa College of Law Faculty Workshop  
September, 2004

“Gender and Emotion in Criminal Law”  
Harvard Journal of Gender and the Law Symposium on Law and Emotion  
Harvard Law School

March, 2004

“Bargaining or Biology? The History and Future of Paternity Law”  
Northwestern University School of Law Faculty Workshop  
October, 2003

“Two Paradigms of Marriage,”  
Canadian Law and Economics Association  
Toronto, Canada  
September, 2003

“Who’s Your Daddy? Paternity, Contract and the Irrelevance of Biology”  
Florida State University College of Law Faculty Workshop  
November, 2002

“Asking What Before We Ask Why”  
New York Academy of Sciences, Symposium on Sexually Coercive Behavior  
Washington DC  
June, 2002

“Evolutionary Biology and Law and Economics: A Feminist Analysis”  
Rutgers School of Law-Newark Faculty Workshop  
October, 2000

“Gender, Genes and Choice”  
Canadian Law and Economic Association  
Toronto, Canada  
September, 2000

AChildren’s Rights and Fathers’ Rights@  
Feminist Uncomfortable Conversations Series: Children’s Rights and Parents’ Rights  
Cornell Law School  
April, 1999

AThe Wrong of Rape@  
Colloquium on Biology and Sexual Aggression  
Arizona State University College of Law  
May, 1998

ARape and Shame@  
Loyola University-New Orleans School of Law Symposium on Sexual Violence  
April, 1998

"A Wigmorean Defense of Feminist Method,"  
TRUTH AND ITS RIVALS: EVIDENCE REFORM AND THE GOALS OF EVIDENCE  
Hastings College of Law  
September, 1997

"Environmental Regulation and Takings"  
Debate with Richard Epstein  
Northwestern University School of Law  
November, 1996

"Rethinking Rape"  
University of Chicago Law School Feminist Theory Series  
May, 1996

*Dozens of newspaper interviews, published op-ed pieces, television and radio appearances.*

**Practice**

UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON D.C., 1990 -1993  
TRIAL ATTORNEY, ENVIRONMENTAL ENFORCEMENT SECTION

Lead attorney on environmental cases involving hazardous waste, clean air and clean water act statutes. Conducted all facets of discovery, settlement and trial.