

DAVID S. COHEN
Drexel University
Thomas R. Kline School of Law
3320 Market St.
Philadelphia, PA 19104
(215)571-4714 dsc39@drexel.edu

TEACHING EXPERIENCE

DREXEL UNIVERSITY THOMAS R. KLINE SCHOOL OF LAW, Philadelphia, PA 2006-current
Professor of Law

Teach Constitutional Law courses and Sex, Gender, and the Law.

AWARDS:

Dean Jennifer L. Rosato Excellence in the Classroom Award (2009, 2010, 2012, 2015, 2016)

Abortion Care Network Person of the Year (2016)

Center for Reproductive Rights Innovation in Scholarship Award (2015)

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL, Philadelphia, PA 2003-06
Lecturer-in-Law

Taught upper-level seminar each spring entitled “Sex Discrimination and the Law.”

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA 2004-05
Adjunct Professor

Taught undergraduate seminar each fall entitled “Law and Social Policy of Sex and Reproduction.”

LONG ISLAND UNIVERSITY, Brooklyn, NY 2000-01
Adjunct Assistant Professor

Developed and taught graduate-level political science classes entitled “The American Constitution and Political System” and “Current Topics in Law and Politics.”

EDUCATION

COLUMBIA UNIVERSITY SCHOOL OF LAW, J.D. 1997

Honors: Harlan Fiske Stone Scholar, 1994-97

Public Interest Commitment Award

Columbia Human Rights Fellowship

Activities: *Columbia Human Rights Law Review*, Managing Editor/Head Articles Editor

Columbia Journal of Gender and Law, Articles Editor

Professor Kimberlé Crenshaw, Research Assistant

DARTMOUTH COLLEGE, B.A. in Philosophy with Women’s Studies minor, 1994

JUDICIAL CLERKSHIPS

U.S. COURT OF APPEALS, NINTH CIRCUIT, Santa Ana, CA 1998-99

Judicial Law Clerk for the Honorable Warren J. Ferguson

SUPREME COURT OF NEW JERSEY, Trenton, NJ
Judicial Law Clerk for the Honorable Alan B. Handler

1997-98

OTHER PROFESSIONAL EXPERIENCE

WOMEN'S LAW PROJECT, Philadelphia, PA

Scholar-in-Residence

2017-2018

Staff Attorney

2003-2006

Independence Foundation Fellow

2001-2003

Soros-Lindesmith Harm Reduction Fellow

1999-2001

Litigated high-impact sex discrimination lawsuits and advocated on behalf of women's rights. Appellate experience included cases in U.S. Supreme Court, several federal courts of appeals, various district courts, and multiple state courts. Cases included, among others, representing clinics, doctors, and patients in reproductive health care litigation, students in a variety of Title IX actions, employees in challenges to discriminatory insurance coverage of contraception, women prisoners seeking constitutionally sufficient health care, and gay and lesbian couples in marriage discrimination and other family law lawsuits. Policy work included lobbying, submission of comments, and analyzing data, systems, and laws.

ACADEMIC PUBLICATIONS

Will Rejecting Woman-Protective Justifications for Antiabortion Laws Increase Harassment and Violence?, 94 CONTRACEPTION 441 (2016) (invited and peer-reviewed).

Rostker v. Goldberg Rewritten, in FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT (Linda Berger et al. eds, Cambridge University Press 2016).

Abortion Rights and the Largeness of the Fraction 1/6, 164 U. PA. L. REV. ONLINE 115 (2016) (with Jeffrey B. Bingenheimer).

LIVING IN THE CROSSHAIRS: THE UNTOLD STORIES OF ANTI-ABORTION TERRORISM (book with Krysten Connon) (Oxford University Press 2015).

A Union Unlike Any Other: Obergefell and the Doctrine of Marital Superiority (with Leonore Carpenter), 104 GEORGETOWN L.J. ONLINE 124 (2015).

Still Unconstitutional: Our Nation's Experiment With Sex Segregated Public Education (with Nancy Levit), 44 SETON HALL L. REV. 339 (2014).

No Boy Left Behind? Single-Sex Education and the Essentialist Myth of Masculinity, in EXPLORING MASCULINITIES: FEMINIST LEGAL THEORY REFLECTIONS (Martha Fineman & Michael Thomson eds. 2013) (adaptation of 2009 INDIANA LAW JOURNAL article).

Sex Segregation, Masculinities, and Gender Variant Individuals, in MASCULINITIES AND LAW: A MULTIDIMENSIONAL APPROACH (Frank Cooper & Ann McGinley eds. 2012).

McDonald's Paradoxical Legacy: State Restrictions of Non-Citizens' Gun Rights, 71 MD. L. REV. 1219 (2012).

Book Review: Men, Law and Gender: Essays on the 'Man' of Law, 15 MEN & MASCULINITIES 329 (2012) (reviewing Richard Collier book).

The Stubborn Persistence of Sex Segregation, 20 COLUM. J. GENDER & L. 51 (2011).

The Paradox of McDonald v. City of Chicago, 79 GEO. WASH. L. REV. ARGUENDO 101 (2010) (also published at 79 GEO. WASH. L. REV. 823 (2011)).

Keeping Men "Men" and Women Down: Sex Segregation, Anti-Essentialism, and Masculinity, 33 HARV. J. L. & GENDER 509 (2010).

The Precedent-Based Voting Paradox, 90 B.U. L. Rev. 183 (2010).

No Boy Left Behind? Single-Sex Education and the Essentialist Myth of Masculinity, 84 IND. L.J. 135 (2009).

Justice Kennedy's Gendered World, 59 S.C. L. Rev. 673 (2008).

Thornburgh, in 5 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 59 (David S. Tanenhaus ed. 2008).

Title IX: Beyond Equal Protection, 28 HARV. J. L. & GENDER 217 (2005).

Limiting Gebser: Institutional Liability for Non-Harassment Sex Discrimination Under Title IX, 39 WAKE FOREST L. REV. 311 (2004).

Democracy and the Intersection of Prisons, Racism, and Capital, 15 NAT'L BLACK L.J. 87 (1997-98).

Official Oppression: A Historical Analysis of Low-Level Police Abuse and a Modern Attempt at Reform, 28 COLUM. HUM. RTS. L. REV. 165 (1996).

INSTITUTIONAL REVIEW BOARD APPROVED RESEARCH

Abortion Barriers (2017): Qualitative empirical research project interviewing abortion providers about how they implement anti-abortion legislation. Research is being conducted with Carole Joffe (UCSF) and will be turned into a book.

Single-Sex Environments and Gender Stereotyped Attitudes (2016): Quantitative empirical research using Amazon's Mechanical Turk asking people about their experiences with single-sex environments and their attitudes about gender stereotypes. Research is being conducted with Suraji Wagage (J.D./Ph.D. candidate) and will be turned into an article.

Contextual Assessment of the Size of the Fraction 1/6 (2016): Quantitative empirical research using Amazon's Mechanical Turk asking people whether their perception of the fraction 1/6 changes based on context. Research conducted with Jeffrey Bingenheimer (George Washington University School of Public Health). Resulted in University of Pennsylvania Law Review Online publication.

Law and Abortion Provider Protest (2011): Qualitative empirical research interviewing abortion providers about their experience with targeted harassment. Research conducted with Krysten Connon (Drexel Law '12). Resulted in *Living in the Crosshairs* book.

OTHER PUBLICATIONS

Why Neil Gorsuch's Confirmation Hearings Were a Waste of Time, Rolling Stone, Mar. 24, 2016.

A Small Ray of Light in Political News: Nevada's Ratification of the Equal Rights Amendment, Rewire, Mar. 22, 2017.

Does the Likely Next Supreme Court Justice Support Pregnancy Discrimination, Rolling Stone, Mar. 20, 2017.

Trump's Budget Is Pure Cruel Conservatism, Rolling Stone, Mar. 17, 2017.

How Supreme Court Confirmation Hearings Will Be a Test for Democrats, Rolling Stone, Mar. 16, 2017.

The Law Still Protects Trans Kids -- Schools Must Recognize This, Rolling Stone, Feb. 24, 2017.

Abortion Providers Facing Violence Are Likely on Their Own Under Trump, Rewire, Feb. 9, 2017.

Meet Trump's Supreme Court Nominee, Neil Gorsuch, Rolling Stone, Jan. 31, 2017.

Why Mass Disruption, Civil Unrest Works, Rolling Stone, Jan. 30, 2017.

The Lesson We Should Take From 'Gosnell', Rewire, Jan. 26, 2017 (with Susan Frietsche).

Trump's Middle Finger to the Women's Marchers, Rolling Stone, Jan. 25, 2017.

Trump and the GOP Are Hell-Bent on Making America Sick Again, Rolling Stone, Jan. 18, 2017.

Will Electors Vote Their Conscience and Prevent a Trump Presidency, Rolling Stone, Dec. 15, 2016.

Buck Up, Democrats, and Fight Like Republicans, N.Y. Times, Dec. 14, 2016 (with Dahlia Lithwick).

If He Signs Heartbeat Bill, Ohio Gov. Kasich Might as Well Write the Big Check He'll Soon Owe the Pro-Choice Side, Cleveland Plain-Dealer, Dec. 9, 2016.

Pregnancy, Privacy, and Trump's Promise, N.Y. Daily News, Dec. 4, 2016.

How the Electoral College Rigged the Election for Donald Trump, Rolling Stone, Nov. 16, 2016.

Grand Theft Judiciary: How Republicans Stole the Supreme Court, Rolling Stone, Nov. 15, 2016.

This Election, Don't Forget that Roe v. Wade Is on the Ballot, Think Progress, Nov. 7, 2016.

We Can't Let Trump Wish Away the National Conversation About His Alleged Sexual Assaults, Rewire, Nov. 3, 2016.

The Debate Question that Should Scare Us All to the Polls, Rolling Stone, Oct. 20, 2016.

Dirty Words Won't End Trump -- Endorsing Sexual Assault Might, Rolling Stone, Oct. 7, 2016.

Why the Supreme Court Could Have One of Its Biggest Years Ever, Rolling Stone, Oct. 4, 2016.

Donald Trump Doesn't Believe in the Constitution, Rolling Stone, Sept. 21, 2016.

Trump's Assassination Dog Whistle Was Even Scarier Than You Think, Rolling Stone, Aug. 9, 2016.

What the Historic Abortion Decision Means for American Women, Rolling Stone, June 27, 2016.

What the Supreme Court's Latest Big Decisions Mean for the Country, Rolling Stone, June 23, 2016.

On Being Anti-Gun in Gun-Loving America, Rolling Stone, June 16, 2016.

Why It's Time to Repeal the Second Amendment, Rolling Stone, June 13, 2016.

Why Americans' Rights Are in Mortal Danger This November, Rolling Stone, June 9, 2016.

Why Dysfunction Reigns in the Supreme Court Right Now, Rolling Stone, May 16, 2016.

Pa. Fast-Tracking Problematic Abortion Bill, Philadelphia Inquirer, Apr. 14, 2016.

Anti-Abortion Violence Spiked After Planned Parenthood Vids, Rolling Stone, Apr. 11, 2016 (with Krysten Connon).

Need to Fight Anti-Abortion Violence, Courier Journal, Apr. 5, 2016.

Will the Supreme Court Slash Birth Control Access?, Rolling Stone, Mar. 23, 2016.

Meet Merrick Garland, Obama's Supreme Court Nominee, Rolling Stone, Mar. 16, 2016.

Supreme Court Abortion Arguments Show Why Elections Matter, Rolling Stone, Mar. 2, 2016.

Biggest Abortion Case in Decades: Everything You Must Know, Rolling Stone, Mar. 1, 2016.

Is One-Sixth a 'Large Fraction' When It Comes to Our Constitutional Rights?, RH Reality Check, Feb. 29, 2016 (with Jeffrey B. Bingenheimer).

What Scalia's Death Means for the Supreme Court and Country, Rolling Stone, Feb. 13, 2016.

Preventing the Next Kermit Gosnell: Stricter Abortion Laws Won't Do It, Slate, Jan. 15, 2016 (with Susan Frietsche & Tara Pfeifer).

Eakin Is Unfit to Judge, Pittsburgh Post-Gazette, Dec. 18, 2015.

A Gay Rights Group Is Closing Because It Says It Has Accomplished Its Mission. It's Wrong!, Slate, Dec. 16, 2015 (with Leonore Carpenter).

How We Can Disrupt the Pattern of Anti-Abortion Violence, RH Reality Check, Dec. 16, 2015 (with Krysten Connon).

Planned Parenthood Leader, After Tragedy: 'We Will Rebuild', Rolling Stone, Dec. 2, 2015.

Supreme Court Takes Up Monumental Abortion Case, Rolling Stone, Nov. 13, 2015.

Behind the Most Creative -- and Deserving -- Supreme Court Nickname Ever, RH Reality Check, Nov. 5, 2015 (review of NOTORIOUS RBG (2015)).

The Biggest Thing at Stake in the 2016 Election, Rolling Stone, Oct. 9, 2015.

Upcoming Supreme Court Cases That Could Change History, Rolling Stone, Oct. 7, 2015.

Congress Violates Constitution with Planned Parenthood Vote, Philadelphia Inquirer, Sept. 28, 2015.

Abortion Providers Should Take Legal Action Against the Center for Medical Progress -- Here's Why, RH Reality Check, July 21, 2015 (with Jessica Mason Pieklo).

Attacks on Planned Parenthood Part of a Campaign to Harass Legal Abortion Providers, RH Reality Check, July 21, 2015 (with Krysten Connon).

Anti-Abortion Extremists Are Domestic Terrorists, Al Jazeera, July 6, 2015 (with Krysten Connon).

It's Justice Kennedy's World, and We're Just Living in It, Rolling Stone, June 30, 2015.

Why Republicans Should Be Thrilled About Obamacare, Rolling Stone, June 25, 2015.

If the Supreme Court Rules Against Gay Marriage, Utter Chaos Could Ensue, Slate, June 19, 2015 (with Leonore Carpenter).

How the Supreme Court Will Rule on Gay Marriage, Obamacare, Rolling Stone, June 8, 2015.

How Dr. Tiller's Death Haunts Abortion Providers Six Years Later, Talking Points Memo, June 1, 2015 (with Krysten Connon).

Strikethrough (Fatality): The Origins of Online Stalking of Abortion Providers, Slate, May 21, 2015 (with Krysten Connon).

"When It Got to the Murders, I Think I Was Surprised by That": An Abortion Provider's Story, Salon, May 2, 2015 (with Krysten Connon).

Give Me Liberty or Give Me Equality: The Most Important Questions to Listen for as the Supreme Court Considers Gay Marriage, Slate, Apr. 28, 2015 (with Leonore Carpenter).

Supreme Court Gay Marriage Case: 5 Things You Need to Know, Rolling Stone, Apr. 28, 2015.

States Can't Get Elite Attorneys to Defend Their Gay Marriage Bans? Good!, Slate, Apr. 17, 2015 (with Leonore Carpenter).

The "Fix" to Indiana's Law Still Doesn't Protect Hoosiers from Anti-Gay Discrimination, Slate, Apr. 2, 2015 (with Leonore Carpenter).

Concerned About Indiana and Arkansas? North Dakota May Be Even More Important, Slate, Apr. 1, 2015 (with Leonore Carpenter).

Anti-Gay Bias Legal in Indiana Before New Law, USA Today, Mar. 31, 2015 (with Leonore Carpenter).

Not an Isolated Incident: Legislative and Rhetorical Attacks on Abortion Clinics Go Hand in Hand with Violent Attacks, Slate, Mar. 25, 2015 (with Krysten Connon).

SCOTUS' Gay Marriage Mystery: 3 Surprises Awaiting Its Upcoming Ruling, Salon, Feb. 13, 2015.

Anti-Abortion Terrorism: Ten Ways that Laws and Law Enforcement Should Protect Clinic Workers, Slate, Feb. 12, 2015 (with Krysten Connon).

What Constitutes an Emergency: The Supreme Court Will Stay a Lower Court's Ruling Only for the Benefit of Politics, Not People, Slate, Oct. 8, 2014.

The Worst Argument Ever Made Against Gay Marriage: And That's Saying Something, Slate, May 16, 2014.

When Anti-Abortion Harassment Gets Personal, Talking Points Memo, March 28, 2014 (with Krysten Connon).

Arizona's Anti-Gay Bill Was Vetoed, but the State -- Like Many Others -- Still Discriminates Against Gays, Slate, February 27, 2014.

It's Over: Gay Marriage Can't Lose in the Courts: A Perfect Record for Equality Post-Windsor, Slate, February 14, 2014 (with Dahlia Lithwick).

Same-Sex Marriage Bans: A Form of Sex Discrimination, Slate, January 17, 2014.

When the Swing Justice Doesn't Swing: Rumors of Anthony Kennedy as a Moderate on Abortion Are Wildly Overblown, Slate, November 22, 2013.

McDonald Typifies Need for Consensus, National Law Journal, July 11, 2010 (with Maxwell Stearns).

Gender Equity in Intercollegiate Athletics: Where Does Pennsylvania Stand? (2005).

Brief Amici Curiae of Seventy-Five Organizations Committed to Women's Equality in Support of Respondent, 11 UCLA WOMEN'S L.J. 3 (2000) (with Susan Frietsche et al.).

Year 2000 Overview: Governmental Responses to Pregnant Women Who Use Alcohol or Other Drugs (2000) (with Lynn M. Paltrow & Corinne A. Carey).

PRESENTATIONS

Current Developments in Law and Reproductive Health, Jefferson Medical School Family Medicine Grand Rounds, July 27, 2016; Drexel Medical School Obstetrics Grand Rounds, Dec. 6, 2016.

Using Law to Protect Abortion Providers, Abortion Care Network Annual Meeting, March 14, 2016; National Abortion Federation Annual Meeting, April 17, 2016.

Living in the Crosshairs: The Untold Stories of Anti-Abortion Terrorism, Rutgers-Camden Law Students for Reproductive Justice, November 2011; Drexel Law Students for Reproductive Justice, April 2012; Drexel Law Faculty, April 2012; National Abortion Federation Annual Meeting, April 2012 (as poster); Mid-Atlantic Law and Society Conference at Drexel Law, October 20, 2012; Update for Feminist Law Professors at Temple Law School, December 14, 2012; Women's Medical Fund public event, January 24, 2013; National Abortion Federation Social Science Research Meeting, April 19, 2015; American Constitution Society Conference, June 12, 2015; AALS Feminist Law Professors Mid-Year Meeting, June 25, 2015; Case Western Law School, August 27, 2015; University of Pittsburgh Medical School, August 28, 2015; SUNY Downstate Medical School, October 8, 2015; Temple Law Students for Reproductive Justice, October 22, 2015; Pennsylvania National Organization for Women Annual Conference, October 24, 2015; Temple University Medical School, December 10, 2015; George Washington University Medical School, February 8, 2016; Rutgers Law School, February 29, 2016; University of Massachusetts Dartmouth, March 7, 2016; Yale Law School, March 9, 2016.

A Union Unlike Any Other: Obergefell and the Doctrine of Marital Superiority, Update for Feminist Law Professors at Drexel Law School, November 21, 2015.

End of Men - The Backlash, AALS Section on Socio-Economics Concurrent Section: The End of Men? A Socio-Economic Examination of Women's Advances in Education, Employment and Family, New Orleans, LA, January 4, 2013.

Single-Sex Education and Masculinity, AALS Section on Education Law, January 2012.

The Stubborn Persistence of Sex Segregation, AALS Section on Women in Legal Education, New Voices in Gender Studies Committee, AALS Annual Meeting, January 2011 (selected participant via nationwide competition).

Single-Sex Education, Research on Women and Education 36th Annual Fall Conference, October 2010.

Sex Segregation and Masculinity, Harvard Journal of Law and Gender Feminist Perspectives in Masculinities Symposium, Harvard Law School, March 2010; Association for the Study of Law Culture and Humanities Conference, Brown University, March 2010; Update for Feminist Law Professors, Temple University School of Law, November 2009; Feminist Legal Theory Conference, Emory University School of Law, September 2009.

Justice Kennedy's Gendered World, South Carolina Law Review symposium, South Carolina Law School, February 2008 (symposium on Equal Protection and the Roberts Court).

NATIONAL MEDIAL APPEARANCES

All In with Chris Hayes, MSNBC, Dec. 15, 2016 (discussing NYT op-ed about Democrats and Electoral College).

CNN Newsroom, CNN, June 18, 2016 (discussing Second Amendment).

Fresh Air with Terry Gross, NPR, Dec. 17, 2015 (full-show interview about *Living in the Crosshairs*).

The Last Word with Lawrence O'Donnell, MSNBC, Nov. 30, 2015 (discussing Colorado Planned Parenthood shootings).

Melissa Harris Perry Show, MSNBC, Nov. 28, 2015 (discussing Colorado Planned Parenthood shootings).

Melissa Harris Perry Show, MSNBC, May 8, 2015 (interview about *Living in the Crosshairs*).

Melissa Harris Perry Show, MSNBC, Apr. 4, 2015 (discussing LGBT anti-discrimination laws).

Melissa Harris Perry Show, MSNBC, Jul. 6, 2014 (discussing contraception and the Supreme Court).

Melissa Harris Perry Show, MSNBC, Mar. 8, 2014 (discussing anti-abortion regulations countrywide).

Melissa Harris Perry Show, MSNBC, Jan 18, 2014 (discussing anti-abortion regulations countrywide).

COMMUNITY SERVICE

Abortion Care Network (national organization) - Board Member (2015 to current)

Women's Law Project, Philadelphia, PA - Board Member (2012 to current), Board Secretary (2013 to current)

Philadelphia Practical Support Network - Founding Member (2015), Coordinator (2016 to current)

Women's Medical Fund, Philadelphia, PA - Board Member (2007 to 2012), Board Secretary (2010 to 2012)

Center for Reproductive Rights (New York, NY) Faculty Advisory Group - abortion litigation consultant (2010)

Women's Law Project Advisory Committee on Gender Equity in Athletics - member (2009)

LITIGATION

Jane Does 1-10 v. David Daleiden

Represent Southern Poverty Law Center and Feminist Majority Foundation in 2017 amicus brief before Ninth Circuit Court of Appeals in case about release of abortion providers' personal information in public records requests. Brief addressed the history of anti-abortion violence and its current effect on abortion providers, relying heavily on my book about the topic.

National Abortion Federation v. Center for Medical Progress

Represent Southern Poverty Law Center and Feminist Majority Foundation in 2016 amicus brief before Ninth Circuit Court of Appeals in case about the release of videos filmed at abortion provider annual meeting. Brief addressed the history of anti-abortion violence and its current effect on abortion providers, relying heavily on my book about the topic.

Whole Woman's Health v. Hellerstedt

Represented ten Pennsylvania abortion clinics for an amicus brief before the U.S. Supreme Court in this 2016 case about Texas abortion regulations. Amicus brief focused on the lessons

from Kermit Gosnell, the criminal Philadelphia doctor, and his connection to anti-abortion laws. Brief was cited by Justice Ruth Bader Ginsburg in her concurring opinion.

Rainbow Alliance v. University of Pittsburgh

Represented Rainbow Alliance, a University of Pittsburgh student group for lesbian, gay, transgender, and bisexual students, in city human relations commission complaint against University of Pittsburgh for failure to accommodate transgender students. Commission found in students' favor in 2013, and then University and student group settled.

Commonwealth v. Hanes; Ballen v. Corbett

Represented over 30 same-sex couples in state court seeking to invalidate Pennsylvania's ban on same-sex marriage. Represent couples in original challenge to state ban as well as litigation around Montgomery County Clerk's granting of licenses over summer of 2013. Settled case in September 2014 to allow marriages to be recognized.

B.H. v. Easton Area School District

Represented fifteen women's organizations as amici curiae before Third Circuit in federal case involving the First Amendment rights of students to wear breast cancer awareness bracelets to school. Amicus brief focuses on sex equality aspects of the case. En banc panel of the Third Circuit ruled in students' favor in August 2013.

Kuhns v. City of Allentown

Represented Allentown Women's Center and Jennifer Boulanger as defendants in this federal civil rights litigation concerning protest at an abortion clinic. Case was filed in June 2008, and Eastern District of Pennsylvania granted summary judgment in favor of defendants in March 2011. Third Circuit vacated the decision as moot in 2012.